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SENATE—*Friday, October 13, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our beloved Nation, we thank You for the women and men who serve in the United States Navy. Today, we celebrate the 225th birthday of the Navy with them, veterans of naval service, and the Members of this Senate who hold cherished memories of their own service in the Navy. We remember the words of John Paul Jones, the father of the Navy, "Sir, I have not yet begun to fight." He defied defeat and surrender on that day in 1779 and gave the Navy not only a motto for heroism but an example of courage that has remained strong during war as well as in peacetime service to our Nation.

Yet, Lord, our celebration of this birthday of the Navy is mingled with grief for the sailors of the U.S.S *Cole* who were killed, injured, or are missing as a result of an explosion in the destroyer as it was pulling into Aden, Yemen. Dear Father, be with the sailors' families and friends at this time of loss.

Lord, our minds drift back to the gallantry of the Navy in American history. May the men and women of the Navy know of the profound gratitude and esteem this Senate has for them.

And Lord, we could not celebrate the Navy's birthday without a special expression of thanks to You for our own friend and doctor, Admiral John Eisold, the physician for the Members and officers of the Congress. Bless him and all of the Navy personnel on this special day. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS, a Senator from the State of Alaska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The able Senator from Mississippi.

SCHEDULE

Mr. COCHRAN. Mr. President, in behalf of the majority leader, I am pleased to announce that today the Senate will begin debate on the conference report to accompany the Agriculture appropriations bill.

Under a previous order, debate on the conference report is limited to today's session, the session on Tuesday, and a brief period on Wednesday morning.

The vote on the Agriculture appropriations conference report is scheduled to occur at 11:30 a.m. on Wednesday.

Although no votes are scheduled for Tuesday at this time, votes could occur on Tuesday, if necessary.

The Senate may also consider any legislative or Executive Calendar items available for action during today's session.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SPECTER). Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4461, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 4461, making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for the fiscal year ending September 30, 2001, and for other purposes, having met, have agreed that the House recede from its disagreement of the Senate amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the House.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of Friday, October 6, 2000.)

Mr. COCHRAN. Mr. President, I ask unanimous consent that my prepared remarks describing the provisions of this conference report be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am very pleased to announce to the Senate that we successfully completed action in our conference committee and brought back to the Senate a bill that has already been approved by the other body by a substantial vote of support, and indications are that the President is prepared to sign this conference report.

I am pleased to make that announcement because during the development of this legislation and the markup sessions that we held here in the Senate, and discussions of the bill on the floor of the Senate, there were some very contentious and controversial issues that were debated and considered. We didn't achieve all of the successes that Senators wanted to achieve, as is usually the case in the situation where you are negotiating compromise with the other body and dealing with views and opinions reflected in the policies of the administration. But, taken together, given the expressions of support and interest in the Senate for the provisions that are in the bill, I am confident that most Senators will be very pleased with this result.

This is a good bill. It deserves the support of the Senate.

It provides a restrained approach to funding the activities of the Agencies and Departments of Government that are funded in this bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The total dollar amount for new budget authority, for example, is less than the fiscal year 2000 enacted level. It is less than the level requested by the President. It is less than the House-passed bill level, and it is less than the Senate-passed bill level.

The fact is, every effort was made during consideration of this bill to be restrained and responsible in the allocation of funds that are available to this subcommittee under the budget resolution.

The conference agreement provides total new budget authority of $74.5 billion for programs and activities of the United States Department of Agriculture (except for the Forest Service which is funded by the Interior Appropriations bill), the Food and Drug Administration, and the Commodity Futures Trading Commission. This is approximately $1.1 billion less than the fiscal year 2000 enacted level and $2.3 billion less than the level requested by the President. It is $651 million less than the House-passed bill level, and $859 million less than the Senate-passed bill level.

This conference report also includes an additional $3.6 billion in emergency appropriations to compensate agricultural producers for losses suffered due to drought, fires, and other natural disasters; to meet conservation needs; and to provide relief to rural communities.

Including Congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides total non-emergency discretionary spending for fiscal year 2001 of just over $15 billion in budget authority and outlays.

I am pleased to report that this conference report provides funding at the President's request level, an increase of nearly $58 million from the fiscal year 2000 level, for activities and programs in this bill which are part of the Administration's "Food Safety Initiative."

The conference report provides adequate funding in our view for the Food Safety and Inspection Service, which has the responsibility of conducting inspections and monitoring the safety of our Nation's food supply to ensure that the food that is consumed by Americans and produced and processed here is fit for human consumption, and free from contamination.

This is a big challenge. It is a big worry all over the country because there have been instances where there have been problems in this area. We think this conference report responds to those concerns and that will have a very positive influence in helping to solve problems in this area of food safety.

Let me also point out the emphasis in this conference report on agricultural research and education programs. We have to maintain a high level of technological sophistication in order to continue to produce an adequate amount of food and fiber for our country at reasonable prices, and to do so in a way that permits a level of profit for those engaged in farming operations to stay in business. It is very difficult in many areas of the country now for farmers and ranchers to make ends meet. They are confronted with a wide range of difficulties.

We have to invest in research to try to find new ways of improving yields for the crops that are produced in our country, and to do so in a way that is not threatening to the environment or to the citizens of our country. We have a heightened awareness of problems that can occur in this area.

There is almost a near hysteria in Europe over this issue. We are confronting difficulties in trade because we are having problems getting licenses for commodities and foods that are produced in the United States because they have genetically modified organisms—GMOs—which is a big issue in the U.K. particularly. The tabloids have been fanning the flames of the hysteria that has taken hold there. The European Union has been very hesitant and difficult to deal with in approving licenses from exporters who would like to sell what they are producing in the European market. In my view, many of these practices are unfair and not based on sound science.

But we need to have a regiment of research and development that is beyond question in terms of its impact on human health and our environment. That is why it is as important this year, more important than ever before, to have a robust research and education program that is supported by the Department of Agriculture. In colleges and universities and in Agricultural Research Service laboratories all around the country, there are funds that will be made available to help achieve the goals in this area.

This conference agreement provides increased appropriations for agriculture research and education programs. Total appropriations of nearly $2 billion are provided for the Agriculture Research Service and the Cooperative State Research, Education, and Extension Service, $126 million more than the fiscal year 2000 level and $62 million more than the Senate-passed bill level. In addition, as requested by the President and provided in the Senate bill, $120 million in fiscal year 2000 funding will be available in fiscal year 2001 to fund the Initiative for Future Agriculture and Food Systems.

Approximately $34 billion, close to 46 percent of the total new budget authority provided by this conference report, is for domestic food programs administered by the U.S. Department of Agriculture. These include food stamps; commodity assistance; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the school lunch and breakfast programs; and the school breakfast pilot program, which is funded at $6 million. Included in this amount is the Senate-passed bill level of $4.052 billion for the WIC program, including $20 million for the WIC farmers' market nutrition program.

The WIC program is a very important nutrition program and health program for women, infants, and children. Everybody is aware of the importance of school lunch and breakfast programs to help equip our children with the nutrition they need as they are at school so they can learn and do a good job at school.

We also have a Food Stamp Program that is funded in this bill. In my view, these are funded at adequate levels to meet the demands and needs we have in our country. We have been very fortunate in this time of economic expansion and growth for jobs to be created so those who want to work can find work. We have people coming into the country now under special visa requirements because we have an inadequate labor supply, or at least an inadequately trained supply of labor to do many of the jobs that have to be done in this country. Many entry level positions are now being filled by those who are newly coming into the country, many just for the purpose of working on farms because people who live here and who have been here for a while either don't want to do the work or for some reason are unavailable to those who need help on their farms.

This is a challenge. The point I am making in connection with the food and nutrition programs is we have been able to reduce the costs of some of these programs, particularly the Food Stamp Program, because of the expansion in the economy and the availability of jobs. We need to make sure through our budget policies that we continue to have an environment economically for job growth and expansion.

For farm assistance programs, the conference report provides $1.3 billion in appropriations. Included in this amount is the full increase of $89 million above the fiscal year 2000 level requested by the Administration for Farm Service Agency salaries and expenses, as well as appropriations which, together with available carryover balances, will fund the fiscal year 2001 farm operating and farm ownership loan levels included in the President's budget request.

Appropriations for conservation programs administered by the Natural Resources Conservation Service total $873 million, $69 million more than the fiscal year 2000 level, and approximately $6 million more than the level recommended by the Senate.

Conservation programs, in my view, are some of the less well advertised programs of the Department of Agriculture. We have increased the amount of acreage available for the Wetlands Reserve Program by 100,000 acres.

We have also worked hard on these programs to ensure they help improve wildlife habitat on farms and on the lands that are owned by American citizens. We have incentive programs, not just mandatory programs, but programs that encourage the management of land so that conservation is enhanced, and the protection of soil and water resources is enhanced by the way landowners use and care for their lands.

We found that to be a very popular way of helping to encourage and obtain the best possible land management practices, rather than having a Federal Government come in with threats and other sanctions that can be imposed on landowners. It is better to do it in a way that is educational and nonthreatening and based on incentives rather than sanctions, fines, and penalties from the Federal Government.

We also see in this bill something that is important to every rural community: development programs, housing programs, water and sewer system programs. They are all important in rural America. Many of these communities have some of the lowest income families in America and therefore they don't have the economic base to pay the costs that would be required for utilities and other lifestyle enhancements that are available in the larger towns or the cities of our country. These programs are very important in States, such as mine and others, which have to depend upon Federal assistance to make sure they have safe drinking water, they have sewer systems, they have electric lights, they have telephone service access. These programs are funded in this bill this year.

For rural economic and community development programs, the conference report provides appropriations of $2.5 billion to support a total loan level of $8.8 billion. Included in this amount is $763 million for the Rural Community Advancement Program, $680 million for the rental assistance program, and a total rural housing loan program level of $5.1 billion.

A total of $1.1 billion is provided for foreign assistance and related programs of the Department of Agriculture, including $115 million in new budget authority for the Foreign Agricultural Service and total appropriations of $973 million for the P.L. 480 Food for Peace Program, $31 million above the fiscal year 2000 level, and the same as the President's request and Senate bill levels.

Total new budget authority for the Food and Drug Administration is $1.1 billion, $74 million more than the fiscal year 2000 level and $24 million more than the Senate-passed bill level. The conference report also makes available an additional $149 million in Prescription Drug User Fee Act collections. The increase in new budget authority, together with the redirection of base funds, provides FDA with an additional $130 million from the fiscal year 2000 level for funding requirements identified in the President's fiscal year 2001 budget request. These include the full increases requested in the budget of $30 million for food safety, $20 million for construction of the Los Angeles laboratory, and $22.9 million for premarket review. Also included is a portion of the increased funding requested for FDA to enforce Internet drug sales, enhance inspections, improve existing adverse events reporting systems, and continue counter-bioterrorism activities.

In addition, the conference report appropriates, contingent on a budget request, the $23 million FDA has identified it needs for fiscal year 2001 to carry out the Medicine Equity and Drug Safety Act of 2000. The FDA said it needed this amount for this next fiscal year to carry out the provisions of this conference report that provides these new responsibilities, to guarantee safety and efficacy of drugs in this new era, so that is included in this report.

For the Commodity Futures Trading Commission, $68 million is provided; and a limitation of $35.8 million is established on administrative expenses of the Farm Credit Administration.

As my colleagues recall, as passed by the Senate, this bill included not only the regular fiscal year 2001 appropriations bill, but a "Division B" providing supplemental appropriations, rescissions, and other emergency provisions relating not only to programs and activities under this Subcommittee's jurisdiction but to various other Departments and agencies of government. Provisions outside this Subcommittee's jurisdiction have been deleted by the conference committee and will be addressed, as appropriate, on other bills.

Funding for emergency assistance for farmers and landowners who have been affected by drought, fires, and other natural disasters that have occurred this year is now included as Title VIII of this conference report. The total assistance package has been scored by the Congressional Budget Office at $3.6 billion.

The Secretary of Agriculture is authorized to use such sums as necessary of the Commodity Credit Corporation to compensate farmers for crop and quality losses at the same rates as have been used in previous years. However, unlike years past, there is no limit on the amount of funds available for this assistance, thus eliminating proration of producers' payments and hopefully expediting payments.

Other assistance provided by the bill includes $490 million for the livestock assistance program, $473 million for dairy producers, and $328 million for producers of certain specialty crops.

The agreement provides needed conservation funding by making $35 million in technical assistance available for the Conservation Reserve Program and the Wetlands Reserve Program, and providing an additional $110 million for the Emergency Watershed Program of the Natural Resources Conservation Service.

Senators worked very hard in the conference on this issue, and other issues as well. We have expanded the opportunities to sell what we produce in the international marketplace in this conference report as a result of changes in sanctions policy. There have been many initiatives introduced on this subject. I know the Senator from Indiana, Mr. LUGAR, has a wide, sweeping, and very thoughtful approach to this sanctions issue reflected in a bill he has introduced. I hope we can pass legislation in this area that sets new policies and establishes a new way of going about deciding when and where to impose sanctions that tie the hands of our exporters and have an adverse impact on our ability to sell what we produce on the international marketplace.

I am not saying sanctions are bad. We have to use them in certain cases. They have proven to be very effective in certain cases. Normally, this is when we have the cooperation of other countries. But when we just unilaterally impose sanctions, in many cases that ends up being more hurtful and harmful to our farmers and ranchers and businesses than to anybody else. We have to be careful how we approach this whole issue.

I think the conference committee exercised good judgment and an awareness of concerns throughout our country on this issue when it made the changes that are reflected here. I am hopeful with the emergency assistance provisions that are in the bill, the other programs that have been funded, the Senate will be able to enthusiastically support and approve the work that this conference committee has done.

This conference report carries a number of other legislative provisions adopted by the conference committee, including the Continued Dumping and Sudsidy Offset Act; the Conservation of Farmable Wetland Act; and the Hass Avocado Promotion, Research, and Information Act.

Mr. President, we are already well beyond the October 1 start of the new fiscal year. This conference agreement is the product of two lengthy sessions of the conference committee. The conference report was filed last Friday night, October 6, and was adopted by the House of Representatives on October 11 by a vote of 340 to 75. Senate passage of this conference report today is the final step necessary to send this fiscal year 2001 appropriations bill to the President for signature into law.

Senator KOHL is the ranking Democrat on the subcommittee. It has been a pleasure to work with him throughout the hearing phase of the development of our factual basis for writing this bill. In all the discussions we have had in working on challenges before the subcommittee, I could not have asked for more cooperation or careful and thoughtful assistance than Senator KOHL provided to me and to the committee as a whole.

The full committee, of course, had a role to play in this, all members of our subcommittee and full committee, too. I want to express my appreciation to all of them. It was a pleasure working in conference with Chairman JOE SKEEN, from New Mexico, who is serving in his last year as chairman of the subcommittee. This is his sixth year in that capacity. The House has term limits on subcommittee chairmen. It effectively prohibits his service beyond this year as chairman of the subcommittee. But he has really been a hard-working leader in the House on the development of this legislation and this appropriations bill. We will miss working with him as chairman. We hope to be able to continue working with him closely in the years ahead, though, as a fellow member of the Appropriations Committee in the House.

MARCY KAPTUR, from Ohio, is the distinguished ranking Democrat on the House committee. It is always a pleasure working with her. She was very helpful in the development of this bill during our consideration of it in conference with the House.

I know none of this excellent work product would have been possible without the outstanding assistance and hard work that has been turned in by our able staff members: Rebecca Davies, who is the chief clerk on this committee, Hunt Shipman, Martha Scott Poindexter, Les Spivey, and with the wise counsel and influence of my chief of staff, Mark Keenum, and with others who participated in the development of this bill. I say thank you. It would not have been possible without their help. This is an outstanding work product. We appreciate your excellent effort. I do not want to leave out Galen Fountain either. He is the chief clerk on the Democratic side of our subcommittee. He has been a very helpful person to work with, and we appreciate very much his outstanding assistance, too.

I know of no Senators who have asked to be recognized at this point, but I repeat what the majority leader provided by way of information to the Senate in the opening announcements this morning. We have time reserved today, we have time reserved on Tuesday, and a short period of time on Wednesday for discussion of this bill, and then a vote will occur at 11:30 on Wednesday morning. I hope Senators will take advantage of these opportunities if they have questions or if they have statements they want to make in connection with the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to commend the distinguished Senator from Mississippi for his leadership in producing a very sound Agriculture Appropriations bill. I have served with the Senator from Mississippi on that subcommittee for almost 20 years now and have participated in the conference just concluded which has produced this bill. I can personally attest to the professionalism, courtesy, and, perhaps most of all, the patience displayed by the Senator from Mississippi in presiding over those proceedings.

The public has little opportunity to know what goes on in the legislative process generally, but they do hear about the introduction of bills and they do see, on C-SPAN and otherwise, the committee meetings and the questioning of witnesses, and to some extent they see on C-SPAN II, to the extent anybody watches, what happens on the Senate floor. But the conferences are largely unseen by the public. That is crunch time, when the work is concluded. Everything else which is done is really of much less significance than the conferences, where the final touches are put on legislation which constitutes the laws of the country.

There are very long sessions. A week ago last night was illustrative of the point. The speeches tend to go very long. The presiding chairman has to have great patience, to have the proper balance between allowing every member to speak and getting the work completed. That conference had some very difficult issues, issues which related to relieving sanctions on Cuba, to allow more importations of food, and it went into an issue which is highly sensitive, where there really ought to be an evaluation as to our relations with Cuba. We did take a step in the right direction on releasing the sanctions as to food—really, largely as an economic matter for America's farmers.

In the foreign operations bill there is a provision, which this Senator introduced, to try to get more cooperation on drug interdiction, which the Cuban Government is willing to do. Then we had important provisions on reimportation of drugs, on which the distinguished Senator from Vermont, Mr. JEFFORDS, who is now presiding, was the leader.

It has come to pass that the appropriations bills, now, are the principal legislative vehicles, so to speak, for getting substantive legislation because it is only the appropriations bills, ultimately, which pass. So much of that is done in conference as opposed to amendments on the floor, which is the prescribed way.

The senior Senator from Mississippi presided at that conference, and we produced a very important bill. As I have heard him report on it today, I am struck by its promise and its importance for the American people under his leadership.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I first express my appreciation to the distinguished Senator from Pennsylvania, Mr. SPECTER, for his generous comments about my efforts in behalf of this legislation as chairman of the subcommittee. He also put in a lot of time and effort during the conference with the House and also during the development of this legislation in our subcommittee. He has been an outstanding member of the Appropriations Committee and, of course, chairs the Labor-HHS Subcommittee of the Appropriations Committee in the Senate and does an excellent job in that capacity. I thank him for his very generous statements.

I also commend, as he did, the Senator from Vermont, who is chairing the Senate this morning, for his leadership on the drug importation issue. I don't think this would have been included in this legislation—I know it would not—were it not for the leadership of Senator JEFFORDS. It was this amendment that was included in the bill when the bill was on the floor of the Senate.

As the occupant of the chair remembers, we had a very heated debate. It was contentious. It was a matter of a lot of controversy surrounding it. I offered an amendment to the Jeffords amendment, which was adopted as it turned out, helping protect the safety and efficacy of drugs that would be imported under the provision of the Jeffords amendment. Then in conference with the House, everybody got involved, not just the conferees but the leadership of the House and the leadership of the Senate. Everybody, it seemed, had an opinion or a viewpoint on how that language should be changed or modified or improved.

As it turned out, the end result is something in which the Senator from Vermont can take a great deal of pride. His influence will always be remembered on this issue. I thank him for his courtesies during the handling of the issue and his good advice and counsel all along the way.

Mr. President, the crop disaster provisions in this bill take a somewhat different approach to compensating producers who may have suffered significant quality losses during 2000 caused by bad weather, insects, or other natural occurrences. The bill authorizes the Secretary of Agriculture to compensate producers for quantity, quality, and severe economic losses. Loss thresholds for quantity and quality losses are separated in this bill, whereas they have been combined in previous disaster bills. Different crops have different values associated with declines in quality. The report language accompanying the conference report takes care to discuss special rules that should be considered for cotton, for example.

The conferees were concerned that this new calculation might have some unintended consequences and provided the Secretary of Agriculture with additional flexibility in devising an appropriate loss compensation program. Because there are crops, like cotton, that rarely have quality losses that are not accompanied by quantity losses, this bifurcated approach could have unintended detrimental consequences. The Secretary could use his authority to compensate for severe economic losses and calculate losses for cotton and other similar commodities in the manner done in 1999, when quality and quantity losses were combined to determine whether a producer had met the loss thresholds.

The Secretary could also use the authority provided him to provide assistance for severe economic losses to provide appropriate compensation to producers that incur the necessary expense to bring their 2000 crop all the way to harvest.

Mr. President, the distinguished Senator from Montana is on the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, when we finally vote on the Agriculture appropriations conference report, I intend to vote for it essentially because the bill provides so much that helps so many people, many of whom are in dire straits. I am referring specifically to a lot of the people living and working in farm communities in my State of Montana and throughout the Nation.

I am especially pleased the bill provides $3.6 billion for weather-related disasters. The droughts and fires in my State, as well as other parts of the Nation, have been quite severe and, in many areas, devastating. This bill will help our citizens get through the most difficult times. I commend the Senator from Mississippi and others who have worked to help pass this bill.

I want to mention a couple of points of this bill which I think are erroneous. I object strenuously to the provisions in the bill with respect to restrictions on food and medicine sales to Cuba and restrictions on the right of American citizens to travel to Cuba.

Last July, I flew to Havana, along with my colleagues, Senator ROBERTS and Senator AKAKA. It was a brief trip, but I returned from Havana more convinced than ever that it was time to end our outdated cold war policy toward Cuba. For example, I believe we should have normal trade relations with Cuba. We do not. The President just a day ago signed permanent normal trade relations with China, a Communist country which certainly presents more of a national security threat to the United States than Cuba, but yet we do not have normal trade relations with Cuba. It makes no sense.

As a consequence, we Americans, the Congress, and the Federal Government, prevent our farmers and ranchers from exporting their products to Cuba. But our Japanese, European, and Canadian competitors have no constraints. They fill the gap. The result, obviously, is it helps those countries, it helps the Cubans, but it hurts Americans. Also, our policy has no impact on those Cuban policies that we would like to see changed—none whatsoever.

Most Members in the Senate and House have also recognized the absurdity of this policy. Earlier this year, the Senate and the House agreed to end the ban on food and medicine sales to Cuba. We had overwhelming majorities in the Senate and the House. Those votes expressed the will of the Congress. The votes clearly reflected the will of the American people.

Yet the Republican conferees simply overturned those House and Senate votes. The Republican conferees thwarted the will of the American people. The result is that there will be restrictions on the sale of food and medicine to Cuba. These restrictions guarantee that there will be few such sales, and those few that do occur will be done only by major companies, shutting out the small farmer. That is not the way law is supposed to be made in a democracy.

To rub salt in the wounds, the Republican conferees agreed to codify in law the current administrative restrictions on travel to Cuba. That action removed the flexibility of this President and future Presidents to liberalize or not to liberalize, depending upon what seems to make the most sense. The result is a further infringement on the right of Americans to travel freely. It also diminishes the right of Cuban Americans to visit family members in Cuba.

An overwhelming majority of the Congress recognizes we must end the anachronistic cold war policy toward Cuba. That policy harms the average Cuban. Clearly, it harms the average American. The current policy against Castro is a foil. It helps prop him up. Were we to lift the bans that would take away that foil, it would make it more difficult for him to stay in power. It is amazing how foolhardy our policy is. It is also a policy that hurts the American public. It is a great danger.

Once the resistance of the Castro regime begins—think of that for a minute. We have to think very carefully about how to help manage the transition that occurs in Cuba from the current-Castro regime to the post-Castro regime. Of course, the Cubans must make that decision. The nature of that transition has a very direct bearing upon this country. We have to be very careful.

Clearly, if we were to open up now, we could help influence a transition that is more in America's national interest. Current policy also clearly abridges the freedoms of Americans to travel. If we had to vote separately on these Cuban provisions, I would work hard to defeat them, but the other provisions in the bill are so overwhelming important for the health and prosperity of Americans that I will vote in favor of the Agriculture appropriations bill. But I repeat, the Cuba provisions are a serious step backward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are now considering the Agriculture appropriations conference report. It is critically important to a number of our States. It certainly is critically important to mine.

We are faced with one of the toughest downturns in the agricultural markets in the history of our country. We currently have the lowest real prices for farm commodities in 50 years, and we are in a very serious situation as a result. Literally, thousands of farm families will be forced off the land if there is not an adequate Federal response to this crisis.

A number of years ago we passed a new farm bill. That farm bill is not working. I think the proof is abundantly clear. The fact is, we have had to write disaster bills every year for the last 3 years to try to deal with this collapse in farm prices.

The situation now is even more grave as we have dealt not only with collapsed prices but also with what I call the triple whammy of bad prices, bad policy, and bad weather.

In my State, as in many others, farmers have not only had to cope with very low prices but, in addition to that, weather conditions that have dramatically reduced the value of the crop even from these very low prices.

I just had a farmer stop me when I was home and tell me he was offered 75 cents a bushel for his grain—75 cents a bushel.

A lot of people wonder, what is a bushel? We talk about these things in farm terms. I think many people in the country have no idea what a bushel represents. A bushel is almost 60 pounds. Can you imagine getting 75 cents for that product? That is ruinous. That is confiscatory. And it will drive thousands of farm families into bankruptcy if there is not a response.

Thankfully, each of the last 3 years, there has been a Federal response. Three years ago, I am proud to say, the first amendment was mine, offered with Senator DORGAN, to begin to respond to this crisis of collapsed prices. That developed into a $6 billion assistance package.

Last year, we had another package. Senator GRASSLEY of Iowa and I offered the only bipartisan package of assistance, and it formed the basis for what was agreed to, an $8.7 billion package. This year, for the third year in a row, we have already passed, and the President has signed into law, a package of $7.2 billion of assistance, again to offset these collapsed prices. But since that package was passed and signed into law, we also have these weather disasters across the country. In my State, overly wet conditions have led to an outbreak of a disease called scab that has dramatically lowered the value of the crop. In other parts of the country, there has been devastating drought, a situation where farmers have not received any rain throughout the growing season. As a result, they have almost total losses.

In this bill we will vote on next week, there is an additional $3.5 billion of assistance, including provisions to address the quality loss affecting my State's farmers; $500 million to address the quality loss circumstance in which farmers go to the elevator and in some cases the people at the elevator say, we won't buy your grain at any price because it is so loaded with this fungus called scab. That is the nature of the crisis.

It is so important that next week we pass that bill. It is so important that this aid start to flow. It is so important that we say to farm families across America, we are not going to let you fail because of a failed farm policy written in Washington. We are not going to let you face a circumstance just because our major competitors, the Europeans, are outspending us 10 to 1 in their support for their producers, that we let our people fall by the wayside. We are not going to say to our producers, just because the Europeans account for 84 percent of all the world's agriculture export subsidy—we only account for 1.4 percent—just because they are outgunning us 60 to 1 on that measure of support, we are not going to let you go under because of a failed policy out of Washington.

These are critical times. Our major competitors, the Europeans, have done everything they can to support their producers. I am not being critical. I admire them. They have stood up for their people. They understand that if you just abandon them to this world market, where we see catastrophic prices, what that will mean is an exodus from the rural parts of Europe, just as we are seeing that kind of circumstance in America. We are seeing thousands of farm families leave the land because the economics just don't work.

We obviously need this rescue package. We need this assistance. More than that, we need a new farm policy, one for the longer term, one that recognizes what is happening in world agriculture, one that understands the Europeans are supporting their producers at a rate of $300 an acre on average while we support our producers at a rate of $30 an acre on average. It is no wonder that Europe is moving up in world market share and we are moving down because our friends in Europe are doing it the old-fashioned way—they are going out and buying markets that have traditionally been ours. They have a strategy; they have a plan. Their plan is to dominate world agricultural trade. They are putting the money up to do it.

The harsh reality is that USDA now tells us for the first time in as long as anyone can remember, Europe is poised to surpass us in world market share. Let me repeat that: This year USDA tells us for the first time in memory Europe is poised to pass us in world market share for agricultural products. That ought to be a warning to all of us of what is happening. It is happening because the Europeans have spent tens of billions of dollars a year, nearly $50 billion a year, supporting their producers, paying for export subsidies so they can buy markets that have traditionally been ours. Shame on us if we allow them to take us out of world markets that have been ours for decades. That would be a serious mistake.

When I ask the Europeans, how is it you are able to convince your people to step up and support your producers in the way that you do, they say, it is very simple: we have been hungry twice in Europe. We never intend to be hungry again. We are not going to rely on outside food sources to feed our people. We just are not going to do it.

I hope next year we will begin the debate on a new farm policy, and we will recognize that unilateral disarmament does not work. It doesn't work in military affairs; it doesn't work in an agricultural trade confrontation. It hasn't worked with this new Federal farm policy. It has been a disaster. I don't know of any better proof for that than the simple fact we have had to write disaster bills the last 3 years to try to cope with the wreckage that is represented by this Federal farm policy: the lowest prices in 50 years; thousands of farmers being pushed off the land; an agricultural economy that is in deep trouble.

I hope next week, when we take a vote on the Agriculture appropriations bill, there will be strong bipartisan support for that package, and then when we convene next year we will begin the debate on a new Federal farm policy, one that recognizes that our major competitors are on the move. They are on the march. They have a strategy. They have a plan. They have an intention to dominate world agricultural trade, and we have an obligation to fight back, to give our producers, our farmers a fair fighting chance.

So far we have said to our farmers, you go out there and compete against the French farmer or the German farmer. And while you are at it, you take on the French Government and the German Government, too. That is not a fair fight. Our producers can compete against any producers anywhere in the world, but only if they have a level playing field, only if it is a fair fight. They can't win if the deck is stacked against them. That is precisely what is happening now. The deck is stacked against our producers in a way that is devastating.

It reminds me of the cold war, where we built up to build down. I believe we have to follow that same principle in this trade confrontation with Europe. We have to add resources to force them to the table to negotiate to level the playing field so our producers are not at this extraordinary disadvantage where Europe spends $300 an acre on average to support their producers while we spend $30, where the Europeans account for 84 percent of all the world's agricultural export subsidy while we account for only 1.4 percent, outgunned 60 to 1. It is pretty hard to win a fight when you are outgunned 60 to 1 or 10 to 1. It makes it virtually impossible for our very efficient producers, very hard-working people, to have any kind of a chance.

These are the harsh realities of what is occurring in world agriculture. I hope next week, when that bill comes before the Chamber, we will stand up and vote aye. I hope when we start next year the debate and discussion about a new farm bill, we will recognize the harsh realities of what is happening in these world agricultural markets.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I come to the floor today to urge my colleagues to support the Agriculture appropriations conference report that will be considered by this body in the next few days. I think it is a good bill with a number of desperately needed aid provisions for our Nation's farmers. The provisions included in the bill for prescriptions are also desirable.

First, though, I want to talk a little about my own family history and why I am so proud and honored to be the author of the legislation with respect to prescription drugs and pharmacies. My family, on the Jeffords side, came to Vermont back in 1794. At least, that is the first time they bought a piece of land. They settled in the northern part of Vermont up on the Canadian border. Gradually, they moved down to a community a little further south, about 20, 30 miles from the Canadian border. The family ran a drugstore in Enosberg Falls called Jeffords Drug Store for over a hundred years.

I remember the summers so vividly. We always spent 2 weeks in Enosberg Falls, spent a week on the family farm, and then spent a week down in town with Roger Pratt and Cora Pratt, my uncle and aunt who ran the drugstore. I remember some wonderful times there. I could go up to the soda fountain, without having to do anything, and I could get a soda. Sometimes, I would be given the job of trying to swat the flies and keep the flies away. That was before we had insecticides. I know sometimes I would probably get a little annoying when I was 8 or 9 years old while swatting them too close to the patrons sitting at the little tables where they got sodas. Later, I had the great thrill of being able to stand behind the pharmacy's soda fountain and make sundaes and all sorts of things. It was a wonderful experience.

But what I learned more than anything else was the importance of a pharmacy to a small town. In those days, it was probably as much of the health care plan as you could get, along with the local doctor. The pharmacy was your health care, unless you got really sick and you would go to the hospital. But more people came in to get advice from the pharmacist as to what they should take for this or for that. Things went along very fine for many years.

As time went on, my uncle died. My aunt, who was not a pharmacist, was working the drugstore and she had to hire a pharmacist to do that work. Unfortunately, she died. When she died, the question was, Who is going to get the drugstore and the property? I took the position that I would be willing to sell it to the pharmacist. I got it appraised, and a price was set. He said, "I'm sorry, but I'm going to go down the street and open a pharmacy and I will run you out of business." I said, "Okay, go right ahead"—because I am a stubborn Vermonter—"I will run you out of business." So I had to go around the State and find a pharmacist. So we kept the competition going.

I finally sold the drugstore for twice what he wanted to pay, and I learned important things such as if you want a generic aspirin, you can look right next to the Bayer aspirin, and you will find an aspirin that is identical but in a different bottle, and it is cheaper. I have used that knowledge all through the years to save a buck on aspirin and other things. Many useful lessons have come from that experience.

What I also understood by being near the Canadian border was what it meant to that pharmacist in recent years. The drugs his pharmacy purchased cost twice as much as the pharmacist paid across the border in Canada.

It is more than just a casual knowledge that led me to become deeply involved in the bill which we now have as part of the appropriations bill.

I thank Senator SPECTER and Chairman COCHRAN for their very kind words about me and my work in this area. I deeply appreciate that.

Mr. JEFFORDS. Mr. President, I come to the floor today to urge my colleagues to support the Agriculture Appropriations Conference Report that will be considered by this body within the next few days. I think it is a good bill, with a number of desperately needed aid provisions for our nation's farmers. But today I would like to address the Prescription Drug Importation provision included in the bill.

We are all familiar with the problem. The cost of drugs, as a percentage of our health care dollar, is skyrocketing to the point of unaffordability for average Americans. During a time when we are experiencing unprecedented economic growth, it is not uncommon to hear of patients who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill. Prescription medicines have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe. The fact is, failure to take certain medicine can be just as deadly as taking the wrong pill.

Today we are confounded by the question: Why do drugs cost so much more in the U.S. than in Canada or abroad? It's a good question—one for which the drug companies don't have any good answers.

It's true that these companies are making some miraculous breakthroughs. But why must Americans have to shoulder seemingly the entire burden of paying for research, development and a healthy return to shareholders?

I believe it is time we put an end to this unfair burden. I don't think it is fair to expect Americans, especially your senior citizens living on fixed incomes, to pay the highest costs in the world for prescription medicines, many of which are manufactured within our borders.

That's why more than a year ago I started working with the Food and Drug Administration (FDA), the agency responsible for overseeing the safety of the drug supply in this country, to see if there were a way we could safely reimport prescription medicines into our country.

In July, on an overwhelming vote of 74–21, the United States Senate agreed to an amendment I offered, based on S. 2520, cosponsored by Senators WELLSTONE, DORGAN, SNOWE, COLLINS, and others, to do just that. Importantly, for the first time, we had developed and passed a proposal that did not, in the eyes of FDA, present public health and safety concerns. This was critical to me, because we have the gold standard in the U.S. when it comes to drug safety, and I don't want to do anything to undermine it.

Over the past few months, the drug companies have waged a furious campaign against my amendment, taking out advertisements and sending legions of lobbyists to Capitol Hill to argue that it would undermine safety. I don't think my amendment will undermine safety, but I do think it will undermine the price Americans pay for prescription drugs.

I was heartened by the positive movement in the Clinton administration over the past few weeks, from neutrality in July to outright support for my amendment, provided Congress gave enough money—$23 million this year—to FDA to carry out its responsibilities. Congress has agreed to do so, and if my proposal works out as I hope, it will be a small price to pay on the potential billions of dollars that Americans will save on prescription drug costs.

The negotiators for the House and Senate on the agriculture appropriations bill have completed their work. Unfortunately, the process used in reaching this agreement was marred by partisanship. But the product is as strong as the one endorsed by the Clinton administration, and even stronger in some respects.

The proposal before Congress, while slightly different from my plan, is a strong and workable proposal. Critics have argued that the proposal has been weakened because it allows drug companies to frustrate the intent through manipulations of sales contracts. The fact is, this bill is stronger than either the House-passed or Senate-passed versions because it includes a clear prohibition of such agreements—something that was missing in the House and Senate bills.

Critics have claimed that the latest version of the bill contains a loophole regarding the labeling requirements. The fact is, the bill requires manufacturers to provide all necessary labeling information, and gives the FDA very broad power to write any other rules necessary to accomplish the intent of the provision. How much stronger can we get than that.

Critics have claimed that the bill unfairly restricts the countries from which these products may come. The fact is that the bill lists 23 countries to start the process, and lets the FDA expand the list at any time.

Critics have complained that this bill will expire after about 7 years.

The fact is that this is a vast improvement over the House-passed version which would have expired after only one year. As we all know, major legislation is frequently required to be reauthorized on 5 year cycles in order to force Congress to make improvements, and popular laws always survive this process.

This bill, like any other, is not perfect. But critics are wrong to suggest that it is weaker than the original Jeffords amendment. I ought to know. And so should John Rector, senior vice president for the National Community Pharmacists Association who has been a leader in the effort to reimport lower cost drugs and whose members would be responsible for making this proposal work.

Mr. Rector recently took the position that the bill, "will result in the importation of far less expensive drugs."

Might the drug companies try to evade the spirit of this legislation? some probably will. Have we anticipated every action they might take? Of course not.

But I am confident that our proposal will work, and that the process has improved it. That is why the pharmaceutical industry is fighting this tooth and nail—they know it will work. They would like nothing more than to see us defeat this bill. That should tell you something about what they think the effect will be of this provision.

Mr. President, I must say—I am disappointed with how partisan this issue has become, and I am disappointed that the White House has moved the goal posts on this issue. In fact, I'd like to quote from the letter that President Clinton sent to Speaker HASTERT and Majority Leader LOTT less than 3 weeks ago. In that letter, he said "I support the Medicine Equity and Drug Safety Act of 2000 which the Senate passed" and "I urge you to send me the Senate legislation—with full funding." Mr. President, that is exactly what we are doing, except that the bill we are sending the President is even stronger than the original language.

But I am glad that the President has said he will sign the bill. I think this is because he knows that, at the end of the day, this provision will work, despite all of the political rhetoric.

I urge my colleagues to support this provision and support this Agriculture appropriations conference report.

I also would like to discuss the chart that is behind me that very succinctly asks and answers questions about the differences between the House amendment, the Senate amendment, and the conference agreement.

I think you will find by just looking at the complete list on the conference agreement, the important improvements that were made as it wondered through the normal legislative process which we all have to follow.

I ask unanimous consent a letter from the White House of September 25 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Santa Fe, September 25, 2000.

DEAR MR. SPEAKER: (DEAR MR. LEADER:) In your letter, you outlined a number of health care issues that you indicated could be resolved before Congress adjourns. I want to be equally clear about my priorities and hopes for progress this fall. As the days dwindle in this session of Congress, I am seriously concerned about the lack of movement on some of our most important issues. I am, however, encouraged to learn from your letter that the Republican leadership is now committed to providing Americans with access to prescription drugs available at lower cost from other countries.

As you know, our people are growing more and more concerned that the pharmaceutical industry often sells the same drugs for a much higher price in the United States than it does in other countries, even when those drugs are manufactured here at home. This forces some of our most vulnerable citizens, including seniors and people with disabilities, to pay the highest prices for prescription drugs in the world. This is simply unacceptable.

That is why I support the "Medicine Equity and Drug Safety Act of 2000," which the Senate passed by an overwhelming vote of 74 to 21. This important legislation would give Americans access to quality medications at the lower prices paid by citizens in other nations. The Senate bill, sponsored by Senators JEFFORDS, WELLSTONE, DORGAN and others, would allow wholesalers and pharmacists to import FDA-approved prescription drugs and would establish a new safety system intended to track these imports and test them for authenticity and degradation. Before this provision could take effect, the Secretary of Health and Human Services would be required to certify that the regulations would, first, pose no risk to the public health; and, second, significantly decrease prices paid by consumers. With these protections in place and the $23 million necessary to implement them, this legislation would meet the test that we both believe is crucial—preserving the safety of America's drug supply.

Although your letter implies support for legislation similar to the Senate-passed bill, I am concerned by its statement that seniors would "buy lower-priced drugs in countries like Canada" [emphasis added]. Of course, few seniors live near the Canadian or Mexican borders and even fewer can afford to cross the border in search of lower-price drugs. Moreover, policies like the House's Coburn amendment would strip the FDA of all of its ability to monitor safety and prevent seniors from buying counterfeit drugs, putting their health in danger and their finances at risk.

I urge you to send me the Senate legislation—with full funding—to let wholesalers and pharmacists bring affordable prescription drugs to the neighborhoods where our seniors live. Though this initiative does not address seniors' most important need—meaningful insurance to cover the costs of expensive medications—it still has real potential to allow consumers to access prescription drug discounts.

I remain concerned that with less than one week left in this fiscal year, Congress has not passed eleven of thirteen appropriations bills; Congress has not raised the minimum wage; and Congress has not passed a strong, enforceable patients' bill of rights. And, according to your letter, the congressional leadership has given up on passing a meaningful, affordable and optional Medicare prescription-drug benefit.

I am extremely disappointed by your determination that it is impossible to pass a voluntary Medicare prescription-drug benefit this year. I simply disagree. There is indeed time to act, and I urge you to use the final weeks of this Congress to get this important work done. It is the only way we can ensure rapid, substantial and much-needed relief from prescription drug costs for all seniors and people with disabilities, including low-income beneficiaries.

On the issue of the Medicare lock-box, I have endorsed the Vice President's initiative, which has been effectively embodied in Senator Conrad's amendment that passed on the Labor-Health and Human Services appropriations bill. I am therefore encouraged by your commitment to passing this legislation; but we must still make all efforts to ensure that the Medicare payroll taxes in the lockbox are used solely for Medicare.

Similarly, I am pleased to learn of your commitment to pass a greatly-needed package of Medicare and Medicaid health care provider payment and beneficiary refinements. As you know, I proposed such refinements in my budget and in my June Mid-Session Review. This includes payment increases for hospitals, home health agencies, nursing homes and other providers as well as access to Medicaid for legal immigrants, certain uninsured women with breast cancer, and children with disabilities; extended Medicare coverage for people with disabilities; an extension of the Balanced Budget Act's diabetes provisions; and full funding for the Ricky Ray Trust Fund.

Again, I am pleased to learn of your commitment to providing Americans with access to high-quality, lower cost prescription drugs from other nations. There is no reason why we cannot work together to pass and enact such legislation immediately. As we do, we should not give up on passing both a workable, affordable and voluntary Medicare prescription-drug benefit for our nation's seniors and a meaningful patients' bill of rights for all Americans. I will do everything in my power to achieve that end, and I look forward to meeting with you on these issues as soon as possible.

Sincerely,

WILLIAM J. CLINTON.

Mr. JEFFORDS. I ask unanimous consent to have printed a side-by-side comparison, which is the chart I have behind me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIDE-BY-SIDE COMPARISON OF PRESCRIPTION DRUG IMPORT PROVISIONS IN AGRICULTURE APPROPRIATIONS BILL

	Coburn and Crowley Amend't (passed 370–12, 363–12 on 1/10/00)	Jeffords Amendment (Supported by President Clinton and passed 74–21 on 7/19/00)	Conference Agreement
Duration	1 year	Permanent	Approx. 7 yrs (5 yrs from implementation).
Safety Provisions	No provision	FDA testing regulations & discretion to require other safety measures.	Same as Jeffords Amendment, plus FDA can stop imports of counterfeit products.
Scope of allowable countries exporting drugs to U.S.	Coburn bill: Can. & Mex. and Crowley bill: any country.	FDA's discretion	7 major developed countries, plus European Union & European economic area, plus list is expanded at any time by FDA.
Limit on Contracts that Frustrate Intent	No provision	No provision	Bars contracts or agreements preventing sales or distribution to importers.
Labeling Requirements	No provision	Manufacturer must give information needed to "confirm that the labeling meets the requirements of this Act".	Same as Jeffords amendment, plus FDA has broad power to do whatever is necessary to facilitate imports.
Funding	No provision	No provision	$23 Million.
Restrict imports of controlled substances	No provision	No provision	Prohibits importation of controlled substances listed on Schedules I, II, III.
Charitable contributions	No provision	No provision	Excludes charitable contributions from importation, eg. AIDS drugs to Africa.
Sanctions	No provision	Withdrawal of product for manufacturer noncompliance	10 years in jail for CEO, and $25,000 fine if manufacturer is noncompliant.
Reporting Requirements	No provision	Extensive requirements that assure FDA tracking of bad drugs and ensure that savings are passed on to consumers.	Same as Jeffords Amendment.
FDA warning letters	No provision	No provision	Prohibit FDA from unfairly harassing Americans for purchasing safe drugs in Canada, Mexico and elsewhere.

Source: Office of Senator James Jeffords.

COMPARISON OF PRESCRIPTION DRUG IMPORT PROVISIONS IN AGRICULTURE APPROPRIATIONS BILL, H.R. 4461

	House amendment	Senate amendment	Conference agreement
Effective for longer than 1 year	None	✔	✔
Safety testing and tracking	None	✔	✔
List of initial eligible countries of origin to be expanded by FDA	None	None	✔
Outlaw agreements that bar reimports	None	None	✔
Requires proper labeling	None	✔	✔
Funding	None	None	✔
Restrict imports of controlled substances	None	None	✔
Incentive for charitable contributions	None	None	✔
Sanctions	None	✔	✔
Reporting Requirements	None	✔	✔
Prohibit unfair harassment by FDA for Personal Imports	None	None	✔

Source: Committee on Health, Education, Labor, and Pensions.

Mr. JEFFORDS. Mr. President, I yield the floor.

Mr. GORTON. Mr. President, as expected, Chairman COCHRAN and Senator KOHL have once again crafted an excellent Agriculture Appropriations bill that benefits not only the State of Washington, but natural resource dependent communities and rural economies all across the nation.

For my own State of Washington, this equates to more than $5 million in essential research programs for wheat, apples, asparagus, animal diseases, small fruits, barley and potatoes to name a few. I have long advocated for increased emphasis on agriculture research, noting that projects such as these advance the development of new technology, generate healthy food systems, promote environmentally sound growing practices, and maintain the U.S. dominance in agriculture production.

Also included in the legislation are the indispensable relief funds necessary to ensure the longevity of the once highly profitable and prosperous tree fruit industry in Washington. The $138 million in direct payments to apple producers will provide necessary short-term relief favored by Washington's orchardists.

The cranberry industry, lesser known to most but still one of the hardest hit in the agriculture economy, will also benefit from $50 million in relief.

In response to the other natural disasters that have plagued our nation, $3.4 billion in emergency spending is included for farmers and rural areas that have already experienced continued low farm commodity prices.

While the core issues in the bill are of great significance, there are two other issues in the conference report I wish to highlight. Both the sanctions relief and drug re-importation provisions deserve the Senate's support.

With respect to sanctions relief, I believe few members of Congress would argue that food and medicine sanctions fail to cripple regimes or handicap the ability of dictators to simply find these goods elsewhere. What sanctions on food and medicine do promote are uncompensated losses to America's farmers and poor health in sanctioned countries.

For more than a year-and-a-half, many members of this body have fought to right this situation and remove these onerous barriers. Obviously our efforts to provide a comprehensive package of sanctions reform has been met with determined resistance.

With that said, however, the compromise my friend and colleague from Washington, Mr. NETHERCUTT, brokered to the best of his ability, without ever losing sight of the common goal of sanctions relief, and to the severe chagrin of several influential members, was agreed to by the Agriculture Appropriations conference committee, of which I was a member.

While some will argue that this compromise is not comprehensive enough and does not perfectly mirror the language of the original Senate bill, this language is unquestionably significant. What the language does include is sanctions relief for exports to Cuba, Iran, Sudan, North Korea, and Libya. If my colleagues believe this major shift in policy does not make a positive statement regarding Congress' intent to provide sanctions reform, I think they are sadly mistaken.

Perhaps even more pivotal, this language prohibits the Administration from imposing any new unilateral food or medicine sanctions without the consent of Congress. What with the Administration considering wheat sanctions on Japan for that country's whaling practices, I hope this change in policy will be supported by agriculture advocates. This is another significant goal the sanctions coalition has sought to attain.

I choose not to argue with my colleagues over the merits of the Cuba travel or financing restrictions contained in the bill, but instead choose to remind my colleagues that we have accomplished something great here.

While this compromise does not reflect everything we intended when we sought to achieve our goals, it does contain the core principles necessary in order to ensure unilateral sanctions reform. And I remind my colleagues that it is a compromise.

It's not perfect. It's a starting point, a means by which we test the system. If the changes we have incorporated into this bill aren't workable, then we will work to change them.

No one in this body believes agriculture trade will resurrect with each of these countries overnight. Will Iran announce a wheat tender in the next few months? Few years? We cannot tell. Sanctions reform will take work, and it will take time. But we must begin somewhere and we must begin now rather than later.

I fear some of my colleagues have lost sight of the ultimate goal, and I hope they and the Administration would not seek to undermine the language our agriculture community supports and desires.

As a representative for a Northern border state, I have been privy to issues surrounding drug prices. Everyday Americans pay 50 percent, 60 percent, 70 percent or more for prescription drugs than our neighbors in Canada, in Mexico and for that matter most of the rest of the world. Who does this affect most? Those who take the most prescription drugs—typically seniors, and those without any kind of prescription drug coverage from their insurance. But all Americans pay more whether through higher prices at the drugstore counter or higher insurance premiums.

Why does this problem exist? American pharmaceutical companies sell the exact same prescription drugs overseas, drugs developed and manufactured here in the U.S., for a fraction of the price they demand from American citizens. Other countries have implemented price control policies that successfully tempt manufacturers to discriminate against American consumers with higher drug prices. Our drug companies agree because the costs of manufacturing are nominal, and they can make some profit overseas by simply charging Americans all of the high costs of research and development.

This bill takes a first step towards solving this problem. It allows wholesalers and pharmacists to go to Canada and other countries where prescription drugs are sold at deep discounts and bring the same FDA-approved, FDA-manufactured products back to the U.S. in order to pass the discounts on to American consumers.

It is important to note that safety is a priority in this bill. Only products that have been determined to be safe and effective can be brought into the United Sates. The importer is required to test for authenticity and degradation. And importers can only bring in these products from countries that the Secretary of HHS has determined have an appropriate regulatory infrastructure to ensure the safety of prescription drugs.

This provision should give our American families access to lower cost prescription drugs that are safe and effective.

Is it perfect? Probably not. But, I hope it will work and I hope it results in lower prices for consumers in the U.S. and eventually puts pressure on drug companies to end price discrimination in the U.S. Critics say the bill has loopholes and drug companies will find a way around it. Let me be clear—if they do I will be back to make sure this provision is even stronger. I hope that is not necessary, that drug companies will simply end the current discrimination against Americans by charging fair prices here in the United States.

This is not my favorite idea for dealing with price discrimination. It is a much more complicated solution than I would prefer.

My idea is straightforward and based on a law that has applied to every product sale in the U.S. since 1935—the Robinson-Patman Act. This law simply says that manufacturers can't use price to discriminate among buyers. If that principle is applied to prescription drug sales overseas—drug companies would no longer be allowed to discriminate against their best customers—American families.

But this bill is something that can be done this year to lower prices for American consumers. I believe it represents a genuine step forward to lower prescription drug costs for all Americans.

With all that said, the bill before the Senate not only represents a response to the core needs of agriculture, but signifies a profound shift in sanctions reform, and puts the drug companies on notice. While I have indicated that neither proposal represents perfection, what each does signify is the goal of Congress to address issues vital to those we represent. I sincerely hope my colleagues will work to pass this bill without hesitation.

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we do have a number of items that have been cleared for consideration, including in this package a series of energy bills that Senator DASCHLE and I talked about yesterday on the floor. There are a number of Senators who have been involved in this effort. I thank them all. This is important legislation.

We do have a number of other unanimous consent requests we will need to go through. It will take a few minutes. There are a lot of very important issues here. Most of them have been cleared on both sides. There may be a couple here that there will be objections to, but there is a necessity to make that request.

UNANIMOUS CONSENT REQUEST—H.R. 4292

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4292, the Born Alive Infant Protection Act of 2000.

Mr. LOTT. I further ask consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There are Members on our side who would like to offer amendments, and on their behalf I am constrained to object at this point.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 4201

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 779, H.R. 4201, the Noncommercial Broadcasting Freedom of Expression bill, and I further ask consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Again, there are Members on this side who would like to offer amendments to that legislation, and on their behalf I am constrained to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. On this bill, Mr. President, we will continue working to see if we can come to some sort of agreement on how it might be considered. I have a special interest in this one because a former staff member of mine—now an outstanding Member of the House of Representatives—Congressman CHARLES "CHIP" PICKERING of Laurel, has been working on this and got it passed through the House. I will continue to see if we can find some way to get it passed before we leave.

CALENDAR

Mr. LOTT. Mr. President, with regard to the energy bills and water-related package, I ask unanimous consent that the Senate proceed en bloc to the following bills reported by the Energy Committee: Calendar No. 710, S. 2425; Calendar No. 774, H.R. 2348; Calendar No. 776, H.R. 3468; Calendar No. 849, S. 2594; Calendar No. 853, S. 2951; Calendar No. 856, H.R. 3236; Calendar No. 857, H.R. 3577; Calendar No. 882, S. 1848; Calendar No. 883, S. 2195; Calendar No. 884, S. 2301; Calendar No. 900, S. 2877; Calendar No. 929, S. 3022; Calendar No. 935, S. 1697; and Calendar No. 938, S. 2882.

I further ask unanimous consent that the committee amendments be agreed to, the bills be read the third time and passed, any amendments to the title be agreed to as necessary, the motion to reconsider be laid upon the table, and statements relating to any of these measures be printed in the RECORD, and all proceedings occur en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

The Senate proceeded to consider the bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(Omit the part in boldface brackets.)

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Feed Canal Pipeline Project Act of 2000".

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2.5 million for the Federal share of the activities authorized under this Act.

[(g) The Bureau of Reclamation shall not charge the District more than one percent of the project cost for carrying out administrative or oversight activities under this Act.]

The committee amendment was agreed to.

The bill (S. 2425), as amended, was read the third time, and passed, as follows:

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Feed Canal Pipeline Project Act of 2000".

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2,500,000 for the Federal share of the activities authorized under this Act.

COST SHARING FOR THE ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR THE UPPER COLORADO AND SAN JUAN RIVER BASINS

The bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, was considered, ordered to a third reading, read the third time, and passed.

DUSCHENE CITY WATER RIGHTS CONVEYANCE ACT

The bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duschene City, Utah, was considered, ordered to a third reading, read the third time, and passed.

MANCOS WATER CONSERVANCY DISTRICT

The Senate proceeded to consider a bill (S. 2594) to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in bold face brackets.]

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

[(c) FUNDS RECEIVED AVAILABLE FOR OPERATION AND MAINTENANCE.—

[(1) IN GENERAL.—Any funds received by the United States under a contract under subsection (a) shall be available for expenditure for operation and maintenance of the project without further Act of appropriation.

[(2) REVENUE.—Any amount of funds received by the United States under a contract under subsection (a) that is in excess of the amount of funds needed for operation and maintenance of the project shall be applied against the repayment contract of the project.]

The committee amendment was agreed to.

The bill (S. 2594), as amended, was read the third time, and passed, as follows:

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United

States, under existing law, to control any water in any State.

SALMON CREEK WATERSHED OF THE UPPER COLUMBIA RIVER STUDY

The Senate proceeded to consider the bill (S. 2951) to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

S. 2951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—**[**The Commissioner of Reclamation**]** *The Secretary of the Interior* may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal government's cost share for the feasibility study shall not exceed 50 percent.

Amend the title to read as follows: "To authorize the Secretary of the Interior to conduct a study to investigate opportunties to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.".

The committee amendment was agreed to.

The bill (S. 2951), as amended, was read the third time, and passed, as follows:

S. 2951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

WEBER BASIN WATER CONSERVANCY DISTRICT, UTAH CONTRACTS

The bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin water Conservancy District, Utah, to use Weber Basin Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, was considered, ordered to a third reading, read the third time, and passed.

INCREASED AUTHORIZATION FOR MINIDOKA PROJECT, IDAHO

The bill (H.R. 3577) to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho, was considered, ordered to a third reading, read the third time, and passed.

RECLAMATION WASTEWATER AND GROUND WATER STUDY AND FACILITIES AMENDMENTS ACT

The Senate proceeded to consider a bill (S. 1848) to amend the Reclamation Wastewater and Ground water study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. DENVER WATER REUSE PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate State and local authorities, may participate in the design, planning, and construction of the Denver Water Reuse Project ("Project") to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project authorized by the Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1848), as amended, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project."

TRUCKEE WATERSHED RECLAMATION PROJECT

The Senate proceeded to consider a bill (S. 2195) to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. TRUCKEE WATERSHED RECLAMATION PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with Washoe County, Nevada, may participate in the design, planning, and construction of, the Truckee watershed reclamation project, consisting of the North Valley Reuse Project and the Spanish Springs Valley Septic Conversion Project ("Project"), to reclaim and reuse wastewater (including degraded ground water) within and without the service area of Washoe County, Nevada.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

Design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2195), as amended, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water."

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENTS

The Senate proceeded to consider a bill (S. 2301) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. LAKEHAVEN WATER RECLAMATION PROJECT.

(a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the Lakehaven Utility District, Washington, may participate in the design, planning, and construction of, and land acquisition for, the Lakehaven water reclamation project ("Project"), Washington, to reclaim and reuse wastewater (including degraded groundwater) within and outside the service area of the Lakehaven Utility District.

(b) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the Project.

(d) FUNDING.—Funds appropriated pursuant to section 1615 of the Reclamation Wastewater and Groundwater Study and Facilities Act may be used for the Project (106 Stat. 4663–4669, 43 U.S.C. 380h et seq.), as amended.

SEC. 2. RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.

Design, planning, and construction of the Project shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

The committee amendment in the nature of a substitute was agreed to. The bill (S. 2301), as amended, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Ground Water Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water."

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2000

The Senate proceeded to consider a bill (S. 2877) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000".

SEC. 2. STUDY.

The Secretary of the Interior may conduct **[**a feasibility study**]** *feasibility studies* on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 2877), as amended, was read the third time and passed, as follows:

S. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2000".

SEC. 2. STUDY.

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon."

NAMPA AND MERIDIAN CONVEYANCE ACT

The Senate proceeded to consider a bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nampa and Meridian Conveyance Act".

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the "District") in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425–99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3022), as amended, was read the third time and passed.

RECLAMATION REFORM ACT OF 2000

The Senate proceeded to consider a bill (S. 1697) to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This title may be cited as the "Reclamation Reform Refund Act of 2000".

SEC. 2. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to the availability of appropriations, the Secretary of the Interior is authorized and directed to refund fully amounts received by the United States as payments for charges assessed by the Secretary before January 1, 1994, for failure to file or properly file certain certification or reporting forms pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff, 390ww(c)) prior to the receipt of irrigation water. Such refunds shall be made regardless of whether such payments were required by the

United States, were made pursuant to a compromise or settlement (whether court approved or otherwise), or were otherwise received by the United States. Any refund issued pursuant to this subsection shall include the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of that Act (43 U.S.C. 390ww(i)).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as necessary.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1697), as amended, was read the third time and passed.

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 938, S. 2882.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Water Supply Enhancement Act of 2000".

SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

SEC. 5. WATER RIGHTS.

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2882), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 623 AND S. 1474

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration en bloc of Calendar No. 359, S. 623, and Calendar No. 709, S. 1474. I further ask unanimous consent amendment No. 4317 to S. 623 and amendment No. 4318 to S. 1474 be agreed to, the committee amendments be agreed to, the bills be read the third time and passed, with the motion to reconsider laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAKOTA WATER RESOURCES ACT OF 1999

The Senate proceeded to consider the bill (S. 623) to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dakota Water Resources Act of 1999".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "federally-assisted water resource development project providing irrigation for 130,940 acres of land" and inserting "multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by the Dakota Water Resources Act of 1999)" before the period at the end;

(3) in subsection (e), by striking "terminated" and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) COSTS.—

"(1) ESTIMATE.—The Secretary shall estimate—

"(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 1999; and

"(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

"(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

["(3) OPERATION AND MAINTENANCE COSTS.—The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share attributable to the capacity of the facilities (including mitigation facilities) that remain unused.**]**

"(3) Operation and Maintenance Costs.—Except as otherwise provided in this Act or Reclamation Law—

"(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 1999 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

"(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 1999; and

"(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

"(g) Agreement Between the Secretary and the State.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

"(h) Boundary Waters Treaty of 1909.—

▮"(1) Delivery of water into the Hudson Bay basin.—Water systems constructed under this Act may deliver Missouri River water into the Hudson Bay basin only after the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, determines that adequate treatment has been provided to meet the requirements of the Treaty Between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909').▮

"(1) Delivery of water into the Hudson Bay basin.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

"(2) Costs.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.".

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

"(b) Fish and Wildlife Costs.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

"(c) Recreation Areas.—

"(1) Costs.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

"(2) Approval.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

"(d) Non-Federal Share.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

"(1) Services in kind.

"(2) Payment, or provision of lands, interests therein, or facilities for the unit.

"(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.";

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting "(1)" after "(e)";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking "within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement" and inserting "to administer for recreation"; and

(II) by striking "which are not included within Federal waterfowl refuges and waterfowl production areas"; and

(ii) in the second sentence, by striking "or fish and wildlife enhancement"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ", within ten years after initial operation of the unit,"; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2)";

(3) in subsection (f), by striking "and fish and wildlife enhancement"; and

(4) in subsection (j)—

(A) in paragraph (1), by striking "prior to the completion of construction of Lonetree Dam and Reservoir"; and

(B) by adding at the end the following:

"(4) Taayer reservoir.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

"(5) Deauthorization of Lonetree dam and reservoir.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary. If the features selected under section 8 include a buried pipeline and appurtenances between the McClusky Canal and New Rockford Canal, the use of the wildlife conservation area and Sheyenne Lake National Wildlife Refuge for such route is hereby authorized.".

SEC. 4. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: "Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.".

SEC. 5. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking "Sec. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) In General.—

"(1) Authorized development.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 1999, the Secretary may develop irrigation in—

"(A) the Turtle Lake service area (13,700 acres);

"(B) the McClusky Canal service area (10,000 acres); and

"(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) Development not authorized.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) No excess development.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

"(4) Pumping power.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

▮"(5) Principle supply works.—The Secretary shall complete and maintain the principle supply works as identified in the 1984 Garrison Diversion Unit Commission Final Report dated December 20, 1984 as modified by the Dakota Water Resources Act of 1999.";▮

"(5) Principal supply works.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. As appropriate, the Secretary shall rehabilitate or complete such features consistent with the purposes of this Act. Subject to the provisions of sections (8)(c) and (8)(d)(1) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 1999. In making this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)";

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six

Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,''; and

(5) by adding at the end the following:

''(e) Irrigation Report to Congress.—

''(1) In general.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

''(2) Finding.—The report shall include a finding on the *economic*, financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

''(3) Authorization.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

''(4) Documentation.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.''.

SEC. 6. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking ''Notwithstanding the provisions of'' and inserting ''Pursuant to the provisions of''; and

(B) by striking ''revenues,'' and all that follows and inserting ''revenues.''; and

(2) by striking subsection (c) and inserting the following:

''(c) No Increase in Rates or Affect on Repayment Methodology.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 1999 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.''.

SEC. 7. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking ''The non-Federal share'' and inserting ''Unless otherwise provided in this Act, the non-Federal share'';

(ii) by striking ''each water system'' and inserting ''water systems'';

(iii) by inserting after the second sentence the following: ''The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. *Proceeds from loan repayments and any interest thereon shall be treated as Federal funds.''; and*

(iv) by striking the last sentence and inserting the following: ''The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section.''; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

''(b) Water Conservation Program.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

''(c) Nonreimbursability of Costs.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 1999 shall be nonreimbursable.

''(d) Indian Municipal Rural and Industrial Water Supply.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.''.

SEC. 8. SPECIFIC FEATURES.

(a) In General.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

''SEC. 8. SPECIFIC FEATURES.

''(a) Red River Valley Water Supply Project.—

''(1) In general.—The Secretary shall construct a feature or features to deliver Missouri River water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

''(2) Design and construction.—The feature shall be designed and constructed to meet only the water delivery requirements of the irrigation areas, municipal, rural, and industrial water supply needs, ground water recharge, and streamflow augmentation (as described in subsection (b)(2)) authorized by this Act.

''(3) Commencement of construction.—The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

''(b) Report on Red River Valley Water Needs and Delivery Options.—

''(1) In general.—Pursuant to section 1(g), not later than 90 days after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary and the State of North Dakota shall jointly submit to Congress a report on the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

''(2) Needs.—The needs addressed in the report shall include such needs as—

''(A) augmenting streamflows;

''(B) ground water recharge; and

''(C) enhancing—

''(i) municipal, rural, and industrial water supplies;

''(ii) water quality;

''(iii) aquatic environment; and

''(iv) recreation.

''(3) Studies.—Existing and ongoing studies by the Bureau of Reclamation on Red River Water Supply needs and options shall be deemed to meet the requirements of this section.

''(c) Environmental Impact Statements.—

''(1) Draft.—

''(A) Deadline.—Pursuant to an agreement between the Secretary and the State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including possible alternatives for delivering Missouri River water to the Red River Valley.

''(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 1999, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(2) Final.—

''(A) Deadline.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

''(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

''(d) Process for Selection.—

''(1) In general.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley.

''(2) Agreements.—Not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected.

''(e) Sheyenne River Water Supply and Release or Alternate Features.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).".

SEC. 9. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

"SEC. 9. OAKES TEST AREA TITLE TRANSFER.

"(a) IN GENERAL.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99-294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

"(b) TERMS AND CONDITIONS.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

"(c) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

"(d) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, [4739)] *4739) is amended—*

(1) in subsection (a)—

(A) by striking "(a)(1) There are authorized" and inserting the following:

"(a) WATER DISTRIBUTION FEATURES.—

"(1) IN GENERAL.—

"(A) MAIN STEM SUPPLY WORKS.—There is authorized";

(B) in paragraph (1)—

(i) in the first sentence, by striking "$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act" and inserting "$164,000,000 to carry out section 5(a)";

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

"(B) RED RIVER VALLEY WATER SUPPLY PROJECT.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000."; and

(iii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There is" and inserting the following:

"(2) INDIAN IRRIGATION.—

"(A) IN GENERAL.—There is";

(ii) by striking "for carrying out section 5(e) of this Act" and inserting "to carry out section 5(c)"; and

(iii) by striking "Such sums" and inserting the following:

"(B) AVAILABILITY.—Such sums";

(2) in subsection (b)—

(A) by striking "(b)(1) There is" and inserting the following:

"(b) MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY.—

"(1) STATEWIDE.—

"(A) INITIAL AMOUNT.—There is";

(B) in paragraph (1)—

(i) by inserting before "Such sums" the following:

"(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) [$300,000,000."] *$200,000,000.*"; and

(ii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There are authorized to be appropriated $61,000,000" and all that follows through "Act." and inserting the following:

"(2) INDIAN MUNICIPAL, RURAL, AND INDUSTRIAL AND OTHER DELIVERY FEATURES.—

"(A) INITIAL AMOUNT.—There is authorized to be appropriated—

"(i) to carry out section 8(a)(1), $40,500,000; and

"(ii) to carry out section 7(d), $20,500,000.";

(ii) by inserting before "Such sums" the following:

"(B) ADDITIONAL AMOUNT.—

"(i) IN GENERAL.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

"(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:

"(I) $30,000,000 to the Fort Totten Indian Reservation.

"(II) $70,000,000 to the Fort Berthold Indian Reservation.

"(IV) $80,000,000 to the Standing Rock Indian Reservation.

"(V) $20,000,000 to the Turtle Mountain Indian Reservation."; and

(ii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums";

(3) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) RESOURCES TRUST AND OTHER PROVISIONS.—

"(1) INITIAL AMOUNT.—There is"; and

(B) by striking the second and third sentences and inserting the following:

"(2) ADDITIONAL AMOUNT.—In addition to amount under paragraph (1), there are authorized to be appropriated—

"(A) $6,500,000 to carry out recreational projects; and

"(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

"(3) RECREATIONAL PROJECTS.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

"(4) OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.— There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

"(B) AUTHORIZATION LIMITS.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 1999, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be counted against the authorization limits in this section.

"(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit."; and

(4) by striking subsection (e) and inserting the following:

"(e) INDEXING.—The [$300,000,000] *$200,000,000* amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 1999 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.

["(f) FOUR BEARS BRIDGE.—There is authorized to be appropriated, for demolition of the existing structure and construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation, $40,000,000.".]

SEC. 11. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) CONTRIBUTION.—

"(1) INITIAL AUTHORIZATION.—

"(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

"(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

"(2) ADDITIONAL AUTHORIZATION.—

"(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

"(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.

["(C) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized by section 10(c)(2)(B), not more than $10,000,000 shall be made available until the date on which the features authorized by section 8(a) are operational and meet the objectives of section 8(a), as determined by the Secretary and the State of North Dakota.";]

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners."

The committee amendments were agreed to.

The amendment (No. 4317) was agreed to, as follows:

On page 10, beginning on line 14, strike the sentence that begins "If the features selected under section 8".

On page 13, line 2, strike the sentence that begins "As appropriate, the Secretary shall rehabilitate or complete".

On page 13, line 5, strike "Sections 8(c) and 8(d)(1)" and insert "section 8".

Beginning on Page 18, strike line 17 and all that follows through Page 23, line 4, and insert the following:

SEC. 8. SPECIFIC FEATURES.

(a) Sykeston Canal.—Sykeston Canal is hereby deauthorized.

(b) In General.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) Red River Valley Water Supply Protect.—

"(1) In general.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

"(2) Design and construction.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

"(3) Commencement of construction.—

"(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

"(i) a detailed description of the proposed project feature;

"(ii) a summary of major issues addressed in the environmental impact statement;

"(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

"(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

"(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in paragraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

"(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed."

(b) Report on Red River Valley Water Needs and Options.—

(1) In general.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

(2) Needs.—The needs addressed in the report shall include such needs as—

(A) municipal, rural, and industrial water supplies;

(B) water quality;

(C) aquatic environment;

(D) recreation; and

(E) water conservation measures.

(3) Process.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

(4) Limitation.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

(c) Environmental Impact Statement—

(1) In general.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

(2) Draft.—

(A) Deadline.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(3) Final.—

(A) Deadline.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(d) Process for Selection.—

(1) In general.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

(2) Agreements.—If the Secretary selects an option under subparagraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under subparagraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

(e) Sheyenne River Water Supply and Release or Alternate Features.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

(f) Devils Lake.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.

Make the following technical amendments:

Page 2, line 5, strike "1999" and insert "2000".

Page 3, line 13, strike "1999" and insert "2000".

Page 3, line 25, strike "1999" and insert "2000".

Page 4, line 23, strike "1999" and insert "2000".

Page 5, line 7, strike "1999" and insert "2000".

Page 11, line 14, strike "1999" and insert "2000".

Page 13, line 7, strike "1999" and insert "2000".

Page 15, line 19, strike "1999" and insert "2000".

Page 18, line 8, strike "1999" and insert "2000".

Page 29, line 5, strike "1999" and insert "2000".

Page 29, line 25, strike "1999" and insert "2000".

Mr. DORGAN. Mr. President, I am pleased that today the Senate has passed S. 623, the Dakota Water Resources Act. My colleague from North Dakota, Senator KENT CONRAD, and I have worked on this legislation for quite some time. We have worked closely with others who have an interest in this bill and passage of S. 623 today is a result of tireless negotiation between our delegation and the downstream states, especially Missouri and Minnesota. The compromise that the Senate adopted today strikes an important balance between meeting the water needs of North Dakota and protecting the needs of other states.

This bill is essential to meeting the water needs of North Dakota. The bill, as amended, will provide authorization for the development of municipal, rural, and industrial water projects across the State of North Dakota. The bill would also help to meet the water needs of the four Indian Reservations in the state.

The Dakota Water Resources Act authorizes $631.5 million. This includes a $200 million authorization for municipal, rural and industrial water development and another $200 million authorization to meet the critical water needs of the four Indian reservations in the state. The Red River Valley water supply needs will also receive a $200 millions authorization. The bill includes $25 million for a natural resources trust and $6.5 million for recreation projects in North Dakota. Mr. President, the Dakota Water Resources Act represents a responsible way for the federal government to fulfill their role in the state. It also represents a serious compromise on the part of North Dakota, while still meeting our highest priority water supply needs.

The bill clearly lays out the process for meeting the water needs for the Red River Valley in eastern North Dakota. First, the Secretary of the Interior will identify these water needs and evaluate options for meeting them. The Department must submit a report on the needs and suggest possible solutions to the Congress. The Secretary is also required to complete an environmental impact statement, EIS, on the Red River Valley project and select the best option.

In the event that the Secretary of the Interior determines that the best option includes a transfer of Missouri River water to meet the Red River Valley needs, then a further act of Congress authorizing that option must occur before construction of that feature or features could begin. This is a key provision that will allow all of our colleagues downstream to have input on such a proposal. However, if an in-basin source of water is chosen, then no further action is needed from Congress.

This is a good bill that reflects hard work and compromise of many stakeholders all along the Missouri River. I am pleased that we were able to develop a win-win solution, that allows us to move forward in meeting the needs of North Dakotans while protecting the interests of those who are downstream. I am confident that this bill can be signed into law this year, and look forward to working with our friends in the other body to pass this bill and send it to the President for his signature.

• Mr. WELLSTONE. Mr. President, I rise to speak about S. 623, the Dakota Water Resources Act of 2000, as amended by this critical amendment currently pending before the Senate.

Over the last two years, I have worked to preserve and protect Minnesota's precious water rights and resources, in consultation with a number of my Republican and Democratic colleagues, and to ensure that the concerns expressed about the original bill by those in my state were taken into account as this legislation was developed. While it does not resolve the roughest underlying issues—indeed it does not even attempt to resolve them—I believe this amendment takes into account those concerns, and I appreciate the willingness of my distinguished colleagues from North Dakota to accommodate their neighbors to the east.

It is clear this legislation, as amended by Senators BOND, CONRAD, and DORGAN, is a very different bill than the one which was originally introduced. While I, along with the State of Minnesota, had serious reservations about the original version, in the past year my office has conducted extensive consultations and discussions with Minnesota Department of Natural Resources water officials, who have indicated that the amended version of this legislation—at least the sections which apply to Minnesota interests—is a reasonable measure which meets their concerns. I agree that the key elements of this legislation, in which I have been most interested, will now simply provide for a comprehensive and unbiased review of the water quality and quantity needs of the Red River Valley, and of the environmental implications of any proposed water transfers—either within the basin or on an inter-basin basis—and thus I have not objected, as I did to earlier requests, to bringing it to the Senate floor for consideration. There are other parts of the bill, as amended, which primarily affect existing or planned facilities in North Dakota, which have not raised concerns in my state.

The amended bill does not pose the same concerns about biota transfer, inter-basin transfer, and water quality that I, and the State of Minnesota, had raised in forceful objection to the original legislation. In fact, it explicitly requires prior Congressional action and approval before any inter-basin transfer can be made. Under the bill, only after careful, reasoned study by the Secretary of the Interior—including extensive consultation with all of the interested stakeholders on the water quality and quantity needs of the Red River Valley, the various portions for meeting those needs, and the environmental implications of any further steps to address them—would Congress even consider an inter-basin transfer of water, which I and others would continue to oppose. Let me restate that, because it's important: this legislation would preclude any transfer of water from the Missouri River or its tributaries to the Red River Valley, unless specifically authorized by a future Act of Congress, thus allowing concerns of biota transfer, inter-basin transfers and water quality to be discussed and fairly resolved by all the parties involved beforehand.

As many of my colleagues know, I have long opposed the original version of this legislation. I would continue to oppose any attempts to transfer water into the basin without adequate safeguards—if such safeguards can be devised, which is not at all clear. Many of my original concerns, and those of the state of Minnesota, including especially the Department of Natural Resources, remain about the detrimental environmental effects and potential adverse precedents of an inter-basin transfer. Even so, I recognize the real needs of our neighbors in North Dakota to resolve their continuing water problems, and I believe that the study provided for in this bill may help to further that effort. I believe this legislation represents a reasonable effort to move the process forward, while protecting the rights and resources of those in my state and elsewhere in the Upper Midwest. I commend my colleagues for their hard work and determination over these many years.•

The bill (S. 623), as amended, was read the third time and passed, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dakota Water Resources Act of 2000".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "federally-assisted water resource development project providing irrigation for 130,940 acres of land" and inserting "multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by the Dakota Water Resources Act of 2000)" before the period at the end;

(3) in subsection (e), by striking "terminated" and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) Costs.—

"(1) Estimate.—The Secretary shall estimate—

"(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 2000; and

"(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

"(2) Repayment contract.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

"(3) Operation and maintenance costs.—Except as otherwise provided in this Act or Reclamation Law—

"(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

"(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 2000; and

"(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

"(g) Agreement Between the Secretary and the State.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

"(h) Boundary Waters Treaty of 1909.—

"(1) Delivery of water into the hudson bay basin.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

"(2) Costs.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.".

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

"(b) Fish and Wildlife Costs.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

"(c) Recreation Areas.—

"(1) Costs.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

"(2) Approval.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

"(d) Non-Federal Share.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

"(1) Services in kind.

"(2) Payment, or provision of lands, interests therein, or facilities for the unit.

"(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.";

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting "(1)" after "(e)";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking "within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement" and inserting "to administer for recreation"; and

(II) by striking "which are not included within Federal waterfowl refuges and waterfowl production areas"; and

(ii) in the second sentence, by striking "or fish and wildlife enhancement"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ", within ten years after initial operation of the unit,"; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2)";

(3) in subsection (f), by striking "and fish and wildlife enhancement"; and

(4) in subsection (j)—

(A) in paragraph (1), by striking "prior to the completion of construction of Lonetree Dam and Reservoir"; and

(B) by adding at the end the following:

"(4) Taayer Reservoir.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

"(5) Deauthorization of lonetree dam and reservoir.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary.".

SEC. 4. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: "Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.".

SEC. 5. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking "Sec. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) In General.—

"(1) Authorized development.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 2000, the Secretary may develop irrigation in—

"(A) the Turtle Lake service area (13,700 acres);

"(B) the McClusky Canal service area (10,000 acres); and

"(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) Development not authorized.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) No excess development.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

"(4) Pumping power.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

"(5) Principal supply works.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. Subject to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. In making this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)";

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,"; and

(5) by adding at the end the following:

"(e) Irrigation Report to Congress.—

"(1) In general.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

"(2) Finding.—The report shall include a finding on the economic, financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

"(3) Authorization.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

"(4) Documentation.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.".

SEC. 6. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of"; and

(B) by striking "revenues," and all that follows and inserting "revenues."; and

(2) by striking subsection (c) and inserting the following:

"(c) No Increase in Rates or Affect on Repayment Methodology.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 2000 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 7. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share";

(ii) by striking "each water system" and inserting "water systems";

(iii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. Proceeds from loan repayments and any interest thereon shall be treated as Federal funds."; and

(iv) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section."; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

"(b) Water Conservation Program.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

"(c) Nonreimbursability of Costs.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 2000 shall be nonreimbursable.

"(d) Indian Municipal Rural and Industrial Water Supply.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.".

SEC. 8. SPECIFIC FEATURES.

(a) Sykeston Canal.—Sykeston Canal is hereby deauthorized.

(b) In General.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) Red River Valley Water Supply Project.—

"(1) In general.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

"(2) Design and construction.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: Municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

"(3) Commencement of construction.—(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

"(i) a detailed description of the proposed project feature;

"(ii) a summary of major issues addressed in the environmental impact statement;

"(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

"(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

"(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in subparagraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

"(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(b) Report on Red River Valley Water Needs and Options.—

"(1) In general.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

"(2) Needs.—The needs addressed in the report shall include such needs as—

"(A) municipal, rural, and industrial water supplies;

"(B) water quality;

"(C) aquatic environment;

"(D) recreation; and

"(E) water conservation measures.

"(3) Process.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

"(4) Limitation.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

"(c) Environmental Impact Statement.—

"(1) In general.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

"(2) Draft.—

"(A) Deadline.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(3) Final.—

"(A) Deadline.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

"(B) Report on status.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(d) Process for Selection.—

"(1) In general.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

"(2) Agreements.—If the Secretary selects an option under paragraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under paragraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

"(e) Sheyenne River Water Supply and Release or Alternate Features.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

"(f) Devils Lake.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.".

SEC. 9. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

"SEC. 9. OAKES TEST AREA TITLE TRANSFER.

"(a) In General.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99–294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

"(b) Terms and Conditions.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

"(c) Compliance.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

"(d) Failure To Agree.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) by striking "(a)(1) There are authorized" and inserting the following:

"(a) Water Distribution Features.—

"(1) In general.—

"(A) Main stem supply works.—There is authorized";

(B) in paragraph (1)—

(i) in the first sentence, by striking "$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act" and inserting "$164,000,000 to carry out section 5(a)";

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

"(B) Red river valley water supply project.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000."; and

(iii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There is" and inserting the following:

"(2) Indian irrigation.—

"(A) In general.—There is";

(ii) by striking "for carrying out section 5(e) of this Act" and inserting "to carry out section 5(c)"; and

(iii) by striking "Such sums" and inserting the following:

"(B) Availability.—Such sums";

(2) in subsection (b)—

(A) by striking "(b)(1) There is" and inserting the following:

"(b) Municipal, Rural, and Industrial Water Supply.—

"(1) Statewide.—

"(A) Initial amount.—There is";

(B) in paragraph (1)—

(i) by inserting before "Such sums" the following:

"(B) Additional amount.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) $200,000,000."; and

(ii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There are authorized to be appropriated $61,000,000" and all that follows through "Act." and inserting the following:

"(2) Indian municipal, rural, and industrial and other delivery features.—

"(A) Initial amount.—There is authorized to be appropriated—

"(i) to carry out section 8(a)(1), $40,500,000; and

"(ii) to carry out section 7(d), $20,500,000.";

(ii) by inserting before "Such sums" the following:

"(B) Additional amount.—

"(i) In general.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

"(ii) Allocation.—The amount under clause (i) shall be allocated as follows:

"(I) $30,000,000 to the Fort Totten Indian Reservation.

"(II) $70,000,000 to the Fort Berthold Indian Reservation.

"(IV) $80,000,000 to the Standing Rock Indian Reservation.

"(V) $20,000,000 to the Turtle Mountain Indian Reservation."; and

(ii) by striking "Such sums" and inserting the following:

"(C) Availability.—Such sums";

(3) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) Resources Trust and Other Provisions.—

"(1) Initial amount.—There is"; and

(B) by striking the second and third sentences and inserting the following:

"(2) Additional amount.—In addition to amount under paragraph (1), there are authorized to be appropriated—

"(A) $6,500,000 to carry out recreational projects; and

"(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

"(3) Recreational projects.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

"(4) Operation and maintenance.—

"(A) In general.— There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

"(B) Authorization limits.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 2000, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be counted against the authorization limits in this section.

"(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit."; and

(4) by striking subsection (e) and inserting the following:

"(e) INDEXING.—The $200,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 2000 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.".

SEC. 11. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89–108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) CONTRIBUTION.—

"(1) INITIAL AUTHORIZATION.—

"(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

"(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

"(2) ADDITIONAL AUTHORIZATION.—

"(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

"(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.".

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners."

PALMETTO BEND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 1474) providing for conveyance of the Palmetto Bend project to the State of Texas, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palmetto Bend Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term "Project" means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year U.S. Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, is currently calculated to be $45,082,675 using a discount rate of 6.070%. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of State's most recent annual payment until closing at the interest rate for constant maturity U.S. Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department and shall extend for the useful life of the Project that has been approved by the Secretary.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The amendment (No. 4318) was agreed to, as follows:

In the Committee amendment:

In section 4(a), after "August 1, 1999 payment," strike "is currently" and insert "was, as of October, 1999,".

In section 5(b), strike "and shall extend for the useful life of the Project that has been approved by the Secretary." and insert "that has been approved by the Secretary and shall extend for the useful life of the Project.".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1474), as amended, was read the third time, and passed, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palmetto Bend Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term "Project" means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year United States Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, was, as of October 1999, calculated to be $45,082,675 using a discount rate of 6.070 percent. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of the State's most recent annual payment until closing at the interest rate for constant maturity United States Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department that has been approved by the Secretary and shall extend for the useful life of the Project.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

EDUCATION LAND GRANT ACT

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 624).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 624) entitled "An Act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Reservation Rural Water System Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of the enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of the enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of the enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(j) COST SHARING.—

(1) CONSTRUCTION.—The Federal share of the cost of construction of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Reclamation.

(2) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Indian Affairs.

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent, and shall be funded with amounts appropriated from the reclamation fund. Such amounts shall not be returnable or reimbursable under the Federal reclamation laws.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—The Secretary shall—

(1) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(2) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri

River through the Assiniboine and Sioux Rural Water System.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

(c) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such charge shall be paid fully by the Dry Prairie Rural Water System.

(d) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

(a) IN GENERAL.—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) OFFSET AGAINST CLAIMS.—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908), or other law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING:—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

Mr. LOTT. I ask unanimous consent the Senate agree to the amendment of the house.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYING WATER FACILITIES TO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Mr. LOTT. I ask unanimous consent the Senate proceed to H.R. 4389, which was received from the House.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4389) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4389) was read the third time and passed.

MISSOURI RIVER BASIN PROJECT

PROSSER DIVERSION DAM

Mr. LOTT. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 2984 and H.R. 3986. I further ask consent the Senate proceed en bloc to their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2984) to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska;

A bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

There being no objection, the Senate proceeded to consider the bills.

Mr. GORTON. Mr. President, today, the Senate will pass H.R. 3986, a bill introduced by Representative DOC HASTINGS, R-Washington, that will authorize the Bureau of Reclamation to study the feasibility of moving the intake system for the Kennewick Irrigation District from the Yakima River to the Columbia River. I introduced a similar bill earlier this year, S. 2163, which was passed by the Senate Energy and Natural Resources Committee earlier this month. The Senate's action today sends this bill, critical to Central Washington's efforts to recover threatened and endangered salmon, to the President's desk—an achievement long sought by the Yakama Indian Nation and the irrigators of the Yakima River Basin.

Disputes over how to allocate and use water have always been contentious in the Pacific Northwest, and the disputes have only become more difficult as the region has been forced to deal with the recovery of threatened and endangered salmon and steelhead species. Over the past year, however, I have been pleased to support a new era of cooperation among tribes and various irrigation districts in Eastern Washington. An area of consensus has developed around the concept of "pump exchanges," which move the intake systems of irrigation districts from over appropriated streams and rivers to rivers downstream with more water. In July, I introduced legislation that authorizes the study of a pump exchange for the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation. I hope this legislation will receive quick approval during the 107th Congress.

H.R. 3986 will amend the Yakima River Basin Water Enhancement Program, YRBWEP, first approved by Congress in 1994 (P.L. 103–434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs. One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadramous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

The pump exchange approach proposed in H.R. 3986 could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District, K.I.D., and the Columbia River Irrigation District, C.I.D. This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 749 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation passed today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimates as well as securing critical right-of-way areas.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the Northwest Power Planning Council, the Bonneville Power Administration, National Marine Fisheries Service, and the United States Fish and Wildlife Service.

It is important to note that a change in the diversion for K.I.D. from the Yakima River to the Columbia River will completely change the current operational philosophy of the district. It will evolve from a relatively simple system relying on gravity to supply its customers to one of significant additional complexity involving a major pump station and pressure pipeline to the main feeder canals. This remodeling of K.I.D. will have significant impact on the existing system and its users during construction, startup, and transition. That is why it is essential for K.I.D. to be in a position to develop these facilities in a way that best fits their current and future operational goals and causes the least impact to the district water users. This legislation requires the Bureau of Reclamation to give K.I.D. substantial control over the planning and design work in this study with the Bureau, of course, having final approval. It is an approach that will continue local improvement and support, which is vital to the success of this project and other projects.

I thank Representative DOC HASTINGS for his leadership on this bill in the House of Representatives and appreciate the support of my colleagues in passing this bill that will provide a crucial component to the salmon recovery efforts in the Yakima Basin.

Mr. LOTT. I ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, any statements be printed in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2984) was read the third time and passed.

The bill (H.R. 3986) was read the third time and passed.

CORRECTING THE ENROLLMENT OF H.R. 2348

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 151, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 151) to make corrections in enrollment of the bill H.R. 2348 to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 151) was agreed to, as follows:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT OF RECLAMATION LAW

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR THE MILLION FAMILY MARCH

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 423, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 423) was agreed to.

RAILS TO RESOURCES ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 718, S. 2253.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2253) to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system to Alaska to the North American continental rail system, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rails to Resources Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the state of Alaska and the Yukon Territory;

(4) both public and private lands in Alaska, the Yukon Territory and northern British Columbia, including lands held by aboriginal peoples, contain extensive deposits of oil, gas, coal and other minerals as well as valuable forest products which presently are inaccessible, but which could provide significant economic benefit to local communities and to both nations if an economically efficient transportation system was available;

(5) rail transportation in otherwise isolated areas facilitates controlled access and reduced overall impact to environmentally sensitive areas;

(6) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the U.S. and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(7) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish a joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 4. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 20 members, of which 10 members are appointed by the President and 10 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources (such as minerals and timber), social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 5. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 6. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 7. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 6.

SEC. 8. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 9. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means an agreement described in section 2.

(2) COMMISSION.—The term "Commission" means a commission established pursuant to any Agreement.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2253), as amended, was read the third time and passed.

ADJUSTMENT OF STATUS OF CERTAIN SYRIAN NATIONALS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4681.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4681) to provide for the adjustment of status of certain Syrian nationals.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I rise today to applaud the passage of a bill that will grant permanent residency status to a small group of Syrian Jews who fled the brutal dictatorship of Hafez Assad almost a decade ago.

In 1992, through negotiations between our State Department and the Syrian regime, President Assad allowed the last remnants of Syria's Jewish community to leave Syria. For years, this community faced religious persecution, restrictions on the right to travel and emigrate, and other forms of harassment. When Assad finally agreed to let them go, he insisted that they come to this country as tourists, rather than as refugees fleeing religious tyranny, in order to avoid the appearance that his repression had driven out a considerable number of his own citizens. We permitted this fiction in order to rescue people desperate for freedom, but obviously, the 2000 Syrian Jews who came here in 1992 were never tourists—they were seeking a permanent home and a life free of religious and political oppression.

Once safely in the United States, the Syrian Jews had no choice but to request asylum, and asylum was granted. But because of the long delays that asylees face in obtaining permanent resident status, the Syrian Jews still have not become permanent residents and gotten green cards. If they had come to the United States as the refugees they truly were, instead of as tourists, they would have become permanent residents years ago because there is no annual cap on the number of refugees permitted to move to permanent residency.

The Syrian Jews have suffered for years because of this situation, imposed on them by the terms of the secret 1992 deal with Assad. Without green cards, those among them who are doctors and dentists, as many are, are unable to practice their professions under the New York State licensing system. As asylees, the Syrian Jews face restrictions on their right to travel abroad. Finally and most important, the Syrian Jews have been stalled for years in the efforts to become full citizens of our country, something all of them ardently want.

This legislation corrects this anomaly and directs the Attorney General to grant permanent resident status to the Syrian Jews who came here in 1992. This will give this small group of people the immigration status they should have had years ago, but for the fiction that they were coming to the United States as tourists. It will permit them to begin practicing their chosen professions and moving toward full citizenship. It will finally effectuate the agreement by which they emigrated from Syria in the first place. Most of all, it will guarantee the full blessings of liberty to people who want nothing more than to live in peace in a land where the government doesn't mistreat you simply because of your religion.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4681) was read the third time and passed.

STEWART B. McKINNEY HOMELESS ASSISTANCE ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5417, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act."

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, I rise today to ask the Senate to pass legislation that has been sent to us by the House of Representatives that would change the name of the Stewart B. McKinney Homeless Assistance Act to the McKinney-Vento Homeless Assistance Act. This is one, small step we can take to honor a colleague who devoted his life to public service, particularly service on behalf of the most disadvantaged Americans.

Bruce F. Vento has been one of the most effective advocates on behalf of homeless people throughout his career. Mr. Vento was one of the first Members of Congress to bring the plight of the nation's homeless to the public's attention. In 1982, Bruce introduced legislation in the House of Representatives to create the Emergency Shelter Grant Program. He attached an amendment to a housing bill to provide matching grants to repair vacant buildings to be used as temporary shelters. This became the first national legislation to provide federal assistance for emergency homeless shelters.

Throughout the 1980s, Mr. Vento worked repeatedly, with his colleagues on the House Banking Committee, to raise the profile of this issue and to build the coalitions necessary to enact comprehensive legislation to help the homeless across this nation. In early 1987, Representative Vento worked to pass an aid package that included $100 million for a program of emergency shelter grants to help charitable organizations and state and local governments renovate buildings for the homeless and succeeded in enacting the legislation into law.

In that same year, Congressman Vento was an original author of a larger, more comprehensive measure that became known as the Stewart B. McKinney Homeless Assistance Act, the first and only coordinated federal initiative directed toward the problem of homelessness and the only social program that was passed during the Reagan era. The McKinney Act seeks to meet some of the immediate needs of the homeless: shelter, food, health care, education, job training services, and transitional housing through programs at HUD, FEMA, HHS, and the Education and Labor Departments. This legislation continues to be at the heart of the federal government's response to the ongoing problem of homelessness in America.

It is indeed fitting to honor Bruce Vento by joining his name with that of his friend and colleague, Stewart B. McKinney, on this legislation. In 1987, after Representative McKinney's passing, Bruce took a leading role in seeking to name the programs that would serve persons who are homeless as the McKinney Act because of Stewart McKinney's "close association and concern and compassion that he espoused and reflected throughout his service" in Congress. We all recognize how well these very same words, which Mr. Vento used to describe Stewart McKinney, embody the work and career of Bruce F. Vento himself.

Shortly after taking office, President Clinton asked then-speaker of the House Tom Foley to organize a Task Force to look into the problem of homelessness. In February of that year, Mr. Vento was appointed as the Chairman of that Task Force, which issued a comprehensive, nationally recognized report to the Speaker one year later.

During the past few years, Mr. Vento continued to work hard on the McKinney Act. He added language that improved prevention planning and activities so that people do not become homeless due to lack of foresight or planning. The Vento prevention language added discharge planning requirements for persons who are discharged from publicly funded institutions, that is, mental health facilities, youth facilities and correctional facilities, so that people are not merely discharged to the streets.

Mr. Vento also introduced the "Stand Down Authorization Act." Created by several Vietnam veterans, Stand Downs are designed to give homeless veterans a brief respite from life on the streets. The Stand Down bill would, in conjunction with the grassroots community, expand the VA's role in providing outreach assistance to homeless veterans. In this Congress, H.R. 566 gained the strong support of over 100 bipartisan cosponsors, the VA, the American Legion, the Veterans of Foreign Wars (VFW) and the Disabled American Vets (DAV).

Bruce Vento worked throughout his entire career to improve and save the lives of homeless men, women and children around this nation. In the tradition of Minnesota's great leader, Hubert H. Humphrey, Bruce has always believed that we are elected to formulate and enact policies which improve the quality of life of our citizens. I have had the pleasure of working with him these many years to do just that. That is why I urge you to join me in enacting into law this legislation to rename our nation's fundamental homeless statute the McKinney-Vento Act. This act will duly honor a colleague who has worked long and hard for the most vulnerable Americans, people who are without a home to call their own.

Mr. President, while this legislation deals with homelessness, I want to make it clear that Mr. Vento's interests and accomplishments go far beyond this important area. He was one of the strongest proponents of FHA in the Congress. He understood how FHA has been a crucial tool in helping millions of families attain the dream of homeownership in America.

Mr. Vento played an active role in helping craft the bipartisan public housing reform legislation that passed in 1998. He was a leader in the effort to preserve affordable housing that has been threatened by expiring use restrictions or rental assistance contracts. Important progress as made on this front last year. He was a strong supporter of the effort to increase and strengthen community-based non-profits in their efforts to develop affordable housing and revitalize our communities.

Mr. Vento has been a longstanding supporter of the Community Reinvestment Act, CRA, because he understood how access to capital for homeownership and small businesses is the key to ensuring equal opportunity for all Americans, regardless of the neighborhoods they live in or their economic status. I was privileged to work closely with him to preserve CRA during the debate on financial services modernization legislation.

Finally, Mr. Vento was a strong supporter of consumer protection laws, from the Fair Credit Reporting Act, to the Equal Credit Opportunity Act, to the Home Ownership Equity Protection Act.

Renaming the McKinney Act is one small way that all of us can honor Mr. Vento's memory. Mr. President, Bruce Vento will be sorely missed in the Congress of the United States. I want to join President Clinton, my colleagues, and many others in expressing my deepest sympathies to Mr. Vento's family and friends.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5417) was read the third time and passed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENVIRONMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3235, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3235) to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

There being no objection, the Senate proceeded to consider the bill.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate today, by unanimous consent, passed H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000, a bill that will authorize the Department of Justice to provide grant money to police after-school programs to reduce crime and drug use. This bill is companion legislation to S. 1874, a bill introduced by Senator GRAHAM, Senator BINGAMAN, and myself. The Senate bill has a total of 22 cosponsors.

I want to thank my colleagues in this body, particularly my friend Senator HATCH, for their support of this legislation. I also want to thank Representative TOM BARRETT for his work on the bill, and Representatives CANADY and SCOTT for helping shepherd the legislation through the House.

I also want to acknowledge the tremendous efforts of the Police Athletic League in spreading the word about the bill. In particular, Ron Exley of the California Police Activities League labored tirelessly to build support for the legislation.

H.R. 3235 would create a program directing the Department of Justice's Office of Justice Programs to award grants to the Police Athletic League, PAL, to establish new PAL chapters to serve public housing projects and other distressed areas and to expand existing chapters to assist additional youth.

To do this, the bill would authorize $16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the existing 320 established

PAL chapters and provide seed money for the establishment of an additional 250 chapters over 5 years.

The Police Athletic League was founded by police officers in New York City in 1914. Its mission is to offer an alternative to crime, drugs, and violence for our nation's most at-risk youth. In the last 75 years, PAL has become one of the largest youth-crime prevention programs in the nation, with a network of 1700 facilities serving more than 3000 communities and 1.5 million young people. Over one-third of existing PALs are in California, and these chapters serve more than 300,000 at-risk youth. Off-duty police officers staff local chapters, and PALs receive most of their funding from private sources.

PALs currently provide kids with after-school recreational, educational, mentoring, and crime prevention programs. By keeping kids busy and out of trouble, PALs have significantly reduced juvenile crime and victimization in hundreds of communities across the country. One study found, for example, that PALs have cut crime in Baltimore by 30 percent and decreased juvenile victimization there by 40 percent. Another study concluded that PAL reduced crime and gang activity in a HUD housing development in El Centro, California by 64 percent.

PAL programs involve close, positive interaction between kids and cops, encouraging youngsters to view the police in a favorable light and obey the law. The programs are generally held after school, during the prime hours that some youth turn to crime and other anti-social activities.

PAL programs more than pay for themselves, saving taxpayers millions of dollars in crime, drug, and dropout costs. The Department of Justice has found, for example, that each youngster who drops out of high school and turns to crime and drugs costs taxpayers a staggering $2–3 million. Even so, the legislation requires any new chapter seeking a grant to explain the manner in which it will operate without additional direct federal assistance when the act is discontinued.

In short, this valuable legislation will help fight crime and benefit kids in California and across the country. It will now go to President Clinton's desk for signature.●

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3235) was read the third time and passed.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 775, H.R. 3048.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4319

Mr. LOTT. Mr. President, Senator HATCH has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, for himself, Mr. LEAHY, and Mr. THURMOND, proposes an amendment numbered 4319.

The amendment is as follows:

On page 3, strike lines 19 through 24 and insert the following:

"(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

"(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

"(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

"(B) the criteria and information used in making each designation.".

On page 7, line 6, after "offense" insert "or apprehension of a fugitive".

On page 8, strike lines 17 through 19.

On page 9, strike line 14 and insert the following:

issuance.

"(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.".

At the end of the bill, insert the following:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking "offense or" and inserting "offense,"; and

(2) by inserting "or (III) with respect to the apprehension of a fugitive," after "children,".

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking "or" and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; or"; and

(3) by adding at the end the following:

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.".

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

"(g) DEFINITIONS.—In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

"(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.".

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) Study on Use of Administrative Subpoenas.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) Report on Frequency of Use of Administrative Subpoenas.—

(1) In general.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) Expiration.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. LEAHY. Mr. President, the Presidential Threat Protection Act, H.R. 3048, is a high priority for the Secret Service and the Service's respected Director, Brian Stafford, and I am pleased that this legislation is passing the Senate today, along with legislation that Senators THURMOND, HATCH and I have crafted to assist the U.S. Marshals Service in apprehending fugitives.

The Presidential Threat Protection Act, H.R. 3048, would expand or clarify the Secret Service's authority in four ways. First, the bill would amend current law to make clear it is a federal crime, which the Secret Service is authorized to investigate, to threaten any current or former President or their immediate family, even if the person is not currently receiving Secret Service protection and including those people who have declined continued protection, such as former Presidents, or have not yet received protection, such as major Presidential and Vice-Presidential candidates and their families.

Second, the bill would incorporate in statute certain authority, which is currently embodied in a classified Executive Order, PDD 62, clarifying that the Secret Service is authorized to coordinate, design, and implement security operations for events deemed of national importance by the President "or the President's designee."

Third, the bill would establish a "National Threat Assessment Center" within the Secret Service to provide training to State, local and other Federal law enforcement agencies on threat assessments and public safety responsibilities.

Finally, the bill authorizes the Secretary of the Treasury to issue administrative subpoenas for investigations of "imminent" threats made against an individual whom the service is authorized to protect. The Secret Service has requested that the Congress grant this administrative subpoena authority to expedite investigation procedures particularly in situations where an individual has made threats against the President and is en route to exercise those threats.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grant jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

H.R. 3048 addresses these general concerns with the following procedural safeguards, some of which would apply not only to the new administrative subpoena authority of the Secret Service but also to current administrative subpoena authority granted to the FBI to issue administrative subpoenas in cases involving child abuse, child sexual exploitation, and Federal health care offenses.

The new administrative subpoena authority in threat cases may only be exercised by the Secretary of the Treasury upon determination of the Director of the Secret Service that the threat is imminent, and the Secret Service must notify the Attorney General of the issuance of each subpoena. I should note that this requirement will help ensure that administrative subpoenas will be used in only the most significant investigations since obtaining the authorization for such a subpoena from senior Treasury and Secret Service personnel may take longer than simply going to the local U.S. Attorney's office to get a grand jury subpoena.

The bill would limit the scope of both current and new administrative subpoena authority of the FBI for obtaining records in child sex abuse and exploitation cases from Internet Service Providers to the name, address, local and long distance telephone billing records, telephone number or services used by a subscriber.

The bill would also expressly allow a person whose records are demanded pursuant to an administrative subpoena to contest the administrative subpoena by petitioning a federal judge to modify or set aside the subpoena.

The bill would authorize a court to order non-disclosure of the administrative subpoena for up to 90 days (and up to a 90 day extension) upon a showing that disclosure would adversely affect the investigation in an enumerated way.

Upon written demand, the agency must return the subpoenaed records or things if no case or proceedings arise from the production of records "within a reasonable time."

The administrative subpoena may not require production in less than 24 hours after service so agencies may have to wait for at least a day before demanding production.

The Senate amendment to H.R. 3048 would modify the House-passed version, which provides that violation of the administrative subpoena is punishable by fine or up to five years' imprisonment. This penalty provision in the House version of the bill is both unnecessary and excessive since current law already provides that failure to comply with the subpoena may be punished as a contempt of court—which is either civil or criminal. See 18 U.S.C. §3486(c). Under current law, the general term of imprisonment for some forms of criminal contempt is up to six months. See, e.g., 18 U.S.C. §402. The Senate amendment would strike that provision in the House bill.

Secret Service protective function Privilege. While passage of this legislation will assist the Secret Service in fulfilling its critical mission, this Congress is unfortunately coming to a close without addressing another significant challenge to the Secret Service's ability to fulfill its vital mission of protecting the life and safety of the President and other important persons. I refer to the misguided and unfortunately successful litigation of Special Counsel Kenneth Starr to compel Secret Service agents to answer questions about what they may have observed or overheard while protecting the life of the President.

As a result of Mr. Starr's zealous efforts, the courts refused to recognize a protective function privilege and required that at least seven Secret Service officers appear before a federal grand jury to respond to questions regarding President Clinton, and others.

In re Grand Jury Proceedings, 1998 W.L. 272884 (May 22, 1998 D.C.), affirmed 1998 WL 370584 (July 7, 1998 D.C. Cir) (per curiam). These recent court decisions, which refused to recognize a protective function privilege, could have a devastating impact upon the Secret Service's ability to provide effective protection. The Special Counsel and the courts ignored the voices of experience—former Presidents, Secret Service Directors, and others—who warned of the potentially deadly consequences. The courts disregarded the lessons of history. We cannot afford to be so cavalier; the stakes are just too high.

In order to address this problem, I introduced the Secret Service Protective Privilege Act, S. 1360, on July 13, 1999, to establish a Secret Service protective function privilege so Secret Service agents will not be put in the position of revealing private information about protected officials as Special Prosecutor Kenneth Starr compelled the Secret Service to do with respect to President Clinton. Unfortunately, the Senate Judiciary Committee took no action on this legislation in this Congress.

Few national interests are more compelling than protecting the life of the President of the United States. The Supreme Court has said that the nation has "an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence." Watts v. United States, 394 U.S. 705, 707 (1969). What is at stake is not merely the safety of one person: it is the ability of the Executive Branch to function in an effective and orderly fashion, and the capacity of the United States to respond to threats and crises. Think of the shock waves that rocked the world in November 1963 when President Kennedy was assassinated. The assassination of a President has international repercussions and threatens the security and future of the entire nation.

The threat to our national security and to our democracy extends beyond the life of the President to those in direct line of the Office of the President—the Vice President, the President-elect, and the Vice President elect. By Act of Congress, these officials are required to accept the protection of the Secret Service—they may not turn it down. This statutory mandate reflects the critical importance that Congress has attached to the physical safety of these officials.

Congress has also charged the Secret Service with responsibility for protecting visiting heads of foreign states and foreign governments. The assassination of a foreign head of state on American soil could be catastrophic from a foreign relations standpoint and could seriously threaten national security.

The bill I introduced, S. 1360, would enhance the Secret Service's ability to protect these officials, and the nation, from the risk of assassination. It would do this by facilitating the relationship of trust between these officials and their Secret Service protectors that is essential to the Secret Service's protective strategy. Agents and officers surround the protectee with an all-encompassing zone of protection on a 24-hour-a-day basis. In the face of danger, they will shield the protectee's body with their own bodies and move him to a secure location.

That is how the Secret Service averted a national tragedy on March 30, 1981, when John Hinckley attempted to assassinate President Reagan. Within seconds of the first shot being fired, Secret Service personnel had shielded the President's body and maneuvered him into the waiting limousine. One agent in particular, Agent Tim McCarthy, positioned his body to intercept a bullet intended for the President. If Agent McCarthy had been even a few feet farther from the President, history might have gone very differently.

For the Secret Service to maintain this sort of close, unremitting proximity to the President and other protectees, it must have their complete, unhesitating trust and confidence. Secret Service personnel must be able to remain at the President's side even during confidential and sensitive conversations, when they may overhear military secrets, diplomatic exchanges, and family and private matters. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they could try to push away the Secret Service's "protective envelope" or undermine it to the point where it could no longer be fully effective.

This is more than a theoretical possibility. Consider what former President Bush wrote in April, 1998, after hearing of the independent counsel's efforts to compel Secret Service testimony:

> The bottom line is I hope that [Secret Service] agents will be exempted from testifying before the Grand Jury. What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the [Secret Service]. If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents nearby. I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. . . . I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in. . . . I feel very strongly that the [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard. What's at stake here is the confidence of the President in the discretion of the [Secret Service]. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

As President Bush's letter makes plain, requiring Secret Service agents to betray the confidence of the people whose lives they protect could seriously jeopardize the ability of the Service to perform its crucial national security function.

The possibility that Secret Service personnel might be compelled to testify about their protectees could have a particularly devastating affect on the Service's ability to protect foreign dignitaries. The mere fact that this issue has surfaced is likely to make foreign governments less willing to accommodate Secret Service both with respect to the protection of the President and Vice President on foreign trips, and the protection of foreign heads of state traveling in the United States.

The security of our chief executive officers and visiting foreign heads of state should be a matter that transcends all partisan politics and I regret that this legislation does not do more to help the Secret Service by providing a protective function privilege.

The Fugitive Apprehension Act. The Senate amendment to H.R. 3048 incorporates into the bill the substance of the Thurmond-Biden-Leahy substitute amendment to S. 2516, the Fugitive Apprehension Act, which passed the Senate unanimously on July 26, 2000. That substitute amendment reconciled the significant differences between S. 2516, as introduced, and S. 2761, "The Capturing Criminals Act," which I introduced with Senator KOHL on June 21, 2000. The Senate amendment to H.R. 3048 makes certain changes to S. 2516 to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt court order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our Federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The Senate amendment to H.R. 3028 will help make a difference by providing new but limited administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

Unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. §1651(a), which authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." The procedures, however, for obtaining orders under the Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions. Authorizing administrative subpoena power will help bridge the gap in fugitive investigations by providing a uniform mechanism for federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts.

The Thurmond-Biden-Leahy substitute amendment, which previously passed the Senate, incorporated a number of provisions from the Leahy-Kohl "Capturing Criminals Act" and made significant and positive modifications to the original version of S. 2516. These improvements are largely incorporated into the current Hatch-Leahy-Thurmond amendments to H.R. 3048, which the Senate considers today. First, as introduced, S. 2516 would have limited use of an administrative subpoena to those fugitives who have been "indicted," and failed to address the fact that fugitives flee after arrest on the basis of a "complaint" and may flee after the prosecutor has filed an "information" in lieu of an amendment. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, by contrast, would allow use of such subpoenas to track fugitives who have been accused in a "complaint, information or indictment."

Second, S. 2516, as introduced, would have required the U.S. Marshals Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. While a reporting requirement is useful, the requirement as described in the original S. 2516 was overly burdensome and insufficiently specific. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require, as set forth in the Capturing Criminals Act, that the Attorney General report for the next three years to the Judiciary Committees of both the House and Senate on the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Third, although the original S. 2516 outlined the procedures for enforcement of an administrative subpoena, it was silent on the mechanisms for contesting the subpoena by the recipient. The procedures outlined in H.R. 3048 address this issue in a manner fully consistent with those I originally outlined in the Capturing Criminals Act by allowing a person, who is served with an administrative subpoena, to petition a court to modify or set aside the subpoena.

Fourth, the original S. 2516 set forth no procedure for the government to command a custodian of records to avoid disclosure or delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations when law enforcement does not want to alert a fugitive that the police are on the person's trail. Both the prior substitute amendment to S. 2516, which passed the Senate last July, and H.R. 3048, which the Senate considers today, provide express authority for law enforcement to apply for a court order directing the custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued, for example, to telephone companies and financial institutions. This procedure is consistent with provisions I originally proposed in the Capturing Criminals Act.

Fifth, S. 2516, as introduced, would have authorized use of an administrative subpoena in fugitive investigations upon a finding by the Attorney General that the documents are "relevant and material," which is further defined to mean that "there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought." In my view, changing the standard for issuance of a subpoena from "relevancy" to a hybrid of "relevant and material" would set a confusing precedent. Accordingly, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 amendment would authorize issuance of an administrative subpoena in fugitive investigations based on the same standard as for other administrative subpoenas, i.e., that the documents may be relevant to an authorized law enforcement inquiry.

Sixth, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas in fugitive investigations only to the Director of the U.S. Marshals Service, despite the fact that the FBI, and the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The substitute amendment to S. 2516, which previously passed the Senate, and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department. In addition, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require that the Attorney General's guidelines require that administrative subpoenas in fugitive investigations be issued only upon the review and approval of senior supervisory personnel within the respective investigating agency and of the U.S. Attorney in the judicial district in which the subpoena would be served.

Seventh, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Eighth, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would limit the use of administrative subpoenas in fugitive investigations to those fugitives who have been accused or convicted of serious violent felony or serious drug offenses.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to

H.R. 3048, which we consider today, would authorize $40,000,000 over three years for the Attorney General to establish multi-agency task forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

The Hatch-Leahy-Thurmond amendment to H.R. 3048 will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—to bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

I urge that the Senate pass H.R. 3048 with the Hatch-Leahy-Thurmond amendment without delay.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4319) was agreed to.

The bill (H.R. 3048), as amended, was read the third time and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 1654, which is the NASA authorization conference report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.)

(The conference report is printed in the House proceedings of the RECORD of September 12, 2000.)

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 1654 which authorizes appropriations for the National Aeronautics and Space Administration for fiscal years 2000 to 2002.

We have taken a long road to reach this point. I particularly want to thank my fellow conferees, Senators McCAIN, FRIST, STEVENS, and BREAUX. You and your staffs have worked in a professional, bipartisan manner to get this bill done. Congratulations.

In the past year alone, we have heard of great successes at NASA—launch of the first element of the International Space Station, discoveries about the nature of our universe by our new Chandra X-Ray Observatory, the discovery of evidence to show liquid water on Mars. However, NASA has also seen some chinks in its armor with the failure of the Mars Climate Orbiter and the Mars Polar Lander and subsequent questions about the "faster, better, cheaper" mission concept. I note that Section 301 of the bill requires an independent cost analysis of missions that are projected to cost more than $150 million so that we do not operate under unrealistic budget constraints that have been blamed, in part, for these losses.

It seems that NASA is at a bit of a crossroads both in trying to operate more efficiently without losing its effectiveness and in looking forward to the day when the International Space Station will be complete. So you see, this is the perfect time for an authorization bill like this one to help lay down a road map for the agency.

Specifically, H.R. 1654 authorizes $13.6 billion for NASA in FY 2000, $14.2 billion in FY 2001, and $14.6 billion in FY 2002. These are at or above the requested level. The conference report highlights some priorities within NASA's accounts. I want to make it very clear for the record, though—this is an authorization bill. None of this money in any of these accounts can be spent until appropriated. The VA-HUD appropriations law will have the final say on spending, and that is as it should be.

Senator McCAIN and Senator BREAUX, I am sure, will summarize the major provisions of this legislation. I would like to discuss, briefly, why the conferees did what we did in a few places.

The bill imposes a cap on the total development cost of the International Space Station and related Space Shuttle launch costs. While I am no supporter of the International Space Station, I support the cap as a way of imposing a program that until recently was bleeding more and more red ink every day.

Nonetheless, I am concerned about the safety of the Shuttle, the Station, and our astronauts. As soon as NASA expressed concerns about safety, we immediately listened to their concerns and accommodated them without putting a hole in the cap that you could fly the Shuttle through.

Section 324 of the bill alters the provisions of the Space Act relating to insurance, indemnification, and cross waivers for experimental launch vehicles. Current law provides broad authority for the Administrator of NASA to indemnify the developers of experimental launch vehicles. As you may know, the parallel authority under FAA's licensing authority for operational vehicles sunsets periodically. H.R. 1654 places a sunset on the authority for experimental vehicles to allow us to review its use. The bill also does not allow reciprocal waivers of liability in a case where a loss results from the willful misconduct of a party to such waiver.

I am pleased we could include section 322 which would prohibit the licensing of the U.S. launch of a payload containing advertising which would be visible to the naked eye from space. It also encourages the President to seek agreements with other nations to do the same. I, for one, do not believe that advertisements should compete for space in the sky with constellations, meteor showers, and planets.

The conferees have authorized $25 million in FY 2001 and 2002 for the Commercial Remote Sensing Program's data purchases. I hope that such funding would be used to assist local and state government users acquire and use remote sensing data in their operations.

The conferees have worked with the Administration to resolve several complicated policy issues. We did not come to the exact place the Administration wanted us to be. Nonetheless, I think we have come to provisions which satisfy the Administration's bottom line. Does the Administration love the bill? Of course not—what agency likes oversight, likes an authorization bill, especially if that agency has been operating in the absence of authorization since FY 1993. Nonetheless, I think we have done a good job. This is a bill the President can and should sign.

We resolve the Administration's concerns regarding onerous provisions relating to Russian involvement in the Space Station program by making them country-neutral and forward-looking. The bill keeps the Space Station Commercial Demonstration Program in law, albeit for a shorter authorization period. H.R. 1654 will allow NASA to lease an inflatable habitation module or "Trans-HAB." The bill does not terminate the Triana satellite program. And, as I mentioned before, the bill accounts for safety-related concerns about the cap provision.

Unfortunately, we could not include some meritorious provisions which were transmitted to the Hill with NASA's FY 2001 budget submission. I would be happy to work in the next Congress with NASA on a policy bill which meets these needs.

Finally, I thank the chairman of the Commerce Committee once again. When our negotiations with the House threatened to dissolve, he stood firm on the need for a bipartisan NASA bill this year. I speak for all of the conferees when I congratulate him for putting together this bill. While it is not perfect, I support H.R. 1654 and hope that the Senate will adopt the conference report.

Mr. BREAUX. Mr. President, I rise in support of the conference report on H.R. 1654, the NASA Authorization bill. First, I thank Chairman McCAIN and the other Senate conferees. We have come to a bi-partisan agreement after many months of conference and now we have the opportunity to pass a NASA Authorization bill for the first time since fiscal year 1993.

As you know, NASA is one of the agencies of government that captures the spirit of the American people. Who can fail to be awed by the liftoff of a Space Shuttle, a walk in space, or the discovery of water on Mars? Because NASA is such a treasure, it is important that we in Congress exercise our duty to oversee and authorize its programs.

And that is just what this conference report does. H.R. 1654 would authorize funding for the National Aeronautics and Space Administration at the appropriated level of $13.6 billion in FY 2000. It provides $14.2 billion in FY 2001 and $14.6 billion in FY 2002, slightly more than the President's requested level.

The bill fully funds the Space Shuttle program, the International Space Station, and the Space Launch Initiative. It provides authorizations above the requested levels for the Space Grant College program, the Experimental Program to Stimulate Competitive Research, EPSCoR, and NASA's research into aircraft noise reduction and cleaner, more energy-efficient aircraft engine technology—research that can improve the quality of life of Americans who live near airports.

When we were nearing the finish line with this bill, the Administration contacted us about several key concerns they had with the bill. We have resolved their concerns, and now I would like to run through these issues: our interaction with International Space Station partners, commercialization of the Space Station, Trans-Hab, Shuttle Safety, and Triana.

International partners and the space station: We successfully altered House-proposed lauguage which was overly punitive. The provision contained in H.R. 1654 encourages NASA to provide for equitable use of the Space Station by seeking reduction in utilization rights (like crew allocation) for International Partners that willfully violate any of their commitments to the program.

Space station commercialization: The conferees agreed to leave in place the Space Station Commercial Development program and did not agree to the House's proposal to eliminate the program. We did, however, shorten the period of time for which the program is authorized from 2004 to 2002. The program will be up for reauthorization at the same time that NASA itself is due for reauthorization.

Trans-hab: NASA has considered replacing the "hard" habitation module for the Space Station with an inflatable "Trans-Hab." The House had sought to prohibit NASA from using its funds to develop an inflatable habitation module. The conference agreement clarifies that NASA is permitted to lease or use a commercially-developed Trans-Hab. It is my understanding that NASA is currently evaluating a very serious commercial proposal for an inflatable space structure capable of accommodating humans in space, and this language should allow them to participate in such an agreement.

Shuttle safety: The Administration was concerned that the Senate-passed cost cap on the International Space Station and Shuttle flights to assemble the Station might send the wrong message about Shuttle and Station crew safety. That concern sent up a red flag to the conferees—no cost limitation proposed in this legislation should make NASA hesitate for one moment in launching the Shuttle if a life was at stake. No one wants to jeopardize the life and safety of the crew of the Space Station. We inserted language to ensure that the cap would not apply to costs incurred to ensure or enhance the safety or reliability of the Space Shuttle and another provision to allow the Administrator to use monies provided beyond the cap to improve safety or to launch a shuttle to protect the Station and its crew.

Triana: Finally, the House agreed to take out its provision to terminate the Triana program. Triana will be the world's first Earth-observing mission to L1, the gravitational mid-point between the sun and the Earth. From this vantage point, the satellite has a continuous view of the Sun-lit portion of the Earth. Over 90 percent of the instrument development has already taken place, and we've already spent about $40 million.

NASA highlighted several legislative provisions which they feel would be beneficial, yet are not included in the bill. While I would not support all of those provisions, I am disappointed we could not include some of the provisions that represent their greatest needs in this Conference Report.

I would also like to highlight a few of H.R. 1654's other major provisions. The Conference Report imposes a $25.0 billion cost cap for International Space Station development and a $17.7 billion cost cap for Space Shuttle launch costs in connection with Station assembly. The cap would not apply to operations, research, or crew return activities after the Station is complete. An additional contingency fund of $5 billion for Station development and $3.5 billion for Space Shuttle is authorized to provide flexibility in case of an emergency or other unusual circumstance.

As you know, I am a strong supporter of the International Space Station Program. The Space Shuttle *Discovery* is currently on the 100th Space Shuttle mission, putting cargo and other items in place so that the Station is ready to be occupied by its permanent crew next month.

The cap on Station development in the bill does not seek to alter or impede that program in any way. It merely seeks to limit the development costs so we stick to the plan and put a fully-operational Space Station on orbit in a timely manner.

The bill also directs NASA, after Congressional review of their plan, to establish a non-governmental organization (NGO) to manage Space Station research and commercial activities upon completion of the Station. I understand that some members are concerned about this provision. I will simply note: (1) NASA is already in the process of evaluating and establishing an NGO to manage station research; and (2) our bill allows Congress nearly 4 months to react to NASA's proposal before it can be implemented. If we don't like what they come back with, we can tell them not to do it.

H.R. 1654 represents the culmination of several years of hard work, and it is a good piece of legislation. I don't like every provision in the bill, but it represents a fine compromise—and one it looked like we might never reach. Again, I would like to thank Chairman McCAIN and Senator FRIST for their hard work and to thank our staffs, in particular Floyd DesChamps, Elizabeth Prostic, and Jean Toal Eisen.

I urge the swift adoption of the conference report.

Mr. LOTT. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF H.R. 1654

Mr. LOTT. Mr. President, I ask unanimous consent that H. Con. Res. 409, a concurrent resolution, which corrects the enrollment of H.R. 1654 be agreed to and the motion to reconsider with laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 409) was agreed to.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental

Affairs Committee be discharged from further consideration of H.R. 2842, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2842) to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2842) was read the third time and passed.

TO COMPLETE THE ORDERLY WITHDRAWAL OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FROM THE CIVIL ADMINISTRATION OF THE PRIBILOF ISLANDS, ALASKA

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3417 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4320

(Purpose: To reauthorize the Coastal Zone Management Act and the Atlantic Striped Bass Conservation Act, and for other purposes)

Mr. LOTT. Mr. President, Senators Snowe and Kerry have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott] for Ms. Snowe, for herself and Mr. Kerry, proposes an amendment numbered 4320.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4320) was agreed to.

Ms. SNOWE. Mr. President, I rise to support H.R. 3417, the Pribilof Islands Transition Act with the amendment I have offered. This bill, as amended, contains a number of ocean, coastal, and fisheries related titles that will result in major conservation gains for our nation's marine resources at a time when we are placing enormous demands on them. The bill not only attempts to provide additional environmental protections through a number of state and local programs, but also tools for better management.

Title I of this bill is the Pribilof Islands Transition Act. The Alaskan Pribilof Islands in the Bering Sea were a former reserve for harvesting fur seals. The Commerce Department, acting through the National Oceanic and Atmospheric Administration (NOAA), has been involved in municipal and social services on the islands since 1910. In 1983, NOAA tried to remove themselves from administering these programs. However, despite the $20 million in funds the Pribilof Islands received to replace future annual Federal appropriations, the Pribilof Islanders claim that the terms of the transition process were not met and the withdrawal failed.

This title authorizes $28 million over five years to again attempt to achieve the orderly withdrawal of NOAA from the civil administration of the Pribilof Islands. Additionally, it authorizes $10 million a year for five years for NOAA to complete its environmental cleanup and landfill closure obligations prior to the final transfer of federal property to the six local entities. The Pribilof Islands have historically been a very expensive program to the American taxpayers. Congress expects that this title will provide a final termination of NOAA's municipal and social service responsibilities on the islands and a distinct end to federal taxpayer funding of those services.

Title II of this bill is the Coastal Zone Management Act of 2000, which refines and reauthorizes funding for the nation's coastal zone management program. This is the same language that was passed by unanimous consent in the Senate on September 28, 2000. Not only is this federal-state partnership important to my home state of Maine, but it is also a significant management tool for coastal states throughout the country. Despite the fact that the coastal zone only comprises 10 percent of the contiguous U.S. land area, it is home to more than 53 percent of the U.S. population, and more than 3,600 people relocate there annually. Not only is it an important economic region, but the coastal zone is also critical ecologically.

We are currently facing a very serious problem in the coastal zone in the form of non-point source pollution. This type of runoff pollution is degrading the condition of our coastal rivers, wetlands, and marine environments. Compromising the environmental integrity of the coastal zone can in turn have a large impact on the regions' economic viability in a number of sectors, including tourism and fishing. The Coastal Zone Management Act of 2000 addresses this issue by encouraging and funding states to implement local solutions to their non-point source pollution problems. We have not created any new mandates or programs addressing non-point source pollution. Rather, the Coastal Community program can be used at the states' discretion if they want to create and implement local community-based solutions to problems, which would include non-point source pollution control strategies and measures.

This title greatly increases authorization levels for the coastal zone management program, allowing states to better address their coastal management plan goals. While we have achieved many successes through the CZMA, the states have made it clear that they can do more and that they can raise additional funds to match the increased federal funding. Therefore, we have authorized a total of $136.5 million for fiscal year 2001 and increased authorization levels by $5.5 million a year through fiscal year 2004. This total authorization includes an increase for the National Estuarine Research and Reserve System (NERRS) to $12 million in fiscal year 2001, with an additional $1 million increase each year through fiscal year 2004.

Mr. President, Title III of the bill deals with the management of several Atlantic coast fisheries. Subtitle A reauthorizes the Atlantic Striped Bass Conservation Act (ASBCA). The ASBCA was originally passed to help coordinate and improve interstate management of Atlantic striped bass, an important commercial and recreational fish. Because striped bass migrate along the eastern seaboard, it is imperative that management measures be coordinated among the various states. The rebuilding of striped bass populations is considered one of our fisheries management success stories and it is critical that we continue these efforts. This subtitle authorizes $1.25 million a year for fiscal years 2001 through 2003 to carry out the provisions of the act and another $250,000 to conduct a population study on the Atlantic striped bass.

Subtitle B, the Atlantic Costal Fisheries Act of 2000, will reauthorize the highly successful interstate program that manages coastal fisheries that cross jurisdictional boundaries along the east coast. The states have proven that joint management of these resources is far more effective than a piecemeal approach by individual states. In an effort to further increase the effectiveness of interstate management, the states have initiated the Atlantic Coastal Cooperative Statistics Program. This joint data collection and analysis program is intended to meet the need for improved fishery statistics for management purposes. It is a comprehensive effort to address all areas and fisheries and could serve as a model for a national cooperative statistics program. This subtitle authorizes $10 million in fiscal year 2001, increasing the authorization by $2 million a year until fiscal year 2005.

Subtitle C of this title deals with a significant problem facing the Atlantic bluefin tuna, ABT, fishery. In 1998, the Highly Migratory Species Advisory Panel unanimously requested and advised the Secretary of Commerce to ban the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. Spotter aircraft tend to accelerate the catch of the ABT, and thus can create significant impacts on both the communities that depend on the fishery and the conservation intentions of the ABT management plans. Because NMFS has been unable to successfully implement a rule to ban the use of spotter aircraft in the ABT fishery over the past two years, it has become necessary for Congress to take legislative action. Subtitle C prohibits the unfair use of spotter aircraft to locate or assist in fishing for ABT in the General and Harpoon categories of the ABT fishery. This action follows numerous public hearings held by NMFS and the discussion of this issue at several Senate hearings. This provision passed by unanimous consent in the Senate as part of an amendment to H.R. 1651, the Fishermen's Protective Act, on June 26, 2000.

Mr. President, to many Americans, as well as myself, the practice of shark finning is both wasteful and disturbing. Shark finning is a method by which the dorsal fin and tail of a shark are cut off and retained, while the rest of the shark carcass is discarded as waste. Much of the fin product is then exported for sale to Asian countries. Title IV, the Shark Conservation Act, attempts to address this problem by prohibiting the domestic landing and at-sea transhipment of shark fins. It also directs the Administration to begin international negotiations to reduce foreign shark finning.

Title V of the bill is the Fishermen's Protective Act Amendments of 2000. It amends the Fishermen's Protective Act of 1967 to lengthen the period during which reimbursement can be provided to owners of U.S. fishing vessels for costs incurred when a vessel is illegally seized, detained, or charged certain fees by a foreign country. Under the title, the reimbursement period is extended until fiscal year 2003. This provision passed by unanimous consent in the Senate on June 26, 2000.

Mr. President, title VI of the bill is the Yukon River Salmon Act of 2000. It creates a Yukon River Salmon Panel to advise both the Secretary of State regarding negotiation of any international agreements with Canada relating to management of Yukon River salmon stocks and Secretary of the Interior regarding management of those stocks. An Advisory Committee is created to make advisory recommendations to a number of entities, including the Panel. A total of four million dollars a year for fiscal years 2000 through 2003 is authorized. Of these funds, up to $3 million a year can be used for a Yukon River salmon survey, restoration, enhancement activities; $600,000 of the total is to be available for cooperative Yukon River salmon research and management projects. This provision passed by unanimous consent in the Senate on June 26, 2000.

This bill also address the very serious problem of an aging fishery research vessel, FRV, fleet. Because these vessels are used to conduct the majority of fishery stock assessments, they are a critical tool for improving management and regulation of our commercial fish species. Over the past year, I have conducted a series of six hearings across the country on fisheries management. At every hearing, the need for more and better data was raised repeatedly by the witnesses. The seventh title of the bill directs the Secretary of Commerce to acquire vessels, authorizing $60 million a year for fiscal years 2002 through 2004. They will be outfitted with the latest technology and enable innovative research. New England is in particular need of a replacement FRV, since the current NOAA vessel, the Albatross IV, is 38 years old and at the end of its useful life. Without a new vessel, the ability for NOAA to collect long term fisheries, oceanographic, and biological data in New England will be seriously compromised. I had offered this provision as an amendment to the Fishermen's Protective Act which passed by unanimous consent in the Senate on June 26, 2000.

Mr. President, the bill also makes significant conservation and management improvements for our nation's coral reefs. Title VIII, the Coral Reef Conservation Act of 2000, requires the creation of a national coral reef action strategy. Of particular note is the use of marine protected areas to serve as replenishment zones. The U.S. Coral Reef Task Force has called for setting aside 20 percent of coral reefs in each region of the United States that contains reefs as no-take areas. However, many of the U.S. islands that have coral reefs have significant cultural ties to these reefs. It is imperative that any new marine protected areas are developed in close cooperation with the people of these islands and account for traditional and cultural uses of these resources. Without such cooperation, there will not be public support. The national strategy will address how such traditional uses will be incorporated into these replenishment zones.

The national program will also incorporate such important topics as mapping; research, monitoring, and assessment; international and regional management; outreach and education; and restoration. According to NOAA, the majority of our nation's coral reefs are within federal waters, therefore it is expected that NOAA will continue to work cooperatively with the states, territories, and commonwealths in the development and implementation of coral reef management plans and shift the burden of responsibility onto these states, territories, and commonwealths.

The title also creates a new coral reef conservation program, which will provide grants to states, governmental authorities, educational institutions, and non-governmental organizations. This is intended to foster locally based coral reef conservation and management. Creation of a coral reef conservation fund is also authorized. This fund would allow the Administration to enter into agreements with nonprofit organizations to support partnerships between the public and private sectors to further the conservation of coral reefs and help raise the matching funds required as part of the new grants program.

The title authorizes a total of $16 million a year for fiscal years 2001 through 2004 to be spilt equally between the local coral reef conservation program and national coral reef activities.

Title IX of the bill amends the American Fisheries Act to allow for the participation of two additional catcher vessels in the Alaskan pollock fishery. These vessels were able to demonstrate that they should have been included in the Act when it passed in 1998. This title also makes a number of minor technical changes to other fisheries laws.

Title X creates a new marine mammal rescue assistance grant program. This new program will assist eligible marine mammal stranding network participants by providing funding for recovery and treatment of marine mammals. Grants can also be used for data collection and the continued operation of these stranding centers. Efforts of these centers are critical for the continued conservation and management of marine mammals in our nation's waters. This program is authorized at $5 million for each of fiscal years 2001, 2002, and 2003.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the coral reef conservation section of the bill. In addition, I would like to thank Senator McCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our Nation's ability to conserve and manage our marine resources and I urge the Senate to pass H.R. 3417, as amended.

Mr. KERRY. Mr. President, I rise to make a few remarks on H.R. 3417 and amendments to it that will pass the Senate today. It is a package of several bills all designed to benefit our coastal and marine environment. It is my hope, Mr. President, that the House of Representatives will consider and pass the bill immediately. They are sound proposals with broad support.

Since the day I first arrived in the Senate more than 15 years ago, I have worked hard to address the many challenges confronting our common ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coasts as does Massachusetts. And I have been fortunate that the Commerce Committee includes members of both parties who are ready and willing to work together, to find compromise and pass sound legislation. In that regard, I want to thank Senators SNOWE, McCAIN and HOLLINGS for their work on this bill.

The major provisions of H.R. 3417, as amended, are the Pribilof Islands Transition Act, the Shark Finning Prohibition Act, the Atlantic Striped Bass Conservation Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Coastal Zone Management Act, the Fishermen's Protective Act Amendments, the Coral Reef Conservation Act and the Marine Mammal Rescue Assistance Act. Each of these major proposals in the bill, except the corals bill, has already passed the House, the Senate or both. The bill also includes a ban on the use of spotter aircraft in certain bluefin tuna fishery categories. This proposal has passed the Senate.

I would like to make a few short comments on the Coastal Zone Management Act. To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the Committee agenda this Congress and working for its enactment.

Mr. President, when Congress enacted the Coastal Zone Management Act in 1972, it made the critical finding that, "Important ecological, cultural, historic, and esthetic values in the coastal zone are being irretrievably damaged or lost." As we deliberated CZMA's reauthorization this session, I measured our progress against that almost 30-year-old congressional finding. And, I concluded that while we have made tremendous gains in coastal environmental protection, the increasing challenges have made this congressional finding is as true today as it was then.

It is clear from the evidence presented to the Committee in our oversight process and from other input that I have received, that a great need exists for the federal government to increase its support for states and local communities that are working to protect and preserve our coastal zone. To accomplish that goal, the Committee has reported a bill that substantially increases annual authorizations for the CZMA program and targets funding at controlling coastal polluted runoff, one the more difficult challenges we face in the coastal environment.

This reauthorization tackles the problem of polluted coastal runoff. This is one of the great environmental and economic challenges we face in the coastal zone. At the same time that pollution from industrial, commercial and residential sources has increased in the coastal zone, the destruction of wetlands, marshes, mangroves and other natural systems has reduced the capacity of these systems to filter pollution. Together, these two trends have resulted in environmental and economic damage to our coastal areas. These effects include beach closures around the nation, the discovery of a recurring "Dead Zone" covering more than 6,000 square miles in the Gulf of Mexico, the outbreak of Pfiesteria on the Mid-Atlantic, the clogging of shipping channels in the Great Lakes, and harm to the Florida Bay and Keys ecosystems. In Massachusetts, we've faced a dramatic rise in shell fish beds closures, which have put many of our fishermen out of work.

To tackle this problem, the Coastal Zone Management Act of 2000 targets up $10 million annually to, "assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats." This is an important amendment. For the first time, we have elevated the local management of runoff as national priority within the context of the CZMA program. Runoff is not a state-by-state problem; the marine environment is far too dynamic. States share the same coastlines and border large bodies of waters, such as the Gulf of Mexico, the Chesapeake Bay or the Long Island Sound, so that pollutants from one state can detrimentally affect the quality of the marine environment in other states. We are seeing the effects of polluted runoff both in our coastal communities and on our nation's living marine resources and habitats. Mr. President, I'm pleased that we've included the runoff provision in the bill. It's an important step forward and I believe we will see the benefits in our coastal environment and economy.

The Coastal Zone Management Act of 2000, Mr. President, has been endorsed by the 35 coastal states and territories through the Coastal States Organization. It also has the endorsement of the Great Lakes Commission, American Oceans Campaign, Coast Alliance, Center for Marine Conservation, Sierra Club, Environmental Defense, California CoastKeeper and many other groups. It's a long list that makes clear that this is a consensus proposal. We heard from all sides and did our best to fine compromise, and I believe that we succeeded.

I also want to make a short statement on shark finning. H.R. 3417 would prohibit the practice of shark finning. Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to overfishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently.

The bill bans the wasteful practice of removing a shark's fins and returning the remainder of the shark to sea. National Marine Fisheries Service regulations in the Atlantic Ocean prohibit the practice of shark finning, but a nationwide prohibition does not currently exist. Shark fins comprise only a small percentage of the weight of the shark, and yet this is often the only portion of the shark retained. The Magnuson-Stevens Act and international commitments discourage unnecessary waste of fish, and thus I believe this bill ensures our domestic regulations are consistent on this point. Another goal of the Magnuson-Stevens Act—the minimization of bycatch and bycatch mortality—is an issue that I have been particularly committed to over the years. Because most of the sharks caught and finned are incidentally captured in fisheries targeting other species, I believe establishing a domestic ban will help us further reduce this type of shark mortality.

The next step in this process is to act internationally. At present, foreign fleets transship or land approximately 180 metric tons of shark fins annually through ports in the Pacific alone. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. International measures are an absolutely critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

The United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning.

Mr. President, this package also includes a provision to ban the use of spotter aircraft in both the harpoon and general categories of the Atlantic bluefin tuna fishery. This has been an ongoing issue in New England since 1996. Several of my Senate colleagues, including Senators SNOWE, KENNEDY, GREGG, and COLLINS, have asked the agency to ban aircraft in the past. Unfortunately Mr. President, because aircraft do not catch fish, our legal system has determined that the agency cannot regulate these aircraft. Let me point out that the fisheries service has gone through two rounds of public rulemaking on this issue and in both instances an overwhelming number of public comments were in support of this ban. The Atlantic bluefin tuna fishery is one of the last open fisheries in New England, and spotter aircraft provide an unfair competitive advantage to those fishermen who use them. Banning spotter aircraft will level the playing field and provide the opportunity for thousands of New Englanders to experience the thrill of landing a 400 pound bluefin tuna that, depending on the quality of the fish, can easily be worth $10,000.

Mr. President, H.R. 3417 also includes an authorization for the Secretary of Commerce to acquire fishery research vessels in 2002, 2003, and 2004 at a cost of $60 million. These state-of-the-art fishery research vessels will replace a fleet of vessels that are becoming technologically obsolete and reaching the end of their useful lives. In New England, the primary vessel used for our stock assessments is the 38-year old Albatross IV. Over the years NOAA has assumed increased responsibilities for managing our marine resources under the Magnuson-Stevens Fisheries Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. It is absolutely imperative that we give NOAA scientists the tools necessary to carry out the mandates Congress has given them.

Mr. President, I sincerely hope that the House will move to pass this legislation. This is a very reasonable proposal. Indeed, it includes several proposals the House has initiated and passed. We have made every effort to act on their priorities and we ask that they do the same with our priorities.

ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. SMITH of New Hampshire. Mr. President, I rise today to applaud my colleague from Arizona, Senator McCAIN, on his efforts to reauthorize the Atlantic Striped Bass Conservation Act in a package of oceans and fisheries legislation. I would also like to reaffirm the continued interest of the Committee on Environment and Public Works in this important legislation, over which our two committees have traditionally shared jurisdiction. As my colleague knows, this legislation is critically important to the northeast.

The populations of striped bass, which can be found all along the east coast, began to decline dramatically during the 1970s. In 1979, Congress responded by authorizing the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act. And in 1984, Congress enacted the Atlantic Striped Bass Conservation Act. This Act promotes a coordinated Federal-State partnership for striped bass management. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service have been jointly responsible for working with State agencies to recover the fishery. Their efforts have been very successful. The commercial catch of striped bass peaked in 1998 at 19 million pounds, which is a dramatic increase from 1983 when the catch was 2.9 million pounds.

Historically, both the Environment and Public Works Committee, which I chair, and the Commerce, Science, and Transportation Committee, which is chaired by Senator McCAIN, have shared jurisdiction over the conservation of striped bass. Because both the Department of Commerce and the Department of the Interior are involved in the conservation of the fishery, legislation to reauthorize the 1984 Atlantic Striped Bass Conservation Act has always been of interest to both the Commerce Committee and the Environment and Public Works Committee. The most recent reauthorizing legislation, the Atlantic Striped Bass Conservation Act Amendments of 1997, was sequentially referred, by unanimous consent, to the Environment and Public Works Committee after the Commerce Committee ordered the bill to be reported. The Environment Committee then amended and reported the bill. It was signed into law on December 16, 1997.

In order to facilitate passage of reauthorizing legislation this year, I have agreed to the language being offered by Senator McCAIN in H.R. 3417, as amended, the Pribilof Islands Transition Act, and will not request sequential referral. However, I want to reaffirm, with the agreement of my colleague, that this in no way affects the future jurisdiction of the Environment and Public Works Committee over the Atlantic Striped Bass Conservation Act.

Mr. McCAIN. As the Senator from New Hampshire stated, the Commerce Committee and the Environment and Public Works Committee have historically shared jurisdiction over the Atlantic Striped Bass Conservation Act. Our two committees have in the past always worked together to reauthorize and amend the Atlantic Striped Bass Conservation Act. I expect that relationship to continue.

In order to facilitate the passage of this year's Atlantic Striped Bass reauthorization, Subtitle A of Title III of H.R. 3417, as amended, reauthorizes the Atlantic Striped Bass Conservation Act. Although the Pribilof Islands Transition Act and the other provisions in this legislation are under the sole jurisdiction of the Commerce Committee, I understand that my colleague from New Hampshire has reviewed and approved the language contained in Title III; therefore, the shared jurisdiction of the Commerce Committee and the Environment and Public Works Committee over the conservation of Atlantic Striped bass should not be altered.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3417), as amended, was read the third time and passed.

PROMOTING THE DEVELOPMENT OF THE COMMERCIAL SPACE TRANSPORTATION INDUSTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2607, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4321

Mr. LOTT. Mr. President, Senators McCAIN and FRIST have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. MCCAIN, for himself and Mr. FRIST, proposes an amendment numbered 4321.

The amendment is as follows:

(Purpose: To promote the development of the commercial space transportation industry, and for other purposes)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Transportation Competitiveness Act of 2000".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code, (Commercial Space Launch Activities) will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Office of Commercial Space Transportation.

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) $12,607,000 for fiscal year 2001; and

"(3) $16,478,000 for fiscal year 2002.".

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 of the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

"70119. Office of Commercial Space Transportation.".

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Comercialization—

(1) $590,000 for fiscal year 2001;

(2) $608,000 for fiscal year 2002; and

(3) $626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) IN GENERAL.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking "December 31, 2000" and inserting "December 31, 2004'.

(b) AMENDMENT OF MODIFIED SECTION.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking "December 31, 2001" and inserting "December 31, 2004".

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, Untied States Code, is amended by striking " , 19 .'," in subsection (e)(1)(A) and inserting " , 20 .',".

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be "ultrahazardous activities" for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of—

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4321) was agreed to.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2607), as amended, was read the third time and passed.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 841, H.R. 4868.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tariff Suspension and Trade Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drug.

Sec. 1102. HIV/AIDS drug.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron Red LS–B HC.
Sec. 1108. Cibacron brilliant Blue FN–G.
Sec. 1109. Cibacron scarlet LS–2G HC.
Sec. 1110. Mub 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-Dichlorotoluene.
Sec. 1113. 3-Amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-Fluoro-2-nitrobenzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. 2,4-Dicumylphenol.
Sec. 1120. Certain cathode-ray tubes.
Sec. 1121. Other cathode-ray tubes.
Sec. 1122. Certain raw cotton.
Sec. 1123. Rhinovirus drug.
Sec. 1124. Butralin.
Sec. 1125. Branched dodecylbenzene.
Sec. 1126. Certain fluorinated compound.
Sec. 1127. Certain light absorbing photo dye.
Sec. 1128. Filter Blue Green photo dye.
Sec. 1129. Certain light absorbing photo dyes.
Sec. 1130. 4,4′-Difluorobenzophenone.
Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPDE.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2 Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4–triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodothioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN–N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungaflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion Navy H-EXL.
Sec. 1176. Procion Yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol Black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperse 17260.
Sec. 1184. Solsperse 17000.
Sec. 1185. Solsperse 5000.
Sec. 1186. Certain TAED chemicals.
Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent Blue 124.
Sec. 1189. Solvent Blue 104.
Sec. 1190. Pro-jet Magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-n-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.
Sec. 1203. Vulkalent E/C.
Sec. 1204. Baytron M.
Sec. 1205. Baytron C–R.
Sec. 1206. Baytron P.
Sec. 1207. Dimethyl dicarbonate.
Sec. 1208. KN001 (a hydrochloride).
Sec. 1209. KL540.
Sec. 1210. DPC 083.
Sec. 1211. DPC 961.
Sec. 1212. Petroleum sulfonic acids, sodium salts.
Sec. 1213. Pro-jet Cyan 1 press paste.
Sec. 1214. Pro-jet Black ALC powder.
Sec. 1215. Pro-jet fast Yellow 2 RO feed.
Sec. 1216. Solvent Yellow 145.
Sec. 1217. Pro-jet fast Magenta 2 RO feed.
Sec. 1218. Pro-jet fast Cyan 2 stage.
Sec. 1219. Pro-jet Cyan 485 stage.
Sec. 1220. Triflusulfuron methyl formulated product.
Sec. 1221. Pro-jet fast Cyan 3 stage.
Sec. 1222. Pro-jet Cyan 1 RO feed.
Sec. 1223. Pro-jet fast Black 287 NA paste/liquid feed.
Sec. 1224. 4-(cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1225. 4''-epimethylamino-4''-deoxyavermectin b_{1a} *and* b_{1b} *benzoates.*
Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1227. Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)- amino]carbonylbenzenesulfonamide] and 3,6-dichloro-2-methoxybenzoic acid.
Sec. 1228. (E,E)-α-(methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]methyl] benzeneacetic acid, methyl ester.
Sec. 1229. Formulations containing sulfur.
Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)- phenylsulfonyl]-urea.
Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1232. (R)-2-[2,6-dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (s)-2-[2,6-dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester.
Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
Sec. 1234. Benzothialdiazole-7-carbothioic acid, S-methyl ester.
Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.
Sec. 1236. 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
Sec. 1237. Tetrahydro-3-methyl-n-nitro-5-[[2-phenylthio)-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
Sec. 1240. 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1241. Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)amino)-carbonyl)sulfonyl)-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants.
Sec. 1242. Monochrome glass envelopes.
Sec. 1243. Ceramic coater.
Sec. 1244. Pro-jet Black 263 stage.
Sec. 1245. Pro-jet fast Black 286 paste.
Sec. 1246. Bromine-containing compounds.
Sec. 1247. Pyridinedicarboxylic acid.
Sec. 1248. Certain semiconductor mold compounds.
Sec. 1249. Solvent Blue 67.
Sec. 1250. Pigment Blue 60.
Sec. 1251. Menthyl anthranilate.
Sec. 1252. 4-Bromo-2-fluoroacetanilide.
Sec. 1253. Propiophenone.
Sec. 1254. m-chlorobenzaldehyde.
Sec. 1255. Ceramic knives.
Sec. 1256. Stainless steel railcar body shells.
Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
Sec. 1258. Pendimethalin.
Sec. 1259. 3,5-Dibromo-4-hydoxybenzonitril ester and inerts.
Sec. 1260. 3,5-Dibromo-4-hydoxybenzonitril.
Sec. 1261. Isoxaflutole.
Sec. 1262. Cyclanilide technical.
Sec. 1263. RI15777.
Sec. 1264. Bonding machines.
Sec. 1265. Glyoxylic acid.
Sec. 1266. Fluoride compounds.
Sec. 1267. Cobalt boron.
Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
Sec. 1269. Fipronil technical.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.
Sec. 1406. Printing cartridges.
Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
Sec. 1408. Certain entries of tomato sauce preparation.
Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
Sec. 1412. Neoprene synchronous timing belts.
Sec. 1413. Reliquidation of drawback claim number R74–10343996.
Sec. 1414. Reliquidation of certain drawback claims filed in 1996.

Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
Sec. 1416. Reliquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
Sec. 1417. Reliquidation of certain drawback claims relating to juices.
Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
Sec. 1419. Reliquidation of drawback claim number WJU1111031-7.
Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
Sec. 1421. Designation of motor fuels and jet fuels as commercially interchangeable.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
Sec. 1432. Findings; purpose.
Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

Sec. 1441. Short title.
Sec. 1442. Findings and purposes.
Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—GRAY MARKET CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10
9902.08.07
9902.29.10
9902.29.14
9902.29.22
9902.29.25
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.38
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.48
9902.29.49
9902.29.56
9902.29.59
9902.29.64
9902.29.70
9902.29.71
9902.29.73
9902.29.77
9902.29.78
9902.29.79
9902.29.80
9902.29.81
9902.29.83
9902.29.84
9902.29.89
9902.29.94
9902.29.99
9902.30.00
9902.30.05
9902.30.08
9902.30.11
9902.30.13
9902.30.14
9902.30.15
9902.30.21
9902.30.23
9902.30.25
9902.30.27
9902.30.30
9902.30.32
9902.30.34
9902.30.35
9902.30.36
9902.30.37
9902.30.39
9902.30.40
9902.30.42
9902.30.43
9902.30.46
9902.30.47
9902.30.48
9902.30.50
9902.30.51
9902.30.52
9902.30.55
9902.30.57
9902.30.61
9902.30.62
9902.30.81
9902.30.82
9902.30.85
9902.30.88
9902.30.94
9902.30.95
9902.30.97
9902.31.05
9902.38.07
9902.39.08
9902.39.10
9902.44.21
9902.57.02
9902.62.01
9902.62.04
9902.64.02
9902.70.12
9902.70.13
9902.70.14
9902.70.15
9902.78.01
9902.84.47
9902.85.40
9902.85.44
9902.98.00

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidine-carboxamide (CAS No. 186538-00-1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979-85-6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826-36-8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	".

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.04	Reactive Red 270 (CAS No. 155522–05-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28-0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614-27-1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43-6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.82	2,6-Dichlorotoluene (CAS No. 118-69-4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143-82-5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99-96-7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.05	Toluhydroquinone, (CAS No. 95-71-6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	”.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	”.

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.34*	*4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940-17-2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066-12-9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266-02-1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268-31-1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863-74-4) (all of the foregoing provided for in subheading 2933.19.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1130. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.85*	*Bis(4-fluorophenyl)methanone (CAS No. 345-92-6) (provided for in subheading 2914.70.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.14*	*(4-Fluorophenyl)phenylmethanone (CAS No. 345-83-5) (provided for in subheading 2914.70.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.10*	*Di-trimethylolpropane (CAS No. 23235-61-2 (provided for in subheading 2909.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.09*	*Hydroxypivalic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.15*	*Allyl pentaerythritol (CAS No. 1471-18-7) (provided for in subheading 2909.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.58*	*Trimethylolpropane, diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.59*	*Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.26.11*	*Tungsten concentrates (provided for in subheading 2611.00.60)*	*Free*	*No Change*	*No change*	*On or before 12/31/2003*	".

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.62*	*2-Chloro-p-toluidine (CAS No. 95-74-9) (provided for in subheading 2921.43.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.39.30*	*Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353-60-5) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*

	9902.39.31	*Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	
	9902.39.32	*Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.49*	*11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)*	*1.6%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.16*	*4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.17*	*2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.06*	*Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.02*	*α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)*	*5%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.26*	*1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.30.49*	*N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)*	*7.9%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

"	*9902.29.59*	*N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4–TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.08*	*3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.58*	*O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.29.61*	*Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.33.92*	*2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.01	Thionyl chloride (CAS No. 7719-09-7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003 ".

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331-43-1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

"	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2001
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001 ".

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "Free" each place it appears and inserting "1.1%"; and

(B) by striking "On or before 12/31/2001" each place it appears and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "1.1%" each place it appears and inserting "2.3%"; and

(B) by striking "On or before 12/31/2002" each place it appears and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393-46-1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003 ".

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393-48-3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000 ".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "5.4%" and inserting "4.7%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.7%" and inserting "4.0%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.0%" and inserting "3.3%"; and

(B) by striking "On or before 12/31/2002" and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN-N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.35*	*2-(Methoxycarbonyl)-benzylsulfonamide (CAS No. 59777-72-9) (provided for in subheading 2935.00.75)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	*9902.38.01*	*Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860-33-8) (provided for in subheading 3808.20.15)*	*5.7%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.09*	*Mixtures of enilconazole (CAS No. 35554-44-0 or 73790-28-0) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.22*	*2-(2'-Hydroxy-5'-methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478-09-0) (provided for in subheading 2933.90.79)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.10*	*Enilconazole (CAS No. 35554-44-0 or 73790-28-0) (provided for in subheading 2933.29.35)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.14*	*1,5-Dichloroanthraquinone (CAS No. 82-46-2) (provided for in subheading 2914.70.40)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	".

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.28.19*	*9-Anthracene-carboxylic acid. (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.20*	*3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471-44-8) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.32.64*	*Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5- (tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979-41-9) and application adjuvants (provided for in subheading 3808.30.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.30*	*4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489-71-3) (provided for in subheading 2933.90.22)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.02*	*2-Acetylnicotinic acid (CAS No. 89942-59-6) (provided for in subheading 2933.39.61)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.21.06*	*Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020-79-5) (provided for in subheading 2106.90.99)*	*5.5%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554-26-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b')-difuran-2,6-dione (CAS No. 79694-17-0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b')-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877-05-2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b')-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877-06-3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554-27-8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554-26-7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906-25-3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.25	2-Phenylphenol (CAS No. 90-43-7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.27	2-Methoxy-1-propene (CAS No. 116-11-0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) Calendar Years 2000 and 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.56	3,5-Difluoroaniline (CAS No. 372-39-4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	".

(b) Calendar Year 2002.—

(1) In general.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking "7.4%" and inserting "6.7%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) Calendar Year 2003.—

(1) In general.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking "6.7%" and inserting "6.3%"; and

(B) by striking "On or before 12/31/2002" and inserting "On or before 12/31/2003".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) Calendar Years 2000 and 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087-01-4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	".

(b) Calendar Year 2002.—

(1) In general.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking "6.8%" and inserting "5.9%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) Calendar Year 2003.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking “5.9%” and inserting “5.4%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxyacetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	”.

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1200. O-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.14	Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775-94-9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.15	Aqueous dispersions of poly(3.4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090-83-8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1207. DIMETHYL DICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.89	Dimethyl dicarbonate (CAS No. 4525-33-1) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1209. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903-15-6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287-99-7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287-88-4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608-26-4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	Direct blue 199 acid (CAS No. 80146-12-9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.46	Solvent yellow 145 (CAS No. 27425-55-4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl] amino]carbonyl] amino]sulfonyl] -3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.11	[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxyethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295-11-7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	”.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—

(A) by striking “9.5%” and inserting “8.5%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “8.5%” and inserting “7.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223 PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	”.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—

(A) by striking “7.8%” and inserting “7.1%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “7.1%” and inserting “6.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1225. 4”-EPIMETHYLAMINO-4”-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.94	4”-Epimethyl-amino-4”-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	”.

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-N-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO] CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.21*	*Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097-50-5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918-00-9) with application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1228. (E,E)-A- (METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]- ETHYLIDENE] AMINO]OXY]METHYL] BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.41*	*(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517-21-7) (provided for in subheading 2929.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.13*	*Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704-34-9) (provided for in subheading 3808.20.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.52*	*Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097-50-5) and application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-N-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.53*	*Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341-86-1) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.31*	*(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516-34-3) (both of the foregoing provided for in subheading 2924.29.47)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.38.22*	*Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.42*	*Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1235.O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.30*	*O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198-08-7) (provided for in subheading 2930.90.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.80*	*1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207-90-1) (provided for in subheading 2934.90.12)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.76*	*Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439-46-6) (provided for in subheading 2934.10.10)*	*4.3%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINO)-CARBONYL)SULFONYL)-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)amino)-carbonyl)sulfonyl)-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	
	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethane- sulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24)	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethane- sulfonic acid (1:1) (CAS No. 100237–71–6) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.39.07*	*Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)*	*3.5%*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.32.53*	*Solvent blue 67 (CAS No. 81457-65-0) (provided for in subheading 3204.19.11)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.08*	*Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.08.10*	*Menthyl anthranilate (CAS No. 134-09-08) (provided for in subheading 2922.49.27)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.28.15*	*4-Bromo-2-fluoroacetanilide (CAS No. 326-66-9) (provided for in subheading 2924.21.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.28.16*	*Propiophenone (CAS No. 93-55-0) (provided for in subheading 2914.39.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.28.17*	*m-Chlorobenzaldehyde (CAS No. 587-04-2) (provided for in subheading 2913.00.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.69.01*	*Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	*9902.86.07*	*Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	*9902.86.08*	*Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.21.42*	*N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487-42-1) (provided for in subheading 2921.49.50)*	*1.1%*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.38.04*	*Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689-99-2 and 56634-95-8) with application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	".

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	".

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3- chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new superior heading and subheading:

"	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	".

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting "12/31/2003":

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX-E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting "12/31/2003".

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking "Free" and inserting "1.6%"; and

(II) by striking "12/31/2000" and inserting "12/31/2001".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking "1.6%" and inserting "1.8%"; and

(II) by striking "12/31/2001" and inserting "12/31/2002".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking "1.8%" and inserting "1.9%"; and

(II) by striking "12/31/2002" and inserting "12/31/2003".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking "4011.91.50" each place it appears and inserting "4011.91";

(B) by striking "4011.99.40" each place it appears and inserting "4011.99";

(C) by striking "86 cm" each place it appears and inserting "63.5 cm"; and

(D) by striking "Free" in the column 1 general rate of duty and inserting "1.5%.".

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U-9069)) is amended—

(A) by striking "7.6%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

(4) DPX-E9260.— Heading 9902.33.63 (relating to DPX-E9260) is amended—

(A) by striking "5.3%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

SEC. 1302. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580-803-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85-0001814-6	10/05/89	Miami, FL
E85-0001844-3	10/30/89	Miami, FL
E85-0002268-4	07/21/90	Miami, FL
E85-0002510-9	12/15/90	Miami, FL
E85-0002511-7	12/15/90	Miami, FL
E85-0002509-1	12/15/90	Miami, FL
E85-0002527-3	12/12/90	Miami, FL
E85-0002550-0	12/20/90	Miami, FL
102-0121558-8	12/11/91	Miami, FL
E85-0002654-5	04/08/91	Miami, FL
E85-0002703-0	05/01/91	Miami, FL
E85-0002778-2	06/05/91	Miami, FL
E85-0002909-3	08/05/91	Miami, FL
E85-0002913-5	08/02/91	Miami, FL
102-0120990-4	10/18/91	Miami, FL
102-0120668-6	09/03/91	Miami, FL
102-0517007-8	11/20/91	Miami, FL
102-0122145-3	03/05/91	Miami, FL
102-0121173-6		Miami, FL
102-0121559-6		Miami, FL
E85-0002636-2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A-583-009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509-0210046-5	August 18, 1989
815-0908228-5	June 25, 1989
707-0836829-8	April 4, 1990
707-0836940-3	April 12, 1990
707-0837161-5	April 25,1990
707-0837231-6	May 3, 1990
707-0837497-3	May 17, 1990
707-0837498-1	May 24, 1990
707-0837612-7	May 31, 1990
707-0837817-2	June 13, 1990
707-0837949-3	June 19, 1990
707-0838712-4	August 7, 1990
707-0839000-3	August 29, 1990
707-0839234-8	September 15, 1990
707-0839284-3	September 12, 1990
707-0839595-2	October 2, 1990
707-0840048-9	November 1, 1990
707-0840049-7	November 1, 1990
707-0840176-8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110-1197671-6	10/18/86	7/6/92
110-1198090-8	12/19/86	1/23/87
110-1271919-8	11/12/86	11/6/87
110-1272332-3	11/26/86	11/20/87
110-1955373-1	12/17/86	7/26/96
110-1271914-9	11/12/86	11/6/87
110-1279006-6	09/09/87	8/26/88
110-1279699-8	10/06/87	11/6/87
110-1280399-2	11/03/87	12/11/87
110-1280557-5	11/11/87	12/28/87
110-1280780-3	11/24/87	01/29/88
110-1281399-1	12/16/87	2/12/88
110-1282632-4	02/17/88	3/18/88
110-1286027-3	02/26/88	2/17/89
110-1286056-2	02/23/88	2/12/89
719-0736650-5	07/27/87	3/13/92
110-1285877-2	09/08/88	06/02/89
110-1285885-5	09/08/88	06/02/89
110-1285959-8	09/13/88	06/02/89
110-1286057-0	03/01/88	04/01/88
110-1286061-2	03/02/88	02/24/89
110-1286120-6	03/13/88	03/03/89
110-1286122-2	03/13/88	03/03/89
110-1286123-0	03/13/88	03/03/89
110-1286124-8	03/13/88	03/03/89
110-1286133-9	03/20/88	04/15/88
110-1286134-7	03/20/88	04/15/88
110-1286151-1	03/15/88	09/15/89
110-1286194-1	03/22/88	08/24/90
110-1286262-6	04/04/88	06/09/89
110-1286264-2	03/30/88	06/09/89
110-1286293-1	04/09/88	06/02/89
110-1286294-9	04/09/88	06/02/89
110-1286330-1	04/13/88	06/02/89
110-1286332-7	04/13/88	06/02/89
110-1286376-4	04/20/88	06/02/89
110-1286398-8	04/29/88	06/02/89
110-1286399-6	04/29/88	06/02/89
110-1286418-4	05/06/88	06/02/89
110-1286419-2	05/06/88	06/02/89
110-1286465-5	05/13/88	06/02/89
110-1286467-1	05/13/88	06/02/89
110-1286488-7	05/20/88	07/01/88
110-1286489-5	05/20/88	07/01/88
110-1286490-3	05/20/88	07/01/88
110-1286567-8	05/27/88	06/02/89
110-1286578-5	06/03/88	06/02/89
110-1286579-3	06/03/88	06/02/89
110-1286638-7	06/10/88	06/02/89
110-1286683-3	06/17/88	06/02/89
110-1286685-8	06/17/88	06/02/89
110-1286703-9	06/24/88	07/29/88
110-1286725-2	06/24/88	06/02/89
110-1286740-1	07/01/88	06/02/89
110-1286824-3	07/08/88	06/02/89
110-1286863-1	07/20/88	06/02/89
110-1286910-0	07/24/88	06/02/89
110-1286913-4	07/29/88	06/02/89
110-1286942-3	07/26/88	09/09/88
110-1286990-2	08/02/88	06/02/89
110-1287007-4	08/05/88	06/02/89
110-1287058-7	08/09/88	06/02/89
110-1287195-7	09/22/88	06/02/89
110-1287376-3	09/29/88	06/02/89
110-1287377-1	09/29/88	06/02/89
110-1287378-9	09/29/88	06/02/89
110-1287573-5	10/06/88	06/02/89
110-1287581-8	10/06/88	06/02/89
110-1287756-6	10/11/88	06/29/90
110-1287762-4	10/11/88	06/02/89
110-1287780-6	10/14/88	06/02/89
110-1287783-0	10/14/88	06/02/89
110-1287906-7	10/18/88	06/02/89
110-1288061-0	10/25/88	06/02/89
110-1288086-7	10/27/88	06/02/89
110-1288229-3	11/03/88	06/02/89
110-1288370-5	11/08/88	06/29/90
110-1288408-3	11/10/88	06/29/90
110-1288688-0	11/24/88	06/02/89
110-1288692-2	11/24/88	06/02/89
110-1288847-2	11/29/88	06/29/90
110-1289041-1	12/07/88	06/02/89
110-1289248-2	12/22/88	06/02/89
110-1289250-8	12/21/88	06/02/89
110-1289260-7	12/22/88	06/02/89
110-1289376-1	12/29/88	06/02/89
110-1289588-1	01/15/89	06/02/89
110-0935207-8	01/05/90	03/13/92
110-1294738-5	10/31/89	03/20/90
110-1204990-1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110-1231352-1	07/24/88	08/26/88
110-1231359-6	07/31/88	09/09/88

Entry number	Date of entry	Date of liquidation
110-1286029-9	02/25/88	03/25/88
110-1286078-6	03/04/88	04/08/88
110-1286079-4	03/04/88	06/29/90
110-1286107-3	03/10/88	04/08/88
110-1286153-7	03/11/88	04/15/88
110-1286154-5	03/17/88	04/22/88
110-1286155-2	03/31/88	04/22/88
110-1286203-0	03/24/88	06/29/90
110-1286218-8	03/18/88	04/22/88
110-1286241-0	03/31/88	03/24/89
110-1286272-5	03/31/88	08/03/90
110-1286278-2	04/04/88	08/03/90
110-1286362-4	04/21/88	06/29/90
110-1286447-3	05/06/88	06/29/90
110-1286448-1	05/06/88	06/29/90
110-1286472-1	05/11/88	06/29/90
110-1286664-3	06/16/88	06/29/90
110-1286666-8	06/16/88	07/13/90
110-1286889-6	07/22/88	08/03/90
110-1286982-9	08/04/88	06/29/90
110-1287022-3	08/11/88	06/29/90
110-1804941-8	05/04/88	07/29/94
037-0022571-1	01/05/89	02/17/89
110-1135050-8	04/01/89	02/19/93
110-1135292-6	04/23/89	02/19/93
110-1135479-9	05/04/89	12/28/92
110-1136014-3	06/01/89	02/19/93
110-1136111-7	06/09/89	02/19/93
110-1136287-5	06/15/89	12/28/92
110-1136678-5	07/14/88	02/19/93
110-1136815-3	07/17/89	12/28/92
110-1137008-4	07/17/89	02/19/93
110-1137010-0	07/28/89	02/19/93
110-1231614-4	12/06/88	02/17/89
110-1231630-0	12/13/88	02/17/89
110-1231666-4	12/30/88	02/17/89
110-1231694-6	01/16/89	03/24/89
110-1231708-4	01/30/89	03/24/89
110-1231767-0	03/12/89	07/14/89
110-1232086-4	07/27/89	12/01/89
110-1287256-7	09/20/88	09/08/89
110-1287285-6	09/22/88	09/15/89
110-1287442-3	09/29/88	06/29/90
110-1287491-0	09/27/88	06/29/90
110-1287631-1	09/29/88	06/29/90
110-1287693-1	10/06/88	06/29/90
110-1288491-9	11/10/88	06/29/90
110-1288492-7	11/10/88	06/29/90
110-1288937-1	12/08/88	06/29/90
110-1710118-6	01/27/89	01/13/89
110-1137082-9	09/03/89	2/19/93
110-1138058-8	10/11/89	2/19/93
110-1138059-6	09/28/89	2/19/93
110-1138691-6	11/02/89	2/19/93
110-1138698-1	11/02/89	2/19/93
110-1139217-9	12/09/89	2/19/93
110-1139218-7	12/09/89	12/21/89
110-1139219-5	12/02/89	2/19/93
110-1139481-1	01/05/90	2/19/93
110-1140423-0	02/17/90	2/19/93
110-1140641-7	03/08/90	2/19/93
110-1141086-4	04/01/90	2/19/93
110-1142313-1	06/06/90	2/19/93
110-1142728-0	06/30/90	2/19/93
110-1232095-5	08/06/89	12/01/89
110-1232136-7	09/02/89	12/29/89
110-1293737-8	08/29/89	8/21/92
110-1293738-6	08/31/89	8/21/92
110-1293859-0	09/07/89	8/21/92
110-1293861-6	09/06/89	8/21/92
110-1294009-1	09/14/89	8/21/92
110-1294111-5	09/19/89	8/21/92
110-1294328-5	10/05/89	8/21/92
110-1294685-8	10/24/89	8/21/92
110-1294686-6	10/24/89	8/21/92
110-1294798-9	10/31/89	8/21/92
110-1295026-4	11/09/89	8/21/92
110-1295087-6	11/14/89	3/16/90
110-1295088-4	11/16/89	8/21/92
110-1295089-2	11/16/89	8/21/92
110-1295245-0	11/21/89	8/21/92
110-1295493-6	12/05/89	8/21/92
110-1295497-7	12/05/89	8/21/92
110-1295898-6	12/28/89	8/21/92
110-1295903-4	12/28/89	8/21/92
110-1296025-5	01/04/90	8/21/92
110-1296161-8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112-9640193-6	05/23/97
01/30/97	112-9640390-8	05/16/97
02/01/97	112-9640130-8	05/16/97
02/21/97	112-9642191-8	06/06/97
02/18/97	112-9642236-1	06/06/97
02/24/97	112-9642831-9	06/06/97
02/28/97	112-9643311-1	06/13/97
03/07/97	112-9644155-1	06/20/97
03/14/97	112-9645020-6	06/27/97
03/18/97	112-9645367-1	07/07/97
03/20/97	112-9646067-6	07/11/97
03/20/97	112-9646027-0	07/11/97

Date of entry	Entry number	Date of liquidation
03/24/97	112-9646463-7	07/11/97
03/26/97	112-9646461-1	07/11/97
03/24/97	112-9646390-2	07/11/97
03/31/97	112-9647021-2	07/18/97
04/04/97	112-9647329-9	07/18/97
04/07/97	112-9647935-3	02/20/98
04/11/97	112-9300307-3	02/20/98
04/11/97	112-9300157-2	02/20/98
04/24/97	112-9301788-3	03/06/98
04/25/97	112-9302061-4	03/06/98
04/28/97	112-9302268-5	03/13/98
04/25/97	112-9302328-7	03/13/98
04/25/97	112-9302453-3	03/13/98
04/25/97	112-9302438-4	03/13/98
04/25/97	112-9302388-1	03/13/98
05/30/97	112-9306611-2	10/31/97
05/02/97	112-9302488-9	03/13/98
05/09/97	112-9303720-4	03/20/98
05/06/97	112-9303761-8	03/20/98
05/14/97	112-9304827-6	03/27/98
05/16/97	112-9304932-4	03/27/98
01/02/97	112-9636637-8	04/18/97
01/10/97	112-9637688-0	04/25/97
01/06/97	112-9637316-8	04/18/97
01/31/97	112-9640064-9	05/16/97
01/28/97	112-9639734-0	05/09/97
01/25/97	112-9639410-7	05/09/97
01/24/97	112-9639109-5	05/09/97
04/04/97	112-9647321-6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145-4	November 26, 1996
0359144-7	November 26, 1996
0358011-9	October 30, 1996
0358010-1	October 30, 1996
0357091-2	October 8, 1996
0356909-6	October 1, 1996
0356480-8	September 27, 1996
0356482-4	September 24, 1996
0354733-2	August 7, 1996
0355663-0	August 27, 1996
0355278-7	August 20, 1996
0353571-7	July 3, 1996
0354382-8	July 23, 1996
0354204-4	July 18, 1996
0353162-5	June 25, 1996
0351633-7	May 14, 1996
0351558-6	May 7, 1996
0351267-4	April 27, 1996
0350615-5	April 12, 1996
0349995-5	March 25, 1996
0349485-7	March 11, 1996
0349243-0	February 27, 1996
0348597-6	February 17, 1996
0347203-6	January 2, 1996
0347759-7	January 17, 1996
0346113-8	December 12, 1995
0346119-5	November 29, 1995
0345065-1	October 31, 1995
0345066-9	October 31, 1995
0343859-9	October 3, 1995
0343860-7	October 3, 1995
0342557-0	August 30, 1995
0342558-8	August 30, 1995
0341557-1	July 31, 1995
0341558-9	July 31, 1995
0340382-5	July 6, 1995
0340838-6	June 28, 1995
0339139-2	June 7, 1995
0339144-2	May 31, 1995
0337866-2	April 26, 1995
0337667-4	April 26, 1995
0347103-8	April 12, 1995
0336953-9	March 29, 1995
0336954-7	March 29, 1995
0335799-7	March 1, 1995
0335800-3	March 1, 1995
0335445-7	February 14, 1995
0335020-8	February 9, 1995
0335019-0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599-1501057-9	10/26/89
614-2717371-3	10/28/89
614-2717788-8	11/16/89
614-2717875-3	11/17/89
614-2723776-5	10/31/90
614-2725016-4	01/14/91
614-2725155-0	01/28/91
614-2725267-3	02/04/91
614-2725531-2	02/26/91
614-2725662-5	03/06/91
614-2725767-2	03/20/91
614-2725944-7	03/27/91
614-2726273-0	04/23/91
614-2726465-2	05/06/91
614-2726863-8	06/05/91
614-2727011-3	06/13/91
614-2727277-0	07/03/91
614-2727724-1	07/30/91
112-4021152-1	11/13/91
112-4021203-2	11/13/91
112-4021204-0	11/13/91
614-0081685-8	12/19/91
614-0081763-3	12/30/91
614-0082193-2	01/23/92
614-0082201-3	01/23/92
614-0082553-7	02/12/92
614-0082572-7	02/18/92
614-0082785-5	02/25/92
614-0082831-7	03/02/92
614-0083084-2	03/10/92
614-0083228-5	03/18/92
614-0083267-3	03/19/92
614-0083270-7	03/19/92
614-0083284-8	03/19/92
614-0083370-5	03/24/92
614-0083371-3	03/24/92
614-0083372-1	03/24/92
614-0083395-2	03/24/92
614-0083422-4	03/26/92
614-0083426-5	03/26/92
614-0083444-8	03/26/92
614-0083468-7	03/26/92
614-0083517-1	03/30/92
614-0083518-9	03/30/92
614-0083519-7	03/30/92
614-0083574-2	04/02/92
614-0083626-0	04/07/92
614-0083641-9	04/08/92
614-0083655-9	04/08/92
614-0083782-1	04/13/92
614-0083812-6	04/14/92
614-0083862-1	04/20/92
614-0083880-3	04/20/92
614-0083940-5	04/22/92
614-0083967-8	04/22/92
614-0084008-0	04/28/92
614-0084052-8	04/28/92
614-0084076-7	04/29/92
614-0084128-6	04/30/92
614-0084127-8	05/04/92
614-0084163-3	05/05/92
614-0084181-5	05/06/92
614-0084182-3	05/06/92
614-0084498-3	05/19/92
614-0084620-2	05/26/92
614-0084724-2	06/02/92
614-0084725-9	06/02/92
614-0084981-8	06/14/92
614-0084982-6	06/14/92
614-0084983-4	06/14/92
614-0086456-9	08/11/92
614-0086707-5	08/21/92
614-0086807-3	08/28/92
614-0086808-1	08/28/92
614-0088148-0	11/05/92
614-0088687-7	11/24/92
614-0091241-8	03/30/93
614-0091756-5	04/22/93
614-0091803-5	04/26/93
614-0096840-2	12/06/93
614-0095883-3	10/22/93
614-0095940-1	10/21/93
614-0096051-6	10/22/93
614-0096058-1	10/22/93
614-0096063-1	10/25/93
614-0096069-8	10/25/93
614-0100624-4	04/28/94
614-0100701-0	05/02/94
614-0099508-2	06/07/94
614-0002824-9	02/09/95
788-1003306-4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521-0010813-4	11/28/90
521-0011263-1	3/15/91
551-2047066-5	3/18/92
551-2047231-5	3/19/92
551-2047441-0	3/20/92
551-2053210-0	4/28/92
819-0565392-9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614-2716855-6	10-11-89
614-2717619-5	11-11-89
614-2717846-4	11-25-89
614-2722580-2	09-01-90
614-2723739-3	11-03-90
614-2722163-7	08-04-90
614-2723558-7	10-25-90
614-2723104-0	09-29-90
614-2720674-5	05-10-90
614-2721638-9	07-07-90
614-2718704-4	01-06-90
614-2718411-6	12-16-89
614-2719146-7	02-03-90
614-2719562-5	03-03-90
614-2726258-1	04-26-91
614-2726290-4	05-03-91
614-2725646-8	03-21-91
614-2725926-4	04-06-91
614-2725443-0	02-23-91
614-0081157-8	12-02-91
614-0081303-8	12-03-91
614-2725276-4	02-09-91
614-2728765-3	10-05-91
614-2729005-3	10-19-91
614-2728060-9	08-24-91
614-2727885-0	08-10-91
614-2726744-0	06-01-91
614-2726987-5	06-15-91
614-2725094-1	01-26-91
614-2724766-4	01-07-91
614-2724768-1	12-30-90
614-0084694-7	05-30-92
614-0085303-4	06-30-92
614-0081812-8	01-07-92
614-0082595-8	02-23-92
614-0083467-9	03-31-92
614-0083466-1	03-31-92
614-0083680-7	04-18-92
614-0084025-4	05-02-92
614-0092533-7	05-14-93
614-0093248-1	06-25-93
614-0095915-3	10-26-93
614-0095752-0	10-13-93
614-0095753-8	10-13-93
614-0095275-2	09-24-93
614-0095445-1	10-07-93
614-0095421-2	10-08-93
614-0095814-8	10-22-93
614-0095813-0	10-22-93
614-0095811-4	10-22-93
614-0095914-6	10-26-93
614-0102424-7	06-23-94
614-0096922-8	12-07-93
614-0001090-8	10-20-94
614-0006610-8	06-23-95
614-0004345-3	03-29-95
614-0005582-0	04-28-95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812-0507705-0	07/27/89
812-0507847-0	08/03/89
812-0507848-8	08/03/89
812-0509191-1	10/18/89
812-0509247-1	10/25/89
812-0509584-7	11/08/89
812-0510077-9	12/08/89
812-0510659-4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469-0015023-9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74-10343996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74-1034399 6	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74-1034035 6	07/03/96
April 1993	R74-1034070 3	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74-1034098 4	07/03/96
June 1993	R74-1034126 3	07/03/96
July 1993	R74-1034154 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
April 1994	*R74–1034427 5*	*07/03/96*
May 1994	*R74–1034462 2*	*07/03/96*
July 1994	*C04–0032112 8*	*07/03/96*

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
August 1993	*R74–1034189 1*	*07/03/96*
September 1993	*R74–1034217 0*	*07/03/96*
December 1993	*R74–1034308 7*	*07/03/96*
January 1994	*R74–1034336 8*	*07/03/96*
February 1994	*R74–1034371 5*	*07/03/96*

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	***Filing Date***
WJU1111015–0	*May 30, 1997*
WJU1111030–9	*August 6, 1997*
WJU1111006–9	*April 16, 1997*
WJU1111005–2	*February 26, 1997*

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031–7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	***Filing Date***
WJU1111031–7 *(excluding Invoice #24051)*	*October 16, 1997*

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. DESIGNATION OF MOTOR FUELS AND JET FUELS AS COMMERCIALLY INTERCHANGEABLE.

Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: "Notwithstanding any change or modification to the Harmonized Tariff Schedule of the United States, motor fuel and jet fuel classifiable under subheading 2710.00.15 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 2000, shall be considered commercially interchangeable for purposes of drawback under this subsection.".

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the "Product Development and Testing Act of 2000".

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as "prototypes", used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

"	*9817.85.01*	*Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes ....*	*Free*		*The rate applicable in the absence of this heading*	".

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

"6. The following provisions apply to heading 9817.85.01:

"(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

"(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

"(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be "development, testing, product evaluation, or quality control.".

"(b)(i) Prototypes may only be imported in limited noncommercial quantities in accordance with industry practice.

"(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes, may not be sold after importation into the United States or be incorporated into other products that are sold.

"(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders, may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes, provided that they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).".

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Within 10 months of the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, provided that all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the "Dog and Cat Protection Act of 2000".

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

"(2) COMMERCE.—The term 'commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

"(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

"(4) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

"(5) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

"(6) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—It shall be unlawful for any person to—

"(A) import into, or export from, the United States any dog or cat fur product; or

"(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

"(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation by an individual, for noncommercial purposes, of his or her personal pet that is deceased, including a pet preserved through taxidermy.

"(c) PENALTIES AND ENFORCEMENT.—

"(1) CIVIL PENALTIES.—

"(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18 of the United States Code or any other provision of law, be assessed a civil penalty by the Secretary of not more than—

"(i) $10,000 for each separate knowing and intentional violation;

"(ii) $5,000 for each separate grossly negligent violation; or

"(iii) $3,000 for each separate negligent violation.

"(B) DEBARMENT.—The Secretary may debar a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if—

"(i) the Secretary finds that the person has been convicted of a criminal violation of any provision of this section or any regulation issued under this section; or

"(ii) the Secretary finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

"(C) NOTICE.—No penalty may be assessed under this paragraph unless such person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

"(2) CRIMINAL PENALTIES.—Any person who knowingly violates any provision of this section or any regulation issued under this section shall, upon conviction for each violation, be imprisoned for not more than 1 year, fined in accordance with title 18, United States Code, or both.

"(3) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

"(4) ENFORCEMENT.—The provisions of this section and any regulations issued under this section shall be enforced by the Secretary.

"(5) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in the interstate commerce of the United States.

"(6) REWARD.—The Secretary shall pay a reward of not less than $500 to any person who furnishes information that establishes probable cause or leads to an arrest, criminal conviction, civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

"(7) AFFIRMATIVE DEFENSE.—It shall be a defense against any civil or criminal action brought under this section or any regulations issued under this section if the person accused of a violation under this section can establish by a preponderance of the evidence that the person exercised reasonable care—

"(A) in determining the nature of the products alleged to have resulted in such violation; and

"(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

"(8) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

"(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The Secretary of the Treasury shall publish periodically in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States, against whom a criminal conviction has been rendered or against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

"(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the Secretary shall provide the following:

"(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the Secretary shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that Customs Service personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

"(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the Secretary shall submit a report to Congress on the efforts of the Department of the Treasury to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of Customs Service personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the Secretary as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.".

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking "; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking "For the period beginning on" and all that follows through "the Secretary may prescribe" and inserting "The Secretary may prescribe".

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking "bonded merchandise, or".

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking "bonded merchandise or".

(3) Section 91(a)(2) of the Appendix to title 46, United States Code, is amended by striking "bonded merchandise or".

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

"(7) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.".

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

"(c) INTERNATIONAL TRAVEL MERCHANDISE.—

"(1) DEFINITIONS.—For purposes of this section—

"(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

"(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

"(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

"(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

"(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

"(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

"(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

"(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

"(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

"(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.".

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking "10 percent" each place it appears and inserting "5 percent";

(B) effective January 1, 2001, by striking "5 percent" each place it appears and inserting "4 percent"; and

(C) effective January 1, 2002, by striking "4 percent" each place it appears and inserting "3 percent".

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking "5 percent" each place it appears and inserting "3 percent";

(B) effective January 1, 2001, by striking "3 percent" each place it appears and inserting "2 percent"; and

(C) effective January 1, 2002, by striking "2 percent" each place it appears and inserting "1.5 percent".

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) In General.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	....	Free	Free ".

(b) Taxes, Fees, Inspection.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

"6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service."

(b) Effective Date.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) Termination of Temporary Provisions.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

"(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or".

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) In General.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as "commercially interchangeable" within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) Applicability.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) In General.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

"(j) Treatment of Multiple Entries of Merchandise as Single Transaction.—In the case of merchandise that is purchased and invoiced as a single entity but—

"(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

"(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.".

(b) Regulations.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) Review and Report.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) Specific Matters.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) committed to developing a system of governance in accord with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") regarding human rights and humanitarian affairs;

(6) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(7) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility, or hatred, including anti-Semitism;

(8) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(9) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment agreement in 1994;

(10) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(11) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—GRAY MARKET CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Gray Market Cigarette Compliance Act of 2000".

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) EXPORT-LABELED TOBACCO PRODUCTS.—

"(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

"(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

"(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

"(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

"(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

"(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

"(c) CROSS REFERENCES.—

"(1) For exception to this section for personal use, see section 5761(c).

"(2) For civil penalties related to violations of this section, see section 5761(c).

"(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

"(4) For forfeiture provisions related to violations of this section, see section 5761(c).".

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking "a manufacturer of" and inserting "the original manufacturer of such", and

(2) by inserting "authorized by such manufacturer to receive such articles" after "proprietor of an export warehouse".

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking "the jurisdiction of the United States" and all that follows through the end period and inserting "the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

"TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

"SEC. 801. DEFINITIONS.

"In this title:

"(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

"(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

"SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

"(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

"(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(A) the primary packaging of all those cigarettes; and

"(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

"(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

"(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

"(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

"(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

"(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

"(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

"(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

"(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

"(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

"(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(i) the primary packaging of all those cigarettes; and

"(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

"(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

"(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

"(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

"SEC. 803. ENFORCEMENT.

"(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

"(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.".

Mr. MOYNIHAN. Mr. President, my great thanks to the chairman of the Finance Committee for his efforts in bringing this legislation, the Tariff Suspension and Trade Act of 2000, to a successful conclusion. Last November, the World Trade Organization Seattle Ministerial ended in what The Economist magazine labeled a "global disaster." Mr. President, our trade policy of 60 years—first established by Cordell Hull's Reciprocal Trade Agreements Act of 1934—was in a crisis. Since then, the Senate has worked hard to put our trade policy back on track. On May 11, 2000, Congress passed the Trade and Development Act of 2000, extending preferential tariff treatment to our friends in Africa and expanding benefits to our neighbors in the Caribbean Basin. Just this week, the President signed into law H.R. 4444, authorizing permanent normal trade relations for China. And today, the Senate has passed—by unanimous consent—our third piece of trade legislation this year, the Tariff Suspension and Trade Act of 2000. There has not been a year in Congress so productive on trade issues since 1988, when we considered the Omnibus Trade and Competitiveness Act and the legislation implementing the U.S.-Canada Free Trade Agreement.

H.R. 4868 contains over 150 tariff suspensions and reductions on a wide range of products, 19 reliquidations of prior entries, and 11 technical Customs provisions, including one which provides economic incentives for importers to recycle. Notably, the bill also authorizes the President to grant Georgia permanent normal trade relations, bringing the total number of nations we have normalized trade relations with this year to four.

Finally, Mr. President, I would like to take this opportunity to thank the staff which have worked late nights and long weekends to ensure that the Tariff Suspension and Trade Act of 2000 was a success. On the Finance Committee Minority staff, Linda Menghetti, Timothy Hogan, Holly Vineyard, and Pat Heck, and on the Majority staff, Grant Aldonas, Faryar Shirzad, Tim Keeler, and Carrie Clark worked tirelessly to ensure the passage of this important bill. Polly Craighill, of the Legislative Counsel's Office, spent countless hours drafting and redrafting this extensive piece of legislation. Anita Horn and Gary Myrick of the Minority leadership were also crucial to its final passage. Mr. President, we have taken three major steps forward since Seattle, and I hope the momentum will continue.

THE REPUBLIC OF GEORGIA

Mr. LEVIN. Mr. President, before the Senate passes the miscellaneous tariff bill, I would like to bring attention to a provision in the bill that would grant permanent normal trade relations, PNTR to the Republic of Georgia. In general, I support the proposition that the time is ripe for Georgia to receive PNTR. However, I also think we should recognize that the Republic of Georgia has demonstrated enforcement of internationally recognized core labor standards.

Georgia grants its citizens the right to emigrate. It is a leader in democratic reform in the Caucuses. It has a relatively strong human rights record. It has been shedding its status as a non-market economy, and this year became a member of the WTO. And it has been an important strategic partner of the United States.

To a certain extent, these accomplishments are acknowledged in the preambulatory clauses to the PNTR grant. But there is something missing. There is no recognition of Georgia's effective record of enforcing internationally recognized core labor labor standards and its demonstrated commitment to continue its protection of worker rights in the future. I hope that this gap can be filled in when the bill goes to conference.

Why should a grant of PNTR to Georgia acknowledge that country's protection of worker rights and its commitment to continue protecting worker rights? Because, increasingly, U.S. trade policy is reflecting the link between trade and labor. Different countries' different levels of protection of core labor standards have an impact on trade. We cannot ignore that. Indeed, we affirmatively recognized that fact in both the China/PNTR bill and in the Africa/CBI bill.

It stands to reason that when we make a significant change in our trade relationship with another country—as when we grant PNTR—we ought to take account of that country's enforcement (or lack of enforcement) of core labor standards. Here, the country in issue has a strong record in this area. We ought to recognize that fact, since it reinforces the case for granting PNTR. This sends an important signal to future PNTR candidates.

Therefore, I hope that, in conference, we will be able to include a simple recognition of Georgia's record and its commitment going forward.

Mr. MOYNIHAN. The Senator's point is a good one and I will press it in conference.

Mr. LOTT. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 4868), as amended, was read the third time and passed.

MAKING A TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 4868

Mr. LOTT. Mr. President, I also ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 152, which makes a technical correction in the enrollment of H.R. 4868 and, further, the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 152) was agreed to, as follows:

S. CON. RES. 152

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ": and" and all that follows through line 10, and insert a period.

SITUATION IN THE MIDDLE EAST

Mr. DASCHLE. Mr. President, I come to the floor today to discuss the troubling developments in the Middle East. Given what has happened in the past several days, it is increasingly apparent that we are at a dangerous juncture in a critically important region of the world. The United States can and must stay engaged in the Middle East.

First and foremost, Mr. President, my heart goes out to the families of the seventeen sailors reported killed and the 36 injured in the explosion yesterday on the U.S.S. *Cole* off the coast of Yemen. These brave individuals lost their lives or suffered injury in defense of our country, our values, and our future. This explosion underscores the danger that the men and women of our Armed Forces face every day, and our debt of gratitude for the duty they undertake.

All evidence strongly suggests that yesterday's explosion was a terrorist attack. Such an attack is senseless and cowardly, and those responsible will be found and brought to justice. The world should know that the President and the Congress stand united on this score.

We will not grant the perpetrators an ounce of satisfaction that they have succeeded in altering the way the United States conducts business. We will remain a force for stability. We will continue to press for a negotiated peace in the Middle East. We will stand against insecurity and senseless violence in the Middle East and throughout the world. We owe that much to the brave sailors who were killed yesterday.

Recent days have also confronted us with a stream of horribly violent incidents in Israel and the territories. Unfortunately, efforts to end unrest have yet to succeed. Yesterday two Israeli soldiers were killed in a distressing scene of mob violence as protests gave way to deadly confrontation. I deplore that violence, Mr. President, and I call on Chairman Arafat to raise his voice in favor of peace.

I have followed with grave concern the violence that has gripped Israel and the territories for more than two weeks. After years of instability and violence, this region of the world—so riven with religious and strategic interests—was experiencing relative calm. This state of affairs was born out of an emerging consensus among all parties in the region that the future peace and security of Israel and the territories could be decided only through negotiation. The outlines of and expectations for a lasting peace were beginning to take shape. A successful conclusion to these negotiations seemed tantalizingly close just two short months ago when Israel made unprecedented compromises in the name of peace.

In addition to the human toll exacted by the recent string of violent incidents, there has been another equally tragic casualty—at least in the short term. The events of the past week or so have apparently punctured the hope for a quick peace settlement, putting at risk the great progress that had been made toward settling long-standing Israeli-Palestinian differences. Moreover, the latest crisis in Israel and the territories also threatens wider regional conflict, as evidenced by the abduction of three Israeli soldiers by

Hezbollah guerrillas operating out of Lebanon as well as Iraqi troop movements. The stakes, Mr. President, are high and the time is short.

If we are to return to the path of a peaceful settlement after the events of the last two weeks, we must first end the violence. A cessation of hostilities can only be accomplished if all sides demonstrate leadership by condemning the violence. I am sorely disappointed in Arafat and the Palestinian Authority and in the fact that they have allowed violence to be carried out without restraint or comment.

Preferring instead to blame the violence on what he terms Israeli provocations, Arafat has refused to publicly and unequivocally call for an end to violent protests and confrontations. Palestinian police have failed to control mob violence. And efforts at re-establishing negotiations have been rebuffed. The result is despicable violence that has cost far too many innocent lives.

Rather than being unable to control the violence—as Chairman Arafat claims—his silence leaves the impression that he condones it. The on-again off-again cooperation with Israeli security forces suggests that Arafat prefers using violence and the threat of wider war as a negotiating tool. Such tactics are cynical, dangerous and stand in stark contrast to the Oslo process that brought the region to brink of a comprehensive peace just two short months ago.

Meanwhile Prime Minister Barak has remained committed to negotiations and the Oslo Process. He took great risks at Camp David in July. He offered remarkable concessions on issues that go to the very core of his country's history and identity—compromises that no one had considered possible before President Clinton convened the Camp David talks.

Despite subsequent violence provocations, Barak has repeated his interest in restoring calm, ending the violence and returning to the negotiating table. When he was approached by President Clinton to join an emergency summit, he readily stated his interest and willingness in participating.

And unlike Arafat, Barak has clearly denounced violence. He implored Israelis not to participate in the violence when he said, "I urge our Jewish citizens to refrain from attacking Arabs and their property under any circumstances."

Time is short in the Middle East, Mr. President. The risk of a wider regional conflict is very real. The first step toward assuring that the situation improves is a strong public statement from Chairman Arafat calling for an end to the violence.

RETIREMENT OF SENATOR CONNIE MACK

Ms. SNOWE. Mr. President, I rise today to pay tribute to a friend and an outstanding public servant who is retiring from the United States Senate this year after 18 years in public service, Senator CONNIE MACK of Florida.

I have had the privilege of serving with Senator MACK in both houses of Congress. And I know him as a man deeply committed to the finest ideals of public service, as well as the beliefs he so passionately holds.

Perhaps no one believes more fervently in the inherent potential of each and every individual than Senator MACK. For him, it is not government that creates wealth or success or personal fulfillment. It is the American people. To give people opportunity—to give them the skills they need to compete and reach their greatest potential—is for Senator MACK perhaps the greatest end that government can serve.

I have also known Senator MACK as a staunch proponent of fiscal responsibility, back to the days when it often seemed that talk of balanced budgets was only slightly more fashionable than actually balancing the budget. I have to believe he must share my sense of wonder as to how far we've come, and it is thanks in no small part to the efforts of Senator MACK and those like him who have fought for years to make the current surpluses a reality.

Senator MACK has been a strong voice for the Sunshine State in the United States Senate. Most recently, his tireless efforts in helping to shepherd through the Senate the historic Everglades restoration plan, the Restoring the Everglades, an American Legacy Act, leaves a positive and lasting mark on Florida and one of our nation's true natural treasures that will be appreciated for generations to come.

One could argue, however, that Senator MACK has pursued no other goal with a higher degree of dogged determination than increasing our federal investment in medical research. He rightly sees this issue as a matter of national importance, knowing no political, social, financial, or racial boundaries.

He recognizes that disease touches every American family. Certainly, it has had a profound impact on his own family, including his wife, daughter, brother, and both parents—as well as affecting his own life.

Characteristically, Senator MACK and his wife, Priscilla, who is a courageous breast cancer survivor, met these challenges first with courage and dignity, and then with an unyielding determination to do something about them.

Both have been extremely active in spreading the word on the importance of early detection. As co-Chair of the bipartisan Senate Cancer Coalition, Senator MACK has provided outstanding leadership on matters relating to our fight against cancer, and in particular I have been honored to work with Senator MACK on providing greater funding for breast cancer research.

The depth of Senator MACK's concern when it comes to this dread disease cannot truly be measured. Certainly, having worked on this issue throughout my tenure in Congress, I was honored and thankful for Senator MACK's participation in a breast cancer hearing, or "breast cancer summit", we convened in 1996, but I was not surprised that he would be there to contribute his wisdom and his support.

From that summit came legislation to establish a national data bank of information on clinical trials involving experimental treatments for serious or life-threatening diseases. It also mandated that a toll-free number be instituted for patients, doctors and others to access this information.

Senator MACK has literally been instrumental in securing increased funding for medical research in general, and indeed for the fiscal year 2000 fought for the inclusion of a $2.3 billion increase for the National Institutes of Health. And he has rightfully called for funding to NIH to be doubled from $12.75 billion to over $25 billion over the next five years.

Finally, Mr. President, to quote a piece from the St. Petersburg Times from last year, "the Senate will lose one of its nicest members." And that is absolutely true. Senator MACK has strongly held beliefs on the issues, let there be no doubt.

But he has always understood the fine but certain distinction between disagreeing and being disagreeable. He has been a credit to the Senate, to Florida, to the nation, and to his family. I wish him well as he returns to his beloved state and embarks on a new chapter in his life—one that I hope will be filled with happiness and good health for him and his wife, Priscilla. He will be missed by all those fortunate enough to have worked with him.

CONSIDERATION OF IMMIGRATION MATTERS

Mr. LEAHY. I would like to commend Senator REED for allowing us to proceed on several important immigration matters even though the Republican majority has refused to act on his compelling legislation to do justice for Liberians. Senator REED has been a persistent advocate for the Liberian nationals who have fled the strife in their nation for the United States. He has recognized that the U.S. has a special relationship with Liberia's citizens and has sought to respect and enhance that relationship. But his efforts have been resisted by the majority, which has consistently denied his requests to take up his bipartisan bill, which would allow Liberians who fled here and meet certain criteria to become legal permanent residents of the United States. I hope that we will change course and address this issue before we adjourn. I commend the Administration for its commitment to insist on action.

Meanwhile, I am pleased that we were able to pass H.R. 2883, a bill that will confer automatic citizenship upon foreign-born children who are adopted by the American parents. Given the severe curtailment of noncitizens' rights under the immigration laws we passed in 1996, it is all the more important to extend this right to American parents and their adopted children. Everyone in the Senate supports adoption, and we should make sure the law expresses that support.

Many Senators on both sides of the aisle worked hard to see this bill become law, and I would like in particular to commend Senator LANDRIEU for her efforts. She and her staff were dedicated to this bill and were instrumental in its passage.

I hope that we are able today to move forward on a number of pieces of legislation. First, I hope we can pass the bill that extends the program under which religious workers can obtain visas to enter the U.S. Senator KENNEDY has championed this legislation, it has significant bipartisan support, and there is no reason not to act quickly to pass it. We should also pass the bill benefiting Syrian Jews that Senator SCHUMER has advocated, as well as legislation benefiting the Hmong people, which the late Congressman Bruce Vento did so much to promote. Although many of the larger immigration issues that should have been addressed in this Congress—from reforming expedited removal to restoring due process rights for legal permanent residents—may regrettably remain unresolved, we can at least take these more limited steps and demonstrate some commitment to immigrants and a sound immigration policy.

VOTE EXPLANATION

Mr. ABRAHAM. Mr. President, I rise today to explain my vote against the Boxer amendment No. 4308 to the FY01 VA/HUD Appropriations bill.

This amendment addressed two issues which are very important to Michiganians: clean air and clean water. Unfortunately, whatever the intentions of the author, the amendment would have done more harm than good. I particular, I was troubled by the attempt to strike language which will prevent the EPA from designating Michigan counties as being in nonattainment, or not meeting clear air requirements.

On May 14, 1999, the United States Court of Appeals for the District of Columbia Circuit, in American Trucking Association v USEPA, ruled that the 8-hour ozone standard as proposed by EPA be remanded to EPA for further consideration. The 8-hour standard was therefore suspended. The court specifically noted that USEPA retains the power to designate areas as nonattainment under a revised national Ambient Air Quality Standard (NAAQS), however, there must be a legal standard in place before USEPA makes such designations. Since the 8-hour standard was remanded, it is not legal NAAQS.

In response, EPA announced its intention to reinstate applicability of the one-hour ozone standard. However, in determining which communities were in nonattainment under the one-hour standard, EPA intended to make air quality designations based on the designations of these areas at the time the 1-hour standard was originally revoked, rather than rely on the most recent air quality data.

Under this proposed action, six Michigan counties would have been in nonattainment even though all six have monitoring data measuring attainment—Midland, Bay, Saginaw, Genesee, Muskegon, and Allegan. These are counties that were previously designated as nonattainment of the 1-hour standard. Although they were previously designated as nonattainment, only Muskegon was "classified" under the classification scheme of the Clean Air Act. Thus, only Muskegon County was subject to the major ozone control programs, but all nonattainment counties are subject to tougher permit and offset requirements.

Even though these counties are now in attainment, tougher permit standards would have been required for new major stationary sources just because these counties were previously designated as nonattainment for the 1-hour standard. Additionally, offset requirements for major stationary sources would have applied. In addition, these six counties would have had to resume doing transportation and general conformity for projects receiving federal funds. Under the revocation, conformity was not a requirement. Conformity was a continuing requirement for redesignated areas.

Shortly after the announcement, I made clear to USEPA that in my opinion there was no rational basis for intentionally jeopardizing economic development and the construction of much-needed road projects in areas that are meeting attainment levels for the 1-hour ozone standard. Further, I noted that EPA should not disregard air quality improvements made in several areas of the state and should base any non-attainment designations under this rulemaking on the most current air quality monitoring data available.

To date, I have not been satisfied with the response from USEPA and for that reason, I supported the language included in the FY01 VA/HUD Appropriations bill. This language will prevent EPA from designating any Michigan county as nonattainment for the next 12 months or until the courts have settled the pending matter, whichever happens first. In fact, I understand that EPA actually agreed to this language in a compromise with the house.

It was unfortunate that the Boxer amendment also sought to permit EPA to move forward on a new arsenic standard. This is an issue which I believe merits independent consideration. I understand the arsenic standard has not been updated in almost 60 years. However, I am concerned that the push to lower the standard to 5ppb from the current 50ppb may be too extreme. While large water systems may be able to comply with such a strict requirement, I am not at all certain that smaller systems which serve a great percentage of the Michigan population would be able to comply with that standard. They would therefore be subject to penalties for their inability to comply with yet another unfunded mandate. In any event, I look forward to the opportunity to consider this issue on its own merit, and urge the EPA to base whatever standard it eventually proposes on sound science and even then only after extensive peer review.

NATIONAL HISPANIC MONTH

Mr. LEVIN. Mr. President, it is with great pleasure that I join many of my colleagues in commemorating National Hispanic Heritage Month. The nationwide celebration of Hispanic heritage was initiated by the 90th Congress in 1968, which designated National Hispanic Heritage Week. Twenty years later, the 100th Congress transformed this week into a month, designating the period of September 15 to October 15 as a time to recognize the Hispanic influence in and contributions to our culture and society.

For over 400 years, Hispanic Americans have played a fundamental role in the history of the United States. The first European expedition in recorded history to land in what is today the continental United States was led by the former Spanish Governor of the Island of Puerto Rico, Juan Ponce de Leon.

America's diverse and vibrant Hispanic population has made an enormous contributions to the building and strengthening of our nation, its culture, and its economic prowess. As we cross the threshold of a new century, we look to the outstanding contributions of Hispanic Americans for inspiration and leadership. My hometown, Detroit, was made great in the twentieth century in part by immigrants who went there to find work and provide for their families. This great dream lives on today as thousands of immigrants come to Detroit every year from countries like Mexico, El Salvador, Guatemala and Cuba. In fact, Southwest Detroit, known as Mexicantown by its residents, is the fastest growing part of Detroit. Hispanics who have come to Detroit have opened businesses, bought homes and turned a once neglected urban neighborhood into a thriving community that has become one of the centers of the city.

One woman, Maria Elena Rodriguez, has had a lot to do with this turnaround. Her hard work as president of the Mexicantown Community Development Corporation has helped to provide the spark needed to reinvigorate a community. Ms. Rodriguez is currently in the process of helping to build a welcome center for people coming into Detroit across the Ambassador Bridge, an effort she hopes will fulfil her mission to bring more business and visitors to her neighborhood.

Hispanic contributions to Michigan businesses abound. The Kellogg Company, founded and headquartered in Battle Creek, Michigan, has millions of customers in over 160 countries, and is the world's leading producer of cereal. Its CEO is Carlos Gutierrez, who started with Kellogg's as a sales representative in Mexico City, and after 25 years with the company is now in charge of this global giant.

Education has long played a prominent role in Hispanic culture. The first free integrated public school was established in St. Augustine, Florida in September of 1787. On March 31, 2000 Rebecca Arenas was awarded the "Caesar Chavez Civil Rights Achievement Award" for her work to better the lives of Hispanics in general, and migrant workers in particular. Rebecca's parents brought her to Michigan at the age of 5 from Crystal City, Texas. Her parents were migrant workers who chose to stay in Michigan because they believed it would allow Rebecca to have a better education. Because of the actions of her parents, Rebecca developed a commitment to education that would last a lifetime. Rebecca passed this commitment to education onto her children, all seven of whom have received a post-secondary education. In addition to the "Caesar Chavez" award, Rebecca has received recognition on numerous other occasions because of her work in education, health care, and voter registration.

For these and countless others reasons, it is a pleasure for me to stand today with my Senate colleagues in commemorating National Hispanic Heritage Month.

OUR PART FOR SCHOOL SAFETY

Mr. LEVIN. Mr. President, over the last few years, high profile school shootings across this country have left teachers, parents, and students scared and confused. In response, the FBI has conducted an exhaustive study on school shootings in an effort to assess, intervene and prevent such tragedies from occurring in the future. The report, entitled, "School Shooter: A Threat Assessment Perspective," recommends specific steps for school officials to take to prevent youth violence. The report notes that in the vast majority of cases, kids do not turn violent overnight. Instead, those who become violent tend to exhibit increasingly disturbing patterns of behavior as their fascination with violence builds. By learning to recognize these behavioral signs, teachers and students can be prepared to investigate and intervene before potentially violent situations get out of control.

The FBI report goes on to suggest specific measures schools can take to head off potential shootings. The report recommends that students and faculty should be trained to recognize certain warning signs that students may be considering committing violent acts; groups of faculty and students should be established to encourage students not to keep silent when they recognize potential threats; programs should be developed to teach parents to recognize behavior that may indicate that their children are prone to acts of violence. In addition to these preventive measures, the FBI recommends that schools establish specially trained Threat Assessment Teams to handle evaluating and responding to threats if and when they arise.

The FBI warns teachers, parents, and students that they should not ignore any threat of violence. We in Congress should follow the same advice. Yet, while parents and school officials are pursuing more vigorous responses to potential violence, we in Congress seem to be less responsive to such danger. Over the last few years, many of us in Congress have continually tried to close the loopholes in our laws that permit school children to gain access to firearms. Unfortunately, our efforts have been stymied by the leadership in the House of Representatives. In a few weeks, this session of Congress will come to an end. Before we adjourn, let's do our part and reduce the threat of gun violence in our schools and communities.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE COUNTERTERRORISM ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, I am delighted to join my good friend Senator JON KYL in sponsoring S. 3205, the Counterterrorism Act of 2000. This bill, introduced last night, seeks to improve our ability to prevent and respond to terrorist attacks.

In light of the events yesterday in the Middle East, there can be no doubt of the need for this legislation, and I urge my colleagues to act quickly to pass this important bill.

All the evidence now indicates that the cowardly and reprehensible attack on the U.S. Navy destroyer U.S.S. *Cole* yesterday in Aden was a terrorist suicide attack. It appears that the bombers had infiltrated the port's harbor operations and carefully planned the operation. It is fortunate that the explosion did not set off Tomahawk cruise missiles or other ordnance on board, causing even more devastation.

If found to be a terrorist incident, the attack on the U.S.S. *Cole* would be the worst against the U.S. military since the bombing of an Air Force barracks in Saudi Arabia killed 19 airmen in 1996. It would also be the worst attack on a Navy ship since an Iraqi missile struck an American guided-missile frigate in 1987, killing 37 sailors.

My heart goes out to the families of the American sailors who were killed or injured or who are still missing. Their tragedy underlines the constant danger faced by our armed forces around the world and the need for this country to remain vigilant in protecting them from terrorist and other attacks.

The attack on the U.S.S. *Cole* was no isolated incident. In fact, just today, a bomb was hurled at the British embassy in Yemen, causing a massive explosion.

I believe that we need to take strong action to combat terrorism. There is no question that terrorist attacks will continue and that they will become more deadly. Terrorists today often act out of a visceral hatred of the U.S. or the West and seek to wreak maximum destruction and kill as many people as possible.

At the same time, I believe that our counterterrorism policy must be conducted in a way that remains consistent with our democratic values and our commitment to an open, free society.

To help avert attacks such as those on the U.S.S. *Cole*, Senator KYL and I have introduced S. 3205. This legislation implements major recommendations from a bipartisan, blue-ribbon commission on terrorism.

Specifically, the bill aims to review legal authority for responding to catastrophic terrorist attacks and increase long-term research and development to counter such attacks, improve controls on biological pathogens and equipment that could be used in a terrorist assault, discourage terrorist fundraising, improve the sharing of information about terrorists, keep Syria and Iran on the list of countries that sponsor terrorism, and fully reimburse counterintelligence personnel for insurance they purchase to protect themselves from professional liability.

In many ways, the Kyl-Feinstein Counterterrorism Act of 2000 is a counterpart bill to the Justice for Victims of Terrorism Act that just passed the Senate 95 to 0. That legislation, of which I was a chief cosponsor, will make it easier for American victims of terrorism abroad to collect court-awarded compensation and to ensure that the responsible state sponsors of terrorism pay a price for their crimes. The act also contained an amendment I authored with Senator PATRICK LEAHY that will provide faster and better assistance to victims of terrorism abroad. This legislation, which has passed the House as well, will now go the desk of President Clinton, who will sign it.

While I strongly support assisting terrorist victims, I also believe that we need to do more to prevent Americans from becoming victims of terrorism in the first place. And I believe that we should act now—before terrorists strike again, killing and injuring more Americans and leaving more families grieving. I urge Congress to act pass S. 3205 before we adjourn.●

CONGRESS MUST ADDRESS INEQUITIES SUFFERED BY FEDERAL RETIREES

Mr. JOHNSON. Mr. President, I rise today to commend the Congress and the President on the recent enactment of S. 2420, the bill to provide long-term healthcare insurance for federal employees. As the nation's largest employer, we have set an example for the private sector in establishing a long-term care insurance program for federal workers and retirees. At least thirteen million people are expected to benefit from this far-sighted effort, but there is more work to be done on those issues affecting current and former Federal employees. Today, I wish to highlight three proposals on which I have received much correspondence from my constituents: repeal of the Government Pension Offset, GPO, elimination of the Social Security Windfall Elimination Provision, WEP; and, health insurance premium conversion availability.

I am a cosponsor of S. 717, Senator MIKULSKI's proposal to reform the GPO. Additionally, I am a supporter of initiatives in the House of Representatives to eliminate the WEP. Both pieces of legislation alleviate current laws that block Federal annuitants and their spouses from collecting full Social Security benefits. Because of the current budget rules requiring the offsetting of spending cuts or tax increases, passage of these reforms have been complicated.

We should not penalize people who have worked hard and contributed to the country simply because they worked for the Federal government and receive a Federal pension. This Senate must consider these bills a priority, and seriously review the offsets necessary to achieve these essential and fair changes. I believe that we need to enforce a budget discipline which will balance the budget without borrowing payroll tax dollars from the Social Security trust fund and any other federal trust funds. However, now that the budget is balanced, we should first restore the change that helped bring us toward fiscal soundness.

Finally, I wish to address the availability of health insurance premium conversion arrangements. As my colleagues may be aware, no Senate legislation has been introduced, but H.R. 4277 has been introduced in the House. Under the provisions of this bill, the Office of Personnel Management, OPM, would be directed to take necessary measures to ensure that enrollees have the option to paying charges out of pre-tax earnings. This would ensure equal premium tax treatment for federal workers and retirees. I urge my House and Senate colleagues to provide full consideration to this legislation, and bring Federal employees and retirees pay and benefit equity and fairness.

Mr. President, these are just three issues of concern to me and my constituents. While enactment of the long-term care bill was a great step forward, I must reiterate my call for more work to be done. I am hopeful that we may make a serious effort on this legislation on the few remaining days of the 106th Congress. These concerns will not go away, and I know we will surely be hearing about the GPO, WEP, and premium conversion in the next Congress is we do not take action this year.

225TH BIRTHDAY OF THE UNITED STATES NAVY

Mr. LUGAR. Mr. President, I ask my colleagues to join me in commemorating the 225th birthday to the United States Navy, by passing Senate Resolution 373. Several of the Senate's other veterans of naval service have joined me in sponsoring this resolution and I thank Senator MCCAIN, Senator MOYNIHAN, Senator WARNER, Senator COCHRAN, Senator ROBB, Senator BOB SMITH, Senator MILLER, Senator BOB KERREY and Senator JOHN KERRY.

While we like to celebrate on a birthday, we must pause in solemn reflection, for yesterday, the Navy family suffered a tragic loss. I send my heartfelt condolences to the U.S.S. *Cole* and her extended family. Like thousands of Sailors before them, these brave men and women have made the ultimate sacrifice in service to their country. The loss is felt by the entire nation, and the entire nation grieves with you and expresses gratitude for your sacrifice.

October 13, 1775, was the day that the Continental Congress established a "Naval Committee" to acquire and fit out vessels for sea and draw up regulations. By the following month the committee procured two ships, two brigs and later two sloops and two schooners. From these modest beginnings, the greatest Navy in the world has grown. Down through the years, the Navy has been central to the history of this nation, and ever-integral to her longevity and prosperity.

Mr. President, I had the honor of serving in the Navy. Perhaps my greatest honor during my service as a young naval intelligence officer was working for Admiral Arleigh "31-Knot" Burke, when he was Chief of Naval Operations. A heroic WWII destroyer squadron commander, Admiral Burke was truly a man of vision. Under his tutelage I learned valuable lessons about the Navy's place in our history, but also about the key role it plays today in economics, science, politics, and international relations. Then as now, the world was an uncertain place, and the Navy played a vital role in calming the waters.

Admiral Burke is the namesake for the class of destroyers to which the U.S.S. *Cole* belongs. The *Cole* tragedy brings the spotlight on the Navy and the day-in, day-out honor, courage and commitment of her sailors. At the commissioning of the lead ship in the class, Admiral Burke stated fittingly "This ship is built to fight, you had better know how." A quote reminiscent of Captain John Paul Jones legendary declaration: "I wish to have no connection with any ship that does not sail fast, for I intend to go in harm's way." These are the best ships in the world, manned by the world's best Sailors, but they are not impregnable fortresses, they do sail in harm's way.

Many have expressed incredulity at the attack on the warship *Cole*. But, she was in a vulnerable situation—coming pierside to replenish fuel in a presumed-benign environment. The task that was to occupy *Cole* and her crew over the next several months—maritime interdiction duty in the Persian Gulf—was more precarious. Ships refuel in foreign ports daily as they have for many years. But this tragedy is a reminder that the peace and prosperity we enjoy is not without cost, nor are the commitments we make to our allies.

The U.S.S. *Cole* is one of the Navy's finest warships—one of 318 operational ships. 4108 Navy aircraft are also operational today. 42 percent of those ships are away from homeport and 32 percent, like the *Cole* and the U.S.S. *George Washington* Battlegroup, of which she was a member, are deployed. These numbers provide a snapshot of the Navy's diligence around the globe. Their involvement in contingency operations over the last 10 years is also very telling. From 1946 to 1989 (44 years) the U.S. Navy responded to 195 crises, while from 1990 to 1999 (10 years) the Navy responded to 122 crises. Such optempos demand much of the men and women in uniform, and their loved ones back home. It also places tremendous stress on our ships and aircraft. While deployed battlegroups have maintained their readiness, they often do so at the expense of non-deployed units. In my view, we must maintain our commitment to support the fleet and ensure they continue to be the best equipped in the world. We have a distinct responsibility to our Navy, not to blindly increase ship production in response to rampant deployment rates, but to ensure we are ready to face clearly defined missions and threats.

Today, as in the future, America relies on its Navy. For 225 years, the Navy has responded to each new demand and comes through in the clutch. Ever-present, around the globe, minutes away from crises as they occur, today's Navy is deterring would-be aggressors; and providing fledgling democracies with visible reassurance of U.S. support. Daily, Navy men and women are our ambassadors in ports of call and as participants in multi-national operations and exercises. As one of the eleven members of this Senate to have worn the Navy uniform, I am pleased to share my pride in our sea service with all who have worn Navy blue down through the years. I also send greetings to the 373,910 men and women on active duty today, the 182,970 ready reservists, and the extended Navy family of civilian personnel, families and loved ones.

As we celebrate this 225th birthday, I close solemnly, and offer the first verse of the Navy Hymn in memory of those who have most recently perished in service to their Navy and their country:

Eternal Father, Strong to save,
Whose arm hath bound the restless wave,
Who bid'st the mighty Ocean deep
Its own appointed limits keep;
O hear us when we cry to thee,
for those in peril on the sea.

ADDITIONAL STATEMENTS

TRIBUTE TO MONSIGNOR BOLDUC

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Reverend Monsignor Norman P. Bolduc, 48, Chancellor of the Diocese of Manchester, as New Hampshire mourns his tragic loss.

Monsignor Bolduc was ordained a priest in April 1979 after entering his religious training at Saint Thomas Seminary in Connecticut at the tender age of 13. As a Lieutenant Colonel, Monsignor Bolduc served as a Chaplain of the United States Air Force Reserves. He earned a master's in philosophy at the Catholic University of America in Washington, D.C., where he also earned his licentiate in Canon law.

Upon the recommendation of Bishop Odore Gendron, the seventh Bishop of Manchester, Pope John Paul II appointed Reverend Norman Bolduc as a Chaplain to His Holiness with the title of Monsignor in 1991. As Chancellor, Monsignor Bolduc was the third-ranking official in the diocese. He served as the bishop's Secretary for Pastoral Services and represented the bishop in Concord, New Hampshire, speaking on legislative matters. Reverend Edward Arsenault, Secretary for Administration of the diocese, noted Monsignor Bolduc's keen intellect and his "great ability to explain and teach the church's teaching. He was a noted and gifted homilist."

Monsignor Bolduc was a talented baseball player, an avid golfer and had a passion for travel, often traveling to foreign lands. Many New Hampshire residents were fortunate to share his love of travel and accompanied him on pilgrimages to the Holy Land. Monsignor Bolduc was the eldest of seven children. He was the loving son of Norman Sr. and Cecile Bolduc of Laconia, New Hampshire. Monsignor Bolduc was a caring brother and devoted uncle to his eleven nieces and nephews. He enjoyed his family life and cherished the time he spent with all of them.

As Bishop John B. McCormack remembered his faithful and devoted colleague during the Funeral Mass celebrated at Saint Joseph's Cathedral he reminded us all that, "It is clear that God does give, but God also takes away. It is clear whether we live or die, we are all the Lord's." Monsignor Bolduc honorably served our nation and the Roman Catholic Church and will be greatly missed by all those who were blessed by his presence and ministry. As Holy Scripture says in Psalm 116, "Precious in the eyes of the Lord is the death of the faithful ones." May God bless Norman Sr., Cecile and Monsignor Boduc's siblings, nieces and nephews as they mourn the loss of their loved one.

I am honored to have served the Reverend Monsignor Norman Bolduc in the United States Senate. May God bless him and grant him eternal peace.•

DONALD L. BEMIS JUNIOR HIGH SCHOOL NAMED BLUE RIBBON SCHOOL FOR 1999–2000

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Donald L. Bemis Junior High School in Sterling Heights, Michigan, one of these nine schools.

The mission of Donald L. Bemis Junior High is to educate its students in the development of knowledge, problem solving, and acceptance of others. Curriculum places primary emphasis on basic skills to promote essential knowledge and challenge students to achieve at the highest levels they are capable of attaining. Students are taught tolerance as conflict resolution strategies have been integrated into this curriculum. In addition, character building is taught and modeled within the school climate. The whole of this curriculum is designed to provide students with the building blocks they need to construct positive ideals which they can carry with them for the rest of their lives.

Technology has recently begun to play a large role in the program as well. Each classroom at Bemis is equipped with a television and VCR, allowing students to be a part of a worldwide telecommunications system and providing teachers with audio-visual communication throughout the entire school. There are at least two computers in each classroom, which are hooked up to two building servers as well as the Internet. Bemis also has three computer laboratories, from which teachers and students can easily access personal files which have been set up for them. There is no doubt that technology is revolutionizing the way that students are taught throughout our Nation. There is also no doubt that Bemis Junior High has been on the forefront of employing it for positive purposes.

Perhaps the greatest key to the success of Bemis Junior High though has been the collaborative decision making process which has been developed by parents, teachers and students. This process involved an overall dedication to the Bemis Junior High community, and relies upon keeping lines of communication open through parental contacts, open houses, parent-teacher conferences, the Parent Sounding Board, and the Student Council. Also present and a part of this process is the School Improvement Team, made up of staff and students focusing upon issues to enhance student achievement. All of these efforts lead to a well informed school community, which has been the most important aspect in the development of Bemis Junior High.

Mr. President, I applaud the students, parents, faculty and administration of Bemis Junior High, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Mrs. Joyce A. Spade, Principal of Bemis Junior High, whose dedication to making her school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Donald L. Bemis Junior High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

ADLAI E. STEVENSON HIGH SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 blue Ribbon Schools names by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Adlai E. Stevenson High School in Sterling Heights, Michigan, one of these nine schools.

The mission of Stevenson High School is to provide every student with a positive learning environment, which will allow them to feel a part of a school community while at the same time achieving their greatest potential as responsible and contributing members of society. This mission is reflected in Stevenson's motto, "School of Champions," symbolizing the importance that the faculty and administration place on developing champions in all aspects of life. Students are treated with dignity and with respect, as faculty view this as the most effective method to help them achieve excellence in school and in life of which they are capable.

Indeed, the commitment of the faculty and administration towards making their school achieve to the highest level has been the most important key in it actually achieving at this level. 85 percent of the 94 professional staff members hold masters, specialist or doctorate degrees. All staff serve on one of four target-goal committees, which is only one example among many of how the faculty and administration work cooperatively to facilitate both teaching and learning. They also take an active role in curriculum development, from researching new textbooks and other classroom materials to serving on curriculum committees at the district level. The faculty and administration recently witnessed the success of their efforts, as Stevenson High School recently completed its five-year journey to achieve North Central Outcome-Based Accreditation.

The administration at Stevenson High School has also made a concerted effort to ensure that their school is as safe as possible. There is zero tolerance regarding weapons, violence, threats of violence and the use of alcohol or other drugs. A building security plan is in place and practiced on a regular basis, and an evacuation plan is in place to safeguard students and staff in an emergency or crisis. In addition, a support network has been established at Stevenson High School so effective that students trust the administration and faculty enough to forewarn them of potential problems. This is due to the success of student organizations such as the Students Offering Services Club, the Renaissance Club, the Cultural Diversity Council and the Peer Mediation Program. Because of these support groups, students feel connected to the school and to each other, and know that they are valued as individuals.

Mr. President, I applaud the students, parents, faculty and administration of Stevenson High School, for I believe this is an award which speaks more to the effort of a united community that it does to the work of a few individuals. With that having been said, I would like to recognize Mr. Donald R. Nawrocki, the Principal of Stevenson High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Adlai E. Stevenson High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

MESSAGES FROM THE HOUSE

At 10:00 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4345. An act to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes.

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station."

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5174. An act to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March.

H. Con. Res. 427. Concurrent resolution directing the Clerk of the House to correct the enrollment of H.R. 2415.

H. Con. Res. 428. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

The message also announced that the House has passed the following concurrent resolution, without amendment:

S. Con. Res. 149. Concurrent resolution to correct the enrollment of H.R. 3244.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 11152. A communication from the Assistant Bureau Chief, Management, International Bureau, Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order in the Matter of the Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz band" (IB Docket No. 99-81, FCC 00-302) received on October 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC 11153. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an appropriations report for the Department of Defense Appropriations Act for fiscal year 2001; to the Committee on the Budget.

EC 11154. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a pay-as-you-go report (No. 513) dated September 29, 2000; to the Committee on the Budget.

EC 11155. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation Federal Acquisition Circular 97-20" (FAC97-20) received on October 12, 2000; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ABRAHAM:

S. 3206. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 3207. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. Con. Res. 151. A concurrent resolution to make a correction in the enrollment of the bill H.R. 2348; considered and agreed to.

By Mr. ROTH:

S. Con. Res. 152. A concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 3206. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

THE VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Victims of Rape Health Protection Act. This legislation would facilitate health treatment of rape victims by empowering victims with the ability to determine at an early date whether or not their attacker carried the Human Immunodeficiency Virus (HIV), the virus that causes AIDS.

Mr. President, in addition to a rape survivor being forced to live with the horrific elements commonly associated with the act of rape, rape victims simultaneously are threatened by yet another cruel aggressor, the HIV disease. Current medical technology is limited in its ability to detect HIV in the body during the initial stages of infection; as such, if the victim must rely on self-testing alone, the presence of HIV may not be evident for months.

Reports from both the American Medical Association and a study published in the April, 1997, New England Journal of Medicine outline the merits of early action in the fight against HIV. As immediate and intensive administration of anti-HIV drugs has been shown to greatly reduce the risk of HIV infection, early knowledge of whether or not a victim has been exposed to the virus is imperative to embarking on critical, potentially lifesaving courses of medication.

Mr. President, ten years ago Congress passed a law that allowed rape victims to compel testing of their attacker upon conviction. Over the years medical science has made important advancements in the fight against AIDS, and it is time for the law to follow suit. Today, I wish to challenge the current inadequate policies which exist in some states, and allow victims of rape early access to their assailants' HIV screen results.

Where there is any risk of transmission of the virus, this legislation would require states to actively screen rape defendants for HIV and disclose the results to the victim within forty-eight hours of an indictment or information. Beyond notification of the victim, test result confidentiality would be determined by the individual states as they see necessary to protect the privacy of their citizens. Federal Byrne Grant funding would be made available to the states in order to help pay for the testing; states which refuse to operate in compliance with these testing requirements would be subject to a ten-percent reduction of their Byrne Grant funds.

Mr. President, I have read far too many stomach-churning accounts of both female and male rape victims, at every age, where early knowledge of a sex offender's HIV status—positive or negative—may have spared the victim unnecessary mental anguish, or possibly, may have spared the victim's life. At this time, I would like to share a few of these sad stories with my colleagues.

In the summer of 1996, a seven year old girl was brutally raped by a 57 year old man. The little girl and her five year old brother had been lured to a secluded, abandoned building in the East New York section of Brooklyn. The man raped and sodomized the girl. Her brother, meanwhile, was beaten, tied up and forced to witness his sister's rape. After the man's arrest, the defendant refused to be tested for HIV. His refusal was permitted by the state's laws. The man later told the police he was infected with HIV.

In New Jersey, three boys gang-raped a 10-year-old mentally-retarded girl. The girl's family demanded that the boys be tested for HIV; these requests were denied. Three years after the girl was raped and the boys were convicted, the family was still fighting to learn the HIV status of the rapists.

A Maryland man with HIV sexually assaulted an 11-year-old boy for over a year. It was not until the man's trial that it was learned he was infected.

Mr. President, I do not believe I need to elaborate further on this subject. I believe we have a unique opportunity to help ease the stress and suffering of women and children mercilessly raped and wounded by sexual predators, and in the process, we will change a system which currently favors the so-called privacy of sex offenders over the health of their victims. I implore my colleagues to support the Victims of Rape Health Protection Act. May we finally deliver a higher degree of security and safety to rape victims, regardless of age or gender. Mr. President, I ask for unanimous consent that the text of this legislation and a letter from Ms. Deidre Raver, a rape survivor who has championed this cause for years, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Rape Health Protection Act".

SEC. 2. BYRNE GRANT REDUCTION FOR NONCOMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

"(g) SEX OFFENDER HIV TESTING.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates to the satisfaction of the Director that the laws or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in a sexual act (as defined in subsection (f)(3)(B)), the State requires as follows:

"(A) That the defendant be tested for HIV disease if—

"(i) the nature of the alleged crime is such that the sexual act would have placed the victim at risk of becoming infected with HIV; and

"(ii) the victim requests the test.

"(B) That if the conditions specified in subparagraph (A) are met—

"(i) the defendant undergo the test not later than—

"(I) 48 hours after the date on which the information or indictment is presented; or

"(II) 48 hours after the request of the victim if that request is made after the date on which the information or indictment is presented;

"(ii) the results of the test shall be confidential except as provided in clause (iii) and except as otherwise provided under State law; and

"(iii) that as soon as is practicable the results of the test be made available to—

"(I) the victim; and

"(II) the defendant (or if the defendant is a minor, to the legal guardian of the defendant).

Nothing in this subparagraph shall be construed to bar a State from restricting the victim's disclosure of the defendant's test results to third parties as a condition of making such results available to the victim.

"(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

"(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that comply with the requirements of paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).".

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "subsection (f)," and inserting "subsections (f) and (g),".

(c) FUNDING.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (25), by striking "and" after the semicolon;

(2) in paragraph (26), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(27) programs to test defendants for HIV disease in accordance with the terms of subsection (g).".

(d) EFFECTIVE DATE.—

(1) PROGRAM.—The amendments made by subsections (a) and (b) shall take effect on the first day of the fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

(2) FUNDING.—The amendment made by subsection (c) shall take effect on the date of enactment of this Act.

DEAR SENATOR ABRAHAM: I understand that you are interested in sponsoring legislation that would provide rape victims the opportunity to quickly learn if they have been exposed to the HIV virus. I have been associated with this compelling issue for many years as an advocate for crime victims and thank you for considering the health issues that a rape victim is forced to deal with following a horrific experience. As a survivor of rape myself. I personally know how traumatic it is to wait for medical information regarding exposure to the many frightening venereal diseases that exist, not to mention the possibility of pregnancy occurring.

A rape victim needs to learn the HIV status of their assailants when making decisions with her doctor about taking risky drug medications. The only way for a victim to know if she has been exposed to the HIV virus is to test the assailant because of the 16-week infection time window period. It is inhumane and cruel to deny rape victims the right to learn of their assailants' H.I.V. status early enough to eradicate the virus, if exposed.

Currently, in states like mine, a person accused of rape cannot be involuntarily tested for the AIDS virus until he is convicted of the crime, which can be years later. The H.I.V. test becomes a plea bargaining tool for defense attorneys to use, reducing the sentencing of violent sex offenders to nonfelony convictions. Our current laws force prosecuting attorneys to choose between prosecuting violent criminals or protecting the health of the victims.

New York has had its share of horrific cases where an arrested rapist will have boasted to the victim of a positive H.I.V. status and then refuse to take the test on the advice of a defense attorney. I was personally outraged by a case in Brooklyn where a fifty-seven-year old man raped a little girl next to her five-year-old brother and then declared to police that he had AIDS upon arrest. The Brooklyn District Attorney's Office could not force the arrested man to take an HIV test.

In order for states to qualify for AIDS funding, they should have legal provisions in place to allow rape victims to test arrested assailants for HIV, no exceptions. Our laws should not aggravate the terror that rape victims face when coping with their fear of the attacker and the numerous frightening health risks.

I thank you for considering the rights of rape victims before the privacy concerns of rape assailants, as rape victims deserve compassionate help that includes determining whether or not exposure to HIV has occurred.

Sincerely,

DEIDRE RAVER.

By Mr. SANTORUM:

S. 3207. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

AFFORDABLE DRINKING WATER ACT OF 2000

Mr. SANTORUM. Mr. President, I rise today to introduce the "Affordable Drinking Water Act of 2000." This bill sets out an innovative approach to meet the safe drinking water needs of rural Americans nationwide.

The Affordable Drinking Water Act of 2000 provides a targeted alternative to water delivery in rural areas. Through a partnership established between the federal government and nonprofit entities, low to moderate income households who would prefer to have their own well or are experiencing drinking water problems could secure financing to install or refurbish an individually owned household well. In my home state of Pennsylvania, 2.5 million citizens currently choose to have their drinking water supplied by privately-owned individual water wells.

The government assistance envisioned under this bill would also allow homeowners of modest means in Pennsylvania, and the rest of the country, to bring old household water wells up to current standards; replace systems that have met their expected life; or provide homeowners without a drinking water source with a new individual household water well system.

Another important component of this legislation will afford rural consumers with individually owned water wells the same payment flexibility as other utility customers. Centralized water systems currently are eligible to receive federal grants and loans with repayment spread out over 40 years. The Affordable Drinking Water Act of 2000 would provide loans to low to moderate income homeowners to upgrade or install a household drinking water well now, and then repay the cost through convenient monthly charges. This ability to stretch out payments over the life of the loan gives rural well owners an affordable option that they otherwise do not have.

Mr. President, I am pleased to introduce this legislation today, and believe that it is appropriately balanced to meet the safe-drinking water needs of rural households.

ADDITIONAL COSPONSORS

S. 3005

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3005, a bill to require country of origin labeling of all forms of ginseng.

S. CON. RES. 146

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

SENATE CONCURRENT RESOLUTION 151—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 2348

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT ON RECLAMATION LAW.

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) service as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

SENATE CONCURRENT RESOLUTION 152—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 152

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ": and" and all that follows through line 10, and insert a period.

AMENDMENTS SUBMITTED

DAKOTA WATER RESOURCES ACT OF 1999

CONRAD (AND OTHERS) AMENDMENT NO. 4317

Mr. LOTT (for Mr. CONRAD (for himself, Mr. DORGAN, and Mr. BOND)) proposed an amendment to the bill (S. 623) to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; as follows:

On page 10, beginning on line 14, strike the sentence that begins "If the features selected under section 8".

On page 13, line 2, strike the sentence that begins "As appropriate, the Secretary shall rehabilitate or complete".

On page 13, line 5, strike "Sections 8(c) and 8(d)(1)" and insert "section 8".

Beginning on page 18, strike line 17 and all that follows through page 23, line 4, and insert the following:

SEC. 8. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—

"(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

"(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

"(3) COMMENCEMENT OF CONSTRUCTION.—

"(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

"(i) a detailed description of the proposed project feature;

"(ii) a summary of major issues addressed in the environmental impact statement;

"(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

"(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

"(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in paragraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

"(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed."

(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

(2) NEEDS.—The needs addressed in the report shall include such needs as—

(A) municipal, rural, and industrial water supplies;

(B) water quality;

(C) aquatic environment;

(D) recreation; and

(E) water conservation measures.

(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

(c) ENVIRONMENTAL IMPACT STATEMENT—

(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

(2) DRAFT.—

(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(3) FINAL.—

(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(d) PROCESS FOR SELECTION.—

(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

(2) AGREEMENTS.—If the Secretary selects an option under subparagraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under subparagraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.

Make the following technical amendments:

Page 2, line 5, strike "1999" and insert "2000".

Page 3, line 13, strike "1999" and insert "2000".

Page 3, line 25, strike "1999" and insert "2000".

Page 4, line 23, strike "1999" and insert "2000".

Page 5, line 7, strike "1999" and insert "2000".

Page 11, line 14, strike "1999" and insert "2000".

Page 13, line 7, strike "1999" and insert "2000".

Page 15, line 19, strike "1999" and insert "2000".

Page 18, line 8, strike "1999" and insert "2000".

Page 29, line 5, strike "1999" and insert "2000".

Page 29, line 25, strike "1999" and insert "2000".

PALMETTO BEND CONVEYANCE ACT

MURKOWSKI AMENDMENT NO. 4318

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1474) providing conveyance of the Palmetto Bend project to the State of Texas; as follows:

In the Committee amendment:

In section 4(a), after "August 1, 1999 payment," strike "is currently" and insert "was, as of October, 1999".

In section 5(b), strike "and shall extend for the useful life of the Project that has been approved by the Secretary." and insert "that has been approved by the Secretary and shall extend for the useful life of the Project.".

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4319

Mr. LOTT (for Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND)) proposed an amendment to the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; as follows:

On page 3, strike lines 19 through 24 and insert the following:

"(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

"(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

"(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

"(B) the criteria and information used in making each designation.".

On page 7, line 6, after "offense" insert "or apprehension of a fugitive".

On page 8, strike lines 17 through 19.

On page 9, strike line 14 and insert the following:

issuance.

"(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.".

At the end of the bill, insert the following:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking "offense or" and inserting "offense"; and

(2) by inserting "or (III) with respect to the apprehension of a fugitive," after "children,".

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking "or" and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; or"; and

(3) by adding at the end the following:

"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.".

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

"(g) DEFINITIONS.—In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

"(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.''.

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) In General.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) Other Existing Applicable Law.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) Study on Use of Administrative Subpoenas.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) Report on Frequency of Use of Administrative Subpoenas.—

(1) In general.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) Expiration.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

PRIBILOF ISLANDS TRANSITION ACT

SNOWE (AND OTHERS) AMENDMENT NO. 4320

Mr. LOTT (for Ms. Snowe (for herself and Mr. Kerry)) proposed an amendment to the bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; as follows:

Strike out all after the enacting clause and insert the following:

TITLE I—PRIBILOF ISLANDS TRANSITION

SEC. 101. SHORT TITLE.

This title may be referred to as the ''Pribilof Islands Transition Act''.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89–702, popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

''SEC. 206. FINANCIAL ASSISTANCE.

''(a) Grant Authority.—

''(1) In general.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

''(2) Use for matching.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

''(3) Restriction on use.—The Secretary may not use financial assistance authorized by this Act.

''(A) to settle any debt owed to the United States;

''(B) for administrative or overhead expenses; or

''(C) for contributions authorized under section 105(b)(3)(B) of the Pribilof Islands Transition Act.

''(4) Funding instruments and procedures.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(5) Pro rata distribution of assistance.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

''(b) Solid Waste Assistance.—

''(1) In general.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

''(2) Transfer.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

''(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

''(1) for assistance under subsection (a) a total not to exceed—

''(A) $9,000,000, for grants to the City of St. Paul;

''(B) $6,300,000, for grants to the Tanadgusix Corporation;

''(C) $1,500,000, for grants to the St. Paul Tribal Council;

''(D) $6,000,000, for grants to the City of St. George;

''(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

''(F) $1,000,000, for grants to the St. George Tribal Council; and

''(2) for assistance under subsection (b), such sums as may be necessary.

''(d) Limitation on Use of Assistance for Lobbying Activities.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider it necessary for the efficient conduct of public business.

''(e) Immunity From Liability.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of having provided assistance to the State of Alaska under subsection (b).

''(f) Report on Expenditures.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

''(g) Congressional Intent.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.''

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

''(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Resources of the House of Representatives a report that includes—

"(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

"(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

"(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law."; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) Future Obligation.—

(1) In general.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) Savings.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this Act; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this Act.

(3) Rule of construction.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) Conforming amendment.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) Property Conveyance and Cleanup.—

(1) In general.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 109-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) Application.—Paragraph (1) shall apply on and after the date on which the Secretary certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) Financial contributions for cleanup costs.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed by this title, the Secretary may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup cost incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) Certain reserved rights not conditions.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protections of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) Repeals.—Effective on the date described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of the Public Law 104-91 (16 U.S.C. 1165 note).

(d) Savings.—

(1) In general.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) Documents described.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) Definitions.—

(1) In general.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) Natives of the Pribilof Islands.—For purposes of this section, the term "Natives of the Pribilof Islands" includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Public Law 104-91 and the Fur Seal Act of 1966 are amended by—

(1) striking "(d)" and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting "**SEC. 212.**"; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking "on such Islands" and insert "on such property".

(c) The Fur Seal Act of 1966 is amended by inserting before title I the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Fur Seal Act of 1966'.".

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) in subsection (f) by striking "1996, 1997, and 1998" and inserting "2001, 2002, 2003, 2004, and 2005"; and

(2) by adding at the end the following:

"(g) Low-Interest Loan Program.—

"(1) Capitalization of revolving fund.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

"(2) Low-interest loans.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

"(3) Natives of the Pribilof Islands defined.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' shall include the Tanadgusix and Tanaq Corporations.".

TITLE II—COASTAL ZONE MANAGEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Coastal Zone Management Act of 2000".

SEC. 202. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 203. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein" in paragraph (4) (as so redesignated) and inserting "dependent on that habitat";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved."; and

(7) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.".

SEC. 204. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(3) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(4) by inserting "other countries" after "agencies," in paragraph (5);

(5) by striking "and" at the end of paragraph (5);

(6) by striking "zone" in paragraph (6) and inserting "zone;"; and

(7) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

"(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.".

SEC. 205. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries."; and

(3) by adding at the end thereof the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334(a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315.".

SEC. 206. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.".

SEC. 207. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program,".

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking "less than fee simple" and inserting "other".

SEC. 208. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting "or other important coastal habitats" in subsection (b)(1)(A) after "306(d)(9)";

(2) by inserting "or historic" in subsection (b)(2) after "urban";

(3) by adding at the end of subsection (b) the following:

"(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

"(6) The preservation, restoration, enhancement or creation of coastal habitats.";

(4) by striking "and" after the semicolon in subsection (c)(2)(D);

(5) by striking "section." in subsection (c)(2)(E) and inserting "section;";

(6) by adding at the end of subsection (c)(2) the following:

"(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

"(G) the coordination and implementation of approved coastal nonpoint pollution control plans."; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

"(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

"(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

"(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

"(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

"(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

"(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).".

SEC. 209. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456(a)(2)) is amended to read as follows:

"(2) Loan repayments made under this subsection—

"(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

"(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.".

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.".

SEC. 210. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

"(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.";

(2) by inserting "and removal" after "entry" in subsection (a)(4);

(3) by striking "on various individual uses or activities on resources, such as coastal wetlands and fishery resources." in subsection (a)(5) and inserting "of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.";

(4) by adding at the end of subsection (a) the following:

"(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

"(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.";

(5) by striking "proposals, taking into account the criteria established by the Secretary under subsection (d)." in subsection (c) and inserting "proposals.";

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking "section, up to a maximum of $10,000,000 annually" in subsection (f) and inserting "section."; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 211. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

"SEC. 309A. COASTAL COMMUNITY PROGRAM.

"(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

"(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

"(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

"(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

"(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

"(A) revitalize previously developed areas;

"(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

"(C) emphasize water-dependent uses; and

"(D) protect coastal waters and habitats; and

"(5) to assist coastal communities to coordinate and implement approved coastal approved nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.".

"(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

"(1) have a management program approved under section 306; and

"(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

"(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

"(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

"(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

"(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

"(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

"(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

"(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).".

SEC. 212. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

"(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.".

SEC. 213. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting "coordinated with National Estuarine Research Reserves in the state" after "303(2)(A) through (K),".

SEC. 214. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking "shall, using sums in the Coastal Zone Management Fund established under section 308" in subsection (a) and inserting "may, using sums available under this Act";

(2) by striking "field." in subsection (a) and inserting the following: "field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

"(1) cash awards in an amount not to exceed $5,000 each;

"(2) research grants; and

"(3) public ceremonies to acknowledge such awards.";

(3) by striking "shall elect annually—" in subsection (b) and inserting "may select annually if funds are available under subsection (a)—"; and

(4) by striking subsection (e).

SEC. 215. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "consists of—" and inserting "is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—".

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking "public education and interpretation; and"; and inserting "education, interpretation, training, and demonstration projects; and".

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended)

(1) by striking "RESEARCH" in the subsection caption and inserting "RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP";

(2) by striking "conduct of research" and inserting "conduct of research, education, and resource stewardship";

(3) by striking "coordinated research" in paragraph (1)) and inserting "coordinated research, education, and resource stewardship";

(4) by striking "research" before "principles" in paragraph (2);

(5) by striking "research programs" in paragraph (2) and inserting "research, education, and resource stewardship programs";

(6) by striking "research" before "methodologies" in paragraph (3);

(7) by striking "data," in paragraph (3) and inserting "information,";

(8) by striking "research" before "results" in paragraph (3);

(9) by striking "research purposes;" in paragraph (3) and inserting "research, education, and resource stewardship purposes;";

(10) by striking "research efforts" in paragraph (4) and inserting "research, education, and resource stewardship efforts";

(11) by striking "research" in paragraph (5) and inserting "research, education, and resource stewardship"; and

(12) by striking "research" in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking "ESTUARINE RESEARCH.—" in the subsection caption and inserting "ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—";

(2) by striking "research purposes" and inserting "research, education, and resource stewardship purposes";

(3) by striking paragraph (1) and inserting the following:

"(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and";

(4) by striking "research." in paragraph (2) and inserting "research, education, and resource stewardship activities."; and

(5) by adding at the end thereof the following:

"(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.".

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking "reserve," in paragraph (1)(A)(i) and inserting "reserve; and";

(2) by striking "and constructing appropriate reserve facilities, or" in paragraph (a)(A)(ii) and inserting "including resource stewardship activities and constructing reserve facilities; and";

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

"(B) to any coastal state or public or private person for purposes of—

"(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

"(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).";

(5) by striking "therein or $5,000,000, whichever amount is less." in paragraph (3)(A) and inserting "therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.";

(6) by striking "and (iii)" in paragraph (3)(B);

(7) by striking "paragraph (1)(A)(iii)" in paragraph (3)(B) and inserting "paragraph (1)(B)";

(8) by striking "entire System." in paragraph (3)(B) and inserting "System as a whole."; and

(9) by adding at the end thereof the following:

"(4) The Secretary may—

"(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

"(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.".

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting "coordination with other state programs established under sections 306 and 309A," after "including".

SEC. 216. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking "to the President for transmittal" in subsection (a);

(2) by striking "zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;" and inserting "zone;" in the provision designated as (10) in subsection (a);

(3) by inserting "education," after the "studies," in the provision designated as (12) in subsection (a);

(4) by striking "Secretary" in the first sentence of subsection (c)(1) and inserting "Secretary, in consultation with coastal states, and with the participation of affected Federal agencies.";

(5) by striking the second sentence of subsection (c)(1) and inserting the following: "The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.";

(6) by striking "shall promptly" in subsection (c)(2) and inserting "shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,"; and

(7) by adding at the end of subsection (c)(2) the following: "If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.".

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) for grants under sections 306, 306A, and 309—

"(A) $70,000,000 for fiscal year 2000;

"(B) $80,000,000 for fiscal year 2001;

"(C) $83,500,000 for fiscal year 2002;

"(D) $87,000,000 for fiscal year 2003; and

"(E) $90,500,000 for fiscal year 2004;

"(2) for grants under section 309A—

"(A) $25,000,000 for fiscal year 2000;

"(B) $26,000,000 for fiscal year 2001;

"(C) $27,000,000 for fiscal year 2002;

"(D) $28,000,000 for fiscal year 2003; and

"(E) $29,000,000 for fiscal year 2004; of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

"(3) for grants under section 315—

"(A) $7,000,000 for fiscal year 2000;

"(B) $12,000,000 for fiscal year 2001;

"(C) $13,000,000 for fiscal year 2002;

"(D) $14,000,000 for fiscal year 2003; and

"(E) $15,000,000 for fiscal year 2004;

"(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

"(5) for costs associated with administering this title, $6,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.";

(2) by striking "306 or 309." in subsection (b) and inserting "306.";

(3) by striking "during the fiscal year, or during the second fiscal year after the fiscal year, for which" in subsection (c) and inserting "within 3 years from when";

(4) by striking "under the section for such reverted amount was originally made available." in subsection (c) and inserting "to states under this Act."; and

(5) by adding at the end thereof the following:

"(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

"(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.".

SEC. 218. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

TITLE III—ATLANTIC FISHERIES

Subtitle A—Reauthorization of Atlantic Striped Bass Conservation Act

SEC. 301. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

SEC. 302. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 331. SHORT TITLE.

This subtitle may be cited as the "Atlantic Coastal Fisheries Act of 2000".

SEC. 332. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

"SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated—

"(1) $10,000,000 for each of fiscal year 2001;

"(2) $12,000,000 for each of fiscal year 2002;

"(3) $14,000,000 for each of fiscal year 2003;

"(4) $16,000,000 for each of fiscal year 2004; and

"(5) $18,000,000 for each of fiscal year 2005;

"(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.".

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.

Subtitle C—Atlantic Tunas Management

SEC. 361. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "fish." in paragraph (2) and inserting "fish; or"; and

(3) by adding at the end the following:

"(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

"(A) to sue an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

"(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.".

TITLE IV—SHARK FINNING

SEC. 401. SHORT TITLE.

This title may be cited as the "Shark Conservation Act".

SEC. 402. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 403. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended-

(1) by striking "or' after the semicolon in subparagraph (N);

(2) by striking "section 302(j)(7)(A)." in subparagraph (O) and inserting "section 302(j)(7)(A); or"; and

(3) by adding at the end the following:

"(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

"(iii) to land any such fin without the corresponding carcass.

"For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.".

SEC. 404. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 403 of this title.

SEC. 405. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks of the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan for Action for the Conservation and Management of Sharks.

SEC. 406. REPORT TO CONGRESS

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan for action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Conservation on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 407. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 410, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival or captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessels operators and crews.

(5) Research on methods of maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 408. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 407 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 409. SHARK-FINNING DEFINED.

In this Act, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

TITLE V—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 501. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 2000".

SEC. 502. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

TITLE VI—YUKON RIVER SALMON

SEC. 601. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 2000".

SEC. 602. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to the management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this title or any other law.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members

of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State.

(2) APPOINTEES FROM ALASKA.—

(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—

(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under paragraph (1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 603. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee (in this title referred to as the "advisory committee") of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

SEC. 604. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to the advisory committee.

SEC. 605. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 606. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of the advisory committee when such members are engaged in the actual performance of duties for the Panel or advisory committee.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of the advisory committee shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 607. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of the advisory committee, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 507(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE VII—FISHERY INFORMATION ACQUISITION

SEC. 701. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 2000".

SEC. 702. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) FISHERIES RESEARCH VESSEL PROCUREMENT.—Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

(d) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary of Commerce $60,000,000 for each of fiscal years 2002, 2003, and 2004.

TITLE VIII—CORAL REEF CONSERVATION

SEC. 801. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Act of 2000".

SEC. 802. PURPOSES.

The purposes of this Act are:

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 803. NATIONAL CORAL REEF ACTION STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this Act. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) coastal uses and management;

(2) water and air quality;

(3) mapping and information management;

(4) research, monitoring, and assessment;

(5) international and regional issues;

(6) outreach and education;

(7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and

(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 804. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs, hereafter called coral conservation projects, for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) 50 PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e) of this section.

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) of this section during a fiscal year are distributed in the following manner—

(1) no less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States;

(2) no less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States; and

(3) remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposed to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 3 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management or coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, non-governmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) Coral Reef Task Force.—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section

(j) Implementation Guidelines.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

SEC. 805. CORAL REEF CONSERVATION FUND.

(a) Fund.—The Administrator may enter into an agreement with a non-profit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 3.

(b) Authorization to Solicit Donations.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this Act. Any monies received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) Review of Performance.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 3.

(d) Administration.—Under an agreement entered into pursuant to subsection (a) of this section, the Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 806. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 807. NATIONAL PROGRAM.

(a) In General.—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this Act, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the Marine Mammal Act.

(b) Authorized Activities.—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

SEC. 808. EFFECTIVENESS REPORTS.

(a) Grant Program.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 4 in meeting the purposes of this Act. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) National Program.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 3 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 3, including a description of the funds obligated each fiscal year to advance coral reef conservation.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated to the Secretary to carry out this Act $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) Administration.—Of the amounts appropriated under subsection (a), not more than the lesser of $1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) Coral Reef Conservation Program.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 4.

(d) National Coral Reef Activities.—From the amounts appropriated under section (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 7.

SEC. 810. DEFINITIONS.

In this title:

(1) Administrator.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Conservation.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) Coral.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractina (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) Coral reef.—The term "coral reef" means any reefs or shoals composed primarily of corals.

(5) Coral reef ecosystem.—The term "coral reef ecosystem" means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the non-living environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) Coral products.—The term "coral products" means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) Secretary.—The term "Secretary" means the Secretary of Commerce.

(8) State.—The term "State" means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE IX—MISCELLANEOUS

SEC. 901. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel (HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to harvest that directed fishing allowance under section 208(a) of that Act.

SEC. 902. STATUS OF CERTAIN COMMISSIONERS AS FEDERAL EMPLOYEES.

(a) Great Lakes Fishery Commission.—Section 3(a)(1) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)(1)) is amended by inserting after the first sentence the following: "An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.".

(b) International Commission for the Scientific Investigation of Tunas; Inter-

American Tropical Tuna Commisson.—Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting after the first sentence the following: "An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purpose of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.".

(c) International Commission for the Conservation of Atlantic Tunas.—Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1) is amended by inserting after "Government." the following: "An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.".

(d) North Pacific Anadromous Fish Commission.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting after the first sentence the following: "An individual serving as a Commissioner shall not be considered to be a Federal employee while performing service as a Commissioner, except for purposes of injury compensation or tort claims liability as provided in chapter 81, of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 903. WESTERN PACIFIC PROJECT GRANTS.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855 nt) is amended by striking the last sentence and inserting "There are authorized to be appropriated to carry out this subsection $500,000 for each fiscal year.".

SEC. 904. EXTENSION OF DUNGENESS CRAB FISHERY MANAGEMENT AUTHORITY.

Section 203(i) of the Act entitled "An Act To approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes" (112 Stat. 3453; 16 U.S.C. 1856 nt.) is amended by striking "2001." and inserting "2004.".

TITLE X—MARINE MAMMAL RESCUE ASSISTANCE

SEC. 1001. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) In General.—

"(1) Grants.—Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranded network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2) Distribution among stranding regions.—

"(A) Equitable distribution.—The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) Priorities.—In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) Application.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) Advisory Group.—

"(1) In general.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

"(2) Membership.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

"(3) Public participation.—

"(A) Meetings.—The advisory group shall—

"(i) ensure that each meeting of the advisory group is open to the public; and

"(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

"(B) Notice.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(C) Minutes.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

"(4) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

"(d) Limitation.—The amount of a grant under this section shall not exceed $100,000.

"(e) Matching Requirement.—

"(1) In general.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) In-kind contributions.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) Administrative Expenses.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

"(g) Definitions.—In this section:

"(1) Designated stranding region.—the term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) Secretary.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.".

(b) Conforming Amendment.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(e) Clerical Amendment.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue assistance Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 19, 2000, at 3:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 19, 2000, at 9:30 a.m. in room SH-216 of the Hart Senate Office Building.

The purpose of this hearing is to conduct oversight on the Department of Energy's recent decision to release 30 million barrels of crude oil from the strategic petroleum reserve and the bid process used to award contracts regarding same.

For further information, please call Brian Malnak, Deputy Staff Director at (202) 224-8119 or Betty Nevitt, Staff Assistant at (202) 224-0765.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and intern be granted floor privileges during the consideration of the conference report to accompany H.R. 4461 for the fiscal year 2001 Agriculture Appropriations Act, and any votes that may occur in relation thereto: Rebecca Davies, Martha Scott Poindexter, Hunt Shipman, Les Spivey, Marc Dulaney, and Galen Fountain.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 17, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Tuesday, October 17. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will not be in session on Monday. On Tuesday, the Senate will resume consideration of the conference report on this Agriculture appropriations bill—very important legislation. The debate will be limited to Tuesday's session and approximately 2 hours on Wednesday morning, with the vote scheduled to occur at 11:30 a.m. on Wednesday on the Agriculture appropriations bill.

For the remainder of the week, the Senate is expected to complete all action necessary for sine die adjournment. I pause for applause. That is certainly what we should do. It is possible we can do it. We were able to get a good deal accomplished this week. It took a lot of work on both sides of the aisle. We were able to get a package of five bills done, which included, of course, the sex trafficking issue as well as Aimee's law and the Violence Against Women Act. We were able to pass four appropriations bills and complete action on the Defense authorization bill and begin debate on the Agriculture appropriations bill.

Next week we will have to deal with the foreign operations conference report final passage in some form; the Commerce-State-Justice appropriations bill; the Labor-HHS and Education appropriations conference report, and there are several tax provisions that need to be considered, including the FSC issue that we have been trying to get cleared, a bill that came out of the Finance Committee to make sure the United States complies with WTO requirements. We need to get that completed as well as several other items that have broad support in the House and in the Senate and the administration.

So there are four categories that we will need to act on next week. I have been having conversations and meetings this morning with Members of both sides of the aisle and with the administration to try to help facilitate that.

I notice Senator CONRAD reacted positively to "both sides of the aisle."

I think it is clearly possible to complete our work by next Friday. I had hoped we could do it by Saturday, the 14th, but the unfortunate death of our friend and colleague, Congressman Vento from Minnesota, occurred and, therefore, Members are in Minnesota this morning for the funeral service. Clearly, we can get our work done next week, and we certainly will try to. Senators should expect votes throughout the day Wednesday and Thursday and into Friday, if it is necessary.

I yield to the Senator from North Dakota for a question or comment.

KEVIN SHAWN RUX

Mr. CONRAD. Mr. President, we have just learned very tragic news that a young man from my home State of North Dakota is among those now listed as missing and presumed dead on board the U.S.S. *Cole*.

He is Petty Officer 2nd Class Kevin Shawn Rux. I want to express my deepest sympathies to the family. Our Nation honors this young man for his service and sacrifice. Our prayers are with his family in their grief today, and with all the fathers, mothers, spouses, sons, and daughters of those who lost their loved ones in this terrible attack.

I want to reassure the family this Nation will not rest until we find the criminals responsible for the death of Kevin Shawn Rux and his shipmates. This country will hold them accountable for these murders. Again, we share the grief of the family of this young man. He was doing his duty. He was serving his country. We admire very much his service, and we deeply respect his sacrifice.

My colleague from North Dakota would also like to comment. We would appreciate that.

Mr. LOTT. Mr. President, let me just say, Mr. President, I appreciate the fact that the Senator has raised this issue. It is appropriate that we acknowledge the service of our military men and women who are serving all over the world, more often than we realize, in very dangerous situations, and that we recognize those who lost their lives—in this instance, sailors on the U.S.S. *Cole*.

I, too, have a personal feeling about this. I would like to make some comments on it myself. Before I do that, I yield to Senator DORGAN from North Dakota for his remarks.

Mr. DORGAN. Mr. President, I thank the majority leader. This was obviously a senseless act of terrorism. Acts of terrorism are, in most cases, perpetrated by cowards who want to inflict terrible mayhem on especially those from our country, but others around the world as well. Yesterday, when we learned the news that the U.S.S. *Cole* had been attacked, all of us were deeply saddened. Our thoughts and prayers go out to all of the families of those who are now known dead and those who are presumed dead or missing.

As Senator CONRAD indicated, we have just learned from the U.S. Navy this morning that a young man named Kevin Rux from Portland, ND, is among those missing and presumed dead, according to the U.S. Navy. I want to add my voice to my colleagues' comments that my thoughts and prayers go out to his family. We are thinking of them and praying for them today. We feel the same about all of those who have been the victims of this attack. It tells us, once again, that this is a difficult and in some cases troubled world, and those who wear the uniform of this country in all parts of this globe, who stand for peace, do so at some risk to themselves and on behalf of a grateful Nation.

Again, I want to simply say we are thinking of the Rux family and all of the other families whose loved ones have become victims of this cowardly terrorist attack. I say, as well, that this country has said to its President and Members of Congress that those responsible for this attack must be found and brought to justice for it.

I yield the floor.

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of statements by Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUTSTANDING MILITARY PERSONNEL AND THEIR SOPHISTICATED SHIPS

Mr. LOTT. Mr. President, the U.S.S. *Cole* was built in my hometown of Pascagoula, MS. I have been on it. I have visited with the sailors, the crew, and officers on many of these ships —destroyers, cruisers, and LHDs—that are built there. It is always a thrilling experience to see the enthusiasm of these young men and women and the caliber of the young men and women who serve our country, and also the tremendous sophistication of these ships. These ships are the most sophisticated in the history of the world, with an incredible array of radar and weapons systems.

These ships can fire at 120 different targets simultaneously, using missiles and Gatling guns. They are incredible vessels. They are referred to as "aegis class" destroyers. They have a tremendous shield where they can track and identify targets or enemy activities. But we see, once again, no matter how big, how sophisticated, or how capable they are in destroying enemy ships or aircraft, they are still vulnerable to a suicide attack by two men on a small rubber vessel.

I think it is a very sobering thing that we are learning from this experience. You can be in a marine barracks somewhere, in a hotel, in a public building, or on a sophisticated ship, and you are still vulnerable to this kind of attack. This is clearly an unjustified, heinous, indescribable act that has taken place, and I know that our Government will act very aggressively to protect and provide aid to those who are injured and work with the families who are certainly going through a period of grieving now. It will also try to identify exactly who did this, who gave the order, and be prepared to take swift and very strong action against those who did it.

I have no doubt that our Government will work in unity to accomplish that.

In addition to that, I have a list before me which is not yet ready for release, and I would not want to do it before it has been properly released. But there are at least 7 identified as dead now and another 10, at least, missing potentially, and likely now 17 sailors on that ship who lost their lives.

One of those was Ens. Andrew Triplett of Macon, MS. I have before me his record of service, and I take note that this is a young man who was very forward leaning and had advanced very quickly through the ranks to reach the position of ensign.

To his entire family, and particularly his mother, Savanna Triplett of Shuqualak, MS, I extend my sympathy and prayers and also the grateful appreciation of our Nation.

I know that Americans all over the world will be touched by what we have seen happen and will be thinking of the family and praying for them in this difficult time.

RECESS UNTIL 9:30 A.M. TUESDAY, OCTOBER 17, 2000

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:07 p.m., recessed until Tuesday, October 17, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THERESA McCAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, it gives me great pleasure to congratulate Theresa McCain of Gardner, Colorado on her recent award. Theresa has earned the coveted National Educator Award from the Milken Family Foundation. She is one of only four Colorado teachers to receive this high honor. Winners of the Milken Award are nominated by fellow teachers and winners are selected by a panel. They not only receive a cash prize but also a trip to Los Angeles where they participate in the Milken Foundation National Educational Conference.

Theresa began her career in education after earning a psychology degree from the University of Wyoming and then a teaching certificate from Adams State College in Alamosa, Colorado. Shortly thereafter, Theresa began her distinguished career at Gardner. The Gardner school has 89 students, ranging from preschool through eighth grade, and teachers are often required to use many different teaching methods to manage students with wide ranging differences in age. It is educators like Theresa that have helped this school become the wonderful learning institution that it is today.

Throughout her time in Gardner, Theresa has always considered the school to be a group of teachers working together and she had this to say about her individual award in a recent article by Margie Wood, in The Pueblo Chieftain: "I feel honored to be here in this school. There are such wonderful teachers that I've learned from. I go to all these other teachers for help, so it's not my award—it's their award."

Theresa has served her community, State, and Nation proudly. During her tenure in Gardner she has helped ensure that hundreds of Colorado's youth are receiving the best education possible.

Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress I congratulate Theresa on this distinguished and well deserved award.

Congratulations!

CONGRATULATIONS ST. BRUNO CHURCH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LIPINSKI. Mr. Speaker, today I offer my congratulations to St. Bruno Church located at 4751 South Harding in Chicago, Illinois. This past September, St. Bruno's Church celebrated their 75th Anniversary serving the Catholic community on the south side of Chicago.

In September 1925, Father Alexis Gorski was appointed as the founding Pastor of St. Bruno Church. This place of worship has been the center for its Catholic patron's hopes and direction through many years of economic disparities and wealth throughout the 20th century. A young church helped bring support to the community during times of depression, war, peace, and advancement.

As time progressed there was a need for structural improvements with the church, too, as its congregation was increasing in size. In August 1955, under the direction of Father Francis Modrzenski, St. Bruno dedicated a new church and four years later added a rectory.

As the need for improvements in the school arose, Father Szlanga proudly inaugurated the School Hall and gym expansion in 1978. To further improve the quality of education for its students, the current Pastor Father Joseph Grembala oversaw a multi-million dollar noise-abatement project for the school in 1995. And the church was once again renovated in 1998.

I wish to extend my heartiest wishes to the pastor, personnel, and patrons of St. Bruno Church as they continue to celebrate the past, present and future of their church community. My best wishes to St. Bruno Church on this wonderful milestone.

IN RECOGNITION OF GERALD YOUNG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. HALL of Texas. Mr. Speaker, Iwo Jima brings to mind for most Americans the famous picture of the flag raising on Mount Suribachi and the impressive bronze statue that memorializes this historic event. The Marines fought one of the most brutal battles of American history on that porkchop-shaped eight-square-mile island—and brought honor to themselves and victory for our country.

One of the heroes of that conflict was a young, skinny, red-headed teenager from Texas—Gerald Edwin Young, otherwise known as "Red" to his Marine buddies. He served with the 5th Marine Division, 5th Engineer Battalion, "A" Company, 1st platoon. Gerald landed on Iwo Jima on February 19, 1945, day one of the battle. He had just turned 19 a few days before. Gerald had several duties—one of which was being a runner. Under constant fire, he would bring replacements to the battle front as needed, carrying out his mission time and again. He considers himself very fortunate to have survived the full 36 days of the battle—and did sustain a temporary loss of hearing after a grenade exploded near him. However, he refused the opportunity to be shipped off the island.

At the time of the historic flag raising, he tells the story that the first flag flown was too small and could not be seen so well from a distance. As a part of the Company "A" team of runners, Gerald participated in relaying that message and the need for the larger flag, which is the flag we see in the photographs of that historic day.

Today, Gerald loves to talk and tell stories, but he has little to say about his war experiences, which are still painful to talk about. He does make it clear, however, that he is proud to have served his country as an enlisted Marine—and even at 75 years of age says he would do it again if needed. His grandson, David Riddle, is a Congressional Intern in my office and a student at Texas A&M University. He shares this story about his grandfather with much pride and admiration, and it is a privilege for me to have the opportunity to share this with my colleagues. So as we adjourn today, let us do so by paying tribute to this outstanding American and World War II Veteran—Gerald Edwin Young.

TRIBUTE TO ROBERT J. STANZE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. GEPHARDT. Mr. Speaker, August 8, 2000 was a sad day for the City of St. Louis and our community. On that day, St. Louis Police Officer Robert J. Stanze was killed in the performance of his duty to protect and serve the citizens of St. Louis.

Officer Stanze was tragically shot and killed by a suspect in police custody. Bob Stanze was 29 years old, and leaves behind a young son and a wife, who is expecting twins. He was the 151st St. Louis Police Officer killed in the line of duty in the history of the Department.

No one becomes a police officer to make money, or to work easy hours. We all know that our officers work long hours, in dangerous situations, for a very modest salary. Nor is it fame that drives citizens to join the force. Rather, they join out of a sense of duty to their community and their unending belief that they can make a difference. Bob Stanze was one who was making a difference. His belief in duty and honor and justice formed his life, and was reflected in the way he conducted himself on and off the job.

Mr. Speaker, the loss of this fine young man is a great tragedy. His wife has lost his companionship—his son and unborn children have lost the love, guidance and example of a very special man. The entire St. Louis Community

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grieves with his family for their loss. Police Officer Robert J. Stanze has left a legacy of decency and bravery that won't be soon forgotten, and we are grateful to have had him among us.

HONORING BILL O'DWYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. MCINNIS. Mr. Speaker, it is with great sadness that I take this moment to recognize the extraordinary, Bill O'Dwyer of Grand Junction, Colorado. Bill recently passed away at the age of 74. While family, friends, and neighbors mourn this immense loss, I would like to pay tribute to a wonderful human being.

Bill was a valued member of the Grand Junction community and he will be greatly missed. Bill served his country admirably during World War II, fighting with distinction in the Battle of Iwo Jima. After returning a proud veteran he began O'Dwyer Electric in Grand Junction. While building a successful business, Bill began to realize the importance of civic duty and he turned to local government. For a number of years Bill served in the Grand Junction City Council where his accomplishments were great in number. On the top of the list was his work to build the current terminal at Walker Field Airport.

Bill's leadership abilities brought a number of wonderful things to the community of Grand Junction. When not serving the community in City Council, Bill could be found serving in a religious capacity, where he was Bishop for the Church of Jesus Christ and Latter-day Saints. Whether in church or in a council meeting, Bill always exemplified the qualities of a great leader and caring and generous human being.

Bill served his community, State, and Nation proudly. Though he is gone his memory will live on within all that knew him. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to pay tribute to this great Coloradan.

TRIBUTE TO LIEUTENANT GENERAL RANDOLPH W. HOUSE, USA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to Lieutenant General Randolph W. House upon his retirement from the United States Army.

General House has served our nation with honor and distinction for over 32 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to soldiers. General House was commissioned a second lieutenant in 1968 upon completion of the Reserve Officers' Training Corps and graduation from Texas A&M University. During his military career, he completed the Infantry Officer Basic and Advanced Courses, the United States Army Command and General Staff College, and the National War College.

General House's record of service is outstanding. Throughout his long and distinguished career, he has held numerous key command and staff positions, including the following: Helicopter Platoon Leader and Infantry Company Commander in South Vietnam; Armor Brigade Commander during Operation DESERT SHIELD/DESERT STORM; Division Commander of 1st Infantry Division; Senior Military Assistant to Secretary of Defense, Dr. William Perry; Commanding General, Eighth U.S. Army and Chief of Staff, United Nations Command/Combined Forces Command/U.S. Forces, South Korea; and Deputy Commander in Chief and Chief of Staff, U.S. Pacific Command.

His assignments include Deputy Chief of Staff, 5th Infantry Division (Mechanized), Fort Polk, Louisiana; Commander, 1st Battalion, 61st Infantry, 5th Infantry Division (Mechanized), Fort Polk, Louisiana; Chief, Force Planning Integration Team, War Plans Division, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC. He has also held a variety of important command and staff positions to include Executive Assistant to the Vice Director and Director of the Joint Staff, The Joint Staff, Washington, DC; Commander, 2d Brigade, 1st Cavalry Division, Fort Hood, Texas and Saudi Arabia; Assistant Division Commander, 4th Infantry Division (Mechanized), Fort Carson, Colorado; Deputy Commandant, United States Army Command and General Staff College, Fort Leavenworth, Kansas; Commanding General, 1st Infantry Division (Mechanized), Fort Riley, Kansas; Senior Military Assistant to the Secretary of Defense, Office of the Secretary of Defense, Washington, DC; Assistant Chief of Staff for Installation Management, United States Army, Washington, DC; Commanding General, Eighth United States Army/Chief of Staff, United Nations Command/Combined Forces Command/United States Forces Korea. He culminated his career with his most recent duty as Deputy Commander in Chief/Chief of Staff, United States Pacific Command, Camp H.M. Smith, Hawaii.

General House was awarded the Silver Star during actions by his brigade of the 1st Cavalry against elements of the Iraqi Republican Guards during DESERT STORM and received twenty-two Air Medals as a young helicopter pilot in the Republic of Vietnam. His other military awards and decorations include the Defense Distinguished Service Medal (with 2 Oak Leaf Clusters), Distinguished Service Medal, the Defense Superior Service Medal the Legion of Merit (with 2 Oak Leaf Clusters), the Distinguished Flying Cross (with 3 Oak Leaf Clusters), the Soldier's Medal, the Bronze Star Medal (with Oak Leaf Cluster), the Army Commendation Medal (with Oak Leaf Cluster), the Combat Infantryman Badge, and the Ranger Tab.

General House has positively impacted our Army and our Nation. His leadership, innovative ideas and operational knowledge left an indelible, mark on soldiers, family members, the units he commanded, the Department of the Army, the Department of Defense, and the American people. Through superb leadership and the care and concern he demonstrated to soldiers and their families, he developed warfighters that accomplished every mission. During war, he led from the front, always by example, earning the respect and admiration of every soldier. During peacetime, he promoted sound political and military relationships among unified and combined forces and enhanced the quality of life of United States personnel and their families. General House also worked to produce improved relations with a large number of countries within the Asia-Pacific region and to improve crisis and contingency planning.

I would ask my colleagues to join me in wishing General House and his wife, Jeanie, all the best. We thank them for over 32 years of dedicated and unselfish service to the United States of America.

HONORING CHAIRMAN TOM BLILEY

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. DEMINT. Mr. Speaker, I would like to take this opportunity to honor my colleague, Chairman BLILEY, for his faithful service in the U.S. House of Representatives. As his many years as a dedicated public servant in the House come to a close, I am sure he is looking back at the many accomplishments of his time here. I would like to highlight his activity in one specific area—adoption.

Chairman BLILEY, as the adoptive father of two and co-chairman of the Congressional Coalition on Adoption, has championed adoption issues in Congress. Most recently he has worked to make sure pregnancy counselors are trained to provide complete and accurate information on adoption to women with unplanned pregnancies. He has also worked to increase the adoption tax credit to $10,000 in relief for families dealing with the high cost of adopting children.

Adoption is a wonderful thing because it brings a positive, life-giving end to what could be difficult circumstances. The mother can place her child in a loving family, the child receives a warm and welcoming home, and an adoptive couple gets to wear one of the greatest titles in America—parent.

I applaud the chairman for his tireless efforts to help the birthparents, adopted children, and adoptive parents around this country. There are many children who have been blessed with parents and a loving home because of the work of Chairman BLILEY. I thank and salute him for all of his work and wish him well in retirement.

CONGRATULATIONS MAYOR EUGENE SIEGEL, VILLAGE OF CHICAGO RIDGE, 25 YEARS OF PUBLIC SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LIPINSKI. Mr. Speaker, today I offer my congratulations to Mr. Eugene L. Siegel, a friend and colleague from the Third Congressional District of Illinois, whom recently celebrated 25 years in public service as the Mayor of Chicago Ridge, Illinois.

Mayor Siegel is a hardworking, devoted man. He is a long-time resident of Chicago. Gene and his late wife, Virginia, have four children, Gary, Janet, Andrew and Matthew, and four grandchildren, Steven, Bradley, Victoria and Alexandria. Gene became involved in politics in 1963, and since then, has been involved in public service on both the local and state levels.

Mayor Siegel has always maintained an open door for all of his family, friends, constituents, and employees. He began working in public service as the Deputy Coroner for Cook County Coroner's Office; a post he held for eight years. Throughout the 70's and 80's he served as the mayor of the Village of Chicago Ridge on a part-time basis. Then, in 1993, Gene was elected as the full-time mayor and has served in this capacity for the last seven years.

Mayor Siegel is a man for the people. As mayor, he has been actively involved with people of all ages throughout the community that he serves. For example, he was instrumental in the development of a Senior Citizen Center and the establishment of the Youth Service Bureau with a Youth Director to counsel families and their children.

As mayor, Gene has made remarkable economic, environmental and infrastructure improvements to the Village of Chicago Ridge. For example, he created a solvent tax base by implementing the development of both the Chicago Ridge Mall and the Commons of Chicago Ridge. He also was involved with the improvement of Ridgeland Avenue to establish commercial land use, the installation of an adequate water system with a two million gallon reservoir, and a plumbing station.

Mayor Siegel has been instrumental in bringing economic prosperity to the community. He has proven to be a true asset to his family, friends and community. I am proud to have Mayor Siegel as a colleague of mine in the district.

I wish to extend my heartiest congratulations to Mayor Siegel and his family as he celebrates 25 years in public service. This is a remarkable accomplishment and Mayor Siegel deserves great credit for the vast improvements and economic development that he has brought to the Village of Chicago Ridge. My best wishes to the Mayor and his family on this wonderful milestone.

IN MEMORY OF JUDGE BILL COATS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor to pay tribute today to the late District Court Judge, W. E. "Bill" Coats, of Tyler, TX, who died in April of this year at the age of 76. Judge Coats served Smith County for 30 years as judge and district attorney. He had practiced law in Smith County since 1954.

He was elected the first Republican district attorney in Texas, serving from 1963 until 1967. He also served as judge of County Court at Law No. 2, from 1975–79, and served as 7th District Court Judge to complete his 30 years of service in Smith County. He also was appointed by the Tyler City Commission in 1968 to serve as Municipal Court Judge. Judge Coats was a Mason and Shriner and served in the Army Air Corps during World War II.

Survivors include a son, William Fred Coats of Tyler; daughters, Fonda Reeves of Tyler, Ardis Maxwell of Luling, and LeAnn Craven of Wills Point; a brother, James Coats of Whitehouse; 10 grandchildren and two great-grandchildren.

Judge Coats brought dignity and honor to the courtroom—and in all that he accomplished. His distinguished career and contributions to the practice of law and the judiciary in Smith County will be long remembered, and I would like to take this opportunity to join his family, his friends, and his peers in paying our last respects to this respected District Court Judge, Bill Coats. As we adjourn today let us do so in his memory.

HONORING TILLIE BURGIN, EXECUTIVE DIRECTOR OF MISSION ARLINGTON/MISSION METROPLEX

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. FROST. Mr. Speaker, today I wish to honor Tillie Burgin, executive director of Mission Arlington/Mission Metroplex. Mrs. Burgin was recently inducted into the Texas Women's Hall of Fame. Called the Mother Teresa of Arlington, Tillie Burgin works through Mission Arlington to provide the community's poor and underprivileged families food, clothing, shelter, counseling, childcare, healthcare, and a myriad of additional services.

Tillie Burgin originally founded Mission Arlington in August 1986 to fulfill her vision of "taking church to the community." Mrs. Burgin began with just two Bible study meetings in an apartment community. As Mission Arlington grew, however, so did Tillie's vision. The importance of meeting people's physical and emotional, as well as spiritual needs, became immediately apparent. The organization has since expanded to provide a number of social services to Arlington, bringing hope and opportunity to every person in the community.

I am proud of the work that Tillie Burgin and Mission Arlington do to strengthen the city of Arlington and its families. She has changed innumerable lives with her great energy and dedication. Texas is honored to be home to Tillie and her Mission. I cannot think of a more passionate, humble, or deserving woman to receive this honor. I salute her today.

TRIBUTE TO ST. CLEMENT CATHOLIC CHURCH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LEVIN. Mr. Speaker, I rise today to honor St. Clement Catholic Church in Center Line, Michigan as they celebrate 150 years of service to the Warren and Center Line communities with an anniversary mass on October 15, 2000.

Generation after generation has been blessed and served by St. Clement Catholic Church which has held a prominent place in their lives. Beginning in 1857, the Church has engaged in a series of reconstruction and expansion programs in order to accommodate the growing number of students.

Today, their present church is an outstanding edifice—adorned with stainglassed panes, a marble altar, and has a seating capacity, of 1600 parishioners.

St. Clement Catholic Church has benefitted from outstanding leadership, and the communities are most grateful to the service and dedication of members of the clergy, past and present. Education has been a priority and though there were periods of financial hardship, the students were always a priority.

Today, Father Ron Victor continues the tradition of caring and devotion to the communities of Center Line and Warren. I have thoroughly enjoyed attending many events at St. Clement including its traditional festivals and fish-fries. Over the years, it always has been a pleasure to meet and spend time with many parishioners of the church.

Mr. Speaker, I ask my colleagues to join me in congratulating St. Clement Catholic Church as they continue their mission of faith and service to the parish and broader community, and wish them continued success.

HONORING SHERI ROCHFORD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend Sheri Rochford on her outstanding commitment to education at Fort Lewis College in Durango, Colorado. Sheri's contributions as Dean of Development have helped to foster the educational environment that Fort Lewis takes such great pride in. Her efforts deserve the praise of this body.

Sheri was born in Denver, Colorado, but her family soon made Durango her home. She attended school in Southern Colorado, graduating from Durango High School and then moving on to Fort Lewis College where she graduated in 1977 with a degree in business and history. Her graduate work was done at Lesley College in Cambridge, Massachusetts. After completing a master's degree in counseling, Sheri went on to do her doctorate with Harvard by attending classes on weekends and during summers in Farmington, New Mexico.

For the past five years, Sheri has been the Dean of Development at Fort Lewis College. After receiving her education, she joined the Fort Lewis College staff as a secretary for the sciences faculty. Her natural ability to lead and desire to succeed soon moved her up the ladder of advancement. Before becoming Dean, she served Fort Lewis College in the capacity of Director of Admissions.

Along with her duties at Fort Lewis, Sheri is also quite active in the community of Durango. She has served as president of the Durango Foundation for Educational Excellence and has been a long time supporter and member of the La Plata County Historical Society and the Animas Museum. Sheri has worked diligently for the community of Durango and Fort Lewis College. Her contributions have been great in number. As she continues to serve as Dean of Development, I wish her the very best. Sheri is one of our own in western Colorado and she has made us all very proud.

TRIBUTE TO FIREFIGHTER, ROBERT C. BRANNON, JR.

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. WISE. Mr. Speaker, I rise today to honor the life of Robert C. Brannon, Jr., a fallen firefighter from Bluefield, West Virginia, who passed away at the age of 43 after suffering a heart attack while battling a house fire.

Robert C. Brannon, Jr. lived his life with integrity, dignity and honor. He was a man known for his service to his family, his church, and his community. As an alumnus of West Virginia University and Bluefield State University, he was well-educated and well-rounded and used his education in business and engineering to help people in need. Mr. Brannon served as lieutenant and fire inspector for the Bluefield Fire Department.

Although Mr. Brannon's life was cut short, he lived it to the fullest. Before serving over 20 years with the Bluefield Fire Department he enjoyed growing up in Bluefield, West Virginia. As a boy, he played little league, wrote for his high school newspaper and was on his high school basketball team. As an adult, Robert C. Brannon, Jr. not only gained the technical knowledge to create and design web pages but also was skilled as an electrician, carpenter, stoneworker and painter.

Known by his friends and family as Bob, he was a loyal friend, husband and father. Bob, along with his wife Cindy, showed love and guidance to their two sons Jonathan and Jeffrey. He and his family were also active in Christ Episcopal Church in Bluefield.

Mr. Speaker, I ask that this House please join me in recognizing and honoring the life of service and dedication of Robert C. Brannon, Jr., and commemorate his sacrifice of service as a Bluefield firefighter.

EIGHTIETH BIRTHDAY OF MARY LOUISE QUIGG CALDWELL PLUMER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to recognize one of my constituents and very dear friends, Mary Louise Quigg Caldwell Plumer, of Miami, Florida, who will be celebrating her 80th birthday on October 21, 2000.

Mary was born October 21, 1920 in Live Oak, Florida. Her parents moved to Miami when she was 6 years of age, where she was educated and graduated from Ponce de Leon High School in 1938. She served as editor of the school newspaper and was awarded the Woman's Club Cup as the "Most Outstanding Girl." Mary continued her education at the Florida State College for Women (FSCW), becoming a member of the Sophomore Council, the Cotillion Club and the Pi Beta Phi Sorority. She graduated from FSCW in 1940 and transferred to the University of North Carolina in Chapel Hill, where she was awarded the Valkyrie Cup as the Most Outstanding Coed of the University, graduating in 1942.

Moving to Atlanta, Georgia in 1942, she worked as the publicity director for radio station WSB. She returned to Miami and contributed to the War effort by working for the Red Cross as staff assistant to the Army Air Corps Redistribution Unit in Miami Beach, where she met her husband to be, Naval Lt. Commander Richard B. Plumer. He was graduated from Miami High School, Philips Exeter Academy and Princeton University (summa cum laude).

Mary raised four children (Richard, Penny, Christopher and Patience) and became actively involved in many worthwhile community projects. Among her accomplishments, she brilliantly led a committee to build the All Faith Chapel at Jackson Memorial Hospital in 1973, five years after her daughter, Penny, died there. She has had articles published in The Miami Herald and Reader's Digest. She was awarded the M.O.M. Cup in 2000 as the Most Outstanding Mother. She also earned a prestigious reference in Who's Who of American Women.

Mary's gracious manner and warm spirit has won the hearts of the people of Miami. She is admired and respected for her compassion and generosity to anyone who is fortunate to meet her. It is my sincere pleasure and great honor to join Mary's family and friends in wishing her a wonderful celebration and many more happy and healthy birthdays.

IN TRIBUTE TO THE HONORABLE WILLIAM H. AVERY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. WOLF. Mr. Speaker, I want to add my congratulations to the many tributes recently given to the Honorable William H. Avery, a former member of this House and a former governor of the state of Kansas.

On September 29, the post office in Wakefield, Kansas, the hometown of Bill Avery, was renamed in his honor, and the town honored their native son by proclaiming the event the "William H. Avery Day."

I had the pleasure of working with Bill Avery at the Department of the Interior in the early 1970's after his distinguished 10-year career in Congress and as the 37th governor of Kansas. After receiving a degree from the University of Kansas in 1934, he went back to his hometown to work the family farm. He started his public service career on the local school board in his hometown, and from there was elected to the Kansas State House of Representatives before moving on to Congress and the Kansas statehouse.

Bill Avery is a man of honor and integrity who has devoted his life to serving the public. He continues to reside in Wakefield today, and it's a fitting tribute to this fine gentleman that the people of his hometown have recognized his service to their community by renaming their post office in his honor. I join in saluting The Honorable William H. Avery.

HONORING MILES KARA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I take this moment to celebrate the life of Miles Kara of Grand Junction, Colorado. Miles recently passed away in his home at the age of 84. Miles lived a life full of love and happiness and his legacy will long endure. As family, friends, and colleagues mourn this immense loss, I would like to take this time to pay tribute to a truly compassionate and wonderful human being.

Miles was born and raised on the western slope of Colorado, and would eventually raise his children there as well. Graduating from Fruitvale High School and Grand Junction Junior College, he went on to earn a Bachelor's Degree from the University of Colorado in 1937. Upon graduation, he taught at Appleton High School for a few years and then met his patriotic duty by serving his country in the United States Air Force during WWII. After returning a proud veteran, he enrolled in Westminster Law School, graduating with a law degree in 1948.

His educational background easily prepared Miles for the many career choices he would make during his service to the people of the Grand Valley. After moving back to his childhood home, Miles practiced law for a number of years before working with a number of different organizations, all serving the Grand Junction community admirably. He began his service to his community as Mesa County Judge and moved on to work for US Bank as Senior Vice President and a Trust Officer. But Miles is best known for his work in education, where he served as President of the District 51 Board of Education and as Executive Director the Mesa State College Foundation.

Miles worked hard to ensure that Grand Valley's youth were receiving the best education possible. His devotion to his community was not only demonstrated by his work in education but also as a dedicated 33rd Degree Scottish Rite Mason. For Miles helping others was second nature. In a recent article in The Grand Junction Daily Sentinel by Rachel Sauer, his daughter Nancy best summed up her father in her own words: "you always love your family and take care of them first thing. And that people in trouble who need a hand should have one. If you could help someone you should help them. It's your responsibility as a human being."

Miles lived his entire life devoted to his family but always made time for others. It didn't matter the time of day; he was always there to lend a helping hand. Miles showed his love for his family and his fellow humans in his every action. His commitment to public service has changed the lives of many. Miles was a loving and cherished member of our community and he will be greatly missed.

Although he may be gone his memory will live on within the hearts of all that knew him. Clearly, America is better off for having known Miles Kara.

HONORING THE NASHVILLE SYMPHONY ORCHESTRA ON THE OCCASION OF ITS HISTORIC PERFORMANCE AT CARNEGIE HALL IN NEW YORK CITY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CLEMENT. Mr. Speaker, I rise today to honor the Nashville Symphony on the occasion of its historic first performance at Carnegie Hall in New York City. In particular, I would like to recognize the outstanding efforts of Executive Director Alan D. Valentine and his staff, conductor Kenneth Schermerhorn, Associate Conductor Karen Lynne Deal, and the Board of Directors including Symphony Campaign 2000 Chairman Martha Ingram. Although every person involved played a role in this effort, these individuals in particular gave of their time and energy to ensure the symphony would have the opportunity to shine in the national spotlight.

On September 25th the Nashville Symphony culminated an East Coast tour by performing for the first time at Carnegie Hall in New York City. Well over a thousand Middle Tennesseans attended the sold-out show including Mayor Bill Purcell, my wife Mary, and me. The stunning performance garnered rave reviews from the New York Times and the Tennessean proving to the nation what Nashville has known for years about the symphony's excellence in artistry and skill.

Now in its 55th season, the Nashville Symphony has entertained and educated thousands of individuals at performances across the nation. At home, the symphony has earned the respect of our community through years of perseverance through its varied history. With the assistance and commitment of individuals like Martha Ingram, the Nashville Symphony has graciously survived, and today boasts a roster of eighty-seven contracted musicians. In fact the group just released the new compact discs, "Howard Hanson: Orchestral Works Volume I," and "Charles Ives: Symphony No. 2," on the Naxos label to coincide with their Carnegie Hall debut.

The symphony is the largest performing arts organization in Tennessee, and regularly partners with the community and area schools to educate the public about symphonic music and classical music. Studies have shown that exposing children to music at a young age increases their ability to learn and retain information. In fact, my two daughters, Elizabeth and Rachel began playing the violin at the age of five. Both have benefited tremendously from their exposure to symphonic and classical music.

In the same way, each young person should have the opportunity to enjoy and participate in the arts. The symphony plays a vital role in educating young people in our area by offering a number of educational opportunities such as Ensembles in the Schools; Martin Luther King Jr. Essay Contest; String and Band Bash; AmSouth Classroom Classics; and Young People's Concerts at War Memorial Auditorium. The symphony reaches 80,000 children in Middle Tennessee each year. This commitment to exposing future generations to the arts is to be commended.

The history of the symphony dates back to 1920 when a group of Nashville musicians formed the "Symphony Society" with its own orchestra and roster. Unfortunately that group fell to the wayside during the Great Depression. However, the cause was taken up again after World War II, when Nashville native and war veteran Walter Sharp returned home from the war on a mission to form a symphony orchestra in his hometown. Sharp succeeded and gained the support of the community when he founded the Nashville Symphony Orchestra.

Today the Nashville Symphony performs more than 200 shows per year. Many of these performances are in conjunction with other area arts organizations such as Nashville Ballet, Nashville Opera, Nashville Institute for the Arts, and Tennessee Performing Arts Center. In addition the symphony has performed with Luciano Pavarotti, Charlotte Church, Amy Grant, Vince Gill, and many other internationally renowned artists.

With an exceptional donor base and strong community support, the Nashville Symphony stands on a strong foundation to entertain and enlighten new generations in the 21st Century and beyond.

"A TRIBUTE TO ERNIE ARMSTEAD, TOP SENIOR VOLUNTEER"

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LEWIS of California. Mr. Speaker, senior citizens across the country are setting an example for all of us of the value and virtue of volunteerism, but Ernie Armstead of San Bernardino is a standout even among these hard-working civic champions. The senior volunteers and those who work with them in San Bernardino County, who know the hard work of Ernie Armstead, were delighted this year when he was one of five recipients of the prestigious National Community Spirit Award from the American Association of Retired Persons.

Mr. Armstead, who is retired from the Air Force and the U.S. Postal Service, has for the past six years been organizing programs to educate the senior population about everything from Medicare to legislative issues to how to get help with tax preparation. He now serves as community relations coordinator for 36 area AARP chapters, and has been a member of the County Senior Citizens Affairs Commission since 1995. He is chairman of the commission's Senior Housing Subcommittee, and as liaison between the commission and AARP.

Among his accomplishments, Mr. Armstead created an innovative program in my hometown of Redlands known as Dinner and Dialogue, which brings together people in their 50s and 60s for a meal and discussion of issues that concern them. The popular dinners have brought in speakers from around the county to discuss senior programs and answer questions. It is one of many examples of opportunities Mr. Armstead seeks for seniors to create and expand networks across political, ethnic and age groups.

Mr. Speaker, all of the people of San Bernardino County benefit from the hard work by exemplary senior volunteers like Ernie Armstead. I ask you and my colleagues to join me in congratulating him on being honored with the National Community Spirit Award, and wish him well in his continuing volunteer work in our county.

A TRIBUTE TO SAINT JOSEPH PARISH ON THEIR 150TH ANNIVERSARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. BARCIA. Mr. Speaker, I rise today to sing praise for Saint Joseph's Parish in my hometown of Bay City, Michigan as they celebrate their 150th anniversary. The church has been the spiritual beacon of a fine neighborhood and, indeed, of the entire community.

Since the middle of the 19th Century, the church has stood as the centerpiece of the city's Northeast Side, drawing family and friends into the light of Christian love and charity.

The congregation's commitment to the community remains as strong today as it was when Father Kindekens first suggested in the late 1840s that Catholic settlers build a church in which he and visiting priests could minister to the needs of parishioners. By 1850, work began on the first Catholic church in the Saginaw Valley—Saint Joseph's.

In the beginning, just 20 families formed the foundation of the church. Six years later, the burgeoning parish counted about 2,000 members on its rolls and by 1868 that number had more than tripled. As the years went by, the church expanded to include additional buildings and educational facilities.

The church's mission remains unchanged today as leaders continue to offer strong spiritual and academic training to the neighborhood's families and many beyond its environs. In fact, the church holds a special place in my heart because it is the home parish of my wife, Vicki, who received her religious and early educational guidance under the tutelage of St. Joseph's clergy, nuns, teachers and parishioners.

Those who live in the shadow of St. Joseph's and those who have been touched by its influence cannot help but smell the sweetness of an angel's breath at their side and feel the hand of God on their shoulder.

HONORING RUTH BEASLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to celebrate the life of Ruth Beasley of Gypsum, Colorado. Ruth spent nearly a third of her life giving back to the community in which she was raised and her contributions are immeasurable. As family and friends mourn her passing, I would like to pay tribute to this fine woman.

Ruth was born and raised in Gypsum and spent her entire life in the Eagle Valley. Her fondest memories of her younger years include her first trip to Denver to compete in a spelling contest as well as competing on her high school debate team. Her studies were always very important to her and this earned her the honor of valedictorian at her high school graduation.

It was not her achievements in her younger years that Ruth will be remembered for, rather it was her work for the communities of Gypsum and Eagle that will forever keep her name alive. For over three decades Ruth worked with the Eagle County Social Services helping citizens of her community overcome great challenges in their lives. She is also known for her dedication to the American Legion Auxiliary and her work with the Eagle County Historical Society Museum.

Ruth Beasley was very committed to her community. Her dedication and compassion for her fellow human beings will not soon be forgotten and will live on in the hearts of all that knew her. She was a loving person and she touched the hearts of all that she came in contact with. She will be greatly missed.

IN HONOR OF PEACE WEEK IN SANTA MARIA, CALIFORNIA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. CAPPS. Mr. Speaker, as this session of Congress races to a close, we often lose sight of some of the wonderful things happening at home in our communities, and this is especially true when Washington, D.C. is consumed by political battles. That is why I rise today to commend the remarkable city of Santa Maria, California, which I am very proud to represent, for its fourth annual Peace Week.

Mr. Speaker, two years ago, I stood on the House floor to congratulate Santa Maria on being named one of 10 All-America Cities. This high honor was justly granted to a city that has distinguished itself by its diversity and the fact that all the residents of Santa Maria work together to find innovative ways to solve their problems.

One glowing example of this community cohesiveness is Peace Week, which will begin tomorrow, October 13. The goal of Peace Week is to stress nonviolence and conflict mediation. Each day brings a focus on a new topic and allows community members of all ages and cultures to discover ways they can make a difference in their own lives and in the lives of their neighbors.

Examples of daily Peace Week activities include a candlelight march, nonviolence education, and children's friendship games. Participants will enjoy a free community breakfast on "Community Peacemaker Day" and a keynote address given by Clayton Barbeau. There will also be stress relief through massage and Reiki therapists, a workshop on healing racism, and an Ecumenical Musical Reflective Peace Service.

Mr. Speaker, Peace Week is the product of an entire city and its enlightened leadership. I want to pay special tribute to my friend, Sister Janet Corcoran of Marian Medical Center Mission Services, for her remarkable dedication and tireless work on behalf of her community and the precious cause of peace. She is a role model for me and a role model for us all.

THE ANNIVERSARY OF THE ENACTMENT OF THE STAGGERS ACT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SHUSTER. Mr. Speaker, twenty years ago, on October 14, 1980, President Jimmy Carter signed the Staggers Rail Act of 1980 into law. This landmark legislation transformed the nation's freight railroad industry from a state of physical deterioration and widespread bankruptcy to the modern system we have today that is the envy of the world.

In the 1970s, after years of federal regulation that did not allow the railroad industry to compete effectively with other modes of transportation, the railroads were in severe decline. Twenty percent of railroad mileage was being operated in bankruptcy. Capital investment was not being made. Infrastructure suffered from deferred maintenance, and accidents were on the rise.

The Staggers Act partially deregulated the railroads and freed them to operate in the free market system like other industries. It allowed the railroads to make their own business decisions, to establish their own routes, to set rates based on market demand and to invest in new technologies and infrastructure.

Our nation's economy has benefited enormously from the Staggers Act. Lower railroad rates mean consumers pay less for the goods they buy. Railroad customers have more money to invest in their own businesses. Fewer accidents mean a safer working environment for railroad employees.

Mr. Speaker, twenty years ago the enactment of the Staggers Act set the stage for the renewal of the railroad industry and today our nation's economy continues to benefit from this important law.

IN RECOGNITION OF FRANK DAVIS' PARTICIPATION IN THE ESTABLISHMENT OF THE OVER 60 HEALTH CENTER, BERKELEY, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. LEE. Mr. Speaker, I recognize the participation of Berkeley activist and realtor Frank Davis in the establishment of the Over 60 Health Center in Berkeley, California.

Mr. Davis has been a resident of Berkeley for over 50 years and owned the property where the Over 60 Clinic now calls home. While Mr. Davis had many offers to sell his property at a larger profit, he rejected those offers to sell until he was moved by the idea and challenge of a combination senior housing and health care project. Mr. Davis sold his property to the Over 60 Building Project, which ultimately helped create this unique facility that combines a health clinic downstairs with affordable housing for seniors upstairs.

The Over 60 Building is a unique collaboration of three local non-profit organizations. Over 60, a division of LifeLong Medical Care, is the oldest community health center serving seniors in the United States; the Center for Elders Independence is one of 13 nationally-acclaimed "Programs of All-Inclusive Care for the Elderly" (PACE); and Resources for Community Development is a developer of low-income housing in Alameda County. This partnership offers medical and community-based long term care services for low-income elders while allowing them to remain independent, socially active and live in the same community throughout their life span.

Mr. Davis is a native of Mississippi who came to California to "seek a better quality of life and to get away from discrimination." He is the current Chair of the Black Property Owners Association, President of the Tyler King Neighborhood Association, and remains active in helping to improve the quality of life for South Berkeley.

The Over 60 Building is truly an innovative model of care for seniors, quickly becoming a source of civic pride and a valuable resource for the citizens of Berkeley. I applaud the vision that Mr. Davis had to sell his property to this important project despite personal financial gains had he sold to for-profit developers.

HONORING SUSAN LOHR–

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Susan Lohr, on her recent award. Susan is one of two recipients of the Cranmer Award, sponsored by Colorado Open Lands. Susan is the co-founder of Gunnison Ranchland Conservation Legacy, an organization that works to preserve family-owned ranchland in southern Colorado. Together with ranchers and community leaders the organization is attempting to preserve and protect over 20,000 acres of land.

Susan is no stranger when it comes to conserving farm and ranchland. She is currently president of a private land conservation consulting firm, Lohr Associates. She also recently retired as Director of the Rocky Mountain Biological Laboratory, where she worked for over a decade. Susan serves the Legacy in the capacity of Founding Director and Board Member Secretary/Treasurer.

Susan has worked very hard to ensure that family ranchlands are protected throughout southern Colorado. This dedication has helped a great number of people preserve thousands of acres of land and for that she deserves the recognition of this body. Mr. Speaker, on behalf of the State of Colorado and the US Congress I congratulate Susan on this prestigious and well-deserved award.

Congratulations!

FLAWED ELECTIONS IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SMITH of New Jersey. Mr. Speaker, this Sunday, October 15th, Belarus will hold parliamentary elections. Based on the run-up to the elections, the possibility of free and fair elections simply does not exist. Belarusian strongman Alyaksandr Lukashenka—who illegally extended his own term in office—is once again attempting to dupe the international community into believing that there are viable electoral processes in today's Belarus. The reality is different.

The Lukashenka regime has not met any of the four conditions that the Organization for Security and Cooperation in Europe set back last spring—namely, a democratic election law, an end to human rights abuses, access by the opposition to the state media, and genuine powers granted to the parliament. As a result, on August 30, the OSCE and other institutions decided not to send a full-fledged international observation team to Belarus. This decision could have been revisited if the situation in Belarus had improved. However, since August 30, the Lukashenka regime has denied registration to many opposition candidates on highly questionable grounds; detained, fined, or beaten over 100 individuals advocating a boycott of the elections; burglarized the headquarters of an opposition party; and confiscated 100,000 copies of an independent newspaper. My friend, opposition leader Anatoly Lebedka was physically assaulted during a commemoration of the one-year anniversary of the disappearance of opposition leader Viktor Gonchar and his associate Anatoly Krasovsky. I might add that another leader of the opposition, former Interior Minister Yuri Zakharenka, remains missing after having disappeared 17 months ago, and two leading opposition members, Andrei Klimov and Vladimir Koudinov, remain imprisoned on politically motivated charges.

Mr. Speaker, governmental interference in the election process appears to be rampant. There are reports that regional and local government executive committees have been threatened to ensure that government supported candidates will be elected. The registration process also showed strong signs of arbitrariness, with the rejection of a large percentage of candidates, especially opposition candidates. According to today's Radio Free Europe-Radio Liberty East-Central Europe Report, Belarusian authorities—in an attempt to counter the opposition's call for an election boycott—have begun urging early voting and even threatening reprisals if voters fail to go to the polls. Furthermore, in Brest, the government-controlled local press is publishing election materials devoted solely to one candidate. All of these and other incidents, Mr. Speaker, have contributed to an atmosphere highly obtrusive to free and fair elections.

Given the pre-election atmosphere, the international community will be hard-pressed to recognize the new parliament, which succeeds the old, Lukashenka hand-picked parliament that was not recognized by the OSCE Parliamentary Assembly and much of the international community. Moreover, the current election environment does not in any way inspire confidence that the presidential elections scheduled for next year will be democratic. Mr. Lukashenka would do well to keep in mind that, with the fall of Slobodan Milosevic, he becomes increasingly isolated as Europe's sole remaining dictator.

HONORING MR. JOHN HERNANDEZ

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. GRANGER. Mr. Speaker, I rise today to pay tribute to John Hernandez, one of Fort Worth, Texas' finest sons, in honor of his receiving the Ohtli Award from the Mexican Ministry of Foreign Affairs for his lifetime service to the Hispanic community. There is no person more deserving than John Hernandez.

The Ohtli Award recognizes individuals of Mexican descent who live outside of Mexico who have dedicated the better part of their lives to "opening up new paths" to make it easier for future generations to follow in their footsteps. Mr. Hernandez has done this and much more for the Hispanic community of Fort Worth.

Born in Fort Worth in 1931, Mr. Hernandez graduated from Laneri Catholic High School in 1951. Six years later, in 1957, he married his wonderful wife, Jeanette. Together, they have dedicated their lives to faith, family, and community.

Mr. Hernandez has tirelessly served Fort Worth's Hispanic community. He is a Board member of the Fort Worth Hispanic Chamber of Commerce and served as its Chair from 1991–1992. Mr. Hernandez currently serves as the Chair of the North Texas Unity Council of La Raza and as a Board member and Second Vice Chair of the Red Cross. He is a member of the University of North Texas School of Community Service's Board. Mr. Hernandez also serves as a member of the Board of Trustees for the Catholic Diocese of Fort Worth and a Council Member at All Saints Catholic Church. As a Scout Master and Executive Board member of the Longhorn Council, he has been actively involved with the Boy Scouts of America for almost two decades. These are just several examples of his invaluable contributions to our community.

Paving the way for others to follow, Mr. Hernandez has helped tear down the walls of discrimination. He has always been a crusader for the betterment of the Hispanic community, never seeking the glory for himself, but instead for those around him. Our community is stronger for his presence and forever blessed for his dedication and devotion.

I would like to congratulate Mr. Hernandez, his wife of 42 years, Jeanette, his eight children, and fifteen grandchildren and wish them all continued happiness and success in their endeavors.

Mr. Speaker, Mr. Hernandez embodies the spirit of community responsibility we all strive towards. His life's work makes America a better place to live in every day.

CONGRATULATING JUDGE ROMAN S. GRIBBS UPON RETIREMENT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. UPTON. Mr. Speaker, I rise today to mark the end of an era in the government of my home state of Michigan. With the retirement of Judge Roman S. Gribbs, the people of Michigan are losing more that just a Judge, they are losing a man who has dedicated his life to serving the people. His dedication and work over the years for the people of Michigan has been truly admirable and aspiring to many.

With over 45 years of service to his community, Judge Gribbs has left his mark on a countless number of lives. This loving husband and father of five children, began his career as professor at the University of Detroit in 1954. His distinguished career included many different positions within the legal profession. His jobs ranged from Assistant Prosecutor to Sheriff of Wayne County by 1969. He was elected Mayor of the city of Detroit serving from 1970–1974, during which he was elected as the President of the National League of Cities.

In the 25 years since he left the Mayor's office, Judge Gribbs has dutifully served the citizens of Michigan, first on the Third Judicial

Court and then on the Court of Appeals. His service throughout his life is a testament to the man that he is, a compassionate, committed worker for the people. Such a public servant is one that the people should treasure and feel fortunate to have in our democracy.

The state of Michigan and our country have been beneficiaries of the generous and outstanding service provided by Judge Roman S. Gribbs. It is my great pleasure to honor him today, and to wish him a happy, healthy and productive retirement.

HONORING BILL TRAMPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize Bill Trampe on his recent award. Bill is one of two recipients of the Cranmer Award, presented by Colorado Open Lands. He was selected by the Board of Directors for his work with an organization he helped to co-found, which works to preserve family owned ranchlands throughout the Gunnison Basin.

Bill co-founded the Gunnison Ranchland Conservation Legacy in order to help maintain a tradition that has long inhabited Colorado. This organization is made up of ranchers and community leaders aiming to protect and preserve over 20,000 acres of ranchland that is family-owned in southern Colorado. Bill is a third generation rancher and this organization holds a place dear to his heart.

Bill's dedication to preserving land for ranchers is quite evident in his past work with a number of different organizations. Bill is an advisor to the Colorado State University Mountain Meadows Research Station, a member of the Board of Directors of the Colorado River District and has served as member and President of the Board of Directors of the Upper Gunnison Water Conservancy District for nearly two decades. While his civic duties were great in number, he also found time to manage his family ranch, Trampe Ranches.

Bill has worked very hard to assist the ranchers and farmers of southern Colorado and ensure that their ranchland will be protected. Bill's dedication and hard work for his community has earned him the admiration of this body. On behalf of the State of Colorado and the US Congress I congratulate Bill on this prestigious and well-deserved award. Congratulations!

HONORING MIKE QUERING FROM THE SIXTH DISTRICT OF COLORADO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. TANCREDO. Mr. Speaker, today I honor a constituent of mine from the Sixth Congressional District of Colorado, Mike Quering, and join others throughout the state of Colorado in recognizing the efforts of the Eighth Air Force and proclaim every October 8–14 as Mighty Eighth Air Force Week.

Mike is a member of the Eighth Air Force, which was formed and dispatched to England in 1942 to become the largest military unit in World War II, and the largest bomber force of all time. Over 350,000 airmen served in Europe and the Eighth Air Force has continued as an operational combat unit to this day with over one million serving our country in war and in peace.

In the one week period between October 8–14, 1943, the Eighth Air Force lost over 100 Heavy Bombers to enemy action over the skies of Europe, and despite heavy losses, many feel that this was the turning point for daylight strategic bombing. Targets during the week were as follows: on October 8th, over Bremen, Germany, the force lost 14 bombers and 3 fighters; on October 9th, over Anklam, Germany, they lost 6 bombers; on October 10th, over Munster, Germany, the Eighth Air Force lost 30 bombers and 1 fighter; and on October 14th, over Schweinfurt, Germany, the force lost 60 bombers and 1 fighter.

I think it is important, at this time, to point out that no Mighty Eighth mission was ever turned back due to enemy action—at a cost of 26,000 killed in action and over 28,000 taken as prisoners of war. The number of missing in action and wounded have even today not been counted.

The Eighth Air Force Historical Society, the largest single military unit veterans group in history, holds its annual reunions in the month of October and today 20,000 Eighth Air Force Historical Society members are seeking to inform future generations of the contribution and sacrifice made by their generation to perpetuate America's freedom and way of life.

The Mighty Eighth stands as proof to America and the rest of the world of the sacrifices that our World War II veterans made to ensure that freedom and democracy survive and flourish around the world.

And so, as many proud veterans do every year during the week of October 8–14, I rise to proclaim this week of October 8–14 as Mighty Eighth Air Force Week. I would also ask every Eighth Air Force veteran and friend of the Eighth to wear and display items identifying them with The Mighty Eighth to honor and remember their comrades and especially those who made the supreme sacrifice.

HONORING NATIONAL DAY FOR THE REPUBLIC OF CHINA ON TAIWAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. HUNTER. Mr. Speaker, Tuesday, October 10th, marked the National Day in the Republic of China on Taiwan. The so-called "Double 10"—the tenth day of the tenth month—commemorates the founding of the Republic of China on October 10, 1911.

This "Double 10" observance in Taiwan this year is cause for both celebration and sobriety. The reason for celebration is obvious. As every Member knows, Taiwan once again conducted a national election, this past March. Chen Shui-bian, the former mayor of Taipei and a veteran of the pro-democracy campaign in the 1980's, was elected president.

As the reins of government were transferred from one party to another, the final phase of Taiwan's democratic transformation was completed. And a remarkable transformation it has been over the past decade—a renegotiation of the "social contract" that was conducted without the kinds of chaos and confrontation that have attended such sweeping political changes in some other countries.

There are many heroes in the democratization of Taiwan. President Chen, for one; and, his predecessor in the presidential office, Lee Teng-hui, for another. The 22 million people of Taiwan, who have taken so readily to democracy and have participated so enthusiastically in the whole electoral process, are also heroes.

So on the occasion of this year's "Double 10," all of Taiwan and its many American friends can join in a celebration of democracy and in a renewed commitment to the principles of a free society and a free market economy that have proved so successful in Taiwan, the United States, and many other countries.

But, Mr. Speaker, this is also a time for sobriety. The past seven-and-a-half years have witnessed a fundamental shift in U.S. policy toward Asia. Without the benefit of a thorough strategic analysis or an informed national debate, there has been a concerted attempt to redirect U.S. policy into a China-centric focus at the expense of our other traditional allies.

The perception in international circles that Taiwan has been stigmatized as the "problem" in U.S./China relations was most dramatically reinforced during President Clinton's trip in July 1998 to the People's Republic of China, during which he implicitly endorsed the P.R.C.'s interpretation of the "One China" doctrine.

Concurrent with the ill wind from Washington has been the rapid and provocative buildup of forces in the P.R.C.'s People's Liberation Army. A member of Representative ROHRABACHER's staff, Al Santoli, traveled to the region during August and filed a report that was published by the American Foreign Policy Council. Among Mr. Santoli's key findings:

> The PLA's modernization and joint war fighting capabilities are developing at a rate far more rapidly than the Pentagon's previous predictions. The Nanjing Region exercises have showcased the PLA's new high-tech capabilities, based on U.S. military tactics with information technology and weapons systems purchased or stolen from the U.S., Russia, and Israel.
>
> During ongoing large-scale military exercises, China has demonstrated significant new joint-service war fighting skills "under high-tech conditions" that are steadily altering the balance of power in the Taiwan Strait . . . The PLA's doctrine of "asymmetrical" warfare emphasizes paralyzing the high-tech strength of the U.S. and our allies, through attacks on military, economic, and governmental computerized information systems.

Mr. Speaker, there is much more that could be said. I will leave it simply at this: No one can predict with certainty when the hour of maximum danger will come, but it is entirely possible—if present trends are permitted to continue much longer—that the candidate we elect as President next month will be the man who will eventually be confronted with a choice between defending Taiwan and its democracy or appeasing Beijing and thereby sacrificing U.S. strategic interests in Asia for generations to come.

So during this year's observance of "Double 10," let us celebrate what has been achieved in Taiwan—the victory of democracy and the blessings of a free society. Let us also be resolved to do whatever is necessary to protect Taiwan and to preserve its way of life. In standing by Taiwan, we are also standing up for ourselves.

HONORING DR. MURRAY PRITCHARD OF WEST PLAINS, MISSOURI

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. EMERSON. Mr. Speaker, today I congratulate a very special man, Dr. Murray Pritchard of West Plains, Missouri. Dr. Pritchard was recently named Outstanding VA Health Care Provider of the Year at the Veterans of Foreign Wars National Convention held in Las Vegas, Nevada. I am very pleased to honor the distinguished career of Dr. Pritchard and all the contributions he has made to veterans in Southeast Missouri.

Dr. Pritchard served this country in the Army during World War II. He was captured in North Africa in February 1943, and spent two years in a prisoner of war camp in Germany. When Dr. Pritchard returned from the war, he went to medical school and became a doctor of osteopathy while also completing a masters degree in public health administration. After several years in private practice, our community was lucky to have him join the staff of the John J. Pershing VA Medical Center in Poplar Bluff in 1973. Dr. Pritchard worked in the outpatient department until he retired in 1985.

But retirement didn't last very long. Soon Dr. Pritchard helped lead the innovative process of starting the VA Mobile Clinic program. Many veterans in rural America live 100 miles or more from the closest VA medical center. Traveling to see a doctor, to get a check up, or even to get necessary prescription drugs is a hardship to these men and women. But Dr. Pritchard and the folks at the Poplar Bluff VA wouldn't let distance stop them from giving top-notch care to veterans. If the vets couldn't go to the clinic, Dr. Pritchard made sure the hospital would come to them. On the road about 4 days a week, Dr. Pritchard and his wife make sure that no veteran is left without the necessary, quality health care they deserve and were promised.

Dr. Pritchard not only serves the veterans of Southeast Missouri, but he also is concerned with the well being and health of all Americans. When Hurricane Andrew hit southern Florida, Dr. Pritchard headed up a team of health care professionals who took their mobile clinic to help treat the victims of the hurricane. His team helped ease the suffering of about 150 hurricane victims a day in Florida. And if that isn't enough, Dr. Pritchard has many other notable accomplishments such as: holding the post of past commander of the Missouri Association of Former POW's, serving as president of the Missouri Society of American College of General Practitioners in Osteopathic Medicine and Surgery, and as past president of the Association of Military Osteopathic Surgeons.

Dr. Pritchard is a dedicated doctor, and a kind and generous human being who answers the call of service to his fellow man.

Mr. Speaker, Dr. Murray Pritchard is more than worthy of receiving the honor of Outstanding VA Health Care Provider, and I hope that all of my colleagues will join me today in recognizing this truly remarkable man.

HONORING ORLYN BELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a remarkable human being, Orlyn Bell. For over three decades Orlyn has fought hard to ensure that the water of western Colorado is being distributed correctly and fairly. Orlyn is retiring as the Division 5 water engineer, a position he has held in Glenwood Springs for just over 17 years. As Orlyn moves on to bigger and better things, I would like to take this opportunity to commend him on his service to the western slope of Colorado.

Orlyn began his career in engineering as far back as 1965 where his summer job had him measuring the flow of a major flood of the South Platte River after it hit Denver. His work during this traumatic time earned him not only a citation from the Governor, but also sparked an interest that would soon become the focus of his professional career. In 1968 he graduated from the University of Denver, with a degree in civil engineering. After spending a few years working for the Washington Highway Department he moved back to Colorado where he began his legendary career in the state engineer's office.

For almost two decades now, Orlyn has been one of seven engineers in charge of the seven different major river basins. The area in which he has represented is vast in size and the demand for water is much larger than the actual supply. This large area spans from the Continental Divide in central Colorado all the way through the Grand Valley on to the Utah border.

The battle for water in Colorado is one that has sparked a great deal of controversy over the years, but Orlyn was able to manage these issues fairly and earn the respect of both eastern and western Colorado. Orlyn's contribution to the citizens and farmers of western Colorado is immeasurable. Orlyn you have served your community, State and Nation proudly and I wish you the best in your future endeavors.

TEACHERS' APPRECIATION DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. UNDERWOOD. Mr. Speaker, a proclamation signed by Acting-Governor Madeleine Bordallo on September 1, 2000, designated the month of September as "Teacher's Recognition Month." Three years ago, the Guam Legislature designated September 28th as "Teachers' Appreciation Day" in order to pay tribute and acknowledge the important role played by teachers on the island of Guam.

Intended to coincide with the birthday of the Chinese philosopher, Confucius, the month-long celebration was set aside to honor those who have dedicated themselves to the teaching profession. Regarded as one of the world's greatest philosophers and teachers, Confucius has been given credit for the development of public education. Hence, for the past three years, the Confucius Society of Guam, under the leadership of its president, Robert Kao, has worked towards raising the community's awareness regarding the importance of teachers to every community.

In this year's events, the island of Guam chose to celebrate the legacy of its teachers by honoring current teachers whose families include generations of classroom teachers among its members. Among those honored are Phyliss L. Leon Guerrero, Debra R. Mariano, and my very own daughter, Sophia R. Underwood.

Phyliss, who is from George Washington High School in Mangilao, has been a teacher for eight years who has four generations of teachers in her family. Her great-grandmother, Asuncion Martinez Cruz, taught at a school run by the Spaniards in the 1890's. Her grandmother, Vicenta S.A. Leon Guerrero, taught in schools established by the Americans from 1922 until 1962. She is the daughter of Virginia Artero Leon Guerrero, an elementary school teacher who taught for 14 years, and Wilfred Leon Guerrero, the former president of the University of Guam.

Debra, a four-year veteran, teaches at Agueda Johnston Middle School. Her grandfather, Cayetano A. Quinata, served as a teacher and principal at several elementary schools for a period of 39 years. Her grandfather, Alejo L.G. Quinata, taught under the Japanese during the occupation of Guam during World War II. Her mother, Mary Q. Mariano, taught at P.C. Lujan Elementary, Price Elementary and the Guam Community College.

My daughter, Sophia, has been teaching for more than five years. She also comes from a long and solid line of teachers. My grandfather, James H. Underwood, taught English at night school soon after the Americans took possession of Guam in 1898. He taught until 1905. My parents, John and Esther, as well as my wife, Lorraine, and I have been teachers.

Mr. Speaker, public officials, such as ourselves, do not officially gain the title "Honorable" until the constituents we serve grant us their mandate through our election. It was not until 1992 that the title was granted to me. However, I firmly believe that I, together with my colleagues in the field of education, have earned the title long before—by having been a teacher, a member of a most honorable profession.

Over the years, teachers have insured a bright future through the education of our youth. Teachers have been willing to share their knowledge and adjust to meet the needs of students. In our present society where the family unit is under constant exposure to external and internal conflicts and pressures, we look toward our teachers to be role models who play a vital role in the development of every child placed under their supervision. On Teachers' Recognition Month and, especially, on Teachers' Appreciation Day, I commend and congratulate my esteemed colleagues in the field of education, the teachers of Guam.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SKEEN. Mr. Speaker, today I rise to support S. 2438, the Pipeline Safety legislation, and also to implore the House of Representatives to pass it quickly and send it to the President for his signature.

In August, in my Congressional District in New Mexico, a pipeline explosion took the lives of eleven family members who were camping in an area located south of Carlsbad along the Pecos River. This terrible tragedy shook our state to the core. I visited the site of this disaster and I cannot begin to describe what I saw and the impact it has had on the lives of countless citizens in New Mexico.

This legislation is bipartisan and it passed the U.S. Senate with no opposition. This bill will help us avoid these terrible accidents in the future. Congress does not have time to play politics with this legislation. We don't have time for extended conferences on this legislation. Those who feel more is needed in this bill can introduce those changes next year. If we don't pass this bill we will have no legislation for at least another two years. It is unconscionable for this Congress not to pass legislation this year. To those who would vote against this legislation I say shame on you. This bill imposes new pipeline testing requirements on pipeline operators. It imposes higher penalties for safety violations and invests in new technology to improve pipeline safety. This bill increases the funding for pipeline safety as well as increasing state oversight and local government input. President Clinton supports this bill, Senate Democratic Senators support this bill.

I want to thank Chairman SHUSTER and the leadership of the Transportation and Infrastructure Committee for all of the hard work they have done in bringing this important legislation before us. We need to pass S. 2438.

CONGRATULATING CLAIRE HOWARD

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to congratulate Claire Howard, one of my constituents, on her appointment as the President-Elect of the United States Serra Club. In 2001, Mrs. Howard will become the first woman President of the USA Council and also the first in the history of Serra International.

Mrs. Howard is a charter member of the Bethlehem Serra Club and over the years has served as an active member on almost all of the standing committees. Of particular note is Mrs. Howard's service as the Coordinator of the Serra Clubs of Allentown Diocese's "Life/Vocation Awareness Weekend." The weekend offers any adult who would like to explore the possibilities of entering the priesthood or a religious order a time to reflect, pray and interact with priests. In addition to her work with the Serra Club, Mrs. Howard is an active member of the Morning Star Rotary Club, Junior League of the Lehigh Valley, Bethlehem Palette Club, and the Bethlehem Quota Club.

I applaud Mrs. Claire Howard on her new appointment and wish her the best of luck in this new assignment.

HONORING CECIL WALT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to honor the life of Cecil Walt. Cecil recently passed away at age 98. Cecil spent nearly half of his life serving the Grand Valley in a number of different capacities. As family and friends mourn this great loss, I would like to pay tribute to this remarkable human being.

Cecil moved to the Grand Valley in 1944, settling in Grand Junction, Colorado. During his time on the western slope he owned and operated five different automotive stores, but was best known for his work for the community. It was not long after residing in Grand Junction that he decided to run for mayor and was elected. His work for the city will forever be enshrined along the Main Street Shopping Park, which he was instrumental in constructing.

Cecil's work to improve the city of Grand Junction earned national attention in 1963 when Look Magazine named it an "All-American City." Cecil was also very active in crusades to protect western slope water rights and to ensure that the Eisenhower Tunnel was built where it stands today, to ensure motorists safe passage from the western slope on into Denver.

Former Colorado State Senator Tilman Bishop, in recent article by Zack Barnett in The Grand Junction Daily Sentinel, had this to say about former Mayor Cecil Walt, "He was a visionary, he was always putting things together for the future."

Cecil worked very hard to ensure that the Grand Junction community was a better place for all to live. He served his community, State, and Nation admirably and he will be greatly missed.

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. MARKEY. Mr. Speaker, I rise in support of the so-called "TREAD Act" and I want to commend Chairman BLILEY, Chairman TAUZIN, Chairman UPTON, Ranking Member Mr. DINGELL, Mr. LUTHER, and the many Commerce Committee colleagues who have worked very hard on this bill for bringing this legislation to the floor at this time. Hopefully, with time running out we can convince the Senate to similarly take up legislation on this issue and we can get a bill to the President's desk before Congress adjourns.

This legislation was initially prompted by the Firestone recall of some of the over 6 million tires used primarily on the Ford Explorer. As has become readily apparent during the course of our congressional investigation, both Firestone and Ford knew that there were problems years before they told the National Highway Traffic Safety Administration (NHTSA) or the American public.

This legislation has many provisions designed to enable NHTSA to perform its job better and new measures to increase the safety of American motorists and give consumers needed information. The bill includes an increase in civil penalties, consumer protections against the resale of defective or recalled tires, and a mandate to NHTSA to update the tire safety standards, which haven't been updated since 1968.

In addition, I successfully amended the bill in Committee to require NHTSA to conduct dynamic testing for rollovers. The fact is that these SUVs, minivans, light trucks represented in 1997 some 46 percent of all new vehicle sales in the United States and they are obviously very popular vehicles.

Mr. Speaker, according to NHTSA, rollovers are the second most common type of fatal crash after head-on crashes for all cars—but it is the most common type of fatal crash for light trucks, which includes SUVs, pickup trucks and minivans.

And we know today that sport utility vehicles have a 3 times higher probability of rolling over than passenger cars due to their higher center of gravity. And we also know that although traffic deaths reached an all time record low last year, rollover deaths continued to climb—to over 10,000 fatalities last year. In addition to fatalities, rollovers cause 55,000–60,000 serious injuries each year.

In my view, given the nature of the types of vehicles on our roadways and auto showrooms today, this dynamic rollover testing is overdue and I believe it will enhance information available to consumers purchasing vehicles for the families.

The rollover amendment I successfully added to the bill in Committee tasks NHTSA with the duty to develop, as part of a rulemaking, a consumer information program that best disseminates the dynamic rollover test results to the public. Obviously it will do little good to the consuming public if the rollover test results are not publicized and disseminated widely. Information is the consumer's best friend—and I believe that consumers would be well-served when contemplating SUV purchases, for instance, at the showroom, to have such test results readily available to them. In addition, informational brochures and Internet websites can also be a valuable resource for consumer information.

As the rollover provision makes clear, the rollover test requirement does not apply to recreational vehicles designed to provide temporary residential accommodations. My intent in offering this provision was to deal primarily with SUVs, minivans, light trucks—those vehicles that many consumers are purchasing today that have a elevated center of gravity, giving these vehicles a proclivity to rollover in certain circumstances. Nor is this provision intended to apply to multiple stage vehicles such as specialized delivery trucks or custom van conversions produced in extremely limited quantities. These multistage production vehicles are produced by small volume customizer operations. This production "niche" is filled by small producers who buy incomplete vehicles (chassis) from the large vehicle manufacturers and mount a specialized body and related equipment on these limited volume vehicles. Specialized delivery vehicles below the 10,000 lbs. gross vehicle weight rating such as ambulances, bread trucks and other custom made, work-related vehicles do not have a mass market and are not the focus of this provision.

In addition, I also amended the legislation during Commerce Committee consideration to add a requirement that tire pressure warning systems become standard in vehicles. Such a standard could help save lives, help conserve fuel, and prolong the integrity of tires.

When NHTSA looked at this issue in 1979 and 1980, it decided at that time that the technology was too expensive. In the last 20 years, there has been significant development in this technology and the cost is much less. In 1981, NHTSA thought that it would cost around $15 per vehicle and today our information is that it may cost merely $2.50 per car—for all 4 tires. So this technology is but a fraction of the cost that it was when this was last formally considered by NHTSA.

For example, new technology allows modifications to the antilock brake system to measure the spin rate of the wheel and this is the technology that has now become a standard feature on the 2000 Sienna van.

As I understand it, the way the technology works is that the device monitors each tire and relays information to a warning mechanism inside the car. When the monitor finds a tire that is under-inflated the warning light or sound comes on to indicate a tire pressure problem—just as a warning light flashes when a motorist's brake fluid runs low today.

I believe this modest safety addition will save many lives. It is a provision that responds to the testimony we received from the industry that they expect American motorists to be cognizant of the tire pressure of their vehicles, adjusting it from time to time to insure proper inflation.

This is life-saving technology and I am heartened to see that this mandate for in-vehicle, tire pressure monitoring devices is now part of this legislation as it is considered today on the Floor.

In addition, the bill contains a third amendment which I authored, the "early warning" provision. For the first time, companies dealing with NHTSA will be on notice that they must report information bearing on public safety much earlier than they have in the past. In particular, manufacturers will have to report incidents involving fatalities or serious injuries alleged, or proven, to have been caused by a possible defect. This provision applies both within the United States and in foreign countries where the product sold in that country is also sold in the United States.

Everything we have heard in the last four weeks indicates we desperately need this type of provision. I have worked hard with the Republican majority to arrive at a workable and effective provision and the legislation we bring to the Floor now incorporates this important safety improvement.

Finally, I believe we need to look at other provisions and other issues more closely as we proceed on this bill as well as other NHTSA-related bills in the future. For instance, I believe Congress must ensure that NHTSA has sufficient financial and personnel resources to fully gauge important safety issues as they materialize. In the case of the Firestone/Ford fiasco the agency maintains it did not have sufficient information to trigger an investigation sooner. Additional staffing and funding for NHTSA earlier may have helped NHTSA notice a problem sooner and thus have saved lives.

After all, protecting the public and making sure that the agency charged with automotive safety issues has the resources to do its job is really where the "rubber meets the road" on this policy issue and I hope that we can rectify any deficiencies in such funding before Congress adjourns this year.

I again want to commend Chairman BLILEY, Chairman TAUZIN, Chairman UPTON, Ranking Member JOHN DINGELL, Representatives LUTHER, GREEN, and other colleagues who have worked very hard on this bill and yield back the balance of my time.

LIGHTS ON AFTERSCHOOL—PROJECT OF AFTERSCHOOL ALLIANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LANTOS. Mr. Speaker, many times we hear, "Our children get into trouble because their time is not occupied with worthwhile pursuits." Today, I want to recognize a project that has shown great success in dealing with that very problem.

Mr. Speaker, I would like to inform to my colleagues about a project that helps bridge the gap between childhood and the adult world. "Lights on Afterschool" is a project of the Afterschool Alliance. It is a nationwide event, taking place today, October 12, 2000, to recognize the critical importance of quality after school programs in the lives of children, their families, and their communities. The project is sponsored by J.C. Penney Inc. and the National Community Education Association. Lights on Afterschool will spotlight innovative and effective after school programs. Parents, community and business leaders, elected officials, and the media will have an opportunity to see firsthand how after school programs help our children discover the heroes within themselves!

Mr. Speaker, the Afterschool Alliance was launched September 1999 by U.S. Secretary of Education, Richard Riley. It is a coalition of public, private, and nonprofit organizations dedicated to raising awareness of the importance of after school programs. The goals of the project are to increase funding for after school programs and to ensure top quality resources for all participants in after school programs. The alliance was created to facilitate public awareness and advocacy work. Its primary purpose is to offer positive choices to the children of our nation.

After school programs provide safe, structured, and supervised activities, utilizing the physical resources provided by our schools, without taxing or overburdening the existing educational system. Statistics indicate that 15 million children are left unsupervised during non-school hours, and juvenile crime is three times higher in the period after the school day ends. The time spent in these after school programs means less time spent unsupervised, and more time spent challenging and developing a child's mind. Students who participate in after school programs are only half as less likely to use drugs, and a third as likely to become teen parents. The after school programs teach respect for others, and integrate valuable social skills into lessons. After school programs now exist in thirty percent of K–8 schools. This is a tremendous beginning, yet it leaves over two-thirds of potential sites not used during this critical period of time. The Afterschool Alliance wants to ensure all children will have access to these programs by the year 2010.

Mr. Speaker, I urge my colleagues to join me in commending the efforts of the Afterschool Alliance and wish them success on their project, Lights on Afterschool.

IN SUPPORT OF THE DEMOCRATIC PRESCRIPTION DRUG REIMPORTATION PROPOSAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. PELOSI. Mr. Speaker, prescription medicines have become a vital part of our health care system, and it is our responsibility to pass a meaningful prescription drug benefits through Medicare so that seniors will have access to the treatments that their doctors prescribe. Unfortunately, the drug reimportation language that the Republican leadership included in this bill falls far short of this important goal.

Prices for the 50 most prescribed drugs for senior citizens have been going up, on average, at twice the rate of inflation over the past six years. As the price of prescription medicines has soared, our nation's elderly and disabled populations have found it harder and harder to afford the treatments that their doctors prescribe.

Although it cannot replace a real prescription drug benefit through Medicare, drug reimportation holds great promise for reducing prescription drug costs. However, the Republican reimportation provision is filled with loopholes that will prevent seniors from seeing any real savings.

The Republican proposal contains several provisions that unnecessarily restrict the supply of reimported prescription drugs and increase their cost. First, they limit the medicines eligible for reimportation and the number of countries from which they can be imported. Second, drug companies have the option of refusing to allow reimporters to use FDA-approved labeling for their products. This allows these companies to increase the price of reimported drugs by charging outrageously high prices for the use of the label. Third, this language does nothing to prevent pharmaceutical companies from discriminating against US consumers by forcing restrictive contract terms on foreign distributors.

Finally, the Republican proposal is not permanent. By allowing this legislation to sunset after five years, the Republicans are giving pharmaceutical companies yet another opportunity to kill prescription drug legislation that they do not like.

The Democratic proposal provides seniors with access to lower price drugs, subject to strict safety testing, without any of these harmful loopholes. Seniors deserve real prescription drug savings, not another empty promise from Republicans.

TRIBUTE TO JACK KILBY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to congratulate Mr. Jack Kilby for winning the Nobel Prize for physics this Tuesday.

Jack Kilby, at age 76, is a modest man who has not found himself wrapped up in today's technological world. This modest man, who began his journey in physics 42 years ago, probably had no reason to believe he would be in this position today. Under Mr. Kilby's belt, he has 60 patents. He is also the co-inventor of the pocket calculator.

His discovery—the integrated circuit—in September of 1958 at the headquarters of Texas Instruments Inc. in Dallas, Texas has been placed into cell phones, digital music players, computer hard drives, and other various electronic devices, thus decreasing the cost of electronics.

Mr. Kilby still resides in Dallas, Texas, a technology powerhouse that will forever be linked to his success. This one man and his chip are the spark that made Texas Instruments the giant company it is today. So, I thank him and congratulate him for his achievements.

MRS. DOROTHY M. MOODY SELECTED AS WOMAN OF THE YEAR FOR THE BOWDEN CHAPTER OF BUSINESS AND PROFESSIONAL WOMEN

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. RODRIGUEZ. Mr. Speaker, today I recognize Ms. Dorothy M. Moody, who recently received the Woman of the Year award from the Bowden Chapter of Business and Professional Women. Her service to the community and dedication makes this award appropriate. Ms. Moody attended St. Phillips College, a Historically Black College, where she studied business and secretarial applications. These skills led to a diverse range of jobs, from secretary for the Afro-American Insurance Company to secretary for the San Antonio Independent School District, and today she is currently employed at the Emmanuel Baptist Church. Ms. Moody has exhibited leadership and faithfulness in personal development through the college Bible courses she teaches at the church.

In her position as chair of the Annual Woman's Day Observance, Ms. Moody exceeded her financial goals and suggested that the surplus be donated to the BBJ Memorial Foundation Inc. Compassion, goal-oriented and generous are standards that Ms. Moody sets for anyone to follow. With the gifts that she has received, she continues to dedicate a part of her life to education by helping a student attend St. Phillips College. Through hard work and dedication she strives to help others reach their dreams of a college education.

I join the members of the Bowden Chapter of Business and Professional Women in recognizing Ms. Moody as Woman of the Year.

ERIC KARLAN PAYS TRIBUTE TO DANISH HOLOCAUST RESCUERS FOR HIS BAR MITZVAH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of our colleagues an outstanding young man—14 year old Eric Karlan, who in his short life has already made important decisions that can serve as a model for others to follow. His outstanding academic record, his musical gifts, his athletic prowess, his social activism, and the leadership roles he fulfills are by themselves exceptional achievements for a 14 year old.

But what impresses me most about Eric, Mr. Speaker, is his willingness to acknowledge and honor what is best in the history of humanity and to demonstrate his appreciation for what is a truly heroic legacy. I am referring to Eric's decision to celebrate his coming to manhood through the Bar Mitzvah ritual by going to Denmark to visit important historic sites as an expression of his gratitude to the Danish people for rescuing almost the entire Jewish community of Denmark from extermination by the Nazis during World War Two.

Mr. Speaker, Bar Mitzvah celebrations have too often become showpieces of affluence, more extravagant than meaningful. Eric's decision to honor this occasion with simple dignity, remembering the suffering and hardships of his own people and paying respect to those Danes who came to their rescue in a time of greatest need, was indeed a wise and noble choice, and it demonstrates extraordinary character and maturity in one so young.

Mr. Speaker, I commend Eric for the intelligent choices he has already made in his life, for his dedication to genuine values, for his wisdom in following in the footsteps of those who light a candle in the darkness of the world, and for his understanding and appreciation of true heroism. Mr. Speaker, I ask that excerpts of Eric's moving description of his journey of discovery in the footsteps of Danish heroes be placed in the RECORD.

MY BAR MITZVAH IN DENMARK

(By Eric Karlan)

My family has always had a reputation for doing unconventional things. When I received my Bar Mitzvah date at the age of 11, I was told that I wouldn't be getting a big party or presents like everyone else. My parents said I would be able to pick a meaningful place to visit, and select a charity for any Bar Mitzvah money I might receive. I wanted to choose a place that would give me a unique Bar Mitzvah experience.

I read a book called Number the Stars, by Lois Lowry. I learned that the Danish people saved all but 116 of the approximately 8,000 Jews in Denmark by helping them escape to neutral Sweden during the Holocaust. This book was instantly a favorite of mine. It was then that I decided for my Bar Mitzvah I was going to research this story, and Denmark would be the destination for my trip.

My parents gave me the opportunity to work with a modern orthodox Rabbi, David Kalb. Instead of studying the Torah portion that was near my birthday date, Rabbi Kalb helped me select a portion that was related to my trip. For our explanatory style service, I chose Beshallach, the story of the Parting of the Red Sea. We picked this story because it was uplifting, involved hope, and most importantly dealt with the liberation and freedom of the Jewish people. I connected this to the story of the Danish Resistance and how they brought the Jews from the clutches of the Nazis into freedom. Both of those stories shared positive and miraculous attributes. And both stories shared the water as the avenue to freedom. In the Midrash, Shemot Rabah, there is a story about how the Red Sea did not part until Nachshon Ben Aminadav, walked neck deep into the water. This makes a major statement that no one can expect miracles to happen unless someone takes the first step. The Danish people took the first step and a miracle occurred: all the Danish Jews were transported to Sweden secretly within a matter of days. In fact, there is a Disney movie called "Miracle at Midnight" that tells the story.

Together, the Rabbi and I retraced the Rescue Route and learned more and more about the Exodus of the Danish Jews going to Sweden and what risks were taken. We also learned how leadership can have such a huge impact on the people. King Christian X and the Danish Bishop played an important role, setting a superb example for the Danes and leading them to do the right thing when they were surrounded by evil.

We arrived early on a Wednesday morning in Denmark and immediately started to learn new things about the Danish experience during the Holocaust. As we were telling the driver on our way to the hotel about what we were doing in Denmark, he told us another very powerful story about Denmark's leadership. One day, a Nazi officer came to King Christian X and told him that if any soldier were to put up the Danish flag the next morning, he would be shot on the spot. The King replied that he would be that soldier, and from that day on, the flag of Denmark flew every day for the rest of the war.

We visited the Bispebjerg Hospital, where over 2,000 Jews passed en route to Sweden. The head nurse told us that to hold the Jews in the hospital secretly was tough. To start, they had to register the Jews under Christian names. Next, they would make them look pale by putting powder on their faces and make them sick by drugging them. She told us that doctors found out that there was an informer, so they locked him up in the psychiatric ward. After the meeting we toured the hospital and the meaningful places there.

As we reached one of the doors, the nurse told us a fascinating, scary story. Every door with a lock had 16 square panes of glass on it. On each of the doors, one of the panes of glass was different because when the Nazis broke into the hospital, they punched through the glass so they could stick their hand through and unlock the door.

Finally, we reached an office where the chief surgeon used to work. The office was on the third floor of the building where we were told that when one of the doctors tried to escape out the window, he was shot and fell to his death. After thanking the nurse, we asked where we could find out even more information and we were directed straight to the hospital chapel.

At the chapel, we met with one of the people who worked there. He told us how Jews escaped out of the hospital and on to the next part of the Rescue Route. He said they would have fake funeral processions and Jews were transported out of the chapel right under the Nazis' noses. Before leaving the hospital's premises, we learned about some underground tunnels that the doctors now use for work. During the war though they made great hiding places.

After this, we went to the Grundtvig Church of the Lutheran Church of Denmark. When the Jews were in need, Grundtvig Church played a key role in helping them. When the Nazis declared martial law, the bishop of the church explained the situation, almost all Christians agreed to help the Jews. They helped hide the Jews in their homes and the church, and during the two-year period in which the Jews were in Sweden, Grundtvig Church hid Torah scrolls and other Jewish family valuables. After leaving the Grundtvig Church, we made our way to the beautiful Church of Denmark. This church also played a key role in helping the Jewish people. During the occupation, this church's bishop played Hatikvah, now known as Israel's national anthem, on the church bells. Like Grundtvig, the Church of Denmark hid Jews, Torah scrolls and other Jewish valuables.

We had to start early Thursday morning for the long 30-mile car ride up the coast to visit all the fishing ports where the Jews escaped. The first fishing port we came to was Niva, a port where a large number of Jews were sent. To get to Niva, the Jews had to take trains where they had to sit in the same cars as Nazis without them knowing. When they reached the port, they were held in a large tile factory where they were hidden or acted as workers. At night, there was, and still is, a tile path that leads from the factory to the port itself that the Jews followed to get to the boats safely.

Next up the coast was Sletten, where Sweden is never farther than two to four miles away. After that was Snekkersten, a port that had the second most Jews depart from. Here we had a quick memorial service in honor of H.C. Thomsen, an owner of an inn who hid Jews. He was caught and executed at a concentration camp, so in his memory and in memory of those like him, we held the memorial service in front of a rock, which was marked with a plaque honoring him and surrounded by flowers.

We continued up the coast to pass or stop at more small fishing ports like Elsinore and Hornbaeck. As we drove up the coastline, Sweden was never out of sight. You can only imagine how frustrating that was for the Danish Jews to have freedom less than five miles away, yet you could die from hypothermia just by trying to swim across the water. Finally, at the tip of the coast, we reached Gilleleje, the site where the most Jews left and where the most Jews were caught. We visited a small church where more than half the captured Jews in all of Denmark were caught. The church hid 80 Jews in the attic, when an informer tipped off the Nazis and 79 were caught and sent to the concentration camp at Theresienstadt.

From Gilleleje we returned to Copenhagen where a recently completed ten-mile bridge goes across the water to Sweden. We decided that touching Swedish soil would be a symbolic end to the morning since that is where the Jews escaped to from the fishing ports. We crossed the bridge by car, got our passports stamped, and returned to the hotel.

We awoke to a gorgeous Friday morning, the day of my Bar Mitzvah. I was very excited and eager to start the service. The decision for where my Bar Mitzvah would be held was made a few days before. It would be in Mindelunden, a memorial park right outside the city where 106 Resistance members were killed. It was hard to believe that brutal executions had ever happened at such a beautiful place. As we walked in, there was a long wall of plaques with all the people's names that had been killed, with a little information about them.

Farther on, we found the graveyard. It was an unbelievable site. There was a magnificent statue near the back with a Resistor holding up one of his fallen comrades. In front of the statue were 106 graves, each with a marble plaque on top identifying the person and their life span. One of the graves is now covered in heather because later that man was identified as a traitor. We had a memorial service for all the fallen resistors at the site.

Past the graveyard we found the execution pit. In the pit were three stakes and a plaque. This was a very scary sight and only my mom and my brother went past the plaque to touch the stakes. We still hadn't done the Bar Mitzvah service and the decision of where it should be held was still undecided.

While walking back from the execution pit, we passed an open field with a tree near the side. Since the tree was approximately halfway between the pit and the graveyard, the choice was made that the Bar Mitzvah would be under the tree. The service lasted about fifteen minutes and included my Torah portion, some prayers, texts that Rabbi Kalb (who had a Notre Dame hat on) personally selected, and the Israeli national anthem "Hatikvah." It was a wonderful service and ended with the Rabbi picking me up on his shoulders and dancing around.

Our congressman, Jim Maloney, had arranged a meeting for us with the United States Ambassador to Denmark to discuss my Bar Mitzvah experience. After passing through the gates of the embassy and getting our passports checked, we were finally greeted and led up to the Ambassador's office. The Ambassador's name is Richard Swett. We found out later that his in-laws were survivors of the Holocaust.

Another man from New York named Gabriel Erem, owner of the magazine Lifestyles, was already there and wanted to stay to hear about my experience. Gabriel had heard about my story and seemed very interested. We sat down in the office and I started to explain everything that had led up to the trip and how it had been going so far. We retraced the Rescue Route on the maps the Ambassador had up in his office and told almost all the stories we learned. Questions were exchanged from both sides about the Bar Mitzvah. A while later it was time to go, but not before we got one more surprise. The Ambassador had extra tickets to the Danish premiere of "The Last Days," a documentary film made by Steven Spielberg about five survivors of the Holocaust.

The Grand Theater was busy with people coming to see the premiere. We started to talk to the people in front of us and soon found out that when they were three and four, they were two of the Jews who were taken by boat to Sweden. A few minutes later, the Ambassador entered and went up to the podium to make his opening speech. He mentioned lots of important people, the survivors that were present that night, his co-workers, his wife and in-laws, etc. And then near the end of the speech, he spoke about my story and me. As soon as he finished my story, he introduced me and had me stand up in front of all the people. That made my night! Soon after the moment of glory, the documentary began.

The documentary was very impressive and moving. After it ended, the survivors all went up to the podium and made a little speech. As we stood up to leave, Renee Firestone, one of the four survivors present that night came up to wish me "Mazel Tav." After meeting her, a man came up to introduce himself to me. He was not one of the survivors, but a student in Copenhagen at the time of the war who rowed Jews to Sweden in October of 1943. His name was Munch Nielsen, and I didn't realize I already knew about him till my Rabbi told me so. In some of our notes, we had quotes from him. This was very cool. Following that, we met up with Gabriel Erem, who introduced us to Congressman Tom Lantos, the Ambassador's father-in-law, and another one of the survivors in the movie. After a quick chat, we all went to the reception.

The first thing I wanted to do was go over and thank the Ambassador for making my Bar Mitzvah day the best. I went over to him and his whole expression changed. A nice smile came over his face and he told me to follow him because there were some people he wanted me to meet. First he introduced me to the Israeli Ambassador in Copenhagen.

The next person I met was his mother-in-law Mrs. Annette Lantos. She was also a survivor of the Holocaust, but she was not in the documentary. She was very sweet and made a big fuss over what I was doing.

Then the Ambassador introduced me to Irene Weisberg-Zisblatt. As soon as she saw me, she smiled and said, "It is such an honor to meet you." I responded the same way and we both laughed. Out of everyone, she was the coolest and the most interested in my story. Around her neck were diamonds in the shape of a teardrop. In the movie, she said that those diamonds were from her mother and anytime the Nazis went to check if any of the prisoners had anything, she would swallow them, and then when she went to the bathroom, she would fish them back out, clean them off in the mud and swallow them again. And now, they were around her neck in real life, which was very hard to believe. Irene, the Rabbi and his wife, my family and myself all talked for the longest time.

People started to leave and my exciting day started to come to a close. We wrapped up our conversation with Irene, said good night to the Rabbi and his wife, and headed back to the hotel after a perfect ending to a great Bar Mitzvah day. Imagine celebrating your Bar Mitzvah one morning in a World War II Resistance memorial park and ending the day with actual survivors that eluded Nazi death.

I can't speak for other countries, but I know in America the schools only teach the negative and scary things about the Holocaust. Even though that was really what most of the Holocaust was, the Denmark story should be taught everywhere as well. It is positive and uplifting, gives hope and sets the example for remarkable leadership, brotherhood, and respect for humanity. The Danes should be admired for their gallantry and I am glad I did what I did for my Bar Mitzvah.

HONORING AHMAD ALAADEEN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize the Missouri Humanities Council's selection of the recipients for the 2000 Governor's Humanities Awards. Mr. Ahmad Alaadeen, a prominent recording artist in my district, is the recipient of the Community Heritage Award for his dedication to his Kansas City Jazz heritage.

Since 1917, Kansas City musicians have fostered and developed the well known sounds of blues, bebop and swing. Ahmad Alaadeen was born in 1934 and raised in the historic 18th and Vine Music District. In his youth he cultivated a love for the music that resinated from the Mutual Musicians Foundation. The distinctive sounds of Jazz Masters like Charlie Parker, Count Basie and Jay McShann became part of the persona of Alaadeen's saxophone playing.

The music industry has recognized Mr. Alaadeen for his award winning compositions and fellow musicians have christened him "Professor." Many refer to him as the reigning master of Kansas City music. In the 1970's he became aware that Kansas City Jazz was becoming stagnant. In an effort to revitalize and perpetuate the sound of Kansas City jazz he developed a mentor program. The program provides apprentice musicians the opportunity to perform with his band as paid professionals while developing their own unique style. He encourages local and visiting jazz masters to do the same. One of his goals is to develop an individual into a musician as opposed to a programmed performer. Young musicians who are exposed to his talents gain an intense understanding of jazz. His work is paying dividends in the development of talented musicians like Logan Richardson, Tim Whitmer, Gerald Dunn and Charles Perkins.

Mr. Alaadeen developed an historical documentary of video and audio recordings to share the story of the originators and continuing evolution of Kansas City Jazz. The first audio release, "Tradn' 4's," featured the originators of the Kansas City style with music from many of the pioneers of jazz including Henry Hoard, Wallace Jones, Pearl Thuston. "On the Cusp," was the first video produced by Alaadeen Enterprises Inc. and focused on his generation, known as the transition generation. The video showcases the generation who mastered the jazz sound by learning the trade orally. The video features the music and style of Luqman Hamza, the late Frank Smith, Sonny Kenner, Russ Long and Ahmad Alaadeen.

Mr. Alaadeen is the present Chairman of the Mutual Musicians Foundation. The Foundation is known for its commitment to the promotion and development of Kansas City Jazz. Music enthusiast love the late night jam sessions that swing with today's jazz masters. Musicians like Jay McShann, Claude "Fiddler" Williams and Pat Metheny are favorite sons in Kansas City. Mr. Alaadeen's concerts provide an educational musical experience that fosters appreciation and enlightens the listener.

Inscribed on the wall of the Kansas City High School for the Arts is a quotation from Mr. Alaadeen. It reads, "Jazz does not belong to one race or culture, but is a gift America has given the world."

Mr. Speaker, please join me in recognizing the man who has revitalized our music community and introduced a new generation to the sweet sounds of Kansas City Jazz. The great state of Missouri understands the importance of his humanitarian efforts and distinguishes his effort by presenting him with the Governor's 2000 Community Heritage Award.

SUPPORTING INTERNET SAFETY AWARENESS

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today in support of H. Res. 575. This resolution urges Americans to recognize and support educational programs that make surfing the Internet safe and fun for children. It supports initiatives to educate parents, children, educators and community leaders about the enormous possibilities and potential dangers of the Internet, applauds the work of law enforcement officers to make the Internet safe for children, and urges all Americans to become informed about the Internet and support efforts that will provide Internet safety for children and for future generations.

The Internet is a wonderful tool for educating our children and has been instrumental in driving the growth of our economy. But unfortunately tools can be misused. Today an estimated 10 million American children have unfettered access to the Internet—a 444 percent increase from 1995. What is alarming is that as the new millennium has begun more and more children will have access to the Internet and in turn, easy access to alcohol.

Just before Memorial Day, I participated in a news report concerning ease with which our youngest constituents can obtain alcohol through the Internet. On the videotape I witnessed two fifteen-year-old children using their home computers to access the world-wide web and order alcohol on the net. And in a few short days this alcohol was delivered to their front door by a national mail carrier who did not ask for identification when the two fifteen-year-old children signed for the boxes containing wine and a bottle of Absolut. Last year, I testified before the Senate Judiciary Committee on my concern for this issue because similar stories had surfaced in the news December 1997.

Although there is a no single solution to the national epidemic of underage drinking, the bill that I introduced in the first session of the 106th Congress, H.R. 2161 would close some of the gaping loopholes I call "cyberbooze for minors" that now make it possible for teens and young adults to easily obtain alcohol over the Internet. H.R. 2161, the Prohibition Against Alcohol Traffic to Minors will curb underage drinking by prohibiting "direct shipment" of alcohol to persons under a State's legal drinking age.

I want to urge my colleagues to support H. Res. 575 because it recognizes the powerful potential and inherent danger that the Internet offers our children. I hope that my colleagues will also join me in putting an end to easy alcohol access on the Internet by supporting H.R. 2161.

SAFER GUNS FOR SAFER COMMUNITIES ACT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. TAUSCHER. Mr. Speaker, today I have introduced the Safer Guns for Safer Communities Act along with my colleague CAROLYN MCCARTHY.

This bill takes a commonsense approach to gun safety by encouraging gun manufacturers to engage in better and safer business practices. The Safer Guns for Safer Communities Act is modeled after the historic Smith & Wesson Agreement.

Earlier this year, the U.S. Department of Housing and Urban Development and several local government entities entered into an agreement with Smith & Wesson to manufacture and distribute safer guns. The agreement was revolutionary in nature, but commonsense in approach. It includes many items that Congress has debated at one point or another: child safety locks, high capacity ammunition clips, and "smart" gun technology. The Agreement also requires that firearms include additional safety features such as chamber load indicators and a hidden serial number which will help convict criminals using them. Since the Smith & Wesson Agreement was announced in March, nearly 600 police departments and community leaders have pledged to only buy firearms that meet minimal safety standards.

We must remember that gun safety reform is not taking guns away from law abiding citizens who are legitimate gun owners. Instead, it is about the little girl in Michigan who was shot by her 6-year-old classmate. It is about the 13 children killed by their peers at Columbine High School over a year ago. And it is about Antioch's Larry Kiepert who was shot by his neighbor.

To create an incentive for more manufacturers to adopt these safety measures, The Safer Guns for Safer Communities Act provides grants to law enforcement agencies who purchase their weapons from manufacturers who agree to adhere to the better business practices similar to the ones in the Agreement. In addition, law enforcement officers who must purchase their own weapons would be able to come together through a qualified association of officers to apply for these grants. This provision benefits officers who are required to purchase their own weapons. The program would last 3 years and provides $50 million each year to 50 grantees. A study would then assess the impact of purchasing weapons from responsible manufacturers on gun-related crime and accidents.

This Congress has refused to take action on any meaningful gun safety proposal. Perhaps the reason for their inaction can be best explained by the overpowering influence of the gun lobby. Our job in Congress is to promote responsibility, ensure safety, and educate the American people when it comes to owning, selling, and manufacturing firearms. It is time for children and families to once again feel safe in our schools, our homes, and our neighborhoods. It is time for our workforce to once again feel safe at work or during their commute home.

JOHN WILLIAM AND ASHLEY DANIELLE CARPENTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to submit into the RECORD the words of the father of John William and Ashley Danielle Carpenter, two innocent children murdered in their home in Merced, California. These words were composed and read at the funeral of the children.

Mr. Speaker, I submit this statement to share with my colleagues the grief of a father and his plea for a change in the hearts of a humanity that can allow such an atrocity. While I can not know the impact on the family and friends of the Carpenters, I surely can sympathize with their pain and share their grief, with the hope and prayer of preventing just one act of violence, one time somewhere in this world.

Today we stand here grieving the loss of John William and Ashley Danielle Carpenter and somewhere a mother grieves the loss of her son, who has done these hideous crimes. But what saddens me is that the law says we know what took place so it's time to close the book. But I challenge you, as the father of the deceased children that this case is far from over. Because while we sit here mourning the loss of our loved ones, the real killer is still loose. I believe the real killer is the dealer who supplied the drugs to the murderer of my children. I trust and believe that. I sure hope that I can't take this a step further and say it's "big business" that did this to my children, with mine and your tax dollars. When I say big business, I mean the White House, excuse my lack of a better word, to the Outhouse. We need to wake and wonder, why are they trying to take our only protection, our handgun, instead of going after the dealers that supply these drugs. It makes me wonder about their motives. There was a gun in my home, but because of the law and what could happen to me, I had it put away in supposedly a safe place. I guess I did, because my 14-year-old daughter and 13-year-old daughter couldn't get to it and neither did the murderer. The only thing I forgot to put a lock on was my pitchfork. How long are we, the people going to believe the lies of the politicians and get back to the root of the problems? We need to change the hearts of men, to start loving their neighbors and the neighbor's children as themselves. What's sad is, it doesn't cost one red cent. In fact it will save us money. My plea to you people today, is put all politics and religions aside and start living life like my little daughter Ashley did, by laying down her life for her sisters. It might cost you your life, but that should be easy to do, you already have an example in my daughter. Do whatever it takes to protect your family and friends. I know the only way she knew to do that was by example, starting with her love for Jesus, she learned at Sunday school. The next example was her mom and dad, who led her and were there for her, instead of chasing their desires. Because with me and my wife, we were raised and taught the same way, I wouldn't trade it for anything, because if I did, I wouldn't be here feeling like the proud father that I am, of all my children. I know without a shadow of doubt where my children are today, and only God knows where the murderer is. Please remember if you don't do as Ashley lived and did in her actions you might never see them again, and it hurts me to know that for you, their little lives might be in vain. I just want to say that for me, John William and Ashley Danielle Carpenter's lives weren't in vain. I will always keep you close to my heart John and Ashley in this life, but I guarantee you, I'll see you in heaven. Love you always and forever. Your Daddy & Buddy.

CELEBRATING HENRY BERMAN'S 90TH BIRTHDAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. PELOSI. Mr. Speaker, ten years ago, I had the privilege of standing on this floor to wish my dear friend, Henry Berman, a happy birthday. It is with great pleasure that I rise today, on the occasion of his 90th birthday, to pay tribute again to this wonderful San Franciscan.

Henry Berman continues to be a leader in San Francisco. He serves with distinction on the San Francisco Airport Commission and is the former chair of the San Francisco Fire Commission. He serves on the Executive Committee of the Anti-Defamation League and on the Board of Directors of the Northern California American Israel Political Affairs Committee. Henry continues his work with Glide Methodist Church on the annual fundraising event he helped to create, and he sits on the Board of Directors of the Fromm Institute for Lifelong Learning.

Henry Berman, however, is more than the sum of his affiliations. He is an extraordinary man whose energy and enthusiasm for life are contagious. His commitment to the poor, the marginalized, and those in great need is an inspiration to us all, and I am honored to count him among my friends.

I join his wife, Sally, his sons, Ronald and Robert, and all of his family and friends in wishing Henry a happy 90th birthday. Congratulations, Henry.

HONORING THE LATE OSCAR MAUZY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I pay tribute to former Texas State Senator and Supreme Court Justice Oscar Mauzy. He passed away on Tuesday, October 10, at the age of 73.

Justice Mauzy was my immediate predecessor in the Texas Senate from Senate District 23. He represented this District from 1967 until his election to the State Supreme Court in 1986. During his service in the legislature, Senator Mauzy served as the chairman of the Senate Education Committee, where he led efforts to improve education and to secure greater funding for education in poorer school districts. A labor lawyer by training, Senator Mauzy was also active in the areas of judicial reform, consumer protection, and workers' compensation. Later in his legislative career, Senator Mauzy served as Chairman of the Jurisprudence Committee, where he authored legislation to make jury selection uniform throughout the state and finally allow women to serve as jurors.

Justice Mauzy's dedication to education for our children continued during his six-year term in the Texas Supreme Court. He was the driving force behind a 9–0 decision that declared the state's school funding system inequitable. That decision led to enactment of a law to require wealthier school districts to share funds with lower-income districts.

I am deeply saddened that Texas has lost a public servant who dedicated more than a quarter century in service to his fellow Texans. I ask the House to join me in remembrance of Justice Mauzy, a true champion for working men and women and schoolchildren in my state.

SANTIAGO JIMENEZ RECEIVES PRESTIGIOUS MUSICIAN AWARD

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. RODRIGUEZ. Mr. Speaker, today I recognize Santiago Jimenez of San Antonio, Texas, who is being recognized for his accomplishments as a singer and accordion player by the National Endowment for the Arts. The National Heritage Fellowship is an award given to a select group of people, reflecting the diverse heritage and cultural tradition that have become a part of our society.

Local artists are nominated by a member of the community, in recognition of the artist's excellence in a particular area. Each year only a select group of these artists are honored. The National Endowment for the Arts has awarded only slightly more than 222 National Heritage Awards.

Mr. Jimenez plays a style of music known as conjunto, which has both German and Mexican roots. His music interest began when his father would take him to hear German polka bands in New Braunfels, Texas. At the age of 15, he began performing professionally at weddings, clubs and traditional community settings. Following his father's example he developed creatively and incorporated a wider audience. In 1958, at the age of 17, with his brother he recorded El Principe y el Rey del Acordeon. Since then, he has made 60 recordings of more than 700 pieces of music on several different labels.

He started Chief Records, his own label, in order to give younger musicians the opportunity to have their music heard. He works to help others in an industry that he has experienced barriers to entry. Mr. Jimenez has toured throughout the US, Europe and South America to bring the world of conjunto music to millions.

I join the City of San Antonio and the National Endowment for the Arts in recognizing Santiago Jimenez on his accomplishment as a recipient of the National Heritage Fellowship award.

TRIBUTE TO MARGARET TOWSON

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. McCARTHY of Missouri. Mr. Speaker, I rise today to honor an exceptional individual and friend to the State of Missouri. This year, after 56 years of service to the citizens of Missouri, Margaret Towson will celebrate her retirement from her historic post at the Missouri State Senate in Jefferson City, Missouri.

Margaret Towson started in the Secretary of the Senate Office in 1949. During her tenure she witnessed twenty-six General Assemblies for the equivalent of almost fifty-two years. She then served as the distinguished Assistant Secretary of the Senate, whose duties, in addition to functioning as secretary and receptionist, included tallying and filing roll calls, maintaining good public relations with legislators and lobbyists, remaining in the office each day until adjournment, and addressing any challenge or task which required her assistance.

As a lifelong member of the Cole County Democrats and the Cole County Democratic Women's Club, Margaret Towson is widely recognized as an outstanding civic minded individual who has consistently committed her time and energy to promote civic involvement. One of Margaret's greatest moments came when her efforts were recognized by President Harry S Truman, a man she greatly admired and affectionately referred to as "Cousin Harry."

Margaret Towson's kind, dedicated spirit is celebrated, admired, and respected in Jefferson City and throughout the State of Missouri. She will be missed not only for her professional excellence, but also for her personally endearing qualities and delectable apple pies that were savored by the many people she met and worked with. Margaret's retirement marks the end of a historic era in the Missouri State Senate. She is looking forward to spending more quality time with her children, grandchildren, and great-grandson. Margaret Towson has left a lasting impression upon her peers and friends that will not be forgotten.

It is with deep gratitude and honor that I recognize Margaret Towson for over a half a century of friendship and service to the State of Missouri. Her devotion is an example to us all.

Mr. Speaker, please join me and the Missouri Ninetieth General Assembly in congratulating Margaret Towson on her outstanding service to the people of Missouri.

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to offer my strong and heartfelt support for the Lupus Research and Care Amendments Act, which was introduced by our hardworking and dedicated colleague, Congresswoman CARRIE MEEK. She has been a tireless advocate for this issue for years. As the Co-Vice Chair of the Women's Caucus, I am a proud co-sponsor of this legislation, as are 45 Women Caucus members. This legislation is the perfect illustration of a bipartisan effort to address a painful, debilitating disease that affects women nine times more often than men, and African American women three times more often than white women.

It is estimated that between 1.4 million and 2 million Americans have been diagnosed with this disease and that many more have undiagnosed cases. This serious, complex, inflammatory autoimmune disease can simultaneously affect various parts of the body, including the skin, joints, kidneys and brain. It can be difficult to diagnose this disease because its symptoms are similar to those of many other diseases and many people suffering the signs of its onset have never heard of lupus, nor understand how to respond to these symptoms.

The Lupus Research and Care Amendments Act authorizes funding to expand and intensify research on lupus at the National Institutes of Health, including basic research on the causes of lupus; research to determine why the disease is more prevalent in women and particularly African-American women; research on improving diagnostic techniques; and research to develop and evaluate new treatments. This bill also requires the Health and Human Services department to establish a grant program to deliver services to those afflicted with lupus and their families. The program would provide grants to state and local governments, nonprofit hospitals, community based organizations and community or migrant health centers to provide services for diagnosing and managing lupus.

I urge my colleagues to follow the women of the House, and pass this legislation to help countless women and families. This legislation will spur unprecedented yet direly needed research on how this disease affects women and on what the best treatments are to cure this disease. Lupus can be fatal if not detected and treated early, but with this research and proper delivery of services, we can not only enhance people's lives, but save them as well.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. DELAY. Mr. Speaker, I rise to address a provision in the FY01 Agriculture Appropriations Conference Report that is not only disturbing, but highly objectionable on legal grounds. This provision was subject to absolutely no deliberative thought. In fact, the Chairmen of the House and Senate Judiciary Committee raised serious constitutional and legal concerns about it. The Chamber of Commerce and the National Association of Manufacturers decried it. I am referring to section 745 of the bill. It states, "No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a)."

Besides the fact that this provision baldly impedes the right of businesses to conduct affairs in the manner they so choose, what is perhaps most troubling about this provision, which restricts freedom of contract and clearly infringes on intellectual property and other constitutional rights, is that it was added to the Conference Report in the dark of night. This provision was not contained in either of the underlying House or Senate Agriculture Appropriations bills—or any other bill for that matter. Moreover, the provision was never the subject of any committee hearings or other public deliberation by the Congress.

While it will slip past Members today because it is buried deep in an important appropriations bill that, among other things, provides billions of dollars in drought relief to American farmers, I take small comfort in knowing that this provision will not slip past the Courts and will not survive judicial review.

Until that time, let us at least realize that this ill-advised provision requires narrow interpretation, not only because of the stealth with which it was included, but because an inappropriately broad reading would raise very serious questions with respect to conflicts with US patent and trade laws. To avoid—or at least minimize—such conflicts, the only interpretation of this provision (which replaced a broader proposed provision that the Conference Committee rejected) is that it is strictly limited to contacts or agreement involving drug reimports, and also containing explicit contractual provisions to this purpose and effect.

Make no mistake—this provision is horrid. That's what you get when you have a flawed process—you get flawed policy. It profoundly affects both intellectual property rights and constitutional rights. It has no place in this bill and I am deeply disappointed the Conference Committee allowed such a provision to be included in this bill.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STUMP. Mr. Speaker, I rise in strong support of the conference report for the FY01 National Defense Authorization Act named for my distinguished colleague and Chairman of the Armed Services Committee, FLOYD D. SPENCE. Chairman SPENCE has been a great advocate of our nation's military and has worked tirelessly to rebuild a military weakened by years of cuts in the defense budget. Under his leadership we have increased the Department of Defense's budget $60 billion over the past five years of Clinton-Gore administration cuts.

This bill makes significant progress in keeping faith with the greatest generation by restoring the promise of lifetime health care to America's military retirees and their families. Congressman BUYER's efforts to address a financial challenge resulted in taking retiree health care out of the defense budget and setting up a long-term funding plan to ensure that our nation's military retirees will have access to the medical care that they have deservedly earned.

The defense authorization act also provides active duty service members a new opportunity to convert their Post-Vietnam Era Veterans Educational Assistance Program (VEAP) benefits to the Montgomery GI Bill if they declined to do so before or withdraw all funds from their VEAP accounts. The bill also builds upon the concurrent receipt initiative provided in last year's defense bill. Beginning in fiscal year 2002, those service-members who are medically retired and rated at least 70% disabled by VA will be eligible for additional special monthly compensation of up to $300.

Mr. Speaker, I regret that my colleague from Virginia, Readiness Subcommittee Chairman Herb Bateman passed away before seeing this bill signed into law. Throughout the measure are marks of his efforts to ensure that our defenders of freedom are battle ready and have the tools and resources they need. I also wish to thank the retiring Members of the panel who have worked tirelessly to rebuild our nation's military. Your support for our men and women in uniform has not gone unnoticed.

While we have successfully increased funding in critical modernization programs, we have a long way to go. Following the "lost decade" of defense in the 1990s, America's military must be reshaped to meet the challenges of the post-Cold War world. Starting immediately, the United States must commit the resources necessary to improve current military capabilities and prepare our forces to face the threats of the coming decades. Anything less jeopardizes the military's readiness and America's place in the world.

HONORING NEW HOPE BAPTIST CHURCH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. LAMPSON. Mr. Speaker, I rise today to honor the New Hope Baptist Church in Port Arthur, Texas, which will be receiving a State Historical Marker from the Texas Historical Commission on October 15, 2000. New Hope Baptist Church was the first African-American Baptist Church and was officially founded on August 12, 1906, but existed quite some time before that date. The church was first organized by the Rev. Stevenson, Sis. Copeland, Sis. Laura Hebert, and Sis. Sharlit Bill. New Hope was originally located on Titsingh Street (now known as Marian Anderson Avenue).

As the African-American population grew, a larger place of worship was needed and a one-room building was rented on West 10th Street. The Rev. A.D. Hendon was the first official pastor and served one year and 11 months. Professor A.J. Criner was the first Chairman of the Deacon Board, as well as the Principal of the African-American public school. The New Hope Baptist Church had 14 charter members, and some of the early members included: Rev. Stevenson, Sis. Copeland, Sis. Sharlit Bill, Sis. Laura Hebert, Nora Wade (King), Will King, M.G. Glass, A.J. Criner, Nellie Jones, Rev. A.D. Hendon, W.M. Richardson, Vallie Brown, J.W. Willis, W.P. Powell, A.W. Edwards, and Willie Braxton.

The one-room building was used as a stable during the week. On Saturdays, the members would start clearing out the stable and assembling makeshift benches with boxes and planks for members to sit on. There was no pulpit. The minister would stand in front of the congregation with his Bible in hand and preach. The building would often flood and leak when it rained. Rev. J.E. Nelson was the second pastor and served one year, through 1909. During his administration, the first church was built at the same spot where the old structure stood. Hurricanes reportedly blew down two church buildings and early records were lost in floods and storms.

New Hope developed a close relationship with the first Methodist Church of Port Arthur and Israel Chapel A.M.E. Church on Texas Avenue. Each alternated its services to allow the other to hold worship services in its sanctuary during a building program. Rev. J.W. Williams came in 1910 and rebuilt the church that was destroyed by a hurricane. However, this building was soon destroyed. Mr. Speaker, throughout the 20th Century New Hope Baptist Church should serve as an example to us all—always keep the faith and hope to rebuild.

TRIBUTE TO BETSY CROWDER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. ESHOO. Mr. Speaker, I rise today with a heavy heart to honor Betsy Crowder, a well-known and loved constituent who distinguished herself in so many ways and whose life was cut short on September 29, 2000.

Born in Boston, Betsy Crowder's love and appreciation for the environment developed early on when her parents would take their four daughters on camping trips in Canada during the summer. She met her late husband Dwight in 1949, when they were both members of the Stanford University Alpine Club and they were married a year later. In 1960, the Crowders built a home in Portola Valley and became very active in local conservation issues.

Betsy Crowder served on numerous County and local advisory committees for land use and trails including the Portola Valley Conservation Committee, the San Mateo County Trails Advisory Committee, the Bay Area Ridge Trail Council, the San Mateo County Bikeways Advisory Committee, the Committee for Green Foothills and the Planning and Conservation League.

Betsy Crowder also served as a Planning Commissioner for Portola Valley from 1972 to 1977 and as an environmental planner for the City of Palo Alto from 1972 to 1980.

Since 1989, she was a member of the elected Board of Directors of the Midpeninsula Regional Open Space District (MROSD), including two years as President of the Board in

1993 and 1998. During her tenure on the Board, MROSD's lands grew from 32,000 acres to 43,000 acres and she was a very active member on MROSD's Coastal Advisory Commission for the District's plan to annex the San Mateo County Coast.

Mr. Speaker, Betsy Crowder was an exceptionally kind and selfless woman dedicated to her family, her community and her country. Her tireless commitment and stewardship of the environment inspired everyone. She lives on through her two children, two grandchildren, three sisters, 15 nieces and nephews, and through all of us who were blessed to be part of her life.

Mr. Speaker, it is with great sadness that I ask my colleagues to join me in paying tribute to a uniquely wonderful woman who lived a life of purpose and to extend our deepest sympathy to her daughters, Wendy and Anne, and the entire Crowder family.

POLISH OFFICERS MONUMENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CARDIN. Mr. Speaker, on Nov. 19, 2000 the National Katyn Memorial Committee will dedicate a monument in Baltimore, Maryland to the memory of more than 15,000 Polish Army officers who were massacred by Soviet soldiers in the spring of 1940.

In September, I was honored to accept an award on behalf of Congress presented by Father Zdislaw J. Peszkowski, a survivor of the massacre. The medal was presented on behalf of the Katyn families in recognition of U.S. congressional hearings conducted in 1951 and 1952 that focused world attention on this World War II massacre that occurred in the Katyn Forest.

While this massacre occurred more than 50 years ago, it is important that we remember what happened. In 1939, Nazi Germany invaded Poland from the west and the Soviet Union invaded from the east. In 1940, more than 15,000 Polish Army officers were placed in detention, then taken in small groups, told they would be freed and then were gunned down in the Soviet Union's Katyn Forest. In 1943, the German Army discovered the mass graves, which the Russians tried to blame on the Germans. It was long suspected that the massacre was the work of the Soviets. Final proof came in 1989, after the fall of the Soviet Union, when President Gorbachev released documents that clearly proved the Soviets, with the full knowledge of Stalin, had carried out the massacre.

For more than a decade, the Polish-American community has raised funds to construct a fitting memorial to honor the victims of the massacre. The 44-foot statue has been permanently installed near Baltimore's Inner Harbor at President and Aliceanna Streets. I want to commend the Polish-American community and Alfred Wisniewski, Chairman of the National Katyn Memorial Committee, and the entire committee, for their tireless efforts in making this memorial to the victims of this atrocity a reality.

I urge my colleagues to join me in paying tribute to the memory of these murdered Polish Army officers. The Katyn Memorial in Baltimore will be a lasting reminder to all of us that we must never tolerate evil and tyranny and that we must continue to speak out for justice and tolerance.

ELECTION COMMISSION OF PUERTO RICO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, both the House and Senate have approved an appropriation of $2.5 million to the Office of the President as requested by the President for a grant to the Elections Commission of Puerto Rico to be used for voter education on and a choice among the options available for the island's future political status. This marks an historic step forward in two key respects in the process of self-determination for the almost four million American citizens of Puerto Rico.

First, it represents the first authorization from Congress for the United States citizens of Puerto Rico to choose the ultimate political status for their island. Presidents since Truman have been seeking such an authorization and each House has passed similar language in the past, but the same language has never passed both Houses and been enacted into law. Our approval of this appropriation should be read as Congress' determination to resolve the century-long question of the island's ultimate status and let Puerto Rican Americans choose a fully democratic governing arrangement if they wish to replace the current territorial status.

Second, by adopting this provision as part of the unanticipated needs account of the Office of the President, it is Congress' intention that its support for a future vote in Puerto Rico be coordinated with the Administration's efforts to provide realistic options to be included on the ballot in the island's next referendum. In recent months the President has brought Puerto Rico's major political parties together in an unprecedented effort to define the available political status options. Our approval of the $2.5 Million request evidences our expectation that the White House will provide realistic options upon which to base a future status referendum. It can only responsibly allocate the funds for the consideration of options that are realistic.

Puerto Rican Americans have contributed to this Nation for over 102 years, both in peace and in wartime, and deserve the opportunity to resolve the uncertainty regarding their political status based on clearly defined status options consistent with the Constitution and U.S. law and with the support of Congress. This legislation along with realistic status options to be provided by the Administration will help us honor their contributions by moving the process of self-determination forward towards the establishment of a permanent and final political status for Puerto Rico.

TRIBUTE TO MRS. THELMA F. RIVERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Thelma F. Rivers of Timmonsville, South Carolina, prior to the celebration of her 115th birthday.

Mrs. Rivers was born on November 3, 1885, in Darlington, South Carolina, to a mother and father who were born into slavery. This makes her one of the few people to have ever lived to experience three centuries of American history. Her sharp memory is treasured by all. When Mrs. Rivers reminisces about her youth, she remembers picking two bales of cotton everyday and sewing quilts with tobacco thread.

Remarkably, Mrs. Rivers remains independent and capable despite her years. She is on no medication, and has no use for eyeglasses, hearing aids, or canes. Living alone until last year, she even chopped her own wood, being that she chose to remain living in a home still furnished with a wood burning stove. Many of her younger counterparts can't even boast of this type of health and autonomy.

Mrs. Rivers has been blessed with several children, nearly 100 grandchildren, numerous great grandchildren, and the list continues. She attributes her long life to her faith in God and allowing Him to "hold her hand while she runs this race."

Mrs. Rivers has won no gold medals or Nobel prizes, but today, having lived through 115 years is a tremendous and commendable achievement. It is a testament to faith, strength, love, and wisdom.

Mr. Speaker, please join me in paying tribute to this miraculous South Carolinian upon the celebration of her birthday.

TRIBUTE IN HONOR OF THE CENTENNIAL OF SYMPHONY HALL IN BOSTON, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CAPUANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of America's most historic crown jewels, Symphony Hall, as it celebrates its centennial and its many contributions to Boston, the Nation and the world.

The Hall was the brainchild of "Major" Henry Lee Higginson, founder of the Boston Symphony Orchestra (BSO). In the early 1890s, Higginson made the decision to build Symphony Hall due to the fact that the Boston Music Hall was no longer meeting the needs of the BSO and its patrons.

Major Higginson chose Charles Follen McKim of the New York firm of McKim, Mead and White as the architect of the Hall. At that time, McKim was the most prominent architect in the United States. However, one of the most influential persons involved in the project was a Harvard physicist by the name of Wallace Clement Sabine. Mr. Sabine, the founder of the science of architectural acoustics, served as acoustical consultant during the construction of the Hall. As a result of Sabine's input, Symphony Hall became the first concert hall designed with the aid of modern acoustical science, and today is ranked among the three best acoustical concert halls in the world.

Ground breaking on the Hall took place on June 12, 1899 and it opened its doors on October 15, 1900. Ever since its opening, Symphony Hall has played a major role in new music activity. It has been the scene of more than 250 musical world premiers, including major works by Samuel Barber, Aaron Copeland, George Gershwin, and John Williams.

Though it is principal home of the Boston Symphony and the Boston Pops orchestras, other performing artists use it 60–70 times a year. It is also interesting to note that for many years Symphony Hall was the largest public building in Boston and served as the city's major civic gathering place. Among such civic events were: the First Annual Automobile Show of the Boston Automobile Dealers' Association (1901); a debate on American participation in the League of Nations, advocated by Harvard President A. Lawrence Lowell and opposed by Senator Henry Cabot Lodge (1919); and all the inaugurations of Boston's Mayor James Michael Curley.

The Hall has regular radio and television broadcasts of the Boston Symphony Orchestra and the Boston Pops. The first radio broadcast took place on January 23, 1926, with the first national radio broadcast took place on October 4, 1930 in honor of the BSO's 50th anniversary. Television broadcasts from Symphony Hall began in 1963 and in 1969 the program Evening at Pops was launched in co-operation with WGBH. This program has gone on to become the second longest-running series on public television, after Sesame Street.

Today, Symphony Hall continues to have a profound impact on the world of music and maintains its distinction as one of the world's finest concert halls. The Department of the Interior recently paid fitting tribute to Symphony Hall's national and historic significance by designating it a National Historic Landmark. I have no doubt that Symphony Hall will continue to be a strong influence in the world of music for the next century and I want to extend my heart-felt congratulations to all those persons that have been entrusted with maintaining the legacy of Symphony Hall. So I close with wishing Symphony Hall a happy birthday and the good fortune of celebrating at least another one hundred.

RECENT VIOLENCE IN THE MIDDLE EAST

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CARDIN. Mr. Speaker, I rise today with a heavy heart, after learning this morning about the latest violence in Israel. News reports indicate that two Israeli reserve soldiers were killed in the West Bank town of Ramallah. The Israeli soldiers were detained by the Palestinian police after they inadvertently made a wrong turn down a street, and were taken to a police station. Apparently a mob of Palestinians broke into the police station, slaughtered the Israeli soldiers, and paraded their bodies through the streets.

I call on Mr. Arafat to live up to his obligations under the Oslo Accords, and to maintain public order and calm in the West Bank through a vigorous use of the Palestinian police force. Let us remember that the Palestinians now fully control over 40% of the West Bank and Gaza, with over 95% of the Palestinian population under the civil administration of the Palestinian Authority. As the Palestinians gain greater authority and control over their domestic affairs, they also must shoulder the additional security responsibilities that come hand-in-hand with territorial control. The Palestinians must ensure the safety of both Israelis and Palestinians within their areas of control.

Mr. Arafat has personally assumed responsibility over all PLO elements and personnel in order to assure the maintenance of peace, law, and order in the West Bank. Just a few days ago Mr. Arafat allowed a Palestinian mob to destroy Joseph's Tomb, a Jewish holy site in the West Bank, just hours after Israeli troops withdrew and allowed the Palestinian police to take control.

Mr. Speaker, each of us prays for peace in the Middle East. The only way to achieve peace is for the Palestinian leaders to not only condemn but to take steps to stop terrorism and violence.

INTRODUCTION OF THE UNITED STATES COMMISSION ON SECURITY IN AN OPEN SOCIETY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. NORTON. Mr. Speaker, today I introduce the United States Commission on Security in an Open Society Act, expressing an idea I have been working on for two years. Before our eyes, parts of our open society are gradually being closed down because of fear of terrorism. This act would begin a systematic response that takes full account of the importance of maintaining our democratic traditions while responding adequately to the real and substantial threat terrorism poses.

The bill I introduce today is being simultaneously introduced by the gentleman from New York, Senator DANIEL PATRICK MOYNIHAN, who is retiring this year. His unique career, as the Senate's intellectual leader, and as architect of the revival of Pennsylvania Avenue and a good deal of the rest of the renaissance of the Nation's Capital makes him the perfect partner for this bill. Because the bill embodies much of the breadth of concerns of the man and his career, I believe that the passage of the United States Commission on Security in an Open Society Act during this Congress would be another fitting tribute to Senator MOYNIHAN's service.

Recent history has been marked by the rise of terrorism in the world and in this country. As a result, American society faces new and unprecedented challenges. We must provide higher levels of security for our people and public spaces while maintaining a free and open democratic society. As yet, our country has no systematic process or strategy for meeting these challenges.

When we have been faced with unprecedented and perplexing issues in the past, we have had the good sense to investigate them deeply and to move to resolve them. Examples include the Warren Commission following the assassination of President John F. Kennedy and the Kerner Commission following riotous uprisings that swept American cities in the 1960's and 1970's.

The problems associated with worldwide terrorism are of similar importance and dimension. The Act requires that a commission be presidentially appointed because to be useful in meeting the multiple problems raised, a careful balance of members representative of a cross section of disciplines will be necessary. To date, questions of security most often have been left to security and military experts. They are indispensable participants, but they cannot alone resolve all the issues raised by terrorism in an open society. In order to strike the balance required by our traditions, constitution and laws, a cross cutting group representing our best and wisest minds needs to be working at the same table.

With only existing tools and thinking, we have been left to muddle through, using blunt 19th century approaches, such as crude blockades and other denials of access. The threat of terrorism to our democratic society is too serious to be left to ad hoc problem-solving. Such approaches are often as inadequate as they are menacing.

We can do better, but only if we recognize and then come to grips with the complexities associated with maintaining a society with free and open access in a world characterized by unprecedented terrorism. The place to begin is with a high-level presidential commission of wise experts from an array of disciplines who can help chart the new course that will be required to protect both our people and our precious democratic institutions.

2000 ORGAN COORDINATOR IMPROVEMENT ACT AND ORGAN DONOR ENHANCEMENT ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. INSLEE. Mr. Speaker, today I rise to introduce two bills to address organ scarcity, The Organ Coordinator Improvement Act and The Organ Donor Enhancement Act. These bills complement each other in their purpose to increase the number of recoverable organs and make the best use of available organs for transplant.

Every 14 minutes, a new person is added to the list of patients in need of an organ transplant. This list is 72,000 patients long today. Last year, we recovered over 21,000 organs for transplant from just over 10,000 individuals. In the same amount of time, we added 38,850 people to the list. These numbers illustrate the urgency behind this issue. Ten people die every day because there was no organ available for transplant. The single greatest barrier to saving lives with organ transplants is the scarcity of available organs.

I realize that we are at the end of session and the likelihood of these bills being enacted is minimal. But it is a crucial time to introduce these concepts and ask for support on this vitally important legislation. I am hopeful we can use this time between now and the start of the new Congress to build consensus on these initiatives. I want to gather opinions and expertise from my fellow members and the patients, organizations, and experts in their districts. The sooner we can get the ball rolling on this issue, the faster we will be able to save lives. We must act now to make progress on this heartbreaking inadequacy.

The problem is easy to define. There are simply not enough organs to meet the needs of the patients waiting for them on the transplant lists. The challenge before us is to maximize the number of available organs and to maximize the recovery of organs available for donation. When an organ becomes available for transplant, we must spare no resource to ensure that it is delivered to a patient in need. We can do this in three ways. We must first educate more people about organ donation and encourage them to become organ donors. HHS should be congratulated for their efforts in this regard. Next we must invest in research and resources for hospitals and medical schools to improve the success rates of organ donation and options available to those who are in need of organ transplants. Finally, we must make absolutely sure that no organ goes to waste. Currently only a fraction of organs available for donation are actually recovered and made available for transplant. That's where this legislation comes into effect.

Today I rise to introduce the Organ Coordination Improvement Act, which would dramatically improve the organ recovery rate. I asked the experts in hospitals and in organ procurement organizations what the single best thing Congress could do to assist with organ recovery efforts. The answer was simple: provide more staff in the hospital dedicated to this effort. This deceptively simple answer points to a greater truth. Only a very few hospitals and Organ Procurement Organizations actually have specifically trained and dedicated staff in the very setting that they are needed most—the front lines of our health care system. When those staff do exist, they make a dramatic difference. A pilot program through HHS to put specifically trained Organ Coordinators in hospitals in Maryland and Texas had a dramatic effect. In one year, Organ Coordinators more than doubled the recovery rate for organs. By placing Organ Coordinators in the hospitals, hospital consortiums or OPOs with the greatest potential for organ coordination, there is a tremendous opportunity to double the number of lives saved through organ transplants.

This legislation does just that. The bill provides grants to fund staff positions for Organ Coordinators. A person in this position would be charged with coordinating the organ donation and recovery efforts within a hospital, or in some cases, a group of hospitals.

Half of Organ Coordinators would be employed by hospitals and the other would be employed by Organ Procurement Organizations (OPOs). Both hospitals and OPOs are leaders in organ recovery efforts and both should be involved in this process. To build on this positive partnership, a control board would be established to coordinate the activities of the Organ Coordinators. The control board would have representation from both the hospital and the OPO, irrespective of which entity received the grant.

By placing Organ Coordinators in the hospitals, hospital consortiums or OPOs with the greatest potential for organ coordination, there is a tremendous opportunity to double the number of lives saved through organ transplants. Hospitals and OPOs share an important goal and this bill will serve to augment local success stories and local partnerships that already exist in our communities.

The second bill that I am proposing is the Organ Donor Enhancement Act, which would establish a national living donor registry based on the National Bone Marrow Registry. Last year, 10,538 people made their organs available for transplants. Of these, 4,640 people were living donors. Last year there were 9,237 kidney transplants performed, 4,441 transplants from living donors. Clearly, organ transplants have progressed to the point where nearly 45 percent of all kidney transplants done in 1999 were from living donors.

Mr. Speaker, no longer must a patient on the transplant list wish for an organ to become available from a horrible accident. Now kidneys and livers may be transplanted from one person to another and we have an obligation to help save the lives of the more than 62,000 people waiting for them.

The National Bone Marrow Registry has operated successfully since 1986 by registering people who are willing to donate their bone marrow to save somebody's life. Sometimes these are family members, friends or even strangers who possess the courage and compassion to be a living organ donor. While maintaining the highest privacy protections for registered volunteers, doctors are able to search and locate potential organ matches. The sheer scale of a national organ registry will enhance the practice of organ transplantation with increased speed and efficiency that no other resource could offer.

The National Living Donor Registry aims to break down the largest barrier to organ transplantation. It increases the number of potential donors and establishes a mechanism for doctors to match organs to patients. Here in the shadow of the Capitol Dome, the Executive Director of the Washington Regional Transplant Consortium reports that more than 2 people a week contact her and inquire about becoming a living organ donor. Currently, living donors comprise 45 percent of all kidney transplants that are performed. The availability of living donors means particularly strong hope for liver and kidney transplants, especially because kidney patients make up two-thirds of the transplant wait list. The time is now for a voluntary, national list to enable these everyday heroes to become life-savers.

In the midst of a tragedy, an organ transplant can create something awesome. A tragedy can save a life. For grieving families, it can be consolation that death has not struck in vain, and that indeed, their loved one continues to give energy and life. For thank everyday heroes who seek to become living donors, their gifts are the greatest gift of all. It is wondrous that medical technology has brought us so close to the miracle of life through organ transplant. Transplants have been performed since the 1960's and are now performed for 11 organs. Just last year, new types of liver transplants were being performed.

We must work to maximize our resources and make the most efficient use of them. There is no doubt about the need for organs. The potential lives that could be saved should encourage us to work on these two pieces of legislation to increase the number of recoverable organs and maximize the potential of available organs.

Lastly, I must offer my gratitude to the numerous patients, doctors, hospitals, organ procurement organizations and other individuals who offered valuable feedback on these bills. Many people have already put much time and effort in assisting me with the best ways to address organ scarcity. They have provided invaluable assistance and counsel, advice and criticism, and I thank them for their help. I ask my colleagues and others interested in organ recovery, organ donation and organ transplantation to examine these bills and provide me with their comments.

It is my hope that by introducing these bills, more patients and professionals in the field will be inspired by these efforts to work with me. It is essential that they continue to be generous in their comments, opinions, questions, criticism, and ultimately, support. I welcome the response of my colleagues on these two bills and look forward to further discussion next session.

IN HONOR OF LIEUTENANT EUGENE CANFIELD, DETECTIVE JOSEPH LOPEZ, AND POLICE OFFICER ANGEL MALDONADO, RECENT RETIREES FROM THE JERSEY CITY POLICE DEPARTMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor three recently retired police officers, who have dedicated their lives to serving and protecting Jersey City, New Jersey.

Lieutenant Eugene Canfield, Detective Joseph Lopez, and Police Officer Angel Maldonado retired on September 1, 2000, after exceptional careers as law enforcement officers. During their careers, these fine officers held one principle foremost in their minds: namely, that residents of Jersey City need and deserve a safe community.

Lieutenant Eugene Canfield began his career as an officer with the Jersey City Police Department on September 11, 1976. He is the recipient of two excellent police service awards and one police commendation. Lieutenant Canfield served in Operations (Patrol Division); Special Patrol Bureau; Central Communications Bureau; and the Field Leadership and Training Unit. Lieutenant "Gene" Canfield was not only an exceptional police officer, but also a talented actor, playing Al Pacino's chauffeur in "Scent of a Woman."

Detective Joseph Lopez began his career as an officer with the Jersey City Police Department on September 11, 1976. He is the recipient of eight excellent police service awards, two commendations, the class "E" award, and a unit citation. Detective Lopez served in the East District Patrol; the Car Pound Administration; the Special Investigations Unit, the Auto Theft Squad, and the North District Detective Division.

Police Officer Angel Maldonado began his career with the Jersey City Police Department on February 23, 1981. He is the recipient of four excellent police service awards and two commendations. Officer Maldonado served in the Detective Squad; the Juvenile Bureau; the West District Patrol; and the East District Patrol.

I commend these officers for their courage and commitment, and I ask that my colleagues join me in honoring them today.

JERSEY SHORE HUMANITARIANS HONORED

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. PALLONE. Mr. Speaker, on September 21, the Jersey Shore Chapter of The National Conference for Community and Justice (NCCJ) held its 32nd Anniversary Humanitarian Awards ceremony. NCCJ is a national human relations organization with local chapters dedicated to fighting bias, bigotry, and racism. It promotes understanding and respect among all races, religions and cultures through advocacy, conflict resolution and education.

So it is with great pride that I congratulate the recipients of this year's awards for their outstanding community service to the Jersey Shore, much of which I represent in Congress. They include:

Dr. Frank Arlinghaus, founder of our Congressional Award, chairman and president of the N.J. Congressional Award Council, Naval Reserve captain and Special Assistant for Reserve Affairs to the Medical Officer of the Marine Corps, and a pulmonary and critical care physician in Red Bank, N.J.;

Bahiyyah Abdullah, director of Marketing and Membership for the Ocean County Girl Scout Council for the last 12 years and active in numerous civic organizations, including the NAACP, Ocean County Human Relations Commission and Jack and Jill of America;

Solomon S. Greenspan, managing partner of Rudolf, Cinnamon & Calafato, LLC. He is on the board of the Monmouth County Jewish Federation, and the Urban League and is a Councilman for the Township of Ocean. He is past president of the Monmouth County Jewish Community Center and United Way.

The following two physicians helped develop the Parker Family Health Clinic, a free health center on Red Bank's west side:

Dr. Eugene F. Cheslock, an internist, is executive vice president of Meridian Health System, Riverview Medical Center's Riverview Foundation. He is past president of the Monmouth County Cancer Society and has received prestigious awards from the Urban League and the Salvation Army, among others.

Dr. Timothy Sullivan, an otolaryngologist, is senior vice president for medical affairs at Meridian Health System, Riverview Medical Center. He is a member of the Boards of Trustees of Volunteers in Medicine and Rio Vista Equipo Medico. He also serves as co-leader of medical missions to Guatemala to provide medical care, including cleft palate surgery.

The Women's Center of Monmouth County has, for 24 years, provided invaluable services to families affected by domestic violence and sexual assault and has received five major awards for its outstanding work. Anna M. Diaz-White, executive director and a staff member for 16 years, accepted the award on behalf of the Center. I congratulate Ms. Diaz White and all the staffers and volunteers who make the Center the valuable community asset that it is.

The Jersey Shore Chapter of NCCJ also applauded Anytown, NJ, a week-long program for high school students in which they break barriers, deal with biased behavior and develop an action plan to reduce prejudice in their hometowns.

I have worked with Dr. Arlinghaus for many years on the Congressional Award which seeks to encourage strong values and community service. Before that, he worked with the late Rep. James J. Howard, the original sponsor of the law enacting the Congressional Award program. Because of his association with an important Congressional initiative, I wanted to share with my colleagues a excerpts from his acceptance speech:

I submit the following excerpts from Dr. Arlinghaus's September 21 speech into the RECORD.

> "It was many years ago this month that Joe Gouthro and I met the then Congressman Howard to describe to him a dream called the Congressional Award and ten years later it became a Public Law. Since that very humble beginning much has passed into our history. And from that very unique experience of working with Congress, I have observed many unique events and personalities and beg your indulgence to share a thought and a theme with you this evening.
>
> "A new millennium has begun and our republic stands as what has been described as the world's indispensable nation. Two thousand years ago the Roman Empire in the western world occupied very much the same position economically, militarily and in the minds of those who lived then. The mythic story of the founding of the Roman Republic by the poet Virgil in the Aeneid emphasized one essential point, one essential virtue, one essential value. Aeneas was pious. He was humble before his 'gods' and from that piety flowed his strength and the future moral vibrancy of Rome. When Aeneas lost his piety, when Rome forsake that piety, when individual citizens abandoned that value, Rome was lost."
>
> ". . . Like pious Aeneas we are warned by history how important these values are. Can we be successful in keeping our sense of Community or our sense of Justice without such values? Whether it be through the NCCJ or the Congressional Award or through the works of our fellow citizens: Bahiyyah and Sol, Eugene and Tim, and the Women's Center, these values are self-evident and command our allegiance. Such values are at the heart of the wonderful acts of service of my more-than-distinguished co-recipients this evening. As Hans Kung the noted philosopher and moralist wrote "the will of the almighty is carried out through service to human beings." And as our Founding Fathers prayed: "We have given you a Republic. It is up to you to keep it."

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. SANCHEZ. Mr. Speaker, as a member of the House Armed Services Committee, I rise in strong support of the National Defense Authorization Conference Report H.R. 4205.

I would like to thank Mr. SPENCE, Mr. SKELTON, Subcommittee Chairs, Ranking Members, and of course Committee Staff for all the hard work that they put into reconciling the Defense Authorization Bill.

This year's Authorization Bill makes great strides toward improving Modernization, Quality of Life, and Military Readiness.

First, Military Health Care is getting on the right track, but we still have a lot of work to do to improve service to active duty and retired service members.

Second, Recruiting and Retention are showing signs of improvement, but will be a constant challenge during strong economies and changing demographics.

Although this committee has made significant improvements in quality of life benefits, I'm concerned that the junior ranks do not understand what these improvements mean to them.

According to a DoD survey of service members, basic pay is the number one reason to stay or leave the military.

But do they understand the value of their benefits, beyond take home pay, when they make their decision to leave?

I have introduced legislation, H.R. 4388, which provides service members information on their benefits, to including VA benefits, the value of those benefits, and how their benefits compare to civilian counterparts.

Given this information, I hope more may understand the grass is not necessarily greener on the other side and opt to make a career out of military service.

I thank the Committee for acknowledging the merits of this legislation by including reporting language in this bill requiring the Department of Defense to report on what the Department is doing in educating service members on the value of their benefits.

Third, I would like to commend the Committee on their work in improving R&D accounts, specifically Science and Technology.

R&D is the future of this Nation's defense. We should not shortchange our future to fund present day shortfalls. R&D is critical in maintaining the technological edge to combat the growing and changing threats to our Nation's security.

Finally, I would like to commend the Committee for incorporating H.R. 3396 in the Defense Authorization Bill and look at California as a potential production site for the Joint Strike Fighter.

An independent study found that building the JSF at the Air Force Plant 42 in Palmdale, California could save upwards of $2 billion over the life of the project.

These savings are based on state and local economic incentives, such as tax credits, and inherent capabilities, such as the existing 1.2 million square foot B–2 production facility, highly trained aerospace work force, and close proximity to test facilities.

If we are asking taxpayers to support the best manned, equipped, and trained fighting force in the world, we must ensure it's the most cost effective fighting force in the world.

In closing, I commend all the Committee Chairs, Ranking Members and Staff for working with their Senate counterparts to produce a bipartisan bill that looks out for those who serve and preserve's our role as the World's premier fighting force.

I urge my colleagues to support this bill.

TRIBUTE TO MIRIAM GOBSTOOB CANTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. DAVIS of Illinois. Mr. Speaker, on Thursday, October 12, 2000 the name of the Louis Wirth Experimental School in Chicago's Hyde Park neighborhood will be changed to honor one of its founders: Miriam Gobstoob Canter.

Almost one year after Miriam died, it will be a fitting tribute to the life of a most remarkable woman who devoted much of her life to public education.

Miriam Gobstoob was born in 1923 in Boston, Massachusetts. She attended Boston University and joined the Women's Air Corps in 1944. She devoted herself to the war effort and was a part of the successful effort to integrate her company.

After the war, and her honorable discharge, she joined the first all-women's Jewish War Veteran's Post. She became a commander of that post and later in life commander of the Chicago Jewish War Veteran's Post, the only woman to command two such posts.

In 1956 she married David S. Canter and moved to Chicago where she dived into work, family and community activism.

Their children, Marc, Evan and Anna drew Miriam into a lifetime commitment to education including President of the Kenwood-Ellis Cooperative Nursery School, President of the Shoesmith School PTA, President of Wirth School PTA, President of Kenwood High School PTA, President of Metro High School PTA, Community Representative of Wirth Local School Council.

She was recognized with awards including the Distinguished Service Award for 25 years of service to public education at Wirth School and the Achievement Award for 10 years Service for Local School Council participation.

There were many other facets to Miriam's love of community and country.

She worked for over 20 years at Michael Reese Hospital, was a founding board member of the Michael Reese Health Plan and the Women's Health Initiative. She was active in protecting the rights and interests of hospital workers.

Miriam made her home a center for activism and was fiercely active in the struggle for civil rights, banning nuclear weapons and in opposition to the war in Vietnam. From freedom marches and peace meetings to fund-raising events and making sandwiches no job was too big or too small for Miriam.

She was awarded (posthumously) the Unsung Heroine Award by the Cook County Women's Commission.

Miriam's home was a joyous place to visit. She was a hostess par excellence, and, according to at least one eye witness was a key player in the greatest little floating mah jongg game in Chicago.

Miriam is survived by her husband, three children, six grandchildren and uncounted friends, neighbors and coworkers. She will be remembered not only because her name is affixed to a public middle school, but because her name in indelibly engraved in the hearts of all those who knew her.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. KOLBE. Mr. Speaker, on October 10, 2000, I was on an airplane returning from my district and missed the following votes: H.R. 208, to amend Title 5, U.S. Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan; H.R. 762, the Lupus Research and Care Amendments; and S. 2438, the Pipeline Safety Improvement Act.

Had I been present, I would have voted "yea" on all three of these votes (#519, #520 and #521).

A TRIBUTE TO MRS. DALE STRAYHORN, PRINCIPAL OF ROCHELLE MIDDLE SCHOOL, LENOIR COUNTY, NORTH CAROLINA

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. CLAYTON. Mr. Speaker, for almost two decades, Mrs. Dale Strayhorn has quietly and effectively touched the lives of hundreds of young people. As a teacher, school administrator and principal, she has helped our communities meet the challenge of child-raising.

She has now brought her considerable energy and expertise to Rochelle Middle School in Lenoir County, North Carolina, where she currently serves as principal. Since arriving at Rochelle, she has made every student feel important and has made every parent feel that the education of their child is being taken very seriously.

Dale Strayhorn is an educator, a mentor, an advisor, an advocate, a counselor, a visionary. She cares. She dares to be different, and she has made a difference. But, her path to excellence has not been easy. Like all who teach well, she first had to learn. One of eight children, she was instructed by her father to "get a job or go to college." She did both. She attended North Carolina Central University in Durham, and she took on the tough task of raising her daughter Gwen, beginning in her Sophomore year.

Over the years, Mrs. Strayhorn has taught elementary school, taught military-dependent children and taught alternative school children, among many other experiences. In all instances, she has emphasized character building, skill development and preparation for the future.

Despite her many accomplishments and her tireless agenda, she has always found time to be a devoted wife, a loving mother, a dedicated daughter and a dutiful member of her church. While balancing many responsibilities, she has never neglected to balance her priorities—those things most important in life—family, friends, neighbors, community and church.

Those who are charged with the education, growth and development of our young people must be among the best, the brightest, the most honorable. They must love what they do and conduct themselves with the highest standards and with impeccable integrity. Mrs. Dale Strayhorn meets and exceeds all of those qualities.

While she has assumed the role of Principal at Rochelle, above all, she is a teacher, one who guides, instructs and paints a path for others to follow. She deserves our praise and adulation.

RECOGNIZING THE 75TH ANNIVERSARY OF THE UNIVERSITY OF ROCHESTER MEDICAL CENTER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize the 75th Anniversary of the University of Rochester Medical Center.

From quality, compassionate patient care to cutting-edge research to individualized student education, the University of Rochester Medical Center has earned a nationwide reputation for excellence. Since its founding by Dean George Hoyt Whipple, the School of Dentistry and Medicine has produced some of our country's most skilled doctors and researchers, whose commitment to the art of healing has made a real difference in the lives of countless people and families.

To continue their tradition of excellence and prominence, the University of Rochester Medical Center will today mark the investiture of three deans, who will build on the center's successes heading into its second 75 years of service. They are Patricia Chiverton, Ed.D., R.N., EN.A.P., third dean of the School of Nursing; Deborah Cory-Slechta, Ph.D., first dean of Research of the School of Medicine and Dentistry and Director of the Aab Institute of Biomedical Sciences; and Edward Hundert, M.D., as the eighth dean of the School of Medicine and Dentistry.

Mr. Speaker, I ask that this House of Representatives join me in saluting the achievements of the University of Rochester Medical Center on the occasion of their 75 Anniversary, and that this Congress join with me in wishing continued success upon the celebration of the investiture of Deans Hundert, Cory-Slechta and Chiverton.

CONFERENCE REPORT ON H.R. 3044, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mrs. MORELLA. Mr. Speaker, there have been many members who have supported my efforts to reauthorize the Violence Against Women Act. One such member, Representative LLOYD DOGGETT, spoke in support of this legislation and also sought to become a cosponsor of this act. Unfortunately, a communication error in the clerk's office precluded him from being added as an official co-sponsor. I would like to thank Mr. DOGGETT for his efforts in support and cosponsorship of this legislation

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. MYRICK. Mr. Speaker, due to my duties at the presidential debate last night, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 526, on the Motion to Instruct Conferees on H.R. 2415 to enhance Security of United States missions and personnel overseas, I would have voted "yea;" Rollcall vote 525, on agreeing to the Conference Report for the Agriculture and Rural Development Appropriations, I would have voted "nay;" and Rollcall vote 524, on ordering the Previous Question to waive points of order against the Motion to Instruct Conferees on H.R. 2415 to enhance Security of United States missions and personnel overseas, I would have voted "yea."

IN HONOR OF MRS. FARAH M. WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Mrs. Farah M. Walters who has been awarded the title of "Woman of Achievement" for her outstanding work in the field of health services.

Farah M. Walters has led a remarkable 32 year career in the health care industry. Her commitment to the well-being of the community is an example to us all. She has received due recognition for her remarkable public service. In June 2000, Mrs. Walters was awarded the March of Dimes Golden Mile Award for her leadership and dedication to saving babies. In addition to local community service, she was appointed to Mrs. Hillary Rodham Clinton's National Health Care Reform Task Force. Later that year, "Modern Healthcare" selected her as one of 50 individuals to shape future development of American health care. She has demonstrated commendable dedication to all aspects of the heath care field.

In her career, Mrs. Walters has undertaken positions of great responsibility. As president and chief executive officer of University Hospitals Health System and University Hospitals of Cleveland, she presides over a system that includes more than 15, 000 employees, working in over 100 health service locations in 55 Northeast Ohio communities. While under Farah Walters' leadership, University Hospitals of Cleveland received the Exemplary Voluntary Effort (EVE) Award from the U.S. Department of Labor. This continuing commitment to one of the most important areas of public service deserves to be rewarded with due recognition and respect.

I ask my colleagues in the House of Representatives to join me today in honoring Mrs. Farah M. Walters whose outstanding community-based work has earned her the distinguished accolade, "Woman of Achievement."

THE ENVIRONMENT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Ms. LEE. Mr. Speaker, for me, three key issues that we must as a community and a nation address are environmental justice, sprawl and livability, and the need to protect California's and the country's ecosystems.

All three of these issues are linked to a crucial concern that is very much on Americans' minds right now: energy.

Rising oil prices and falling home fuel oil supplies both point out one clear, absolute fact: fossil fuels represent a limited and gradually disappearing resource.

We need to address this problem today.

The answer to our oil problem does not lie in pillaging the Arctic National Wildlife Refuge, a precious, fragile, and unique ecosystem.

It does not lie in keeping current lax standards for gas mileage.

It does not lie in denying the basic fact that our planet is growing warmer and that the burning of fossil fuels is a significant factor in global warming.

It does not lie in polluting our soil, our water, our air, and our children with toxins.

The answers have to lie in conservation and innovation.

One answer is to raise the corporate average fuel economy standards across the board: Detroit can build more efficient cars; we need to increase the incentives to buy them and increase the disincentives to use gasoline wastefully.

California is leading the way in promoting greater fuel efficiency and searching for alternative energy technologies.

We need to work toward fuel cells, hybrid cars, and other alternative technologies.

We need to invest in mass transit. It will cost money but the dividends in reduced pollution, increased conservation, and reduced sprawl will be far greater than the initial price tags.

And we need to undertake these efforts today.

Our environment depends on it and in the long run so does our economy.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 4721

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 4721, a bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 10, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4721, an act to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), and Lauren Marks (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4721—An act to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States

H.R. 4721 would transfer about 1,550 acres in real property in Washington County, Utah, to the federal government. As compensation for the government's taking of private property, the legislation would provide an immediate payment of $15 million, with a subsequent amount to be paid to Environmental Land Technology, Ltd., the property owner, at a later date. The amount of the second payment would depend, in part, on whether the federal government could negotiate a settlement with the property owner.

Under a negotiated settlement, the second payment would include the difference between the property's appraised value and the initial payment of $15 million, plus interest accrued from the date of the legislation's enactment. Alternatively, if the amount of the second payment is decided in a court of law, it would include the remaining property value as determined by the court, accrued interest, reasonable expenses of holding The property from February 1990 to the date of the final payment, and reasonable court costs and attorneys' fees. The legislation would provide the full faith and credit of the United States to make such payments without farther appropriation.

CBO estimates that enacting H.R. 4721 would increase direct spending by $15 million in fiscal year 2001. The amount of the second payment is uncertain and will probably be determined in court. Based on information from the Bureau of Land Management (BLM), CBO estimates that a second payment of $43 million would be made in 2002. The estimated total of $58 million is the midpoint between the government's and the property owner's estimates of the property's value (between $30 million and $70 million), plus accrued interest and reasonable property and court-related expenses. This estimate assumes that, based on the wide difference in their estimates of the property's value, the two sides would be unable to negotiate an out-of-court settlement. Because H.R. 4721 would affect direct spending, pay-as-you-go procedures would apply. The changes in direct spending are shown in the following table.

	By fiscal year, in millions of dollars									
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	15	43	0	0	0	0	0	0	0	0
Changes in receipts	([1])	([1])	([1])	([1])	([1])	([1])	([1])	([1])	([1])	([1])

[1] Not applicable.

In addition, because it is possible that BLM would have purchased the property under current law using funds appropriated from the Land and Water Conservation Fund, implementing the legislation could reduce the need for future appropriations.

H.R. 4721 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 4721 would impose a private-sector mandate, as defined in UMRA, on the property owner who would be required to confer his property to the, federal government, CBO estimates that the cost of complying with the mandate would fall below the annual threshold established by UMRA ($109 million in 2000, adjusted annually for inflation).

The legislation would require, 30 days after enactment, the landowner to confer to the United States all right, title, and interest in and to, his property located within and adjacent to the Red Cliffs Reserve. That requirement would be a mandate as defined in UMRA. The cost of complying with the mandate would be the fair market value of the land, expenses incurred and lost interest in transferring the property to the federal government, and the costs of relocating. Estimates of the value of the property range between $30 million and $70 million. Thus, CBO expects that the direct costs of complying with the mandate would fall below the threshold established by UMRA ($109 million for private-sector mandates in 2000, adjusted annually for inflation). The legislation provides that, in exchange for his land, the landowner would receive an initial payment $15 million, as well as a subsequent payment to be determined either through a negotiated settlement or through litigation.

On October 10, 2000, CBO transmitted a cost estimate for S. 2873, a similar bill reported by the Senate Committee on Energy and Natural Resources on October 2, 2000. CBO's two cost estimates are identical.

The CBO staff contacts for this estimate are John R. Righter (for federal costs) and Lauren Marks (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

INTRODUCTION OF H. CON. RES. 426 CONCERNING THE VIOLENCE IN THE MIDDLE EAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. GILMAN. Mr. Speaker, the past two weeks have seen tension in the Middle East spiral out of control as PLO Chairman Yassir Arafat attempts to dictate Israeli concessions at the negotiating table through the unbridled use of violence, and, most appallingly, through the manipulation of young children as "martyrs in training".

This massive and fundamental violation of the Oslo Accords is intentional, as underscored when the leader of the Tanzim paramilitary forces in the West Bank said yesterday that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, "This blessed Intifada is looking ahead and the mass activity is moving forward".

Mr. Speaker, in today's latest outrage, a Palestinian mob killed two Israeli soldiers and dumped their bloodied bodies in the street after the pair were captured with two other servicemen earlier today in the Palestinian city of Ramallah.

That is why I felt compelled to introduce a resolution, H. Con. Res. 426 on behalf of myself and Mr. GEJDENSON, our ranking Minority Member on the House International Relations Committee, condemning the Palestinian violence, and expressing congressional support for the people of Israel at this time of crisis.

The Palestinians must understand that you can't have it both ways. The Government of Israel has made clear to the world its commitment to peace time and time again. We see that the Palestinian response is violence.

Accordingly, I submit the text H. Con. Res. 426 to be printed at this point in the CONGRESSIONAL RECORD, and urge our colleagues to strongly support this.

H. CON. RES. 426

Whereas the Arab-Israeli Conflict must be resolved by peaceful negotiation;

Whereas since 1993 Israel and the Palestinians have been engaged in intensive negotiations over the future of the West Bank and Gaza;

Whereas the United States, through its consistent support of Israel and the cause of peace, made the current peace process possible;

Whereas the underlying basis of those negotiations was recognition of the Palestine Liberation Organization (PLO) by Israel in exchange for the renunciation of violence by the PLO and its Chairman Yasser Arafat, first expressed in a letter to then-Israeli Prime Minister Yitzhak Rabin dated September 9, 1993, in which Mr. Arafat stated: "[T]he PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.";

Whereas as a result of those negotiations, the Palestinians now fully control over 40 percent of the West Bank and Gaza, with over 95 percent of the Palestinian population under the civil administration of the Palestinian Authority;

Whereas as a result of peace negotiations, Israel turned over control of these areas to the Palestinian Authority with the clear understanding and expectation that the Palestinians would maintain order and security there;

Whereas the Palestinian Authority, with the assistance of Israel and the international community, created a strong police force, almost twice the number allowed under the Oslo Accords, specifically to maintain public order;

Whereas the Government of Israel made clear to the world its commitment to peace at Camp David, where it expressed its readiness to take wide-ranging and painful steps in order to bring an end to the conflict, but these proposals were rejected by Chairman Arafat;

Whereas perceived provocations must only be addressed at the negotiating table;

Whereas it is only through negotiations, and not through violence, that the Palestinians can hope to achieve their political aspirations;

Whereas even in the face of the desecration of Joseph's Tomb, a Jewish holy site in the West Bank, the Government of Israel has made it clear that it will withdraw forces from Palestinian areas if the Palestinian Authority maintains order in those areas; and

Whereas the Palestinian leadership not only did too little for far too long to control the violence, but in fact encouraged it: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its solidarity with the state and people of Israel at this time of crisis;

(2) condemns the Palestinian leadership for encouraging the violence and doing so little for so long to stop it, resulting in the senseless loss of life;

(3) calls upon the Palestinian leadership to refrain from any exhortations to public incitement, urges the Palestinian leadership to vigorously use its security forces to act immediately to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations;

(4) commends successive Administrations on their continuing efforts to achieve peace in the Middle East;

(5) urges the current Administration to use its veto power at the United Nations Security Council to ensure that the Security Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestinian Authority; and

(6) calls on all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process in order to prevent further senseless loss of life by all sides.

CALLING FOR AN FDA INVESTIGATION INTO ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. STARK. Mr. Speaker, last week, I sent the following letter to the FDA, in support of an investigation concerning how some of the nation's leading drug manufacturers are using false pricing data to distort the practice of medicine in America.

The letter details what I believe to be the bilking of the Medicare system by a number of large, powerful drug companies. The evidence I have been provided shows that certain drug companies are making enormous profits available to many doctors on the "spread" between what Medicare and other payers reimburse for a drug (the average wholesale price), and what that drug is really available for.

These companies have increased their sales by abusing the public trust and exploiting America's seniors and disabled. It is my firm belief that these practices must stop and that these companies must return the money to the public that is owed because of their abusive practices.

The data in the letter is an indictment of the companies' abuse of the taxpayer and of the patient.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2000.

Dr. JANE E. HENNEY,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. HENNEY: I would like to share with you concerns I have regarding the conduct of certain drug companies that are regulated by your agency. Internal drug company documents and other evidence from an industry insider, obtained through a Congressional investigation, have exposed deliberate price manipulation by some drug companies. I believe drug companies' misleading acts are exploiting the health care needs of our most seriously ill, poor, disabled and elderly citizens and taking money from the pockets of innocent Medicare beneficiaries who are required to pay 20% of Medicare's current limited drug benefit. These wrongful actions cost federal and state governments, private insurers, and others billions of dollars per year in excessive drug payments and corrupt the professional independence of medical decision makers.

The compelling evidence recently amassed by Congressional investigators reveals that certain drug companies have been reporting and publishing inflated and misleading price data and have engaged in other deceptive business practices in order to manipulate and inflate the prices of certain drugs. The drug manufacturers have perpetrated this fraudulent price manipulation scheme for the express purpose of causing the Medicare and Medicaid Programs to expend excessive amounts in paying claims for certain drugs. The inflated reimbursement arranged by certain drug companies is used to aggressively market the drugs in question, to influence physician prescribing practices, and to increase sales and market share.

The evidence I have seen indicates that the drug companies involved have knowingly, deliberately, and falsely inflated their representations of the average wholesale price ("AWP"), wholesaler acquisition cost ("WAC") and direct price ("DP") which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The evidence also clearly establishes that, contrary to previous drug company representations, the initial source of the price data is the drug companies themselves and those acting in concert with them. I have learned that the difference between the inflated AWP and WAC versus the true prices paid by providers is regularly referred to by industry insiders as "the spread."

The Congressional investigation establishes that this "spread" has not occurred accidentally but is the product of conscious and fully-informed business decisions. Bristol-Myers Squibb (BMS) documents, for example, demonstrate drug company control over the spread and knowledge that the spread acts as a financial inducement that affects medical judgments. I am told that BMS, as the innovator of the cancer drug Etoposide, repeatedly published inflated prices of approximately $138 while the true market price fell to less than $10. BMS then developed Etopophos, a newer, therapeutically superior substitute for Etoposide. As the following excerpts from EMS' own documents reveal, BMS' earlier participation in the false price maniuplation scheme with Etoposide interfered with physician medical decisions to use Etopophos:

"The Etopophos product profile is significantly superior to that of etoposide injection . . ." (Exhibit #1).

"Currently, physician practices can take advantage of the growing disparity between VePesid's [name brand for Etoposide] list price (and, subsequently, the Average Wholesale Price [AWP]) and the actual acquisition cost when obtaining reimbursement for etoposide purchases. If the acquisition price of Etopophos is close to the list price, the physician's financial incentive for selecting the brand is largely diminished" (Exhibit #2).

"BMS' control over the AWPs published for its drugs is revealed in the following excerpt from a letter to the national publisher of drug prices relied on by the Medicaid Program:

"Bristol-Myers Squibb Company:

"Edward Edelstein, First Data Bank . . .

"DEAR MR. EDELSTEIN: Effective immediately, Bristol-Myers Oncology Division products factor used in determining the AWP should be changed from 20.5% to 25%. This change should not affect any other business of Bristol-Myers Squibb Company" (Exhibit #3).

As a result of BMS' instructions, I am told First Data Bank recalculated BMS' AWPs and reported them to the State Medicaid agencies and Medicare Carriers as a BMS price increase when in truth it was nothing more than a means of creating a greater "spread" for BMS drugs.

Additionally, the drug companies in question often falsely state that they have no control over the AWPs and other prices published for their drugs. Comparing the following excerpts from a 1996 *Barron's* article entitled, "Hooked On Drugs," and Immunex's own internal documents reveals that drug companies do indeed have control over their prices:

"But Immunex, with a thriving generic cancer-drug business, says its average wholesale prices aren't its own. 'The drug manufacturers have no control over the AWPs published . . .,' says spokeswoman Valerie Dowell" (Exhibit #5).

"Kathleen Stamm, Immunex Corporation . . .

"DEAR KATHLEEN: This letter is a confirmation letter that we have received and entered your latest AWP price changes in our system. The price changes that were effective January 3, 1996 were posted in our system on January 5, 1996. I have enclosed an updated.

"Sincerely, Lisa Brandt, Red Book Data Analyst" (Exhibit #6)

The drug companies involved are well aware of the destructive impact their price manipulation has on prescription drug costs, as stated in the following excerpt from a Glaxo internal document:

"Is the [pharmaceutical] industry helping to moderate health care costs when it implements policies that increase the cost of pharmaceuticals to government?" (Exhibit #4).

These examples of clear deception appear to be "only the tip of the iceberg" as demonstrated by the evidence reflected in composite Exhibit #5. This evidence indicates that an official of the state of Florida Medicaid pharmacy program contacted Hoechst Marion Roussel directly requesting pricing information for Hoechst's new drug Anzemet. Exhibit #5 is a copy of the fax sent to the Florida Official by Hoechst containing Hoechst representations of its prices.

The following chart represents a comparison of Hoescht's fraudulent price representations for its injectable form of the drug versus the actual prices paid by the industry insider. The industry insider was aware that a 100 mg vial of Anzemet could be purchased from a wholesaler/distributer for $70.00. The chart compares Hoescht's price representations for the tablet form of Anzemet and the insider's true prices. It is extremely interesting that Hoescht did not create a spread for its tablet form of Anzemet but only the injectable form. This is because Medicare reimburses doctors for the injectable form of this drug and not the tablet form. And by providing doctors a profit, Hoescht can influence prescribing. The tablet form is usually dispensed by pharmacists who accept the doctor's order. This example reflects the frustration that federal and state regulators have experienced in their attempts to estimate the truthful prices being paid by providers in the marketplace for prescription drugs. Likewise, it underscores that we cannot rely upon the drug companies to make honest and truthful representations of their prices, and that Congress may be left with no alternative other than to legislate price controls.

Some drug companies have also utilized a large array of other impermissible inducements to mask true prices and stimulate sales of their drugs. These inducements, including bogus "educational grants," volume discounts, and rebates or free goods are designed to result in a lower net cost to the purchaser, while concealing the actual cost beneath a high invoice price. A product invoiced at $100 for ten units of a drug item might really only cost the purchaser half that amount. Given, for instance, a subsequent shipment of an additional ten units at no charge, or a "grant," "rebate" or "credit memo" in the amount of $50, the transaction would truly cost a net of only $5.00 per unit. Through all of these "off-invoice" means, drug purchasers are provided substantial discounts in exchange for their patronage, while maintaining the fiction of a higher invoice price—the price that corresponds to reported AWPs and inflated reimbursement from the government (Composite Exhibit #6):

The above document is particularly disturbing as it indicates that at least one purpose of "masking" the final price with free goods is so that the Federal Supply Schedule ("FSS") falsely appears to be less than that of the hospital price.

Such misleading statements about pharmaceutical products by drug companies clearly entails deliberate price manipulation and in my opinion appears to be directly contrary to the letter and spirit of FDA law. For example, in 1997 Pharmacia & Upjohn reported an AWP of $946.94 for 200 mg. of Adriamycin PFS while it was offering to sell it to doctor groups such as American Oncology Resources for $168.00 and to Comprehensive Cancer Center for $152.00 (Composite Exhibit #7). Pharmacia & Upjohn then aggressively marketed its cancer drugs to health care providers by touting the financial inducements created by the false price representations and other types of monetary payments. It is apparent that Pharmacia & Upjohn created and marketed the financial inducements for the express purpose of influencing the professional judgment of doctors and other health care providers.

Moreover, Pharmacia & Upjohn's strategy of increasing the sales of its drugs by enriching, with taxpayer dollars, the doctors and others who administer them is reprehensible and a blatant abuse of the privileges that Pharmacia & Upjohn enjoys as a major pharmaceutical manufacturer in the United States. This is perhaps best illustrated by Pharmacia & Upjohn's own internal documents which reveal that it actually abused its position as a drug innovator in an initial Phase III FDA clinical trial for a cancer drug used to treat lymphoma, as detailed in Composite Exhibit #8:

The linking of doctor participation in FDA clinical drug trials to the purchase and administration of profit-generating oncology drugs is entirely inconsistent with the objective scientific testing that is vital to the integrity of the trial. I am hopeful that the FDA will take immediate action to stop such behavior. Such quid pro quo in connection with new drug trials cannot be tolerated.

Doctors must be free to choose drugs based on what is medically best for their patients. It is highly unethical for drug companies to provide physicians with payments for FDA clinical trials and inflated price reports that financially induce doctors to administer their drugs to patients. In particular, Pharmacia & Upjohn's conduct, along with the conduct of other drug companies, is estimated to have cost taxpayers over a billion dollars. It also has a corrupting influence on the exercise of independent medical judgment both in the treatment of severely ill cancer patients and in the medical evaluation of new oncological drugs.

My reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. Accordingly, I am requesting that the FDA conduct a comprehensive investigation into drug company business practices.

Notwithstanding potential prohibitions under the Food Drug and Cosmetic Act, it appears drug manufacturers purposely create confusion and make false and misleading statements about drug pricing in order to deceive the United States Government and the States' Medicaid Programs. Recently there has been much media coverage of this issue—an article entitled "Drugmakers Accused of Price Scheme" in the USA Today and one entitled "How Drug Makers Influence Medicare Reimbursements to Doctors" in the Wall Street Journal.

In the larger sense, this letter and its accompanying exhibits raise questions of drug companies' wrongful influence on physician prescribing behavior, which leads to unsafe medical practice in the U.S. In light of these findings, I urge you to undertake a comprehensive review to ensure Americans are prescribed pharmaceuticals that are safe and effective. Physician prescribing should be based on need, not greed. I am extremely concerned that profit may be causing the public to be prescribed drugs that are not safe and effective for patients.

I have referred this evidence to you so that you may take action against these fraudulent schemes and, if appropriate, enforce relevant law and FDA regulations. I hope that you will take any and all administrative actions to ensure the integrity of drug pricing on behalf of the safety of the American public. And I look forward to discussing with you any necessary legislative solutions.

Sincerely,

PETE STARK,
Member of Congress.

TRIBUTE TO ARTHUR MALAN TINKER ST. CLAIR, AN OUTSTANDING WEST VIRGINIAN, ON HIS RETIREMENT AS U.S. SENATE DOORKEEPER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. RAHALL. Mr. Speaker, two days ago our distinguished senior Senator from West Virginia, ROBERT C. BYRD, rose on the floor to pay tribute to "Tinker" St. Clair of McDowell County, West Virginia. At the end of this year, Tinker St. Clair will retire from his post as senior Doorkeeper in the U.S. Senate after 21 years of distinguished service to that body.

Mr. Speaker, that is but a small part of this man's remarkable contribution to his family, his community, his State and his Nation.

When Arthur St. Clair was a toddler, he was an active little boy which led his grandmother to call him a "little stinker." His envious brother, who couldn't yet pronounce all his words, called him "a little tinker," and the nickname "Tinker" has remained with Arthur to this day.

Arthur "Tinker" St. Clair, born on January 6, 1916, is today 84 years old, having lived a busy, varied life with his late wife of 56 years, Elnora Hall St. Clair, raising their children Patty Lee and Linda, now Linda St. Clair Pence, wife of Ed Pence. Tinker is looking forward to his retirement, so that he can spend some quality time with his three grandchildren, Kimberly George, and Edwin Bryan and Mack Malan Pence. Tinker also looks forward to his greatest love, spending time with his two great-grandchildren, Nicholas Paul George and Jonathan Malan George.

Being a West Virginian, Tinker is the descendant from his father William Woods St. Clair, coal miner, school board member, and small businessman, and his homemaker mother Etta Mae Cochran St. Clair. Tinker was brought up with a strong work ethic, family values, and more than a gentle nudge toward community service handed down by his parents and grandparents, in what has been called "the free state of McDowell."

Mr. Speaker, I have the honor to represent McDowell County, West Virginia, Tinker's homeplace. I just as importantly have the honor of calling Tinker a dear and true friend from day one. Over the years, this southernmost county has seen a decline in population from 100,000 coal miners and their families, to today's count of approximately 30,000 men, women and children. The population drop was brought about when coal mines began to mechanize, and during those years of decline, unemployment has remained higher than the national average for the people who remained in McDowell County. It was the good, strong, determined people like Tinker St. Clair who stayed in the county and who never stopped helping his people in good times and in bad, until his retirement there in 1979.

Upon graduating from Gary High School in 1937, his first job was driving a school bus for McDowell County Public Schools. That is when he first met his future wife, Elnora. Once he was married and raising his children, Tinker went to work in 1941 for the Consolidated Bus Lines (which later became Continental Trailways), where he worked until 1947. Realizing how important transportation was and is for his community of deep valleys and winding roads, it wasn't long before Tinker started his own taxi service company in 1947, serving Welch, Pineville and Oceana, West Virginia.

But Tinker was born of parents who were also deeply involved in community affairs, and he and his wife Elnora were always ready, willing and able when it came to serving on local political committees, and both were active in the Democratic party of McDowell County West Virginia. As Tinker will tell you, McDowell County went Democratic in 1934 when the first-ever Democrat was elected, and the county has remained a democratic stronghold, with Tinker's help, ever since.

Tinker was proud to be politically active, and he traveled around the county campaigning for Harry Truman, John F. Kennedy, and Lyndon Baines Johnson. He also traveled the county with the late Senator Jennings Randolph, with our senior Senator ROBERT C. BYRD, JAY ROCKEFELLER, and NICK J. RAHALL—and I can tell you that it was a great pleasure whenever I found myself at Elnora's table many, many times during my own campaigns for the House. Tinker recalls that when traveling the county with Ben Cartwright of Bonanza fame, he invited him and his associates back to his home for a home cooked meal—requiring his wife Elnora to have to scramble to fix the meal on a moment's notice—but she did it with great pleasure, for she was as committed as Tinker to helping out the folks running for the Presidency, including Hubert H. Humphrey during his West Virginia campaign.

Tinker gave up the taxi business to become the Deputy Sheriff and Court Bailiff in McDowell County, during which time he became a Member of the McDowell County Democratic Executive Committee, and was a delegate to the National Convention in the years 1952 to 1965. He then became a criminal investigator for the county's prosecuting attorney, and a justice of the peace. Finally, Arthur "Tinker" St. Clair was appointed to the position of County Clerk, and afterwards was reelected to a six year term with a majority vote of 89 percent. That wasn't machine politics folks, that was pure Tinker.

Actually, Tinker hadn't thought of retiring at the age of 63 as County Clerk in 1979, but his children had all moved up to the Washington, D.C. area, and his wife Elnora tired of traveling back and forth to see her grandchildren. So one day, Elnora told Tinker she was once again visiting her children, and he asked her when she would get back. She said she wasn't coming back. That's when Tinker retired from the County Clerk's position and followed his beloved wife of 56 years to Washington.

Now Elnora had her say in June of 1979, and so Tinker retired. But he wasn't happy not working. He just couldn't see himself retiring at age 63. So, Tinker called his old friend, U.S. Senator ROBERT C. BYRD, and asked him if there was anything he could do for him. Senator BYRD took him in hand, and within a month of his arrival in Washington, he began serving as Doorkeeper for the U.S. Senate, where he worked for another, memorable 21 years.

As noted above, Mr. Speaker, Arthur "Tinker" St. Clair was born to the work ethic, to family values, and to community service. He has worked ever since he graduated from high school in 1937. Without a college degree, Tinker rose from bus driver to County Clerk in his native McDowell County, helping it to grow and to prosper in good times and bad; in a county who knew Tinker St. Clair for his ability to reach out to every person he met—and who always found a way to help whoever asked—whether it was a local resident and friend, a local official, or candidates for President—it didn't matter to Tinker. He was always sure he could make a difference—at home in McDowell County—and on the national level—and he and his late wife Elnora made that difference.

Since coming to Washington 21 years ago to serve as Doorkeeper, Tinker has maintained his cheerful countenance, shared the wisdom of his years, and found words of encouragement for everyone he met. Just like he did all those years of growing up and working to serve the free state of McDowell County, West Virginia.

I hope that when I reach the age of 63, that rather than retire, I will look for another way to serve my country for another 21 years—until I too have reached the age of 84, just like Tinker St. Clair. I will miss seeing Tinker when I have the chance to go over to the Senate side, where I always knew I would get a smile, a firm handshake, and news from down home.

IN HONOR OF THE FEDKIDS CHILD CARE CENTER AND ITS FOUNDER, SUSAN KOSSIN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor the Fedkids Child Care Center of New York City and its founder, the late Susan Kossin. This is a special time for the Fedkids Center, which is one of the first childcare centers established for the children of federal employees, because it has recently added more than 1,500 square feet of additional space. This expansion more than doubles the capacity of the center and creates additional space that will be able to comfortably care for 83 chidren—twice the number of children the center could serve when it opened in 1988. This expansion was made possible by the generosity and vision of the founder of Fedkids, Susan Kossin, who unfortunately passed away earlier this year.

Ms. Kossin, who founded the Fedkids Center while employed by the federal government, created the Center, based in Lower Manhattan, because she recognized the lack of adequate childcare facilities in the mid-1980s. Ms. Kossin took on the arduous task of guiding the decisions on site selection, facilities, renovation, equipment, curriculum, licensing, finances, legal issues, contractual issues, affordability plans, and many other aspects of undertaking such an extraordinary challenge.

Ms. Kossin, a working mother herself, ardently supported the Fedkids Center from its conception up until the time of her death. The recent expansion was made possible through a grant that Ms. Kossin left to the Fedkids Center. Aside from the money that financed the expansion, Ms. Kossin's estate has also financed the establishment of a scholarship fund to assist in financing the tuition for children in the Fedkids program. The enthusiastic and nurturing spirit of Ms. Kossin will live on through the Fedkids expansion as well as through her scholarship.

The organized leadership and guiding spirit of Ms. Kossin made it possible for many mothers and fathers employed by the federal government to feel confident that while they are at work, their children are safe, supervised, and cared for. For providing such an invaluable service, the work Ms. Kossin put toward the Fedkids Center will continually be appreciated in the Lower Manhattan area.

This month, the Fedkids Center will be opening its newly expanded facilities and naming the new center that Ms. Kossin's generosity and guidance created "Fedkids at the Susan Kossin Child Care Center." This new center will continue the mission that the Fedkids Child Care Center set out to accomplish—to provide loving and attentive care for the children of fedeal and non-federal workers in Lower Manhattan.

Mr. Speaker, I am confident that this mission, based on the unique and foresighted vision of Susan Kossin, will continue for many years to come. Today, I am proud to salute the Fedkids Child Care Center and the admirable generosity of a woman far ahead of her time, Susan Kossin.

PERSONAL EXPLANATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. HUTCHINSON. Mr. Speaker, on rollcall vote No. 522 of Wednesday, October 11, I was inadvertently detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. PASTOR. Mr. Speaker, on rollcall votes numbered 525 and 526, I was unable to vote. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SPENCE. Mr. Speaker, on rollcall votes numbered 517, 514, 515, 516, and 518, I was unavoidably detained. Had I been present, I would have voted "yea" on all of the above.

IN HONOR OF THE 50TH ANNIVERSARY OF THE QUEENSVIEW INC. OF QUEENS, NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Queensview Inc. cooperative housing complex of Queens, New York, on its 50th anniversary. The Queensview Inc. opened on June 3, 1950 in Long Island City, Queens, as a result of the lack of affordable housing for middle class residents in the New York City area. Although the concept of living in a cooperative housing complex was a new one, the effort made by the Queensview Inc.'s founders kept middle class families from having to leave New York City.

Queensview, which consists of 14 buildings on 14 acres of park-like land, was conceived through the efforts of shareholders who agreed to pay $2,500 for unseen apartments and the city of New York, which provided both reclaimed land as well as a partial tax exemption for 25 years. For the past 50 years, Queensview residents have lived in cooperation with each other in a wonderful environment in which to raise a family. The fact that 627 of the first Queensview families continue to reside in the complex attests to the success of the Queensview complex.

This extraordinary housing complex, constructed at the conclusion of World War II as families began settling New York City's outer boroughs, has devoted itself to improving the quality of life for its residents, enabling them to build lives of dignity and self worth. Queensview's conception resulted from the tireless efforts of many prominent citizens who were greatly concerned with improving the standard of living of the burgeoning American middle class. Their efforts not only greatly improved the quality of life for the residents of Queensview, but they also prevented the residents from being forced to relocate out of New York City due to financial hardship. Had it not been for the founders of Queensview, many of the most prominent residents of Queens would not remain in the area today.

Mr. Speaker, I am proud today to honor and commend those original founders of the Queensview Inc. If not for their foresighted interest in the well-being of many World War II veterans and their families, many residents of my district would not have realized the American Dream.

The Queensview community deserves a moment of recognition because so many people's lives have changed as a result of this exceptional cooperative living complex. I sincerely hope that the families of those original Queensview founders can enjoy the cooperative living experience at Queensview for another 50 years.

PERSONAL EXPLANATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. HUTCHINSON. Mr. Speaker, on rollcall vote No. 514, rollcall vote No. 516, rollcall vote No. 517, and rollcall vote No. 518 on Friday, October 6, I was inadvertently detained. Had I been present I would have voted "aye."

109TH FIELD ARTILLERY HONORED ON 225TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the 109th Field Artillery of the Pennsylvania National Guard on the occasion of its 225th anniversary.

The 109th is one of the oldest organizations in continuous existence in the entire Armed Force. It was organized under Colonel Zebulon Butler on Oct. 17, 1775, just six months after the "shot heard 'round the world" at Concord and Lexington sparked the American Revolution.

Since then, the 109th has served the local community, the Commonwealth of Pennsylvania and the nation through many conflicts and emergencies.

Although founded as an infantry unit, the regiment alternated between infantry and artillery throughout the 18th and 19th centuries. Under various designations, the unit fought not only in the war for America's independence, but also in most of the nation's major wars.

Mr. Speaker, the history of the 109th in battle is a long, brave and distinguished one. To give just one example, the unit fought in the Battle of the Bulge in World War II, striving valiantly to halt the German offensive in the Ardenesse. Once its guns were destroyed, the 109th fought as infantry, often in vicious hand-to-hand combat. For its valor, the battalion was awarded a Presidential Unit Citation, the highest decoration a unit can receive. It is authorized for wear by all current members of the battalion.

The sacrifice of the members of the 109th extended to the Korean War era as well. On Sept. 11, 1950, at Coshocton, Ohio, 33 members of the 109th Pennsylvania National Guard, who had been called into service in the Korean War, were killed in a train wreck and scores were wounded. During the remainder of the war, the battalion, along with the 28th Infantry Division, served in Europe as part of the defenses against the Soviet army.

In 1977, the unit assumed its current designation as the 1st Battalion, 109th Field Artillery. It is a component of the 28th Infantry Division (Mechanized), Pennsylvania National Guard. With an authorized strength of more than 600 members and more than $50 million worth of equipment, the battalion is a crucial community asset for dealing with emergencies and natural disasters. It is also a key wartime resource, since the National Guard comprises more than half of the entire Army's field artillery force. The 109th also pumps more than $3 million into the local economy each year.

Mr. Speaker, I am pleased and honored to have been asked to serve as honorary chairman of the community dinner that is being held Oct. 13 to honor the unit for its long and distinguished service to the Wyoming Valley and the nation. The chairperson for the dinner is Colonel Keith Martin, and the scheduled speakers are Medal of Honor winner Peter Lemon and reigning Miss America Heather French.

As befits such a milestone anniversary, the dinner is just one of a series of events scheduled for the weekend, including an open house at the armory.

Today, America stands tall as the lone remaining superpower, and freedom and democracy superpower, and freedom and democracy are thriving around the globe. To be sure, many people still do not breathe free, but the progress we have made is truly remarkable, and those National Guard citizen soldiers who have served in the defense of our nation and the cause of freedom helped to make this possible. In addition to honoring their service in wartime, it is especially important to honor their service in peacetime emergencies and disasters.

Mr. Speaker, I join a grateful Wyoming Valley in honoring all those who have served in the 109th Field Artillery in its 225 years of existence, and I am pleased to call their service to the attention of the House of Representatives.

SOUTH AMERICA HAS SUFFERED FROM WHITE HOUSE NEGLECT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. CRANE. Mr. Speaker, I wish to call to the urgent attention of my colleagues an important article in the October 6, 2000, Wall Street Journal, entitled, "South America Has Suffered From White House Neglect," by David Malpass, who is the Chief Economist at Bear Stearns.

This must-read article spells out this administration's culpability in the disastrous role which U.S. policy gurus, the International Monetary Fund and the World Bank have played in the rapid decline in the economies of our Latin American neighbors.

Malpass points out that the 1990s "began with a vision of free trade across the Western Hemisphere launched with the completion of the North American Free Trade Agreement. . . ." After NAFTA's implementation, he writes, there was "reason to believe that the U.S. would lead the region toward trade liberalization."

Unfortunately, as the decade progressed the U.S. role in the region "turned destructive." Washington promoted weak currencies, high tax rates, IMF-style austerity, and big government, Malpass observes, "ignoring the resulting poverty and political stress." Further, U.S. opposition to regional currency stability and its insistence on special labor and environmental standards resulted in inflation in Latin America and a sharp rise in poverty.

The writer observes that the Clinton-Gore administration has "wasted a decade of U.S. prosperity, making no real effort to share the U.S. techniques of prosperity with our neighbors." He concludes that "the coming U.S. election offers Latin America the chance for an end to the eight-year vacuum in U.S. policy."

I urge my colleagues to read this important article carefully.

[From the Wall Street Journal, Oct. 6, 2000]

SOUTH AMERICA HAS SUFFERED FROM WHITE HOUSE NEGLECT

(By David Malpass)

As Latin America prepares for a new president of the United States, it is right to hope for an improvement in U.S. policies toward the region. Chief among these would be a serious free trade agenda and an end to force-feeding the region International Monetary Fund austerity programs.

The 1990s began with a vision of free trade across the Western Hemisphere, launched with the completion of the North American Free Trade Agreement at the end of the Bush administration and President Clinton's signature on the 1993 enabling legislation. Hemispheric free trade offered a chance to expand the economic pie dramatically during the decade. With U.S. unemployment falling toward 4% and Nafta a notable success, there was reason to believe that the U.S. would lead the region toward trade liberalization. International trade was at the core of the U.S. economic breakout of the 1980s, and Latin America hoped to become a partner.

But beyond rhetoric and a summit full of promises, the U.S. basically lost its interest in Latin America. The Clinton administration offered no follow-though on the free trade vision, no substitute vision, and barely an apology. The free-trade vision morphed into fair trade, code language for maintaining the status quo. U.S. demands for special labor and environmental standards as conditions for an agreement effectively ruled out U.S.-led trade liberalization. Latin America's disappointment at U.S. indifference deepened, as U.S. promises of trade and engagement proved hollow.

As the decade progressed, the U.S. role in the region turned destructive. Washington's policy gurus promoted weak currencies, high tax rates and big government, ignoring the resulting poverty and political stress. A cycle of damage, financial crises and flat-footed U.S. responses ensued. The U.S. dragged its feet on IMF/World Bank reform and proposed no pro-growth model for international development. Colombia's civil war worsened, fed by bad economic policies, high inflation and U.S. disinterest.

Through its own efforts, Latin America has had some important successes in the last decade, including Mexico's 2000 election and Brazil's quick return to a stable currency after its 1999 devaluation. But the 1990s should have been much better for the region given the strength of the U.S. economy and the high hopes of 1992 and 1993.

Latin America's growth is now well short of its potential, leaving millions unemployed and impoverished. Worse yet, because many of these countries defended their anti-market policies in IMF-speak and Washington's "no-pain, no-gain" view that capitalism should hurt, disillusioned populations are now blaming free-markets for their declining circumstances.

Rather than free trade, the administration championed IMF-style austerity for Latins. No tax rate was too high, as witnessed by President Clinton's outspoken support of Argentina's failing experiment with tax hikes and a broad-based 21% value-added tax. In places like Brazil, Ecuador and Colombia, the U.S. and IMF have encouraged financial transaction taxes, one of the most harmful types of taxes for the development of sound financial markets. While Europe is turning to tax cuts to bolster its competitiveness, the Washington elite has pushed Latin America forcefully into higher tax rates and militant revenue extraction.

The U.S. policy failure toward Latin

The vacuum in U.S. international policy is equally apparent in energy issues. By 2000, Mr. Chavez became OPEC's cheerleader for expensive oil, joining Saddam Hussein in Bagdad to discuss strategy. It is inexplicable that Mexico, a Nafta partner, participated actively in OPEC quotas in 1999. The U.S. and Mexico should work closely together to develop new North American energy resources, an undertaking that would be hugely profitable for Mexico and would lessen U.S. dependence on OPEC.

The 1990s began auspiciously for Latin American currencies with the establishment of Argentina's currency board. Inflation fell, and both the economy and financial markets surged. The brain drain that had plagued Argentina for years reversed as business school graduates headed back home to build companies.

Soon, however, the U.S. administration's opposition to regional currency stability asserted itself, leaving Argentina the odd country out. The Clinton administration and the IMF, working closely together, declined to work for currency stability in Russia, Venezeula, Mexico, Brazil, South Africa, or Southeast Asia. This culminated in their outright rejection of a currency board in Indonesia in early 1998 and the Russian default later that year. The U.S. intoned that "a strong dollar is in our national interest," but did nothing to share this approach abroad. Ecuador has recently dollarized, embracing a foreign currency in the hope that its grinding fall into poverty will stop. But in Ecuador's words, the IMF's only role in this progress was to do no further harm.

The result of the weak-currency policies of the 1990s was predictable. The poor could not protect themselves from the ensuing inflation and the middle class fell backward, undoing years of hard work. Latin American poverty grew sharply. The World Bank found "no clear evidence of progress in reducing poverty" in the 1990s, counting 183 million people living on less than $2 per day in 1998, up from 162 million in 1993. A United Nations study found that 51% of rural Latin households lived in poverty in 1997. In Colombia, where civil war threatened, the currency sank and rural poverty rose to 54% in 1997 from 45% in 1980.

The coming U.S. election offers Latin America the chance for an end to the eight-year vacuum in U.S. policy. The Clinton-Gore administration has wasted a decade of U.S. prosperity, making no real effort to share the U.S. techniques of prosperity with our neighbors. The policy vacuum has hurt both the U.S. and Latin America and deserves to be corrected. A U.S. policy built on free trade, stable currencies, lower tax rates, smaller government, more economic freedom and a genuine interest in Latin America's success would begin to undo the damage.

HONORING RICK SHEETS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to celebrate the life of Rick Sheets. Rick, a popular radio personality, recently passed away at age 45. For many years Rick has entertained the people of western Colorado, whether it be joking around during his radio spots or rooting for the Denver Broncos. As family, friends, and colleagues mourn this incredible loss, I would like to pay tribute to this remarkable human being.

Rick was known to his listeners as Rick Lawrence. For over two decades he entertained listeners of the Grand Valley. He has worked in a number of different capacities for many different radio stations throughout western Colorado. He began with KEXO–AM then on to KSTR–AM and FM and most recently with Mustang Country 95.1 and KOOL 107.9. Throughout his tenure in radio, he was best known for his dedication to Broncos' football where he earned the nickname Doc Bronco.

Rick's reputation on the air was exceptional but it was his work in the community that will be long remembered. He served as a Partners volunteer and used his on-air experience to work as a television auctioneer for over ten years. He was a well-known supporter of the March of Dimes, giving a number of on-air interviews and also worked with the Bronco Youth Foundation.

Rick entertained and served the community of Grand Junction in immeasurable ways. His work with Colorado's youth will not soon be forgotten. Rick served his community well and his loving memory will live on in the hearts of all that had the pleasure of knowing him, both on the air and off. He will be greatly missed.

HOUSE OF REPRESENTATIVES—*Monday, October 16, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 16, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In You, O Lord, is the fullness of life. Help this Nation realize its full potential. Each American has been endowed with unique and personal gifts. Allow each of us the time and opportunity to bring forth our gifts in the service of others.

Reward with Your choicest blessings all who serve this Nation in the Armed Forces. Today we especially pray for those who have served and are still serving aboard the U.S.S. *Cole*. God of all consolation, be with their anxious and grieving families.

Bless the gifted Members of this House. Guide them to use their gifts to accomplish Your Holy will in such a way that Your goodness and justice may be recognized in all their accomplishments.

Lord, You are with us at every moment and in every hour of need. You live and reign now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore (Mr. PEASE) led the House in the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Communications, and for other purposes.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3417. An act to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

H.R. 3671. An act to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4850. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans and service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 623. An act to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes.

S. 1474. An act providing for conveyance of the Palmetto Bend project to the State of Texas.

S. 1697. An act to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982.

S. 1848. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project.

S. 2195. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water.

S. 2253. An act to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes.

S. 2301. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 2877. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Power River basin, Oregon.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

S. 3201. An act to rename the National Museum of American Art.

S. Con. Res. 114. Concurrent resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

symbol honoring those who defended liberty and our country through service in World War I.

S. Con. Res. 151. Concurrent resolution to make a correction in the enrollment of the bill H.R. 2348.

S. Con. Res. 152. Concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1402) "An Act to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes," with amendments.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 12, 2000 at 9:02 p.m.

That the Senate passed without amendment H.J. Res. 111.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 13, 2000 at 9:35 a.m.

That the Senate passed without amendment H.R. 1715.

That the Senate passed without amendment H.R. 2883.

That the Senate passed without amendment H.R. 3995.

That the Senate agreed to conference report H.R. 4205.

That the Senate passed without amendment H.R. 4828.

That the Senate passed without amendment H.R. 5107.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 13, 2000 at 2:35 a.m.

That the Senate agreed to the House amendment S. 624.

That the Senate agreed to conference report H.R. 1654.

That the Senate passed without amendment H.R. 2348.

That the Senate passed without amendment H.R. 2842.

That the Senate passed without amendment H.R. 2984.

That the Senate passed without amendment H.R. 3235.

That the Senate passed without amendment H.R. 3236.

That the Senate passed without amendment H.R. 3468.

That the Senate passed without amendment H.R. 3577.

That the Senate passed without amendment H.R. 3986.

That the Senate passed without amendment H.R. 4389.

That the Senate passed without amendment H.R. 4681.

That the Senate passed without amendment H.R. 5417.

That the Senate passed without amendment H. Con Res. 409.

That the Senate passed without amendment H. Con Res. 423.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, October 12, 2000:

House Joint Resolution 111, making further continuing appropriations for the fiscal year 2001, and for other purposes.

APPOINTMENT OF MEMBER TO COMMITTEE TO ATTEND FUNERAL OF THE LATE HON. BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's additional appointment of the following Member of the House to the committee to attend the funeral of the late Bruce F. Vento:

Mr. GEORGE MILLER of California.

COMMUNICATION FROM STAFF ASSISTANT OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Robert Barlow, Staff Assistant of the Honorable JAMES A. TRAFICANT, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the United States District Court for the Northern District of Ohio.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

ROBERT BARLOW,
Staff Assistant.

COMMUNICATION FROM HON. BRIAN P. BILBRAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BRIAN P. BILBRAY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court for San Diego County, California.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I do not have any responsive documents.

Sincerely,

BRIAN BILBRAY,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEHAN (at the request of Mr. GEPHARDT) for October 11 through October 17 on account of the death of his father.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 11, 2000:

H.R. 4475. Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

On October 12, 2000:

H.R. 2938. To designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office".

H.R. 2778. To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2641. To make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2496. To reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2302. To designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building".

H.R. 1509. To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 3632. To revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3454. To designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office".

H.R. 3201. To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3030. To designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office".

H.R. 3985. To redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building".

H.R. 3909. To designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building".

H.R. 3817. To dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3745. To authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4435. To clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4286. To provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4169. To designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building".

H.R. 4157. To designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building".

H.R. 4449. To designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building".

H.R. 4448. To designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building".

H.R. 4447. To designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building".

H.R. 4554. To redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building".

H.R. 4534. To redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building".

H.R. 4226. To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4063. To establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 3676. To establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 2833. To establish the Yuma Crossing National Heritage Area.

H.R. 4517. To designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building".

H.R. 4484. To designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building".

H.R. 5036. To amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for the park.

H.R. 4975. To designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey as the "Frank R. Lautenberg Post Office and Courthouse".

H.R. 4884. To redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building".

H.R. 4658. To designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville,North Carolina, as the "J.L. Dawkins Post Office Building".

H.R. 4615. To redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office".

H.R. 5362. To increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

H.R. 4613. To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 4285. To authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4275. To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 07 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 17, 2000, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10565. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Electric Engineering, Architectural Services and Design Policies and Procedures (RIN: 0572–AB54) received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10566. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–301049; FRL–6742–9] (RIN: 2070–AB78) received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10567. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Uzbekistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10568. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10569. A letter from the Deputy Associate Administratior, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Purposes [MO 114–1114a FRL–6885–6] received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10570. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arkansas; Regulation 19 and 26 [AR–8–1–7409; FRL–6885–1] received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10571. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6885–5] received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10572. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Post-1996 Rate of Progress Plans [CT–62–7221a; A–1–FRL–6877–5] received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10573. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Changes to Various VOC Regulations [CT058–7217a; A–1–FRL–6886–5] received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10574. A letter from the Assistant Bureau Chief, Management, International Bureau Satellite & Radiocommunications Division, Federal Communications Commission, transmitting the Communication's final rule—The Establishment of Policies and Service Rules for the Mobile Satellite in the 2 GHz Band [IB Docket No. 99–81] received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 141–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10576. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting Obligation of funds to promote the International Nonproliferation Initiative, pursuant to 22 U.S.C. 5859; to the Committee on International Relations.

10577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Hong Kong [Transmittal No. DTC 114–00]; to the Committee on International Relations.

10578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Algeria [Transmittal No. DTC 095–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10579. A communication from the President of the United States, transmitting His report on the deployment of United States Military forces sent to assist the USS Cole and to provide medical, security, and disaster response assistance in Yemen; (H. Doc. No. 106–300); to the Committee on International Relations and ordered to be printed.

10580. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List: Proposed Additions and Deletion—received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10581. A letter from the Chief Counsel for Regulation, Office of the Secretary, Department of Commerce, transmitting the Department's final rule—Bureau of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information [Docket No. 000609172–0268–02] (RIN: 0607–AA33) received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10582. A letter from the Director of Selective Service, transmitting the Strategic Plan for Fiscal Years 2001–2006; to the Committee on Government Reform.

10583. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–20; Introduction—received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10584. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—NARA Reproduction Fee Schedule (RIN: 3095–AA87) received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10585. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting a report on the Inventory of Commercial Activities; to the Committee on Government Reform.

10586. A letter from the Chief Operating Officer, U.S. Chemical Safety and Hazard Investigation Board, transmitting a report on the inventory of agency activities; to the Committee on Government Reform.

10587. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Department's final rule—Financial Assistance and Social Services Programs (RIN: 1076–AD95) received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10588. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Threatened Status for the Colorado butterfly plant (Gaura neomexicana ssp. coloradensis) from southeastern Wyoming, northcentral Colorado, and extreme western Nebraska (RIN: 1018–AE87) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10589. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Rules of Practice and Procedure for Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment (RIN: 1550–AB41) received October 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10590. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Repeat Intoxicated Driver Laws [Docket No. NHTSA–98–4537] (RIN: 2127–AH47) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10591. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Grants and Cooperative Agreements—received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10592. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report on deliveries under Section 540 of P.L. 104–107 to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on Standards of Official Conduct. In the Matter of Representative E.G. "Bud" Shuster (Rept. 106–979). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 4281. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness; with amendments (Rept. 106–908). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on Oct. 13, 2000]

Pursuant to clause 5 of rule X, the Committee on Agriculture discharged from further consideration S. 1288 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

[The following action occurred on Oct. 13, 2000]

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 20, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 20, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 20, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LARSON:

H.R. 5473. A bill to assist workers who are displaced by trade or technology through no fault of their own by providing medical benefits, increasing government job search assistance, eliminating taxes on certain severance packages, planning for a pilot program to provide public employment for dislocated workers, increasing funding for the International Program of Child Labor of the International Labor Organization, establishing the Office of Community Economic Adjustment in the Economic Development Administration of the Department of Commerce to coordinate the Federal response in regions and communities experiencing severe and sudden economic distress, helping these regions and communities in restructuring their economies, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Commerce, Transportation and Infrastructure, Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

477. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to a resolution petitioning the United States House of Representatives to support S. 2912 "To Amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status"; to the Committee on the Judiciary.

478. Also, a memorial of the House of Representatives of the State of South Carolina, relative to Concurrent Resolution H. 4434 memorializing the United States Congress to amend the Constitution of the United States and submit to the states for ratification an amendment which adds a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 369: Ms. BERKLEY.

H.R. 601: Mr. BACA.

H.R. 1168: Mr. SESSIONS.

H.R. 2774: Ms. CARSON.

H.R. 4493: Ms. CARSON.

H.R. 4722: Mr. SANDLIN.

H.R. 4728: Mr. ORTIZ, Mr. SNYDER, and Ms. CARSON.

H.R. 4792: Mr. KENNEDY of Rhode Island.

H.R. 5182: Mr. BONIOR.

H.R. 5204: Ms. CARSON.

H.R. 5222: Ms. CARSON.

H.R. 5261: Mr. FROST, Mr. GREEN of Texas, Mr. KUCINICH, and Mr. ALLEN.

H.R. 5373: Mr. DEMINT.

H.R. 5397: Mr. BILIRAKIS, Mr. GEKAS, and Mr. MILLER of Florida.

H.R. 5472: Mr. JACKSON of Illinois, Mr. LANTOS, and Mr. PASTOR.

H. Con. Res. 357: Ms. PELOSI.

H. Res. 146: Mr. ACKERMAN.

H. Res. 605: Mr. MOORE.

EXTENSIONS OF REMARKS

HONORING DR. RALPH D. FEIGIN FOR BEING APPOINTED TO THE BOARD OF GOVERNORS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. BENTSEN. Mr. Speaker, today I honor Dr. Ralph D. Feigin, for being appointed to the Board of Governors at the National Institutes of Health and Warren Grant Magnuson Clinical Center. This appointment acknowledges Dr. Feigin's outstanding contributions in pediatric medicine for more than three decades.

Indeed this is an honor for the internationally renowned expert in pediatric infectious disease, who has published over 400 articles in chapters and books. The function of the board is a very important one, to advise, consult, and make recommendations to the Director of the NIH and the Director of the Clinical Center on matters of policy including the approval and development of a strategic plan and the annual budget. Members of the Board of Governors are chosen for their knowledge and expertise in heath care governance and management, operational aspects of academic health care centers, and clinical research. Dr. Feigin has served since 1977, as the J.S. Abercrombie Professor of Pediatrics and Chairman of the Department of Pediatrics at the Baylor College of Medicine. While sharing knowledge with residents and cultivating their performances, he is still dedicated to his patients and to his daily work at Texas Children's Hospital.

A native of New York City, Dr. Feigin graduated from Columbia College with a B.A. in 1958. He received his Medical Degree from Boston University School of Medicine in 1962. Dr. Feigin completed his Pediatric Internship at the Boston City Hospital in 1963.

Dr. Feigin is known throughout the Texas Medical Center Community as a remarkable doctor and dedicated leader, who views his students as extended family. Each month he invites students celebrating birthdays' to his home for a seated dinner and birthday cake baked by his wife Judith. Although is administrative duties consume much of his time, he starts each morning making rounds with residents, reviewing material, and sharing his knowledge of pediatric medicine that has earned him a distinguished reputation. From 1987 to 1989 he served as Executive Vice President of Texas Children's Hospital. In addition, he is Physician-in-Chief Pediatric Services, Ben Taub General Hospital and Chief of the Pediatric Service, The Methodist Hospital, also of my district.

Mr. Speaker, I wish to congratulate Dr. Feigin on this appointment and his many years of dedication to pediatric medicine. His achievements are an inspiration to us all.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise in support of the conference report to accompany H.R. 4205, the National Defense Authorization Act.

As a conferee, I first would like to thank the Speaker for appointing me and to thank both Chairman SPENCE, and Ranking Member SKELTON, for affording me many opportunities to influence the conference deliberations and shape a number of provisions. It was an enlightening experience and I look forward to future opportunities to work with them and my other colleagues to provide for a strong national defense.

Mr. Speaker, of particular note are the quality of life improvements the conference report makes for both active duty and military retirees. Representing a large community on and around Travis Air Force Base, I know that many of these improvements are long overdue. The improvements in health care, especially access for retirees, will provide needed reassurance to those who serve our Nation in uniform.

Mr. SKELTON dubbed this year as the "year of military health care." I ask my colleagues to note the significant improvements to the TRICARE health care system for our active duty, retirees and their families. The conference report eliminates co-payments for active duty family members in TRICARE PRIME, so those active duty family members are treated fairly and equitably. It allows family members to participate in TRICARE Prime Remote, so that those who live far from a military base, including significant numbers in northern California, have the same access to health care. It authorizes reimbursement for travel expenses when families must travel long distances to see a specialist. It reduces unnecessary referral requirements to improve access to care. And, it establishes a permanent chiropractic benefit for our active duty personnel.

As I mentioned, the conference report honors the commitment to our military retirees and their families and restores access to lifetime military health care. It establishes a pharmacy benefit that allows retirees and their dependents to obtain drugs through the National Mail Order Pharmacy, a network pharmacy or a non-network pharmacy. No matter where you live access to pharmaceuticals will no longer be an issue.

The conference report also reduces the catastrophic cap for out-of-pocket expenses from $7,500 to $3,000. It adopts the House-passed provision extending the TRICARE Senior Prime Program, more commonly known as Medicare Subvention. As a result, military retirees will have one of the best health care programs in the country.

The conference report includes a number of initiatives to improve the quality of life for our service members and help the Services in their recruitment and retention efforts. It provides a 3.7 percent pay raise for all military personnel and includes a targeted pay raise for mid-grade enlisted personnel.

Most important for many of the active duty service men and women who life off-base, the conference report eliminates the cap and reduces the out-of-pocket housing costs for our members to 14.5 percent. To improve the quality of life for our junior enlisted families the conference report increases housing standards and authorizes $157 million more than requested for family housing, including the construction of 64 family housing units at Travis Air Force Base.

These are several of the initiatives I am pleased to have played a role in fashioning and I would like to thank my subcommittee chairmen, STEVE BUYER and JOEL HEFLEY, for the opportunity to work with them and the other conferees on these personnel and military construction issues.

In fashioning this House-Senate compromise, there are, of course, disappointments. I regret conferees did not accept the provision I authored to require the Department of Defense to collect and analyze the DNA of violent offenders and to provide those analyses to the Department of Justice CODIS database. While I don't disagree with their view that such a requirement should be government-wide, the bill the House passed imposing this requirement is likely to stall in the Senate. As a result, we will have lost as much as a year of using this DNA in criminal investigations.

I also regret that the Senate-passed hate crimes measure was dropped from the conference report.

I am also disappointed with a Senate-passed provision directing the Departments of Defense and Energy to study ways to "defeat hardened and deeply buried targets." Though slightly modified from the original, the language still permits limited research and development, which could lead to a new low-yield nuclear weapon with earth-penetrating capabilities.

As I expressed to other conferees, my concern with developing such a weapon is that it is likely to encourage military and political leaders to think more readily about using nuclear weapons. In my view, we should not lower this threshold or make nuclear weapons a more acceptable choice in war. In addition, development of such a weapon is contrary to our Nation's goals of reducing and eventually eliminating nuclear weapons. To begin development and stockpiling of a new nuclear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

weapon would reverse the difficult achievements the United States has made to slow the proliferation of nuclear material and weapons.

Undoubtedly, reconsideration of this issue will occur next year and I look forward to debating it with a new Administration.

Lastly, Mr. Speaker, I believe the increased authorizations for national missile defense are unnecessary and unwarranted. Rather than accelerating program elements, I believe we should have a renewed debate, not only about the technological components of NMD, but also about the strategic and foreign policy questions it raises. Until those questions are fully debated before the American people, it is, in my view, unwise to increase NMD authorization levels.

Mr. Speaker, the conference report before us makes significant improvements to our Nation's defense. It takes significant steps to address issues associated with operations tempo and aging equipment. And, as important, it gives the members of our uniformed services not only the weapons, training, and equipment they need to prepare for the next war, but also the peace of mind that comes from a home and work environment reflective of the important role they perform for America and all Americans.

I urge adoption of the conference report.

MODIFYING RATES RELATING TO REDUCED RATE MAIL MATTER

SPEECH OF

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. FATTAH. Mr. Speaker, as the Ranking member of the Subcommittee on the Postal Service, I am pleased to join Chairman McHUGH in the consideration of S. 2686, legislation introduced in the Senate, S. 2686, on June 7, 2000, by Senator THAD COCHRAN, the Chairman, and Senator DANIEL K. AKAKA, the Ranking Minority Member of the Senate Subcommittee on International Security Proliferation and Federal Services. This measure will provide much needed postage rate relief for nonprofit mailers and address serious shortcomings in the current United States Postal Service (USPS) rate case proposal that is now before the Postal Rate Commission (PRC).

On Friday, October 6, the United States Senate approved passage of S. 2686, legislation drafted by the Alliance of Nonprofit Mailers, the Postal Service, and others that is designed to protect preferred postal rates for nonprofit mailers.

S. 2686, which will protect nonprofit or preferred mailers from double-digit rate increases, is identical to H.R. 4636, legislation I introduced on June 12, 2000. I was joined in the introduction of this bill by Congressman STENY H. HOYER, Ranking Minority Member of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, and Congressman DANNY K. DAVIS and Congressman MAJOR R. OWENS, both members of the Subcommittee on the Postal Service. To date a number of members have cosponsored my bill.

The practice of designating certain types of mail for preferred rates was initiated by the Congress more than 50 years ago. In 1993, deficit reduction legislation eliminated federal financial support for nonprofit mailers, but mandated that nonprofit rates be lower than rates for commercial mailers.

In January of this year, the Postal Service Board of Governors proposed postage rate increases for all classes of mail. The USPS formally filed the rate request which is pending before the PRC. The proposed postal rate increased for all classes of mail is designed to raise $3.7 billion in new revenues—beginning in 2001. Under the current rate request, rates for nonprofits will surpass rates for corresponding commercial mail. The USPS attributed the increase to inaccurate cost data and have suggested that the "average" increase for mailers is approximately 6.4% Unfortunately, for nonprofits and magazine industry, the hit is double-plus the average increase.

To its credit, the Postal Service requested and proposed legislation to fix the nonprofit rate anomaly. The legislative fix was drafted by the Alliance of Nonprofit Mailers with the assistance of the Magazine Publishers of America, National Federation of Nonprofits, Direct Marketing Association, and others. These organizations worked with the postal service to craft an acceptable legislative solution to the nonprofit rate problem in the current rate case before the PRC. You are all to be commended. Without the legislation, the nonprofit periodical preferred rate will disappear.

How does S. 2686 correct the rate anomaly? The bill would "lock-in" the rate relationship between nonprofit and commercial Standard A and Periodical rates, which would prevent nonprofit mail from current and future "rate shock" by doing the following:

Set nonprofit Periodical rates at 95% of the commercial counterpart rate. Excluding the advertising portion, nonprofit mailers would receive a 5% discount off the commercial rate.

Set the revenue per piece for nonprofit Standard A mail to reflect a 40% discount over the revenue per piece received by commercial Standard A mail.

Set Library rates at 95% of the rates for the Special subclass of Standard B mail.

Passage of the bill is necessary before the Postal Rate Commission completes deliberations on the current rate case.

Mr. Speaker, before I close I would like to thank Chairman McHUGH and his staff, Robert Taub and Heea Vazirani-Fales, for their hard work in ensuring a compromise on this matter, PRC Chairman Ed Gleiman for his efforts to keep Congress focused on fixing the problem, Neal Denton of the Alliance for keeping the coalition together and on track even in the face of last minute challenges, the Postal Service for being proactive and Nanci Langley, Deputy Minority Staff Director for the Senate Subcommittee on International Security Proliferation and Federal Services and Dan Blair, Senior Counsel, Senate Governmental Affairs Committee for all of their help and support. I must also commend and thank the Government Reform Committee Chairman, Congressman DAN BURTON for keeping all the parties together for the good of the nonprofit community. I close by thanking the Ranking Government Reform member, Congressman HENRY A. WAXMAN for his support, hard work, and cosponsorship of H.R. 4636, and for bringing the bill to the attention of the Corrections Day Group.

And so, on behalf of local charities, hospitals, churches, educators, arts organizations, nonprofit publications, and a host of others including Girard College, the Center for Science in the Public Interest, the National Association of Independent Schools, and Chicago WILDERNESS Magazine, and the cosponsors of H.R. 4636, I ask that my colleagues support S. 2686 and urge its swift adoption.

RECOGNIZING CELANESE CHEMICALS, CLEAR LAKE PLANT AS A LA PORTE-BAYSHORE CHAMBER OF COMMERCE HONOREE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. BENTSEN. Mr. Speaker, today I congratulate Celanese Chemicals Clear Lake Plant Site for being honored as the La Porte-Bayshore 2000 Industry of the Year. Celanese's commitment to building a better future for the LaPorte/Bayshore community has made it an example that all industry can follow.

Since 1967, Celanese Chemicals and its employees have been responsible members of the Clear Lake, Deer Park, La Porte-Bayshore, and Pasadena areas, all in my district. Celanese Chemicals, Clear Lake Plant Site, is a world leader in the production of organic materials and production of bulk commodity chemicals. Located on 1,000 acres, the plant's continuous program of innovation and improvement has increased the original plant's capacity to more than five billion pounds annually.

The Clear Lake Plant is specifically engineered for synergistic production. The synergy increases efficiency, minimizes waste and helps ensure quality. Products are shipped worldwide via pipeline, oceangoing tankers, barges, rail, and highway tank trucks. Celanese provides products to other petrochemical companies, specialty chemical companies, and consumer products companies around the world.

Dedication to worker safety and environmental performance has also been a hallmark of this company. Its proactive environmental and safety programs have received recognition from many organizations, including the Texas Natural Resource Conservation Commission, the Chemical Manufacturers Association, and the Texas Chemical Council. In addition to being an integral part of the area economy, the company contributes greatly to the community. As a participant in Chemical Manufacturers Association's Responsible Care program, the plant takes part in community advisory panels, which creates dialogue with plant leadership and the local community. The plant is also a member of several community chambers of commerce and community service organizations.

Mr. Speaker, I congratulate Celanese Chemicals, on being named the La Porte-

Bayshore Chamber of Commerce 2000 Industry of the Year. This is well deserved for their hard work in expanding business, producing products vital to our lives, their commitment to environmental protection and worker safety, and their many contributions to the community.

CONGRATULATING PAINT BRANCH HIGH SCHOOL ON BEING DESIGNATED A NATIONALLY RECOGNIZED SCHOOL OF EXCELLENCE AND A NEW AMERICAN HIGH SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mrs. MORELLA. Mr. Speaker, today I honor and congratulate the students, parents, and faculty of Paint Branch High School on receiving a Blue Ribbon School Award from the United States Department of Education. Achieving this honor demonstrates the commitment that both the faculty and administrators of Paint Branch have made to their students.

Paint Branch High School is continuously dedicated to excellence and committed to success. As Chair of the House Technology Subcommittee, I am especially proud of the science and media signature program. This program combines educational opportunities with three area high schools. Each school has its own signature program based on staff strengths and student interest. Additionally, Paint Branch High School is one of few in the county to offer three special education programs to help our students with special needs.

This weekend, Paint Branch High School will celebrate their great achievements. On October 13th Paint Branch students will hold a pep rally to share enthusiasm of this award and for the school's homecoming. In addition, the community celebration will bring together faculty, students, local business and community leaders. The National Blue Ribbon flag will be unveiled on Homecoming day, which will conclude the celebration. I congratulate the faculty, students and their supporters in organizing these events.

As a former educator in the Montgomery County's public school system, I am proud to recognize Paint Branch High School for its outstanding educational and extracurricular programs. I congratulate the school's students, faculty, supportive parents, and dedicated administrators. In addition, I thank Principal Fred Lowenbach whose leadership brought Paint Branch to its current reward. I wish Paint Branch High School continued success in achieving excellence in education.

IN SPECIAL RECOGNITION OF JOHN C. McMEEKIN ON THE OCCASION OF HIS UPCOMING RETIREMENT FROM THE CROZER-KEYSTONE HEALTH SYSTEM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of the truly outstanding individuals from the Commonwealth of Pennsylvania, Mr. John C. McMeekin. Early next year John McMeekin will retire from his position as President and Chief Executive Officer of Crozer-Keystone Health System where he has served since 1990. The health care industry will lose a trailblazing leader when Jack steps down.

John McMeekin has been a leader in the health care field for over thirty-five years and his service is truly commendable. The Crozer-Keystone Health System consists of five hospitals with a licensed capacity of over 1200 beds, four long term care facilities totaling 800 licensed beds, a licensed HMO managed care organization and a network of salaried primary care and specialty physicians. System revenues totaled more than $500 million in fiscal year 2000. Before joining Crozer-Chester Medical Center in 1983, Mr. McMeekin was a senior officer of Philadelphia Blue Cross and began his health career at Pennsylvania Hospital in 1965. He and his family reside in Philadelphia.

Mr. McMeekin is past Chairman of the Hospital & Health System Association of Pennsylvania and Chairman of their holding company, Health Alliance of Pennsylvania. In addition, he serves on the Board of VHA, the Board of Executive Committee of the American Hospital Association and chairs the AHA Regional Policy Group II. He also served on the Executive Committee and Board of the Greater Philadelphia Chamber of Commerce and was a trustee of Elwyn Institute. For twelve years Mr. McMeekin served as Public Governor on the Board of the Philadelphia Stock Exchange. He is a graduate of Penn State University and holds a Masters degree from the Wharton School of the University of Pennsylvania.

In September 1996 Crozer-Keystone opened their 200,000 square-foot, $40 million Healthplex, a combination of a 40-bed acute care hospital and emergency service which includes 35,000 square feet of physician offices, four ambulatory surgical suites, a comprehensive rehabilitation facility and a large Sports and Fitness Club. Membership at the end of fiscal year 2000 was approximately 7,000.

Under Mr. McMeekin's able leadership, Crozer-Keystone served as an Action Learning Lab for AHA in November 1996 and has been cited for his work in measuring and monitoring the health status of its county of 550,000 people and for its investment in Information Systems. In February 1997 they began marketing their MedCarePlus directly to Medicare beneficiaries as one of the eight provider-sponsored HCFA Medicare Choices demonstration sites. Crozer-Keystone is a major teaching affiliate of Temple University in Philadelphia and a member of the Council of Teaching Hospital and the National Chronic Care Consortium.

Mr. McMeekin's distinguished career includes service on numerous boards and associations including American College of Healthcare Executives, American Hospital Association, Hospital and Healthsystem Association of Pennsylvania, and the Union League of Philadelphia. His efforts have not gone unrecognized. Included among the awards he has received are: Distinguished Performance in Management Award (Widener University, 1995); Health Care Hero's Award (Philadelphia Business Journal, 1996); First Carl E. Moore Award for Health Care Leadership (Philadelphia Health Management Corporation, 1998) and First Health System Innovations and Development Award (National Health Strategies, 1998).

Mr. Speaker, the distinguished career of John C. McMeekin places him in the first rank of outstanding health care leaders of our time. His service to his profession and his fellow man serves as benchmark for us all. I know Jack personally. He is a good friend, a dedicated family man, and a patriotic citizen. It has been a pleasure to work closely with him, and an honor to be his friend.

At this time, I would ask my colleagues to join me in paying special tribute to John C. McMeekin. On the occasion of his retirement as President and Chief Executive Officer of Crozer-Keystone Health System, we thank him for his dedicated service and we wish him all the best for the future.

IN MEMORY OF ZOE ANN ORR MARCUS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. FARR of California. Mr. Speaker, today I honor the life of Zoe Ann Orr Marcus of Watsonville, California. Ms. Marcus, an integral part of the Pajaro Valley communities, died on Thursday, September 28, 2000.

Zoe was born in 1913 in Berkeley, California, but soon moved south to San Jose with her parents. She graduated from Stanford University with a degree in biological sciences, and received her master's degree in marine biology from Hopkins Marine Station in Pacific Grove. She later returned to Stanford to earn her teaching credentials. It was at Stanford that she met her future husband, Frank Fletcher Orr, and they were married in 1941. At that time, Mr. Orr was the managing editor of the Watsonville Register Pajaronian, but he was to later serve with the U.S. Army in the European Theater during World War II. While he served as chief of still-picture operations, Ms. Marcus taught at Woods Hole Marine Institute in Massachusetts.

After the war, the couple returned to Watsonville, and in 1949 Mr. Orr was named editor of the Pajaronian. It was at this time that Mr. Orr purchased his family homestead on what is now East Beach Street in Watsonville. This Victorian farmhouse was built in 1868 by Mr. Orr's great-grandfather, Godfrey Bockius. Bockius was one of the original organizers of the town of Watsonville, and was eventually elected as a county judge and a state assemblyman. Zoe and Frank restored this house together, adding a wing and modernizing many features of the original building. It was in this house that the Orr's entertained members of the Pajaronian staff, local community members, and the heads of local arts groups. Zoe's reputation as the preeminent hostess was well known throughout Santa Cruz County and the Pajaro Valley.

Frank Orr passed away in 1985, and in 1989 Zoe and long-time family friend Gerald Marcus were married. It was in these years that Ms. Marcus was most active in her community. Perhaps one of her most enduring legacies was her donation of the Bockius-Orr house and its lands to the Pajaro Valley Historical Association in 1991. The Association uses this house as an office and a museum open to the public. Zoe was also active in the Girl Scouts, the Santa Cruz Symphony, the Cabrillo Music Festival, Shakespeare Santa Cruz, the Cabrillo Foundation, the Greater Santa Cruz County Community Foundation and the American Association of University Women. She was honored for her volunteer work by both the Santa Cruz County Board of Supervisors and the University of California, Santa Cruz.

Mr. Speaker, as you can see, Zoe Ann Orr Marcus was an important part of many different aspects of life in Santa Cruz County and beyond, and will be sorely missed by her stepdaughter Mary Marcus of Capitola; stepson John Marcus of Watsonville; and cousin Betty Ann Chandler of San Jose. Her familiar presence will also be missed by the many people who have been touched by her energy and passion for life.

HONORING DR. JAMES T. WILLERSON BEING NAMED INTERIM PRESIDENT OF THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. BENTSEN. Mr. Speaker, today I honor Dr. James T. Willerson for being named Interim President of the University of Texas Health Science Center at Houston, one of the two world class medical schools in my district.

An internationally distinguished cardiologist and medical educator, Dr. Willerson has served since 1989 as the Edward Randall III Professor and Chairman of the Department of Internal Medicine at the University of Texas Medical School at Houston. Dr. Willerson's dedication to research in cardiology has made him highly respected by his peers, students, and community.

A native of Texas, Willerson grew up in San Antonio, where both of his parents were physicians. He graduated from the University of Texas at Austin with a B.A. in 1961. He received his Medical Degree from Baylor College of Medicine in 1965. Dr. Willerson completed his internship and residency at the Massachusetts General Hospital in Boston.

Dr. Willerson is known throughout the Texas Medical Center community as a fine physician, scientist, teacher, and administrator. Before joining the University of Texas Medical School at Houston, Dr. Willerson was a Professor of Medicine and Director of the Cardiology Division at the University of Texas Southwestern Medical School in Dallas and Director and Principal Investigator of the National Heart, Lung, and Blood Institute's Specialized Center of Research under a major grant from the NIH.

He has received numerous national and international awards, including the "James B. Herrick Award" from the American Heart Association in 1993 and named the American College of Cardiology's Distinguished Scientist for 2000. He was also elected a Fellow in the Royal Society of Medicine of the United Kingdom and made Honorary Member of the Society of Cardiology in Peru in 1994, and in Spain in 1996. Also, Dr. Willerson is a past President of the Paul Dudley White Cardiology Society at Harvard Medical School and Massachusetts General Hospital.

Throughout his career, Dr. Willerson has distinguished himself as a caring doctor and gifted teacher who demands the best. I congratulate Dr. James T. Willerson on being named Interim President of the University of Texas Health Science Center.

TRIBUTE TO LA RESURRECCIÓN UNITED METHODIST CHURCH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I pay tribute to La Resurrección United Methodist Church which, this past Sunday, moved to a new home in the Melrose Community of the Bronx at the historic Methodist building, which was built in 1878 by German Methodists.

La Resurrección has initiated effective ministries to address the needs of the community, such as creating one of the only church-sponsored Harm Reduction/Needle Exchange programs. This program targets single room occupancy hotels in New York City, serving over twenty five hundred participants and employing fifteen to twenty people. La Resurrección has created an Immigration Clinic with the assistance of lawyers who provide their services free of charge to assist undocumented Immigrants with legal advice. La Resurrección has also opened an after-school tutoring program called Creando Horizontes, designed and directed by educational professionals to target and enhance the reading and math skills children from the first to the eight grades.

Mr. Speaker, in collaboration with various community agencies, public officials and community leaders, La Resurrección works to address the needs of our community. Among their prophetic ministries are: Educating and Empowering the Community, Advocating for Gay and Lesbian Rights, Advocating for the release of the Puerto Rican Political Prisoners, Advocating for Peace in Vieques, and Denouncing both Police Brutality and Anti-Immigration Laws. Presently, they are working with various agencies to create entrepreneurial opportunities for our young people.

It is a privilege for me to represent the 16th district of New York, where the new home of La Resurrección United Methodist Church is located. I am delighted by the church's success. I have witnessed first-hand the exemplary work they are doing for our community and I am deeply impressed. I applaud the commitment and the efforts of La Resurrección United Methodist Church's staff, under the leadership of Reverend Eddie Lopez, Jr., in the assistance they provide to our community, as well as in facilitating educational opportunities for our youth.

Mr. Speaker, I ask my colleagues to join me in recognizing La Resurrección United Methodist Church and its staff and in wishing them continued success in their new building.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. DEFAZIO. Mr. Speaker, I rise today in strong support of H.R. 2389. Stabilizing county payments has been my top legislative priority for the past several years. Enactment of this legislation has been a long time coming. Almost exactly a year ago, I argued for the passage of H.R. 2389 on the floor of the House. Today, I am asking my colleagues in Congress to again support H.R. 2389. This bill is a significant improvement over what the House approved last November and is a product of long and difficult negotiations with the Senate and Administration.

Counties in my district are suffering from declining federal timber payments. As a result, county governments are being forced to cut critical county services; work camps, juvenile justice programs, rural deputies and other essential county funded programs. The reduction in Forest Service receipts has also impacted rural road and school funding.

Throughout most of the 20th Century, Western Oregon served as the timber basket for the United States. Oregon's fourth congressional district, for many years, had the highest public timber harvest of any congressional district. Its lumber and wood products industry was also the most public timber dependent in the nation. Many rural community economies revolved totally around forestry, lumber, and wood products.

Today, timber output on public lands is at an all-time low. The costs to my district from changing public land management include lost high wage jobs, loss of economic infrastructure, and substantially reduced county budgets. I appreciate, and have worked with Members concerned with public land management. I believe a vote in favor of this legislation is a vote of support for better management of Federal forests because you are taking care of the communities which are most impacted.

Last year many Democrats had concerns with the environmental impacts of H.R. 2389.

I want to directly address those concerns. This revised bill has absolutely no incentive for increased logging. The difficult negotiations over this bill resulted in compromise legislation affording counties increased flexibility for expending guaranteed payments. What was once a potentially controversial set-aside for forest management projects is now expanded to fund salmon restoration work, road decommissioning, forest-related educational training, after-school programs, and critical emergency response activities, search and rescue, and forest work camps.

Secondly, the revised legislation has been modified so that any proceeds from a county-funded timber sale are returned to the United States Treasury instead of back to the Forest Service region. While I supported the original House-passed version of H.R. 2389, the revisions address some outstanding concerns expressed by the environmental community and the Administration. Counties in my district have produced a list of non-controversial projects which will fund important activities such as salmon restoration.

Finally, I want to thank the staff on both sides of the aisle and in both chambers who have put such long hours and hard work into this legislation. Penny Dodge, Kathie Eastman, my former staffer Jeff Stier, Amelia Jenkins, Chris Schloesser, Erica Rosenberg, Tom Pyle, Doug Crandall, Bill O'Conner, Troy Tidwell, Lindsay Slater, Dave Tenny, Sarah Bittleman, Mark Rey, Sara Barth, Kira Finkler, Brian Kuehl, and Eric Washburn. In addition, I want to thank staff from the Administration who worked in ensuring we could craft a bill President Clinton would feel proud of signing. Thanks to Anne Keys, Chris Wood, and Tom Tidwell. In closing, I want to commend my colleagues in the House and Senate—Representatives BOYD, WALDEN, HOOLEY and GOODLATTE and Senators WYDEN and CRAIG—who worked extremely hard. I truly appreciate their efforts.

HONORING 20 YEARS OF DEDICATED SERVICE PROVIDED BY TOBY MYERS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 16, 2000

Mr. BENTSEN. Mr. Speaker, I am pleased to honor Toby Myers for her twenty years of dedicated service to battered women and their families in the Houston area. I understand that Ms. Myers has worked tirelessly to ensure the women in domestic violence situations get the services and help they need to leave dangerous situations which may threaten both their personal and their children's lives.

The statistics about domestic abuse are alarming. As we all know; women are more likely than men to be victims of domestic abuse. A 1996 Lieberman Advertising research project found that more than one quarter of all American women or 26 percent of women have been physically abused by a husband or a boyfriend during their lives. An even higher percentage of Americans, some 30 percent, know of someone who has been physically abused during the past year. Regrettably, domestic violence is one of the leading causes of injury among American women. In 1994, 37% of women who sought treatment in emergency rooms were violence-related injuries according to the U.S. Department of Justice report. In 1998, 106 women in Texas were killed by their intimate partner. Clearly we need to do more to combat this domestic abuse.

Toby Myers is a long-time advocate on behalf of these women. Beginning in 1980, she helped to found the Aid to Victims of Domestic Abuse (AVDA) in conjunction with the National Council of Jewish Women and Greater Houston Section. As a trained educator, Ms. Myers volunteered her time and talent by providing counseling for those abusive men who sought help through her private practice called the PIVOT Group. Through her volunteer work at the AVDA, Ms. Myers helped to establish the innovative intervention program called the PIVOT Project. This Project creates a psycho-educational counseling group for men who are abusive in their intimate relationships. After the initial success with one group of abusive men, Ms. Myers helped to expand the scope of the PIVOT Project to serve more families. Since 1991, the PIVOT Project has served families in Pasadena, Katy, Rosenberg, Texas City, Baytown, Webster, Northwest Houston, Conroe and Bay City. In 1995, the PIVOT Project was selected as one of four sites for participation in a national research project funded by the Centers for Disease Control and Prevention (CDC). This longitudinal study continued to track those men who participated in the program in 1995.

During her twenty year career, Ms. Myers has worked on both a local and national level to share her expertise on domestic violence. She has served on the Board of the National Coalition Against Domestic Violence and has chaired the Family Advisory Committee for the Texas Department of Human Services. She was also selected as one of the 150 appointees by Surgeon General C. Everett Koop to help develop a national policy group on Violence and Public Health.

She also shared her knowledge as a teacher and mentor. She is currently serving as an adjunct professor at the University of Texas Health Science Center in Houston. She has also held faculty positions at both the University of Houston—Clear Lake and Texas Women's University. Her graduate level courses in family violence are renowned for being well attended and sought after by students interested in combating domestic violence.

I want to congratulate Ms. Myers on her twenty years of services and wish her well in her retirement. I know that many women in Houston and the surrounding area will thank her for her personal involvement in their lives to make this world a more livable place.

SENATE—*Tuesday, October 17, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, this morning the Senate was jarred awake by the news of the tragic airplane accident that claimed the lives of Missouri Governor Mel Carnahan, his son, Randy, and Governor Carnahan's aide, Chris Sifford.

In this difficult hour we ask You to give Your strength and peace to the Carnahan and Sifford families. Bless the citizens of Missouri. Grant Roger Wilson, who at this hour is serving as Acting Governor of Missouri, Your power and fortitude.

We begin the day conscious of the frailty and brevity of our physical life. Our time here is but a small part of the whole of eternity. May we live and work to Your glory in all that we say and do in this busy day in the life of our Senate. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Debate on the conference report will be limited in today's session and a short period on Wednesday morning. Therefore, those Senators with statements are encouraged to come to the floor during today's session, if possible. The vote on the Agriculture appropriations conference report is scheduled to occur at 11:30 a.m. on Wednesday. However, that vote time may be changed to accommodate those Senators who will be attending the memorial service for the sailors who died on the U.S.S. *Cole*. Senators will be notified as soon as possible if that change is made.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LOSS OF GOVERNOR MEL CARNAHAN AND OTHERS

Mr. VOINOVICH. Mr. President, I appreciate the Chaplain of the Senate opening today's session in prayer for Missouri Governor Mel Carnahan and for his son, Randy Carnahan, and for Chris Sifford, all of whom were tragically killed last night in a plane crash in Missouri.

Mel Carnahan and his wife Jean were good friends of mine and my wife Janet. We got to know them through the Governors' Association—a wonderful man, wonderful family man, one of the finest human beings I have ever met. From a personal point of view, my sympathy goes out to Jean, his wife, and to the rest of his family and to the citizens of Missouri. This country lost a great leader.

On behalf of the entire Senate, I express our deepest sympathies to Governor Carnahan's wife Jean and to their sons, Russ, Robin, and Tom, and to their grandchildren, Andrew and Austin. They have lost a father, husband, grandfather, son, a brother, and an uncle. This is a terrible burden to carry, and we wish them God's strength and courage in so doing.

The entire Senate joins me in expressing condolences to the citizens of Missouri who have lost the Governor they elected to serve them at State government. We also extend our sympathies to the family of Chris Sifford.

All of us involved in statewide public office know the dangers of flying across our States for different events. So when a tragedy such as this occurs, it hits especially hard. When I woke up at 6 o'clock this morning to the public radio saying Mel Carnahan and his son were killed, it reminded me how fragile life is and how so often we take life for granted. It also reminded me that each day we live, we should thank God for it and let the people with whom we come in contact know that we love them.

This is a sad day for our country. As I said, Mel Carnahan was truly a great leader and made a great contribution also to the National Governors' Association.

Many Senators knew Governor Carnahan and will be making remarks today and in the next few days.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I received a phone call early this morning from my personal assistant, Janice Shelton, who indicated to me that Governor Carnahan was dead, having been killed in a tragic plane crash with his son, Randy.

I have watched very closely Governor Carnahan for the last 18 months, as we have watched the most noted Senate race in America this year between two very fine men, Senator ASHCROFT, formerly the Governor of Missouri, and Governor Carnahan. It was a great race to watch because they were so devoted to their different causes. There was distinction between the campaign philosophies. It was a race where the numbers never changed more than a point or two: For 18 months, back and forth, one ahead by a point, the other ahead by a point.

At this time, we realize that those numbers don't mean a great deal, that races in which we are engaged involve good people. Governor Carnahan, what a wonderful man. I got to know him very well, and his wife attended many functions in which I was in attendance. He dedicated his life to public service. The State of Missouri and the country will be less as a result of losing this fine man.

As has been indicated by Governor VOINOVICH, Senator VOINOVICH, our hearts go out to the entire family and the people of Missouri. Also, as Senator VOINOVICH and I were talking before the Senate convened, we have a great amount of sadness for Senator ASHCROFT, who is going through a difficult time now as a result of this, always wondering, having flown around the State himself, as we all have, trying to understand this life that we lead. So not only do I extend my sympathy to the Carnahan family, but also to Governor ASHCROFT, and the fact that in this country we can have people who have strong beliefs, differing beliefs, yet people of great moral certitude who believe very strongly in their causes. That is what makes this country as great as it is.

It is with a great deal of sadness that I came to work today. It is with a great deal of sadness I am with the Dean of the Senate and Senator VOINOVICH who

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

is opening the Senate today. This will have an impact on my life, always, having known him and suddenly his life is snuffed out. I am a better person for having known Governor Carnahan. The people of Missouri are better off as a result of his service. I wish Godspeed to the people of Missouri and the Carnahan family.

Mr. VOINOVICH. Mr. President, I would be remiss if I did not also mention that I was asked by Senator KIT BOND and Senator ASHCROFT to also publicly express their sympathies to the people of Missouri on the death of Mel Carnahan. Both Senator ASHCROFT and Senator BOND served as Governors of the State of Missouri and knew Mel Carnahan quite well. We know there was a campaign going on, and I am sure this is also very heavy on JOHN ASHCROFT.

Mr. DORGAN. Mr. President, I wish to make a comment about the tragic death last evening of Governor Carnahan of Missouri. Governor Carnahan, of course, was also a candidate for the Senate, a Governor of Missouri, Lieutenant Governor, and a distinguished officeholder for many years in the State of Missouri. His tragic death last evening is something that obviously allows all to say to his family, his widow, and the folks who were his friends and relatives, that our thoughts and prayers are with them. It is a difficult time, I know. This is a man who gave so much service to his country and such distinguished service to our country.

My thoughts are with him and his family this morning.

Mr. BAUCUS. Mr. President, I extend my deepest personal sympathies to Mel Carnahan's family. He was tragically killed in a plane crash last night. All Members want to serve our country as well as we possibly can. We go the extra mile to serve our people. We all know the dangers inherent with flying in small aircraft to try to attend political events and try to make meetings on schedules that are very uncertain.

All in the Senate are particularly grieved in this tragedy. We extend our most heartfelt sympathies to the Governor's wife, his family, to his campaign team, and all who were involved. It is difficult to explain how deeply we feel about this.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I ask unanimous consent that the Senate now recess until the hour of 11 a.m., and further that Senator DORGAN be recognized at 11 for up to 30 minutes.

Without objection, it is so ordered.

There being no objection, the Senate, at 10:22 a.m., recessed until 11:03 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERTS).

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Senator from Montana, Mr. BAUCUS, wishes to make a presentation on the Agriculture appropriations bill. I intend to make a longer presentation. I ask he be recognized; that following his presentation, I be recognized in the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Montana is recognized.

RETIREMENT SECURITY

Mr. BAUCUS. Mr. President, I rise to urge that Congress enact the Retirement Security and Savings Act, which has passed the House and been reported unanimously by the Senate Finance Committee. This is a balanced, bipartisan bill. It will encourage people to set their own money aside for retirement, by reforming the private pension rules and increasing the amount that people can put in an individual retirement account. It also will create two important new savings incentives. One is a tax credit for small businesses that set up pension programs for their employees. The other is a tax credit for low and middle income people who save for their own retirement. If, before adjourning, we can find a way to enact this bill, it will be a significant addition to the record of the 106th Congress. Let me explain why.

The American people have many wonderful qualities. But, these days, unfortunately, thrift is not one of them. During the last 20 years, personal savings rates have consistently declined, from 9 percent of GDP in the 1970s to less than 1 percent now. In fact, the preliminary net personal savings rate for August is the lowest rate since the Commerce Department began keeping records in 1959. So what? Why does this matter?

In the first place, a low savings rate means that less capital is available for new investments. Perhaps that is not a pressing issue right now, with a booming economy. But it should be. Over the long run, a low cost of capital is essential to our international competitiveness. On top of that, a low savings rate means that people aren't putting their own money away for retirement. That makes them more dependent on Social Security. In fact, 16 percent of today's retirees depend exclusively on Social Security for their retirement income, and two-thirds depend on it as their primary source of retirement income.

We need to protect Social Security. But that is not enough. After all, Social Security only replaces about 40 percent of the income earned during our working years. If retirees continue to rely so heavily on Social Security, there will still be far too many Americans spending their retirement years one step away from poverty. We need to supplement Social Security, by encouraging more Americans to save for their retirement. And we can start by passing the Retirement Security and Savings Act, as reported by the Senate Finance Committee.

As a threshold matter, the bill does two important things. First, it reforms the tax rules for pension plans. It makes pensions more portable. It strengthens pension security and enforcement. It expands coverage for small businesses. It enhances pension fairness for women. And it encourages retirement education. Second, the bill increases the contribution limits for individual retirement accounts. IRAs have proven to be a very popular way for millions of workers to save for retirement, particularly for those who do not have pension plans available through their employers. The IRA limits have not been increased since they were created almost two decades ago. An increase is long overdue. These are positive changes. However, by and large, they reinforce the conventional approach to retirement incentives. That approach can best be described as a "top down" approach. We create incentives for people with higher incomes, hoping that the so-called nondiscrimination rules will give the higher paid folks an incentive to encourage more participation by others, such as through employer matching programs. I do not have a problem with this approach, as far as it goes. But it does not do enough to reach out to middle and lower income workers.

That is why I am particularly pleased that the bill goes further, by creating two new savings incentives. One creates a new incentive to encourage small businesses to establish pension plans for their employees. The other creates a new matching program to help workers save their own money for retirement. Let me discuss each in turn.

First, the incentives for small businesses. Unlike larger companies, most small business owners do not offer pension plans. While three out of every four workers at large companies are participating in some form of pension plan, only one out of every three employees of small businesses have pensions. This leaves over 30 million workers without a pension plan. It is not that small businesses do not want to provide pension plans. They simply cannot afford to. Record-keeping requirements are too complex and expensive. The bill addresses this, by creating two new tax credits.

The first is a tax credit of up to $500 to help defray the administrative costs of starting a new plan. The second is a tax credit to help employers contribute to a new plan on behalf of their lower paid employees. In effect, it is a match of amounts employers in small firms put into new retirement plans for their employees—up to a limit of 3 percent of the salaries of these workers. Taken together, these new incentives will make it easier for small businesses to reach out to their employees and provide them with a pension. In addition, the bill creates a new tax credit that is aimed primarily at workers who do not have a pension plan available to them, to encourage them to save for themselves.

Only one-third of families with incomes under $25,000 are saving for retirement either through a pension plan or in an IRA. This compares with 85 percent of families with incomes over $50,000 who are saving for retirement. We clearly need to provide an incentive for those families who are not saving right now, and the individual savings credit included in the Finance Committee bill will provide that incentive.

Here is how it works. A couple with a joint income of $20,000 is eligible for a 50 percent tax credit for the amount that they save each year, for savings of up to $2,000. People with higher incomes get a smaller match, up to a joint income of $50,000. According to the Joint Tax Committee, almost 10 million families will be eligible for the individual savings credit. This will provide a strong incentive for these families to begin setting aside money for their retirement. That, in a nutshell, is how the credits work. Let me respond to the common criticisms of the proposal.

One is that the tax credit for low and moderate income workers is not refundable and therefore will not benefit lower income families that have no tax liability. All that I can say, in response, is that I am a realist. I agree that the credit should be refundable. But, this year, a refundable credit is not in the cards, because it generates strong opposition from the majority. Another criticism, from a different direction, is that the credit is targeted to a specific income class, and provides taxpayers in that income class with too much of a benefit. I disagree. This is not a novel approach. Many provisions of the tax code are phased out at higher income levels, as a way of targeting benefits and reducing the revenue loss.

Another thing. By targeting lower and moderate income workers, the credit provides balance. The benefits of the other provisions of the bill go primarily to higher-paid workers. After all, if we increase the amount that can be deferred in a 401(k) plan more from $10,000 to $15,000 a year, we are only benefiting folks who can afford to make that much of a contribution. So a credit targeted to low and moderate income workers provides the overall bill with balance.

In conclusion, I urge the leadership, on the tax-writing committees, in the Senate, in the House, and in the administration, to work together to secure passage of this important legislation. We continue to have a rip-roaring national economy. But many people have been left behind, good people, who are working hard to make ends meet. Let us reach out to them. Let us make an effort to give every working person in this country a real stake in the American dream. Maybe some young worker will see this tax credit and start to put away a little money that he or she otherwise would have spent. That money will compound, and so will the virtue of thrift. And that, Mr. President, will be good for all of us.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

MEL CARNAHAN

Mr. DASCHLE. Mr. President, it is with a sad heart that I speak this morning. We now all know that we have lost the Governor of the State of Missouri. Gov. Mel Carnahan was killed in a plane crash last night. Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage. I believe he would have been a great United States Senator, just as he was a great Governor. His death is a loss to the people of Missouri and to all Americans.

Mel Carnahan spent his life in public service. In this time of skepticism and cynicism about politics and politicians, it is worth noting that Mel Carnahan could have done anything with his life and been a success. His intelligence, his drive, his dedication, his hard work, would have landed him at the top of just about anything he chose to pursue. But Mel Carnahan made a choice early in his life that he would enter public service and that he would use his enormous talents to help people, and that is what he did.

In the State legislature, as State treasurer, as Lieutenant Governor, and during his two terms as Governor, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference to people's lives.

Whether it was improving public schools, expanding health insurance for children, stricter safety standards for nursing homes to protect seniors, or passing some of the toughest anti-crime measures in the nation to make communities safer, he made a difference.

When Governor Carnahan raised taxes in 1993 to improve Missouri schools, it was an act of political courage that he said was part of his job. "It was the right thing to do," he said later. It was the right thing to do. If one principle could sum up Mel Carnahan's entire political career of public service, it would be just that—he saw what needed to be done, and he did the right thing, regardless of political consequences.

He saw what needed to be done, and using that strong inner compass of right and wrong that steered him through his entire life, he made his decisions—not based on polls or focus groups or other political considerations, but on what was the right thing to do.

Last night, we lost a true public servant—the kind whose service on behalf of people brings honor to all of us who have chosen a similar path for our lives. The fact that his son Randy was with him makes the personal tragedy suffered by the Carnahan family all the more crushing. Our thoughts and prayers are with Jean Carnahan, and the Carnahan and Sifford families in this time of sadness.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AGRICULTURE APPROPRIATIONS AND FAMILY FARMERS

Mr. DORGAN. Mr. President, I indicated I wanted to talk today about the appropriations bill conference report that is going to be considered by the Senate. The vote at this point is ordered for tomorrow. It is a vote on the Agriculture appropriations bill conference report.

I am a member of the subcommittee dealing with Agriculture appropriations in the Senate. We have had a lengthy conference with the House of Representatives and have reported out a piece of legislation. While I am critical of the farm bill we have in this country because I believe it does not work, I do not want to start with criticism of anything or anybody. Rather, I want to start with compliments.

I compliment Senator THAD COCHRAN who is the chairman of the Senate Agriculture Appropriations Subcommittee. He does just an excellent job. I appreciate very much the work he does.

I compliment Senator HERB KOHL who is the ranking member on that subcommittee.

I thank Galen Fountain, our minority clerk on the subcommittee, who is opening the Senate today. This will have an impact on my life, always, having known him and suddenly his life is snuffed out. I am a better person for having known Governor Carnahan. The people of Missouri are better off as a result of his service. I wish Godspeed to the people of Missouri and the Carnahan family.

Mr. VOINOVICH. Mr. President, I would be remiss if I did not also mention that I was asked by Senator KIT BOND and Senator ASHCROFT to also publicly express their sympathies to the people of Missouri on the death of Mel Carnahan. Both Senator ASHCROFT and Senator BOND served as Governors of the State of Missouri and knew Mel Carnahan quite well. We know there was a campaign going on, and I am sure this is also very heavy on JOHN ASHCROFT.

Mr. DORGAN. Mr. President, I wish to make a comment about the tragic death last evening of Governor Carnahan of Missouri. Governor Carnahan, of course, was also a candidate for the Senate, a Governor of Missouri, Lieutenant Governor, and a distinguished officeholder for many years in the State of Missouri. His tragic death last evening is something that obviously allows all to say to his family, his widow, and the folks who were his friends and relatives, that our thoughts and prayers are with them. It is a difficult time, I know. This is a man who gave so much service to his country and such distinguished service to our country.

My thoughts are with him and his family this morning.

Mr. BAUCUS. Mr. President, I extend my deepest personal sympathies to Mel Carnahan's family. He was tragically killed in a plane crash last night. All Members want to serve our country as well as we possibly can. We go the extra mile to serve our people. We all know the dangers inherent with flying in small aircraft to try to attend political events and try to make meetings on schedules that are very uncertain.

All in the Senate are particularly grieved in this tragedy. We extend our most heartfelt sympathies to the Governor's wife, his family, to his campaign team, and all who were involved. It is difficult to explain how deeply we feel about this.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

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RETIREMENT SECURITY

Mr. BAUCUS. Mr. President, I rise to urge that Congress enact the Retirement Security and Savings Act, which has passed the House and been reported unanimously by the Senate Finance Committee. This is a balanced, bipartisan bill. It will encourage people to set their own money aside for retirement, by reforming the private pension rules and increasing the amount that people can put in an individual retirement account. It also will create two important new savings incentives. One is a tax credit for small businesses that set up pension programs for their employees. The other is a tax credit for low and middle income people who save for their own retirement. If, before adjourning, we can find a way to enact this bill, it will be a significant addition to the record of the 106th Congress. Let me explain why.

The American people have many wonderful qualities. But, these days, unfortunately, thrift is not one of them. During the last 20 years, personal savings rates have consistently declined, from 9 percent of GDP in the 1970s to less than 1 percent now. In fact, the preliminary net personal savings rate for August is the lowest rate since the Commerce Department began keeping records in 1959. So what? Why does this matter?

In the first place, a low savings rate means that less capital is available for new investments. Perhaps that is not a pressing issue right now, with a booming economy. But it should be. Over the long run, a low cost of capital is essential to our international competitiveness. On top of that, a low savings rate means that people aren't putting their own money away for retirement. That makes them more dependent on Social Security. In fact, 16 percent of today's retirees depend exclusively on Social Security for their retirement income, and two-thirds depend on it as their primary source of retirement income.

We need to protect Social Security. But that is not enough. After all, Social Security only replaces about 40 percent of the income earned during our working years. If retirees continue to rely so heavily on Social Security, there will still be far too many Americans spending their retirement years one step away from poverty. We need to supplement Social Security, by encouraging more Americans to save for their retirement. And we can start by passing the Retirement Security and Savings Act, as reported by the Senate Finance Committee.

As a threshold matter, the bill does two important things. First, it reforms the tax rules for pension plans. It makes pensions more portable. It strengthens pension security and enforcement. It expands coverage for small businesses. It enhances pension fairness for women. And it encourages retirement education. Second, the bill increases the contribution limits for individual retirement accounts. IRAs have proven to be a very popular way for millions of workers to save for retirement, particularly for those who do not have pension plans available through their employers. The IRA limits have not been increased since they were created almost two decades ago. An increase is long overdue. These are positive changes. However, by and large, they reinforce the conventional approach to retirement incentives. That approach can best be described as a "top down" approach. We create incentives for people with higher incomes, hoping that the so-called nondiscrimination rules will give the higher paid folks an incentive to encourage more participation by others, such as through employer matching programs. I do not have a problem with this approach, as far as it goes. But it does not do enough to reach out to middle and lower income workers.

That is why I am particularly pleased that the bill goes further, by creating two new savings incentives. One creates a new incentive to encourage small businesses to establish pension plans for their employees. The other creates a new matching program to help workers save their own money for retirement. Let me discuss each in turn.

First, the incentives for small businesses. Unlike larger companies, most small business owners do not offer pension plans. While three out of every four workers at large companies are participating in some form of pension plan, only one out of every three employees of small businesses have pensions. This leaves over 30 million workers without a pension plan. It is not that small businesses do not want to provide pension plans. They simply cannot afford to. Record-keeping requirements are too complex and expensive. The bill addresses this, by creating two new tax credits.

The first is a tax credit of up to $500 to help defray the administrative costs of starting a new plan. The second is a tax credit to help employers contribute to a new plan on behalf of their lower paid employees. In effect, it is a match of amounts employers in small firms put into new retirement plans for their employees—up to a limit of 3 percent of the salaries of these workers. Taken together, these new incentives will make it easier for small businesses to reach out to their employees and provide them with a pension. In addition, the bill creates a new tax credit that is aimed primarily at workers who do not have a pension plan available to them, to encourage them to save for themselves.

Only one-third of families with incomes under $25,000 are saving for retirement either through a pension plan or in an IRA. This compares with 85 percent of families with incomes over $50,000 who are saving for retirement. We clearly need to provide an incentive for those families who are not saving right now, and the individual savings credit included in the Finance Committee bill will provide that incentive.

Here is how it works. A couple with a joint income of $20,000 is eligible for a 50 percent tax credit for the amount that they save each year, for savings of up to $2,000. People with higher incomes get a smaller match, up to a joint income of $50,000. According to the Joint Tax Committee, almost 10 million families will be eligible for the individual savings credit. This will provide a strong incentive for these families to begin setting aside money for their retirement. That, in a nutshell, is how the credits work. Let me respond to the common criticisms of the proposal.

One is that the tax credit for low and moderate income workers is not refundable and therefore will not benefit lower income families that have no tax liability. All that I can say, in response, is that I am a realist. I agree that the credit should be refundable. But, this year, a refundable credit is not in the cards, because it generates strong opposition from the majority. Another criticism, from a different direction, is that the credit is targeted to a specific income class, and provides taxpayers in that income class with too much of a benefit. I disagree. This is not a novel approach. Many provisions of the tax code are phased out at higher income levels, as a way of targeting benefits and reducing the revenue loss.

Another thing. By targeting lower and moderate income workers, the credit provides balance. The benefits of the other provisions of the bill go primarily to higher-paid workers. After all, if we increase the amount that can be deferred in a 401(k) plan more from $10,000 to $15,000 a year, we are only benefiting folks who can afford to make that much of a contribution. So a credit targeted to low and moderate income workers provides the overall bill with balance.

In conclusion, I urge the leadership, on the tax-writing committees, in the Senate, in the House, and in the administration, to work together to secure passage of this important legislation. We continue to have a rip-roaring national economy. But many people have been left behind, good people, who are working hard to make ends meet. Let us reach out to them. Let us make an effort to give every working person in this country a real stake in the American dream. Maybe some young worker will see this tax credit and start to put away a little money that he or she otherwise would have spent. That money will compound, and so will the virtue of thrift. And that, Mr. President, will be good for all of us.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

MEL CARNAHAN

Mr. DASCHLE. Mr. President, it is with a sad heart that I speak this morning. We now all know that we have lost the Governor of the State of Missouri. Gov. Mel Carnahan was killed in a plane crash last night. Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage. I believe he would have been a great United States Senator, just as he was a great Governor. His death is a loss to the people of Missouri and to all Americans.

Mel Carnahan spent his life in public service. In this time of skepticism and cynicism about politics and politicians, it is worth noting that Mel Carnahan could have done anything with his life and been a success. His intelligence, his drive, his dedication, his hard work, would have landed him at the top of just about anything he chose to pursue. But Mel Carnahan made a choice early in his life that he would enter public service and that he would use his enormous talents to help people, and that is what he did.

In the State legislature, as State treasurer, as Lieutenant Governor, and during his two terms as Governor, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference to people's lives.

Whether it was improving public schools, expanding health insurance for children, stricter safety standards for nursing homes to protect seniors, or passing some of the toughest anti-crime measures in the nation to make communities safer, he made a difference.

When Governor Carnahan raised taxes in 1993 to improve Missouri schools, it was an act of political courage that he said was part of his job. "It was the right thing to do," he said later. It was the right thing to do. If one principle could sum up Mel Carnahan's entire political career of public service, it would be just that—he saw what needed to be done, and he did the right thing, regardless of political consequences.

He saw what needed to be done, and using that strong inner compass of right and wrong that steered him through his entire life, he made his decisions—not based on polls or focus groups or other political considerations, but on what was the right thing to do.

Last night, we lost a true public servant—the kind whose service on behalf of people brings honor to all of us who have chosen a similar path for our lives. The fact that his son Randy was with him makes the personal tragedy suffered by the Carnahan family all the more crushing. Our thoughts and prayers are with Jean Carnahan, and the Carnahan and Sifford families in this time of sadness.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AGRICULTURE APPROPRIATIONS AND FAMILY FARMERS

Mr. DORGAN. Mr. President, I indicated I wanted to talk today about the appropriations bill conference report that is going to be considered by the Senate. The vote at this point is ordered for tomorrow. It is a vote on the Agriculture appropriations bill conference report.

I am a member of the subcommittee dealing with Agriculture appropriations in the Senate. We have had a lengthy conference with the House of Representatives and have reported out a piece of legislation. While I am critical of the farm bill we have in this country because I believe it does not work, I do not want to start with criticism of anything or anybody. Rather, I want to start with compliments.

I compliment Senator THAD COCHRAN who is the chairman of the Senate Agriculture Appropriations Subcommittee. He does just an excellent job. I appreciate very much the work he does.

I compliment Senator HERB KOHL who is the ranking member on that subcommittee.

I thank Galen Fountain, our minority clerk on the subcommittee, who does a lot of work with us, and good work; Rebecca Davies, Martha Scott-Poindexter, Les Spivey, Hunt Shipman—staff people who have done a great deal of work to put this legislation together.

On my staff, Dale Thorenson and Nicole Kroetsch, Brian Moran, and Stephanie Mohl, who worked on parts of this. Thanks to all those people.

When we bring a piece of legislation to the floor of the Senate after it has gone through conference, it has gone through a long, tortured process. It is not an easy thing to put together. It represents a lot of work and compromise. Thanks to all the people I have mentioned.

I will try to, for a moment, describe why all of this is important to me. There are a lot of things in this legislation dealing with research, agricultural research, food research, Food for Peace—you name it, there is a whole range of programs that deal with very important and serious issues. But I want to focus on one thing, and that is family farming.

I come from a State that is largely an agricultural State. The fact is, our family farmers in this country are in deep trouble. Some people probably couldn't care less. They get their butter from a carton, they get their eggs from a carton, they buy their milk in a bottle, they get their pasta in a package, and they couldn't care less what is happening to family farmers.

Those who think a lot about it understand the importance of farmers who are out there with their families living on the farm, with the yard light that illuminates their place at night. They understand its culture, and understand its contribution to our country. Those who think about it understand the importance of broad-based economic ownership in our country's food production.

I want to read a couple of letters because we are in a situation where commodity prices have collapsed, the grain prices are rock bottom, and our farmers are in desperate trouble. They are losing their livelihood, losing their farms, having to quit. This is a letter I received a couple of days ago from a woman named Lois. I will not read her last name. I do not know if she has indicated she would want me to read this on the floor of the Senate. This is a family farm in North Dakota. Lois and her husband run a family farm. The letter says:

> Dear Byron, it's 6 a.m. I woke up [this morning] and feel compelled to write, as I feel farmers here are now at rock bottom.
>
> Right now as we harvest a worthless crop, pay huge prices for our oil products, face winter and bills to pay, we find the [crops sprout damaged and injured] by rain. Harvest brings more stress and fears to all of us. I'm afraid for us. I'm afraid for my neighbors and others like us who can't make a profit thru no fault of our own. We . . . have other jobs, but we can't keep farming. . . . I am taking time off these days (from my work) to drive a grain truck. I'm hauling grain that is below $1 a bushel. . . . We need a price that is more than cost. It's called profit. I don't have a lot of answers. We've attended many meetings. . . . We can feed the world . . . we should feel pride in that.

But what's wrong? There's something not connecting here.

She, like so many others, is trying to make a living on a family farm, and they are going broke.

A farm family—a man and his wife—wrote to me about a week ago and said:

> It is with tears in my eyes that I find myself writing to you today. After I have been assisting in what should be a joyous time, it just couldn't be further from that. So for the first time, I am taking steps to try and find help, for not only ourselves, but all of those who are worse off around us. Somebody has to help us now. . . . My husband and I farm—near a small community in the northwest corner of North Dakota.
>
> We are blessed with some of the greatest soil and we felt very fortunate until now that it has helped to provide us with thousands of bushels of grain, plus cattle. In fact, up until recently, we had thought we were very fortunate. We couldn't have been more wrong, however.
>
> We are facing the worst times our 3rd generation farm has ever seen since its existence began in 1914. As combines are cutting our fields, the last thing I would normally be doing right now is writing a letter, but we have no choice. Something has to be done and people need to know what kind of devastation is [occurring] in our economy.
>
> It was just this morning that we were told that our very rare and beautifully colored, disease free durum wheat is now only worth 80 cents a bushel. Our neighbors were not so "lucky." There is no market for theirs as it was not close to perfect.
>
> Our banks will not collect on their loans, young people like ourselves are going to just pack up and leave. . . . There is just no reason for us to continually be abused. . . .

She raises the questions, as other farmers do, about everyone else making record profits that handle their grain. The grain elevators, railroads, and the grain trade all make record profits.

She says:

> We are one of the very few young farmers left in our community and after this harvest there will be many more forced to leave. There just will be no alternative.

Another letter from another family farm in North Dakota. A farmer writes:

> So why do I write? Simply to encourage you to continue the battle, to be a voice alerting the nation to the financial, cultural and social devastation that is taking place in rural America. As a seventy two year old lifetime farmer, now retired, I am a witness to farm after farm being discontinued. The immediate community in which I live vastly changed and changing. Good young family farmers are quitting one after the other, some forced out financially, others giving up before complete financial ruin. There is no profit incentive, the gamble is too great, the fight against weather, disease, regulations and prices too heavy a burden to bear.

This farmer writes:

> Personally, I have a son now forty five, who has farmed since graduating from the University of North Dakota. His hope is fading. He talks of farming one more year and [then giving up]. He is a fourth generation farmer ready to give up. His son now seven never to continue into the fifth generation [on the family farm].

He says:

> My concern is for my family, my community, the nation.

I will not read any more. I have so many letters from farmers. They are out there wondering what is wrong with an economic system which rewards everyone except those who produce the crops.

Some say: The "family farm," that is kind of like the little old diner that gets left behind when the interstate comes through. It was a great old place once, but it is irrelevant now because the interstate moves people past that diner. They say that is what the family farm is like. They couldn't be more wrong.

I have indicated before, go to Europe, if you wonder what an economy ought to be with respect to rural values. Europe was hungry at one point so it decided never to be hungry again. One part of national security is to make sure you have a network of producers, a network of family farms producing your food. That way you will not have concentration; you will have broad-based economic ownership, and you will provide national security with respect to food. Europe has a healthy agricultural base. Europe has family farmers who are making money and small towns that have life on their main streets. Why? Because Europe has chosen an economic model that says they intend to keep their family farmers on the farm.

Our country ought to do the same, for a whole series of reasons, some economic, some cultural, some social. But family farms contribute more than just grain. They contribute families, yes; they contribute community; they contribute a culture that is very important to this country.

A wonderful author named Critchfield used to write about the nurturing of family values in this country. He said family values have always started, in the two centuries of America, on its family farms, and rolled to its small towns and to its cities. The refreshment and nurturing of family values has always come from the seedbed of family values; and that is our family farms.

If one wonders what kind of cultural devastation occurs or what kind of cultural changes will occur in this country if we lose our family farms, our rural economy, and turn into a country in which corporations farm all of America from coast to coast—one can see that model in a number of other areas. It is not something that advances our country's interests. Rather, it retards our country's interests.

So I do not come here making excuses in support of family farms. I come saying that the support of family farms is essential for the long term well-being of this country.

How do we support family farms? Well, we have a farm bill that is a disaster called Freedom to Farm. We gave farmers so-called freedom to farm, but not freedom to sell. So farmers are prevented from selling into certain markets. The freedom to farm is a presumption that individual family farmers have the economic clout in which to deal with everyone else with whom they have to deal.

Does a family farmer have a chance when complaining about railroad rates? I do not think so. Ask the folks in Montana who filed a complaint against the railroad rates. Ask them if they got a fair shake when it took 16 years to get the complaint processed down through the ICC.

Who wins when the family farmer is overcharged by a railroad for hauling grain? The railroad wins.

Who wins when the food manufacturers or the grain trade takes a kernel of wheat, moves it somewhere down the line on the railroad and into a plant, puffs it up, puts it on a grocery store, and calls it puffed wheat? Who wins when they take produce from farmers and give them a pittance for it, and then charge a fortune for it on the grocery store shelf? It is the same kernel of wheat, only it has had a puff added to it. The puff is worth more than the wheat. The people selling the puffed wheat are making a fortune, and the family farmers are going broke.

Is that an economic model that has any justice in it at all? The answer is no. So we ought to have a farm program that works. And we do not. Next year we ought to commit ourselves to repealing Freedom to Farm, and rewriting a bill that works for family farmers, that provides a safety net for family farms in the country. This is not rocket science. They do it in Europe. We ought to be able to do it in our country.

Let me describe, just for a moment, what we have in this appropriations bill. We have disaster assistance in this appropriations bill.

I want to show a couple of charts that talk about what happened in North Dakota in the spring of this year after the crops were planted. This chart happens to show a grain field. It does not look like it, but it is a grain field. From the evening of June 12 until the morning of June 14—a day and a half—a stalled thunderstorm system—actually several thunderstorms converging together—dumped as much as 18 inches of rain in the Red River Valley, near Grand Forks, ND.

North Dakota is a state that usually gets 15 to 17 inches of rain a year. We are a semiarid state which averages 15 to 17 inches of rainfall a year. From June 12 through June 14, in some of these areas, we had 18 inches in 36 hours.

A few days later on the evening of June 19, around 7 o'clock in the evening, flash flooding and severe thunderstorms hit the Fargo-Morehead area about 80 miles south of the first set of storms in the Red River Valley. By 11 p.m. that evening, more than 4 inches of rain had fallen, and it looked as if maybe the worst had passed. But thundershower after thundershower pummeled the area after midnight, dropping an additional 2 inches of rain in 90 minutes. So, this area ended up with a total of 6 inches of rain in a very short period. This is a totally flat terrain. It caused massive sheet flooding. Throughout the area around Fargo, seven to 9 inches of rain in total fell in the timespan of 6 hours.

This chart shows what a grain field looked like the day after. Here is another picture of grain fields. As you can see, there is no grain there. This is a lake. In fact, this area used to be Lake Agassiz long before any of us were around. But you can see what this does if you are a family farmer and you have been out in the spring planting grain. We now have a flood.

The floods in North Dakota, the drought in Texas, the drought in Georgia, the drought in Mississippi, and other parts of our country, the disasters in Montana, all persuaded this Agriculture appropriations subcommittee to add more funding for disaster aid. We originally added $450 million for Crop Loss Assistance due to weather disasters when the bill was in the Senate—an amendment I offered on the floor of the Senate.

When it went to conference, the need was obvious, so we added more. It went to $1.1 billion for disaster aid because we had had continued disasters in Texas and in the Deep South. In fact, look at Georgia here. The weekend before we lost our late colleague, Senator Coverdell—who was a distinguished Senator and one I deeply admired—the weekend before we tragically lost our colleague, I had spoken to him about what was happening in Georgia. He said that he was going to cosponsor with me a disaster piece that would provide assistance for farmers in that area of the country. We had need—because of the floods—in our area as well.

We have had drought in the Deep South. As shown on this chart, we can see these red areas. We have had flooding in other areas. We have had a pretty difficult time this year in many areas of the country.

So this piece of legislation adds $1.1 billion for disaster assistance. This help allows farmers who have been struck by natural disasters to be able to claim some help for crops that they were not able to harvest.

In addition to that, we had folks up in this part of North Dakota that harvested a crop—a crop that looked great—but they had a disaster when they delivered that crop to the grain elevator. They took a durum crop from the field—a 45-bushel-to-the-acre crop, which is a pretty good crop—only to discover that when they got it to the grain elevator it was full of disease and sprout damage. They found out that grain they thought was going to be worth a decent price was now valued by the grain trade at only 80 cents a bushel.

The cost of producing this grain is probably $4 to $4.50 a bushel. So, they had a field waving in the wind, getting ripe and ready to be harvested. They got the combine out, took the grain off, and then discovered what cost them $4.50 a bushel to produce was now worth 80 cents. To make matters worse, they also found out that the crop insurance they had taken out to insure their crop does not provide help for them to cover the quality loss.

That is called a quality loss adjustment. Actually a better word for it is a catastrophe. If you have a product that you have produced, and it turns out to be worth almost nothing, that is a catastrophe.

Here is what has happened to our farmers. You can see, going back to 1996, wheat prices were very high. That is when Congress passed Freedom to Farm. Many of us stood on the floor of the Senate warning, at that point, this isn't going to continue. But Freedom to Farm provided specific payments over a period of time after which there would be a phaseout of the program altogether. You can see what has happened to prices. You can see with prices at rock bottom, having collapsed and stayed down for some while, that the quality loss adjustments mean that farmers are getting pennies for their crop.

This disaster is not a natural disaster, but rather it has resulted in quality loss adjustments by the grain trade that had to be addressed in this bill. For the first time, this legislation will provide $500 million for quality loss adjustments. I will talk through that for a moment so people understand why this is in the bill and why it was necessary.

These farmers haven't caused the problem. These are good family farmers who have discovered that their crop, especially in our part of the country up in North Dakota, with the worst crop disease in a century, these are farmers who have discovered that they have produced a rather bountiful crop that is worth nothing when they take it to the grain elevator. Without the quality loss assistance, we would have had a wholesale migration from our family farms. We are going to have a lot of migration anyway by family farmers who simply can't make it. But the disaster aid and the quality loss adjustment is going to be a step in the right direction by at least extending a hand to say until we change this farm bill, here is some help.

I pushed very hard on quality loss assistance. I know I might have bruised some feelings here and there, but I just didn't think we had any choice. We can't say to family farmers, when their prices are collapsed, that it doesn't matter. We can't say to family farmers who are out there struggling: When your crop is hit by disease, it doesn't matter; when your crop insurance doesn't pay off, it doesn't matter; if you are hit 6 or 7 years in a row by natural disaster, as has been the case with many counties in North Dakota, it doesn't matter.

We have a responsibility to define the kind of economy we want in this country. The kind of economy I want is an economy that values that which is produced on our family farms. Our farm program needs changing desperately. We have not been able to get that done this year. In the meantime, this piece of legislation, this Agriculture appropriations bill, does provide some fill so that with respect to disaster and quality loss adjustments, we are able to provide some short-term, interim help to family farmers.

I say to Senator COCHRAN, Senator KOHL, and others who were willing to allow me to press as hard as I did to put this in the bill, I appreciate—and the family farmers in my State will appreciate—the opportunity to continue to try to make that family farm work and to make a living.

I say, again, that we have a responsibility to decide as a Congress whether we want family farms in our future. For those who don't, let's just keep doing what we are doing and that is where we will end up. We will eventually not have any family farmers left in this country. But for those who, like me, believe that a network of family farms is essential to this country, to its culture and its economy, then we better wake up and work together and write a farm bill that works and gives farmers some hope. We better do that, not 2 years from now, not 3 years from now. We better do that now.

We are about ready to adjourn, I suppose, at the end of this week or the end of next week, and we will reconvene as a Congress, the 107th Congress, in January. My hope is one of the first items of business is for us to understand that rural America has not shared in this bountiful prosperity of our country. It is not just that food has no value. You look around the world at night on your television screen, you will discover that there are people who are hungry, there are children who are going to bed with an ache in their belly in every corner of the globe. Food does have value. But the food that is produced in this country, regrettably, has value only for established monopolistic interests, those who have become big enough to flex their economic muscle at the expense of those who produce the food.

Everyone who touches a bushel of grain produced by a family farmer seems to be making record profits. Every enterprise that touches it seems to be doing well. The railroads, the grain trade, the grocery manufacturers, they are all doing well. In fact, they are doing so well, they are marrying each other. Every day you read about another merger. They want to get hitched. They have so much money, they are all rolling in cash. It is the folks out here who took all the risks and plowed the ground and seeded the ground and harvested the crop. They are the ones who can't make a living. There is something disconnected about that kind of economic circumstance.

We can have the kind of economy we choose to have. It is within our ability to define the kind of economy we want for this country. I hope, beginning next year, we will decide that there is a different way, a better way to extend the help for family farmers with a farm program that really works during tough times and a farm program that we would not need during better economic times when grain prices reflected the real value of the grain produced by family farms.

We have made some progress in the Agriculture appropriations bill dealing with sanctions. It is not the best, but we have made some progress. Many of us in the Senate, many in the Congress, have believed that it is relatively foolish for our farmers to bear the brunt of national security interests by having sanctions against other countries that say you can't ship food or medicine to certain countries because we are angry with their leaders. That has never made any sense to me.

We can be as angry as we like with the country of Iran or Libya or Cuba or Iraq, but refusing to ship food to those countries doesn't hurt Saddam Hussein or Fidel Castro. All that does is hurt hungry, sick, and poor children. It hurts hungry people, sick people, and poor people in countries to which we are not allowed to ship food and medicine. Talk about shooting yourself in the foot, our public policy has been to say ready, aim, fire, and we shoot ourselves right smack in the foot on the issue of sanctions.

I don't have a quarrel with those who want to strap economic sanctions on the country of Iraq. That is fine with me. But sanctions should not include food. We have tried mightily to get rid of the sanctions with respect to a range of countries with whom we now prevent the shipment of food and medicine. This legislation marginally moves in that direction. It includes some elements of the amendment I put in the appropriations bill as it went through the Senate. But, once again, it is reactionary with respect to Cuba. There is going to be no grain sold to Cuba because of restrictions put in here by a few people who were trying to hijack this debate in the conference. The result is it tightens up on travel restrictions to Cuba, and virtually means there will be no food sold in Cuba. In my judgment, that is very foolish, but we will live to fight another day on that issue. At least part of what is done in this legislation dealing with sanctions on agricultural shipments is a step in the right direction.

There is much more to talk about in this legislation. Let me end by mentioning my thanks to the people who helped put this legislation together. It is not easy to do. On balance, while there are some things I don't agree with—I have not described what those are—I think it is a good piece of legislation and a pretty good appropriations bill. It ought to be a precursor for all of us who support family farmers to understand that year after year, when you have to add a disaster piece and emergency pieces to deal with the failure of a farm program, it is time to rewrite the farm program from the start.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETING THE WORK OF THE SENATE

Mr. DASCHLE. Mr. President, I understand we are about to recess for the day. I want to discuss for just a moment, if I may, my observations about the week and the lack of any activity or communication with the Democratic caucus. I am told that the majority leader has indicated to his caucus members that there won't be a vote tomorrow and that the vote will be postponed on the Agriculture appropriations bill until Thursday.

I am surprised by that announcement, first, because I had not been forewarned or informed in any way that this would be the schedule for the week. I also am disappointed because I have indicated to a lot of people that they needed to ensure they would be here tomorrow at 11:30. They have all made plans accordingly. A lot of people have arranged their entire week around the fact that tomorrow at 11:30 there would be a vote. I am told that our Republican colleagues may simply go into a quorum call at some point and force the Senate into a vote on Thursday, which is, of course, their right. We will insist on a vote on adjournment tomorrow. There will be a vote tomorrow.

We think we ought to be here, working, resolving the outstanding differences. The longer we are gone, the less likely it is we will finish our work. It is that simple. How many days do we have to go with absolutely no business on the Senate floor? We could be taking up an array of issues. We could be taking up unfinished business that begs our consideration. Yet we sit day after day holding hands and wondering when, if ever, we will adjourn sine die. This isn't the way to run the Senate.

At the very least, there ought to be a minimum amount of communication between Republicans and Democrats with regard to the schedule. To read an announcement that there will be a vote postponement and not to give forewarning to all of our colleagues who are making travel plans is, again, just another departure from what I consider to be good will and common sense.

We will delay the vote at least until 4 o'clock tomorrow afternoon because of the Cole funeral. We understand there will be Members who need to travel to Virginia for that very important matter. We will delay the vote until at least after 4 o'clock. I want colleagues to know there will be a vote tomorrow and we will force that vote. We will continue to force votes to keep people here to do what they are supposed to do.

I have also just been in consultation with a number of our colleagues from the White House, and they have indicated they will begin insisting on much shorter continuing resolutions, 2 or 3 days at the maximum. I hope the President will veto anything longer than a 3-day CR. Why? Because it is ridiculous to be taking 7-day CRs, leaving 5 days for campaigning and 2 days for work—if that. We should be working 7 days with a 7-day CR. We should be finishing the Nation's business with the CR. To give every single candidate, whoever it is, the opportunity to campaign while leaving the people's business for whenever they can get around to it and delay it to another occasion when it is more convenient for them to come back is unacceptable, inexcusable, and will not be tolerated.

I put our colleagues on notice that in whatever limited way we can influence the schedule, we intend to do so. That will at least require perhaps a little more consultation but, at the very least, a little more forewarning to all colleagues with regard to the schedule and what it is we are supposed to be doing here.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. REID. I ask the Democratic leader if he has ever seen in his many years in the Congress, both the House and the Senate, the casual attitude, with so few appropriations bills having been passed? We have less than 3 weeks left until the elections of this cycle, and we are here doing nothing. Has the Senator ever experienced anything such as this?

Mr. DASCHLE. I have seen recesses that are more productive than what we have experienced since we started passing CRs. These recesses, as I like to call them—7 days of continuation of a resolution, and then 2 days, if that, of work, maybe 1 day of work—are mind boggling.

There ought to be some urgency here. We ought to express the same level of urgency that a continuing resolution implies. But I don't see any urgency. I see no sense of determination to try to finish our work. If we take a poll of where our colleagues are today, they are cast out over all 50 States, with very little appreciation of the need to finish our work, to come back and do what we are supposed to do.

(Mr. ROBERTS assumed the Chair.)

Mr. DASCHLE. I know the Presiding Officer is required to move on and is being replaced again by a very distinguished Presiding Officer from Kansas, our colleague, PAT ROBERTS, but I appreciate very much the question posed by the distinguished assistant Democratic leader.

Mr. REID. If I could ask the Senator one more question; that is, I don't know what will happen this weekend, but I can only speak for myself and a number of other Senators with whom I have had the opportunity to speak on the phone and in person today. We should be working this weekend. For us now to not have votes until late Wednesday or maybe even Thursday, and to take Friday, Saturday, Sunday, and maybe Monday off? I want the leader to know that there are a number of us on this side who feel the urgency is here; we should press forward and work through the weekend.

Mr. DASCHLE. Let me respond to the distinguished Senator from Nevada. First, I would like to see if we could work on Tuesday. I would like to see us work on Wednesday. But as he has noted, given the urgency of completing our work, Saturday and perhaps even Sunday would be a real departure from current practice. But just working on the weekdays of the week would be a startling revelation for some of our colleagues.

I think it is time we get the job done. It is time we recognize how important it is we finish our work. It is time we bring people back. Let's keep people here. Let's require they negotiate. Let's work and get our business done before we have to continue this charade that seems to be a common practice of being in session but doing no work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that further actions under the quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

MARKETING VIOLENCE TO CHILDREN

Mr. BYRD. Mr. President, Americans are rightfully horrified and alarmed at the news reports and stories about so-called "child soldiers" pressed into service in paramilitary armies around the world. In Cambodia, the Sudan, Lebanon, and elsewhere, we gaze into the hard-eyed stares of barefoot ten-year-olds cradling well-worn rifles and machine guns. These children have known nothing but violence. It is hard to imagine how they will ever be able to move beyond such violence, should peace ever be established in their homelands. They do not know how to live under the rule of law, only under the rule of might makes right. They have a very casual attitude about killing other human beings.

We certainly would not want our own children to experience such a life, and we would not want such a generation of casual killers to grow up amongst us. Yet, in the midst of all of our affluence, we are rearing a generation that is appallingly casual about violence, a generation that is appallingly self-centered about getting—or taking—what they want. Too many of our children live lives heavily influenced by a completely unrealistic set of expectations and examples. In the movies, when something bad happens to someone, does he or she turn to the police for help and then retire to the background while the police deal with the problem? No, of course not. Our hero grabs a gun and gives chase. Bullets fly, explosions and car crashes ensue, and the audience is treated to every gory detail. There is no fading to black anymore to let our imaginations fill in the details. No, our hero leaves a bloody trail of death and destruction in his wake and goes home with the girl—and none of those details are left to our imagination, either.

Now, instead of the aforementioned action-adventure, one could opt instead for some other movie genre but many are worse. Horror movies have taken violence against the innocent to new, ever-more-squeamish lows. The realistic and grisly visuals are, no doubt, a tribute to the talents of makeup and special-effects artists, but, nevertheless, I remain unconvinced that putting these nightmares on the silver screen does anything but tarnish the screen and the imaginations of the viewers. Some of the subject matter in these films is so misogynistic, so filled with contempt for societal order, and so filled with invective and hate, that it should set the alarm bells ringing in peaceable folks and incite them to demand greater responsibility from the entertainment industry.

I have always instinctively, intuitively felt that people who can look with equanimity on this kind of violence, even on screen or on the radio, might themselves be open to such action. In fact, this does seem to be the case in practice. We surround our children with these so-called "role models," and then, for amusement—and I use that term lightly—we let our children play games in which they get to act out this lifestyle.

What are we doing? We send our children the message that real life is dull, and that this is what we do for fun. We allow them to watch so-called movie stars create mayhem without ever facing the consequences. Then we allow our children to listen to music that may also be filled with violent lyrics. Then we let our children amuse themselves by play-acting that they are the killers. We allow them to have hours, sometimes, of simulated target practice—and we pay for the privilege. Should we then be surprised when our children come to believe that violence against others is just one stop along the continuum of acceptable behavior?

Our children may go to school every day. They may have a roof over their heads at night. Perhaps they have nice clothes to wear. They may have parents who love them. They may have, in short, everything, but they have, in too many cases, developed the same hard-eyed stare that those Cambodian child soldiers have. They have developed the same casual attitude about violence and in far too many cases, they act out these violent impulses, with tragic results.

I have long shared the concerns of many parents and grandparents that young people are being exposed to far too much violence through the media—through the movies, through television, rock music—if you can call it music—and video games. The entertainment industry, however, has generally rebuffed criticism about the content of its programs and products, and about concerns that too much exposure to violence is harmful to our young people. The industry, in fact, has repeatedly claimed to be making efforts to reduce the exposure of young people to violence, including instituting a system of labeling program content so that parents are supposedly better able to evaluate the programs, and video games and what goes for music that their children watch and play.

Now it seems as though the entertainment industry has been caught with its hand in the cookie jar.

Just a few days ago, the Federal Trade Commission—the agency responsible for enforcing consumer protection laws—released a report finding that the entertainment industry aggressively markets violence-ridden materials directly to young people. This report details how companies, on the one hand, stamp "mature audience" ratings on their products that contain violent material, while on the other hand, these same companies peddle these "mature"-rated products to young people.

Let me just read a passage of the FTC report: "Two plans for games developed in 1998 described its target audience as 'Males 17-34 due to M rating. The true target is males 12-34.'" In other words, not 17 to 34, but 12 to 34. There it is—in black and white! Video game marketers acknowledge that they are giving a quick wink to their own standards and then they state their true target. This is especially significant since only the electronic game industry has adopted a rule prohibiting its marketers from targeting advertising for games to children below the age designations indicated by their rating. So the FTC has knocked a huge hole in the industry's pious statements of concern by highlighting its hypocritical marketing practices.

You may recall to memory the story of Hansel and Gretel—a story that is not without its own share of violence. Just as Hansel and Gretel were enchanted by the evil witch's gingerbread house, our children are dazzled by the entertainment industry's lurid images. The industry beckons our children with advertising and once they are in the industry's clutches, the children are fattened up with more violent material. Of course, in the story of Hansel and Gretel, the children realize they are about to be cooked and eaten, and they trick the witch and shove her into the oven. Would we could do that with the entertainment industry. But I am not suggesting that we shove the entertainment industry into the oven—but perhaps we do need to turn up the heat!

The impact of media violence on our children is of great concern. Numerous studies conducted by the nation's top universities in the past three decades have come to the same conclusion: namely, there is at least some demonstrable link between watching violent acts in movies, television shows, or video games and acting aggressively in life.

As parents, policymakers, and citizens and legislators, we should all be worried about this. The amount of entertainment violence witnessed by American children is alarming.

Film makers, striving to turn profits in the competitive film industry, display more and more explicit violence, and programmers devise increasingly violent computer and video games that have children take on roles in which they are rewarded for the number of enemies they kill. Is it any wonder, then, that children become numb to the horrors they witness daily in their entertainment? Is it a surprise that these same children have a world view that incorporates violence as an acceptable means for settling conflict? Of course not.

If the industry is unwilling to address the concerns of parents by continuing to market inappropriate material to children, and then to broadcast that material at times when children are most likely to be watching, then I think it is incumbent upon Congress to act. We cannot be passive about this issue. We cannot say how awful it is—"How awful"—but then fail to take action. If the entertainment industry will not act responsibly, if the industry will not work with parents to craft commonsense approaches to curbing inappropriate programming, then it will fall to Congress to address the situation. Will it? Reducing the violence placed before America's children in the guise of entertainment is an important task. Images seen in childhood help to shape attitudes for a lifetime.

I know that I am not alone in recognizing the threat to our society created by producing our own generation of child soldiers, of young people indifferent to the suffering they cause by their violent acts. This FTC report merely provides evidence that, like the tobacco companies, the violent entertainment industry is targeting our children to build a nation, not of addicts, but of indifference to excessive violence. We cannot let this continue. But will we?

If the entertainment industry cannot abide by, and will not enforce, voluntary guidelines to regulate media violence, then it is time for the rest of us to insist that those guidelines be enforced.

That might be a good question for tonight's debate. I wonder if all the questions have already been determined. Why not some questions of this nature?

I realize that legislation to address this issue is unlikely to see action in the very few days remaining in this Congress. In fact, I would not like to rush such legislation and risk doing it poorly. Of course, it will not be done and cannot be done in the few days that remain. I would rather finish the critical appropriations work that still remains. But I do hope that this report will not be lost in Olympic and election hoopla. I intend to revisit this issue next year, and I hope that other Members will join me in a sincere and bipartisan effort to find a way to protect our children and our society.

It is the same old story, Mr. President, the same old story. We talk about it. We wring our hands. We wail and gnash our teeth and moan and groan about the entertainment industry. But we welcome those contributions from the entertainment industry. They are great. They are great. But we are paying for it with the denigration of our children.

When will America awaken? When will the candidates be asked piercing questions about their stands on matters such as this? I would like to hear their answers. Tonight, in that town-hall meeting, would be a good place for those, wouldn't it?

What are you going to do, Mr. Candidate, about the entertainment industry? How much money have you already accepted? Are you going to accept money from the entertainment industry? If you do, then how can you turn around and do something in the interests of our children? A good question.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The distinguished Senator from Pennsylvania is recognized.

A CONSTITUTIONAL CRISIS IN THE APPROPRIATIONS PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending legislation, which will fund three major Departments in the United States: The Department of Labor, the Department of Health and Human Services, and the Department of Education.

I chair the subcommittee in the Senate Appropriations Committee which has the responsibility for this legislation. I am very concerned about what is happening to our constitutional process. I think it not an overstatement to say that we have a constitutional crisis in what is happening with the appropriations process in the relationship between the Congress and the President of the United States.

Since the Government was closed in late 1995 and early 1996, there has been created a very significant imbalance between the Congress and the President with what is realistically viewed as practically a dictatorial system of the President saying what is acceptable and the Congress being held hostage, in effect, concerned about being blamed for shutting down the Government. That is not the way the Constitution was written.

The Congress is supposed to present the bills to the President. If the President vetoes, then there are negotiations and discussions as to what will happen. But the status of events today is that the President calls the tune and the Congress simply complies.

There is also a significant deviation because, contrary to constitutional provision, the President and the President's men and women participate in the legislative process. The Constitution says that each House shall pass a bill; there will be a conference committee; they will agree; and each House will then vote on the conference report; and, if approved, the bill is submitted to the President.

The constitutional process does not call for the executive branch to participate in deciding what will be in the bills. But for many years now, representatives from the Office of Management and Budget, OMB, sit in on the conferences, are a party to the process, and seek to determine in advance what will be acceptable to the executive branch, contrary to the constitutional setup where Congress is supposed to pass the bills and submit them to the President.

We have had a very difficult time in the last 3 years with what has happened with the appropriations bill covering Labor, Health and Human Services, and Education. I spoke at some length about this problem on October 14, 1998, as we worked for the appropriations bill which turned out to be an omnibus bill. I was so concerned about the process that I voted against that bill. That was a tough vote to make since there were so many items on financing education which were very important and with which I agreed, and on financing Health and Human Services, again, which were important and with which I agreed, and on financing the Department of Labor, again, which were important and with which I agreed; but I felt so strongly that I voted against the bill and spoke at some length, as the CONGRESSIONAL RECORD will reflect on page S12536, on October 14th of 1998.

Then on November 9, 1999, I again expressed my concerns about what the appropriations process comprehended as set forth in some detail on S14340 of the CONGRESSIONAL RECORD.

This year, again, I am very concerned about where we are headed. The President submitted requests for these Departments for $106.2 billion. The Senate bill has provided the total amount which the President requested, but we have established some different priorities. That, under the Constitution, is the congressional prerogative. The Constitution calls for the Congress to control the purse strings and to establish the priorities. Of course, the President has to approve. But here again, the Constitution does not make the President the dominant player in this process; the Congress is supposed to traditionally control the purse strings.

Working collaboratively with my distinguished colleague from Iowa, Senator TOM HARKIN, we produced a bipartisan bill. I learned a long time ago that if you want to get something done in Washington, you have to be willing to cross party lines. Senator HARKIN and I have done that. When the Democrats controlled the Senate, he chaired and I was ranking member; and with Republican control, I have the privilege, honor, to chair, and he is the ranking member. We have taken a very strong stand on appropriations for the National Institutes of Health, which I believe are the crown jewel of the Federal Government, maybe the only jewel of the Federal Government. This year we have increased funding for NIH by $2.7 billion, which is $1.7 billion more than the President's priority. Last year we appropriated $2.3 billion on an increase which, with an across-the-board cut, was reduced to $2.2 billion. The year before, it was a billion, and the year before that, almost a billion. So that we have added some—it is $2.7 billion this year, 2.2 last year, 2.0 the year before, a billion the year before that, and almost a billion the year before that. So that we have added $8 billion. I think it adds up to $8 billion; when you deal with all these zeros, sometimes they are not too easy to add up in your head.

The Senate approved that, and the House approved that. We think with the enormous progress made on Alzheimer's and Parkinson's and cancer and heart disease, and so many others, that is where the priorities should be. We also put in $1 billion more on special education than the President had in his budget, a matter of some concern to many in the Senate. With the leadership of the distinguished Senator from New Hampshire, who is now presiding, we put extra funding there because we think that is where the priorities ought to be. Then the President made a request for $2.7 billion for school construction and new teachers. There is a lot of controversy in the Republican-controlled Senate about whether these are appropriate Federal functions, but we ended up, in a carefully crafted bill, giving the President his priorities, with an addendum that if the local school district decided they did not need the money for construction, that the local school districts could allocate it to local needs. And if the local school districts decided they did not need the money for teachers, they would give it to local needs.

The President has resisted this. This is a very fundamental difference in governmental philosophy, a Washington, DC, bureaucratic straitjacket versus local control—according to the President, the first call for his own programs on construction of schools and on more teachers.

We worked very hard this year and the Senate returned a bill which was passed on June 30, which tied a record going back to June 30, 1976, when the fiscal year 1977 appropriations bill was passed. Then we completed the conference with the House, where we had it all set on July 27, which I think may have established a new record. I am not sure about that. And we did not add the final signature to the conference report because we didn't want to be in a position where the bill was sent to the President in August and held up there, but we finished all of our work.

Regrettably, this bill has not been presented to the President because of the efforts on negotiations with the White House to try to get a bill which the President could sign. I repeat, I think it is a mistake, constitutionally and procedurally, to do that. We ought to send the President the bill.

There have been, candidly, concerns within the Republican leadership where we have had bicameral meetings between the House and the Senate, the leadership, on precisely what should be done. It is my urging to my colleagues in the Senate and the House that we should stand by our bill of $106.2 billion, which is as much as the President asked for, and we should stand by our priorities, which give $600 million more to education. There is no higher priority in America than education. And we should stand by our priority of according $1.7 billion more to the National Institutes of Health. We should stand by our approach of giving the President what he asked for on teachers and school construction, subject to local determination if the local boards decide they do not want it for those purposes. But we ought not to buy our way out of town and to knuckle to the President and cave to the President. We ought to assert our legislative institutional standing.

This bill could have been presented to the White House in early September. This Senator has pressed consistently in leadership meetings to present the bill to the President. It is my hope we will do that.

I am not unaware of the fact that this is October 17 and that the Presidential election will be held 3 weeks from today. But I think we are dealing with values and principles here, constitutional principles which are paramount, and we ought to assert our legislative prerogatives and submit the bill to the President. There might be an opportunity for a national debate on this subject. Certainly it is worth an effort.

There is no doubt that the President has the so-called bully pulpit, but there is a lot of concern in America on what the funding is going to be for the Departments involved here, not only the Department of Labor but certainly the Department of Education and certainly the Department of Health and Human Services. We ought to lay down a marker. We ought to lay down the gauntlet, and we ought to ask America to join in a debate to see where America's priorities lie.

My own instinct is that we have the high ground here and we have the better case. So I hope the Congress will submit this bill to the President, will engage in that debate, and will assert our constitutional prerogatives to legislate. I think we have a good chance to have this bill finally enacted into law, or if it is vetoed, with some national debate, something very close to it.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that agreement has been reached and I am able at the request of the majority leader to make an announcement on the scheduling of votes and other business before the Senate.

I ask unanimous consent the vote on the Agriculture appropriations conference report now occur at 5:30 on Wednesday, October 18, and further, the allotted debate times prior to the vote now occur beginning at 3:30 on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TREAD ACT

Mr. FITZGERALD. Mr. President, I rise today to clarify the history and intent of section 14 of the Transportation Recall Enhancement, Accountability, and Documentation Act, which passed the Senate on Wednesday. This section of the legislation is based on the Child Passenger Protection Act of 2000, which I introduced on February 10, 2000 with my colleague from Arkansas, BLANCHE LINCOLN, and my colleague from Pennsylvania, RICK SANTORUM.

The purpose of the Child Passenger Protection Act of 2000 is to enhance children's safety in motor vehicles. It calls for the adoption of improved child restraint safety performance standards and testing requirements, and it requires the Secretary of Transportation to provide parents with better consumer information about child restraints.

Child deaths in motor vehicle crashes in the United States have declined some since 1975, but significant work remains to be done in the area of child passenger safety. Motor vehicle crashes are the single leading cause of death and serious injury for young children in the United States.

Each year, up to 600 children under the age of five die in car crashes, and up to 70,000 are injured as occupants in motor vehicle crashes. Motor vehicle crashes cause about one of every three injury deaths among children 12 and younger in this country.

A child restraint that is installed and used correctly can prevent many injuries and deaths. The failure of some consumers to use age- and weight-appropriate child restraints has been well documented. Many consumers who purchase and use child restraints have little guidance or information with which to distinguish among the broad array of models, sizes, shapes and features of child restraints that are being sold in retail stores.

A child restraint that is well designed can prevent still more child injuries and deaths. The former top safety official at the National Highway Transportation Safety Administration (NHTSA), Dr. Ricardo Martinez, stated, in a letter dated September 14, 1999 to all manufacturers of child restraints sold in the United States: "[m]any restraints have been engineered to barely comply with some of the most safety-critical requirements of the [Federal] standard." NHTSA also has questioned the efforts of some child restraint manufacturers to have child restraint defects characterized as "inconsequential" to avoid recall campaigns, and the agency recently suggested that child restraints be assigned safety ratings.

NHTSA is the agency within the United States Department of Transportation that monitors the safety of child restraints. NHTSA's primary method for verifying that a child restraint is designed to meet Federal safety standards is its compliance testing program. In compliance tests, Federal regulators subject the child restraint to a sled test that simulates a frontal collision with a stationary object.

The sled test used by NHTSA to verify a child restraint's performance does not consider how that restraint will perform in rear-impact, rollover, or side-impact crashes; and the sleds used in government compliance tests bear limited resemblance to the interiors of today's passenger vehicles. These sleds feature flat bench seats with lap belts that were common in automobiles of the mid-1970s, but which do not apply to many of the passenger vehicles that are on our roads these days.

Child restraints are too often marketed for children who are heavier than the anthropomorphic test dummies used by NHTSA in these sled tests. One private group's testing has shown that child restraints tested with a child at the highest weight recommended by the manufacturer have failed. NHTSA should allow child restraints to be marketed for children at specific weights only if the restraint has been tested at those weights.

The current Federal standard for child restraints, known as Federal Motor Vehicle Safety Standard 213, is overdue to be upgraded to better reflect new developments in technology. While the current safety standard for child restraints specifies that child restraints be tested at an impact of 30 mph, tests are regularly conducted at speeds as low as 27.6 mph. The Government does not crash test any child restraints in actual motor vehicles; and it has not required that child restraint manufacturers simplify and standardize instructions for installing and using child restraints.

Finally, although head injuries from motor vehicle collisions frequently are the cause of serious injuries or fatalities, many makes and models of child restraints do not offer side-impact padding or other protection from head injuries in side-impact crashes. The Child Passenger Protection Act requires the Secretary of the U.S. Department of Transportation (DOT) to initiate a rulemaking that would address these and other deficiencies in our current child restraint system.

Under this legislation, DOT will also begin a comprehensive program to provide information to consumers for use in making informed decisions in the purchase of child restraints. The Secretary must issue a notice of proposed rulemaking to establish such a program within 12 months of the bill's enactment, and it must issue a final rule within 24 months of the bill's enactment.

The Subcommittee on Consumer Affairs, Foreign Commerce and Tourism held a field meeting on June 19, 2000 in St. Louis, MO, to discuss the Child Passenger Protection Act. My colleague from Missouri, Senator JOHN ASHCROFT, chaired this field meeting, at which the subcommittee heard testimony from NHTSA, highway safety advocates, and a pediatric surgeon concerning the current state of child passenger safety and additional ways to improve safety. S. 2070 passed the full Committee on Commerce, with a substitute amendment, by voice vote on September 20, 2000.

This committee amendment to S. 2070, which has been incorporated into section 14 of the TREAD Act, also requires a study, within 12 months of the bill's enactment, of automobile booster seat use and effectiveness. In addition, this committee amendment requires DOT to develop a 5-year strategic plan to reduce deaths and injuries caused by the failure to use an appropriate booster seat for children between the ages of 4 and 8 years. The bill thus focuses more attention on an issue that automobile safety advocates have dubbed the "forgotten child problem." This problem exists for children, usually between the ages of four and eight years, who have outgrown their infant child restraints but who do not fit properly in adult seat belts.

I want to close by extending my thanks to all who have so strongly supported this legislation, including the American College of Emergency Physicians, Advocates for Highway and Auto Safety, the Easter Seals KARS program, State Farm Insurance, SafetyBeltSafe U.S.A., the National SAFE KIDS Campaign, the co-authors of the book Baby Bargains, Consumers Union, and the American Automobile Association. I congratulate my colleague from Illinois, Congressman JOHN SHIMKUS, who introduced companion legislation in the House of Representatives, for his fine work on getting this legislation included in the TREAD Act and through the House of Representatives on Tuesday. I am pleased that this important piece of legislation passed the Senate unanimously last week.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 17, 1999:
Ariosto Bautista, 20, Rochester, NY;
Tavaris Covington, 20, Charlotte, NC;
Jilad Edwards, 16, Detroit, MI;
Jason Jones, 16, Baltimore, MD;
Edward Mason, 76, Dallas, TX;
Luis Hernandez, 30, Oakland, CA;
Hiram J. Rumlin, 25, Rochester, NY;
Herbert Sanford, 21, Detroit, MI;
John Williams, 36, Baltimore, MD;
Ladrandria Williams, 18, Detroit, MI; and
Unidentified Male, 82, Portland, OR.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 13, 1999:
Adnan Ahmed Ali, 21, Memphis, TN;
Richard Baker, 27, Philadelphia, PA;
Ivan Cook, Sr., 68, Knoxville, TN;
Granville Deshields, 23, Philadelphia, PA;
Kevin Hooker, 20, Atlanta, GA;
Robert Liggins, 35, Dallas, TX;
Christopher Scott, 25, Baltimore, MD;
Theresa Scott, 38, Detroit, MI;
Zzeene Stukes, 23, Baltimore, MD.
Davey Taylor, 22, Detroit, MI;
Unidentified Male, Long Beach, CA;
Unidentified Male, Portland, OR; and
Unidentified Male, Washington, DC.
October 14, 1999:
Andre Chamberlin, 23, Washington, DC;
Nathen Davis, 23, Washington, DC;
Luis Fernandez, 38, Miami-Dade County, FL;
Ronnell Johnson, 22, Baltimore, MD;
Shaun Lynch, 20, Houston, TX;
Jennifer Monte, 23, Philadelphia, PA;
David Naysmith, 29, Detroit, MI;
Eliezer Nieves, 30, Miami-Dade County, FL; and
Unidentified Male, 19, Portland, OR.
October 15, 1999:
Justin Alban, 23, Baltimore, MD;
Albert Carballo, 48, Miami-Dade County, FL;
Carl Creary, 48, Miami-Dade County, FL;
Devadiipa Creary, Miami-Dade County, FL;
Sylvester Exum, 45, Memphis, TN;
Juan Godin, 42, Houston, TX;
Brian Harrington, 3, Detroit, MI;
Wanda Harrington, 47, Detroit, MI;
Guillermo Marquez, 32, Houston, TX;
Anton Parker, 19, Washington, DC;
Mario Pujol, 53, Miami-Dade County, FL;
Magdeil Rivera, 25, Bridgeport, CT;
Luis Velez, 20, Bridgeport, CT
Clifton Walker, 31, Philadelphia, PA;
Unidentified Male, 16, Chicago, IL;
Unidentified Male, 96, Long Beach, CA; and
Unidentified Male, 17, Norfolk, VA.
October 16, 1999:
Hector Aviles, 21, Philadelphia, PA;
Norris Bradley, 19, Washington, DC;
Elenora Fisher, 35, New Orleans, LA;
Anthony Harth, 25, Kansas City, MO;
Pretlow Howell, 22, Chicago, IL;
Bruce Kelly, 35, Akron, OH;
Jose Martines, 22, Houston, TX;
Jose Ramos, 24, Philadelphia, PA;
David Stopka, 25, Chicago, IL;
Carey Thompkins, 28, Cincinnati, OH;
George Zafereo, 52, Victoria, TX; and
Unidentified Male, 82, Portland, OR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

CASSIE'S LAW

Mr. CRAPO. Mr. President, I rise today to congratulate the Senate on its unanimous passage of the Violence Against Women Act. In particular, I would like to commend the members of the conference committee for including language that establishes a legal definition of dating violence.

In domestic violence situations, victims are victims regardless of their age or legal relationship to the abuser. The seriousness of this issue was brought home by a tragic case in Idaho. In December 1999, a 17-year-old Soda Springs, Idaho, girl, Cassie Dehl, was killed in an accident involving her abusive boyfriend. Prior to her death, the numerous attempts by her mother to obtain legal protection for her daughter failed because Idaho's domestic violence laws did not apply to teenage dating relationships. Earlier this year, Idaho Governor Dirk Kempthorne and the Idaho State Legislature enacted legislation, named in Cassie's memory, which extended Idaho domestic violence laws to dating relationships. I am pleased that Federal law will now also protect teenagers involved in abusive dating relationships.

While the reauthorization of VAWA is an important step in protecting all victims of domestic violence, our work is not yet done. Under VAWA, dating violence has been included in four of the five major domestic violence grant programs. However, one major grant program was left behind. I am committed to working with my colleagues in the next Congress to expand dating violence to all domestic violence programs under VAWA.

I ask unanimous consent that the vote total be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTE

(106th Congress, 2d Session)

Vote Number: 269.
Vote Date: October 11, 2000.
Title: H.R. 3244 Conference Report.
Req. for Majority: ½.
Bill Number: H.R. 3244.
Result: Conference Report Agreed to.

VOTE SUMMARY

Yea: 95.
Nay: 0.
Present: 0.
No Vote: 5.

ADDITIONAL STATEMENTS

IN RECOGNITION OF AMBASSADOR DAVID B. HERMELIN

• Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished businessman, distinguished public servant and committed philanthropist from my home state of Michigan, Ambassador David B. Hermelin. On October 22 of this year, the ORT Hermelin College of Engineering will be dedicated in Netanya, Israel. This dedication is a fitting tribute for a man, who along with his wife Doreen, has committed himself to his family, nation and charitable endeavors throughout the world.

Through hard work and an unwavering commitment to the public good, David's work has made an indelible mark upon countless individuals. His keen intellect, business acumen and heart for others has led him to pursue a wide array of business and charitable efforts in the United States and abroad.

David has been deeply involved with the World ORT, having served as the President of American ORT. Founded in response to a famine in Russia in the late 1860s, ORT is a private, non-profit organization that addresses the educational and technical training needs of workers, providing them with the training and self-sufficiency needed to build a meaningful existence. To achieve this goal, ORT builds schools and develops a curriculum that provides students with vital technical skills. ORT has facilities in nearly 60 nations. This year, over 200,000 students are enrolled in ORT programs.

The mission of American ORT is to raise funding necessary to support the efforts of World ORT and administer domestic ORT programs. During David's tenure as President of this organization, American ORT increased its involvement in the mission of World ORT, and strengthened its ties with the larger Jewish community. These strengthened ties were evidenced by the fact that the 1999 General Assembly of the United Jewish Communities of North America was the second consecutive General Assembly sponsored by ORT.

American ORT administers two post-secondary training institutes and one college in the United States. These three institutions serve 5,000 individuals annually, many from the former Soviet Union and Newly Independent States (NIS), by providing them with technical training, English language assistance and career development skills.

David has been involved in many other charitable endeavors as an administrator, contributor and fundraiser. He has served on the Board of Directors for many community and national organizations including the Meyer L. Prentis Comprehensive Cancer Center.

As a businessman, David has worked as a real estate developer, venture capitalist and manager of many interests. Currently, he is the co-owner of two of the largest entertainment facilities in the state of Michigan—the Palace of Auburn Hills, home of the NBA's Detroit Pistons, and the Pine Knob Entertainment Centers. In addition, he sits on the board of several companies including Arbor Drugs Inc., Arena Associates, Village Green Management Company and First America Bank Corporation—Detroit.

In December 1997, President Clinton recognized David's commitment to public service, and appointed him to serve as the U.S. Ambassador to Norway. So extraordinary was his service in this capacity that the Norweigian people awarded him the Royal Norwegian Order of Merit, which is equivalent to being knighted.

David Hermelin has been a community leader for over forty years. As a fellow native of Detroit, Michigan, I have known David for over half of a century. I am pleased to call him an inspiration, a peer and a friend. I am sure that my Senate colleagues will join me in offering my congratulations to David Hermelin for the dedication of the ORT Hermelin College of Engineering, and in wishing him well in the years ahead.•

TRIBUTE TO JOHN ROUSH

• Mr. MCCONNELL. Mr. President, I rise today to honor my good friend, the twentieth President of Centre College in Danville, Kentucky, John Roush.

I want to offer my heartfelt congratulations to John Roush, the students and faculty at Centre College, and the City of Danville, Kentucky for their successful bid to host the only vice presidential debate of the 2000 election. Under the leadership of John Roush, the college and the community worked together to make the debate at Centre College a reality.

By all accounts, the debate in Danville was a success. Even though Centre College is the smallest higher-education institution to have ever hosted a presidential or vice presidential debate, they exceeded expectations and pulled-off a top-rate event. The town and college coordinated events throughout the day of the debate to build anticipation and provide opportunities for those who did not have tickets to participate in the occasion. An outdoor concert, open to the public, was held on Centre's campus and featured Maysville native and celebrity Nick Clooney, gospel singer Larnelle Harris, and the Owensboro Symphony Orchestra. Then, attendees were treated to a live, big-screen viewing of the vice presidential debate.

President John Roush's fingerprints were all over the events of the day; his creativity and ingenuity a benefit to everyone who participated. Whether you watched the debate from the screen on Centre's lawn, the seats of Centre's Norton Center for Fine Arts or on television in your home, the professionalism with which John led the extensive preparations for the debate were apparent.

Just talk to anyone at Centre College, in Danville, or in all of Kentucky for that matter—they will tell you that in the two years John has served as president at Centre, he has rallied students, faculty, and city residents with his passion for excellence. He has been described by his peers and co-workers as having an "infectious enthusiasm" and being "full of integrity." He has been characterized as "energetic" and "impressive." I know from my own personal experience with and observation of John that all of these descriptions are true. I am proud to call him a fellow Kentuckian and friend.

At this point, Mr. President, I would like to read into the RECORD an excerpt from an October 7, 2000, editorial by Washington Post writer David Von Drehle that ran in the Louisville Courier-Journal, which perfectly sums up the atmosphere in Danville, KY, on the day of the debate.

> Centre College hosted the debate. This unlikely setting—far from the nearest airport, in a place without many four-lane roads, in fact—turned out to be one of the best ever. The whole day was a happy pageant of Norman Rockwell meets Alexis de Tocqueville.
>
> Tired and jaded political junkies stepped from their cars and buses into an afternoon that was either the very end of summer or

the very beginning of fall. Clear sky, warm sun, fresh breeze. Though the trees all appeared to be green, a few golden leaves began to drift toward the grass of the college common as evening approached.

On the common, bands played marches and choirs sang gospel hymns. Hours before the debate began, the gently sloping ground filled with grandparents on lawn chairs and moms and dads on blankets and children who twirled and ran and tumbled and plucked leaves from their hair. There were young men in shorts and their sweethearts in sun dresses enjoying the day and preparing to watch the clash on giant screens.

Speakers read passages from great documents of American history—the Declaration of Independence, the Gettysburn Address—and an orchestra played the national anthem and "My Old Kentucky Home." Kids waved flags.

There are no words I can add to more accurately describe the picture-perfect day John Roush orchestrated at Centre College on October 5, 2000.

On behalf of myself and my colleagues in the United States Senate, I applaud you, John Roush, for what you have accomplished at Centre College and thank you for your commitment to higher education.•

INTELLIGENT CITY OF THE YEAR

• Mr. CLELAND. Mr. President, I rise today to congratulate and acknowledge LaGrange, Georgia, which was recently named the "Intelligent City of the Year for 2000" by the World Teleport Association. LaGrange is only the second city to win this award which can be awarded to any city worldwide.

LaGrange is deserving of this award, which is in recognition of its "Internet For Everyone" program to provide Internet access to every home in the city with cable access at no additional cost to the resident. In the 1990's, LaGrange officials deployed a fiber optic network because they recognized this infrastructure need to ensure their community is adequately prepared for the coming information age, and they saw the advantages of such an investment. This foundation led to the development of a two-way hybrid fiber coaxial cable network that supports cable modems and Internet access for the 21st Century. All the customer needs is a television, and the Internet is accessed through a set top box and wireless keyboard.

This investment in the workforce of tomorrow is one of a kind, and anyone who can access the world wide web will now be a recipient of the knowledge and information of the citizens of LaGrange. I have pledged to work with them to encourage the further development of the Internet for the benefit of users worldwide. In fact, last month, I was in LaGrange to celebrate the wiring of the city's government housing community. At this event, I was pleased with the amount of knowledge the children already have about the web, its uses, and the potential it brings. They are our future, and they are the people who will benefit the most from LaGrange's farsightedness.

As Congress looks for ways to bridge the digital divide, I would like to make an example of LaGrange, Georgia, the Intelligent City of the Year for 2000. There are many options available for communities around the country. Once we are connected we will truly be able to learn more from one another about ourselves, our communities, our country, and our world.

Again, I congratulate the city of LaGrange, Georgia and Mayor Jeff Lukken, and I hope that the children and families of LaGrange will take full advantage of this great opportunity.•

SALUTE TO CRAIG GLAZER

• Mr. VOINOVICH. Mr. President, one of Ohio's illustrious public servants, Commissioner Craig Glazer, is retiring as a member of the Public Utilities Commission of Ohio after serving successfully under three Ohio governors. I extend to him my sincere congratulations and best wishes.

Craig is a man with a love for Ohio. After graduating from Vanderbilt University Law School, he went directly to work for Ohio businesses as an advocate for industry at the law firm of Hahn Loeser & Parks. He worked extensively for utility and consumer interests helping them to expand their operations throughout Ohio.

I personally had the opportunity to witness Craig's leadership while I was Mayor of Cleveland. Between 1979 and 1985, Craig represented the people of Cleveland before the Public Utilities Commission of Ohio (PUCO) as the utility rate counsel.

During my time as Mayor, I worked with Craig on legislation that was ultimately passed in the Ohio Legislature as Senate Bill 378. Upon passage it reformed the structure of PUCO to ensure its accountability to its many constituencies. During this time, he additionally served as house counsel to the city of Cleveland's utility system and served over 300,000 customers through their water, sewer and electric utilities.

He presently serves on the Board of Directors of the national Association of Regulatory Utility Commissioners, serves as vice-chair of its International Relations Committee and is a member of their electricity committee. He also chairs the National Council on Competition in the Electric Industry, an interagency policy group, and is President of Board of Directors of the Ohio Energy Project. He is chair of the Ameritech region Regulatory Coordinating Committee and serves as a member of the North American Electricity Reliability Council's Generation Adequacy Committee and Electric Power research Institute's Advisory Council.

It is clear from his leadership and many efforts that Craig Glazer consistently works hard for the people of Ohio.

I have immense respect for Craig. He is and always has been a true professional. And although I am sorry to see him retire, I am confident that the citizens of Ohio have not heard the last from him.•

CELEBRATING THE SUCCESS OF WEST VIRGINIA HEALTH RIGHT, INC.

• Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the success of one of West Virginia's most successful non-profit health organizations. It gives me great honor to come to the floor today to be able to share with you the remarkable story of West Virginia Health Right, Inc.

West Virginia Heath Right was the brainchild of a group of dedicated volunteers who recognized a desperate need to provide free, quality health care to the homeless, the working poor, the un- and underinsured, de-institutionalized mental health patients, and countless others. Their vision was realized when they opened a small, mission-driven health clinic in Charleston, West Virginia in 1982. From these modest beginnings, West Virginia Health Right, Inc. grew tremendously fast. They soon found that the need in the community was far greater than they had expected and moved from their original location in a soup kitchen in Kanawha County, to a homeless shelter, and finally settled into the third floor of the Charleston Area Medical Center. In 1989, West Virginia Health Right moved to their own clinic building supported by funds from the community. In 1999, West Virginia Health Right again appealed to the community for support and found an overwhelming reception to their needs. They are now housed in a state of the art clinic in Charleston.

Modeling the success of the Charleston clinic, other free clinics began to sprout up in communities throughout the state at the rate of about one every two years. Today, Health Right has eight separate sites across West Virginia, including Charleston, Wheeling, Morgantown, Clarksburg, Huntington, Parkersburg, Bluefield, and Logan, which serve our State's poor and uninsured. Just recently, Health Right announced the opening of a new clinic in Beckley, West Virginia for which I am proud to serve as a board member. They will also be opening new locations in Summersville and Weirton. Remarkably, each of these facilities operates with just a small staff of employees, and relies entirely on the volunteer services of dedicated physicians and nurse practitioners from the area.

West Virginia Health Right, Inc. is a living example that just a few people can make a difference. Eighteen years ago, four doctors and a dozen volunteers set out with a vision to provide health care to those who needed it most. Today, Health Right is a network of more than 500 physicians and 15,000 volunteers serving 45,000 West Virginians each year. With the uninsured in this nation still at staggering levels, it gives me great pleasure to recognize the invaluable work of West Virginia Health Right, Inc., a group that rather than simply talking about a problem, is actually working to fill a vital need in our state.

Congratulations, West Virginia Health Right, for your success. And thank you for your tireless contributions to the state of West Virginia.•

TRIBUTE TO DR. SAM ROBINSON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to my friend Dr. Sam Robinson on the occasion of his retirement as president of the Lincoln Foundation in Louisville, Kentucky.

Sam has been a tireless advocate for the Lincoln Foundation in his 26 years as president, making a difference in the lives of countless young Kentuckians. Sam has worked toward a worthy mission at the Foundation: to help underprivileged children get an education so that they can have a better chance at succeeding in professional life. I applaud your commitment to this cause, Sam, and offer sincere thanks for the good work you have done.

One of the projects Sam has been most passionate about during his time at the Lincoln Foundation is the Whitney M. Young Scholars Program. Sam's ingenuity got the ball rolling for this project, which is a four-year college scholarship program. Since the program's inception, Whitney M. Young scholarships have enabled hundreds of bright young people to attend college who could not have otherwise afforded the expense of an education.

Sam's legacy of service extends far beyond the Lincoln Foundation. His philanthropic and civic actions have resulted in his being honored with the Humanitarian Award from the Louisville Chapter of the National Conference of Christians and Jews, and being named "Man of the Year" by Sigma Pi Phi fraternity. Sam also has served on the boards of Bellarmine University, PNC Bank and the Kentucky State Board of Elementary and Secondary Education.

Dr. Sam Robinson's service to the Lincoln Foundation and the thousands of young people he has helped over the years will long be remembered and admired. His genuine compassion for underprivileged students will encourage and inspire Kentuckians for generations to come. Today, I say to Sam: best wishes for many more years of service, and know that your efforts to better the lives of others in Louisville and throughout Kentucky are recognized and appreciated. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.•

TRIBUTE TO ABE SCHRADER

• Mr. LAUTENBERG. Mr. President, I want to call attention to the life of a man who so perfectly portrays the success and opportunity this country can provide if one puts in the effort.

Abe Schrader will celebrate his 100th birthday on October 15, 2000 with multitudes of friends and family. I am privileged to be included as one of those admirers and friends who will join with him that night.

Abe's life story is an example of how a belief in self and hard work can lead to success. He started his life in America at the age of 20 when he immigrated here from Poland. He arrived penniless but with a determination to succeed in his new homeland. Succeed he did as we can see from the story recently printed in the New York Times. Mr. President, I ask that the full text of that article be included in the Record.

I know Abe Schrader well and spend time with him on occasions. He is alert, bright and engaging. He manages his investments personally and has done a superb job with them.

I wish all America could meet this congenial, intelligent, caring individual. He is an inspiration for me and I believe could provide spirit and encouragement to all who face aging as to what can be with the right kind of effort and determination.

The article follows:

[From the New York Times, Sept. 28, 2000]

Public Lives; at 99, Man of Fashion Finds Life a Good Fit

(By Susan Sachs)

Clothes make the man, goes the old saw. You would not get an argument from Abe Schrader.

The garment business—in his case, manufacturing women's coats and better dresses for more than half a century—made him one of the kings of Seventh Avenue. Even now, gliding gracefully toward his 100th birthday next month, Mr. Schrader still appreciates the value of a well-cut suit of clothes.

Sitting yesterday in his apartment overlooking Central Park, reminiscing about the rag trade before it became the more high-hat fashion business, he was impeccably turned out in a blue cashmere jacket, gray slacks, crisp baby-blue shirt and gleaming black shoes. A red silk handkerchief that matched the shade of his tie peeked from his breast pocket.

"All my clothes are made to order," Mr. Schrader said, as he flipped open his jacket to show his Italian tailor's label. "Even when I made $10 a week, I saved up my money all year and bought a custom suit."

This might sound strange coming from a man whose manufacturing company, the Abe Schrader Corporation, once dominated the city's ready-to-wear industry. But Mr. Schrader, a smallish man who once could burn up the dance floor at nightclubs like El Morocco, never found a good fit off the rack.

"I have a lust for life," he said, his Polish accent making the words especially rakish. "And especially on a dance floor, you've got to look good."

Last week, the city celebrated clothes with Fashion Week, an extravaganza of designer fashion shows meant to highlight New York as a fashion center. Mr. Schrader, who persuaded City Hall 35 years ago to name a stretch of Seventh Avenue "Fashion Avenue," followed it from afar.

"Some good, some bad," he said, diplomatically, on the spring 2001 styles on display.

Mr. Schrader retired from the clothing business 12 years ago, after watching it change from top to bottom.

When he started out, in the early 1920's, the industry was big enough to absorb waves of immigrants—Germans and Irish, followed by Eastern European Jews, then Italians. Seventh Avenue was the center of factories where garments were cut and sewn.

Now most factories have moved offshore in pursuit of cheap foreign labor. And many of the original independent apparel makers of Seventh Avenue were long ago gobbled up by conglomerates.

Mr. Schrader was one of the immigrants who built the business. He arrived in the United States at the age of 20 from Poland. His mother hoped he would continue his religious studies and become a rabbi. But Mr. Schrader had his father's business instincts. He started out as a contractor, hiring people to sew garments for a middleman who got the orders from a retailer.

Within a few years, the ambitious Mr. Schrader began his own manufacturing business, complete with a stable of designers, and dealt directly with retail stores. One of his first contracts was with the government for uniforms for the Women's Auxiliary Army Corps.

"I was," he recalled with a deadpan look, "an instant success."

Mr. Schrader's life might appear to mirror the archetypal turn-of-the-century immigrant tale. Think, for example, of the immigrant protagonist in the classic 1917 novel "The Rise of David Levinsky," torn between his rabbinical studies and the lucrative garment business.

But Mr. Schrader shrugged off the comparison. Although he can still toss of a Talmudic reference when pressed, he said godliness was not found in ritual or retreat from the world, but in doing good deeds. Besides, he explained: "Competition is a godsend. If you didn't have it, you'd pay double for your clothes."

For years, Mr. Schrader was also a fixture in the city's high society nightclubs, where he put his love of ballroom dancing on display.

That is how Pauline Trigere, the fashion designer whose coats were produced by the Schrader company for several years, first met Mr. Schrader. "It was on the dance floor at El Morocco," she said.

Ms. Trigere, who has been in the business almost as long as Mr. Schrader, gave him the supreme compliment from a designer: "When I made a collection, it was shown the way I made it. He never did something that hurt the garment."

Mr. Schrader retired in 1988, four years after he sold his business to Interco Inc. With time on his hands, he started, for the first time, to feel his age. "The first year I went from one museum to the other, one library to the other," he said. "Finally my son said to me, 'Here, Dad, take my car and chauffeur. Tell me, where would you like to go?' And I said, 'Wall Street.' "

Now, snappily dressed and eager as any 24-year-old dot-com millionaire, he goes each day at 1 p.m. to his own private office in the brokerage firm of Bishop, Rosen, where he trades stocks for his own account.

It is his joy, like dancing the waltz, although he admitted that "at 100, I'd be lying to tell you my feet are as good as they used to be."

He stays at his office until about 4:30 p.m., relishing that everyone calls him Abe, like a pal, instead of the stuffier Mr. Schrader.

"They treat me royally over there," Mr. Schrader said happily, settling into his car for the daily ride downtown. "It keeps me young."●

TRIBUTE TO ROBERT L. McCURLEY, JR.

● Mr. SHELBY. Mr. President, I rise today to recognize Mr. Robert L. McCurley Jr., of Tuscaloosa, AL for his dedicated work on behalf of the Kiwanis International Foundation. Mr. McCurley retired on September 30, 2000 after two terms as the president of Kiwanis International's charitable arm. I commend him for his commitment to helping the less fortunate throughout the world.

Bob McCurley's duties as Kiwanis International Foundation president have taken him around the world in his efforts to improve the lives of the underprivileged. Under his leadership, the foundation has provided grants to meet the needs of children from Bulgaria and Haiti to India and Cambodia. In particular, the Kiwanis International Foundation has raised millions of dollars to combat iodine deficiency disorders, the leading preventable cause of mental retardation in the world today.

Mr. McCurley earned degrees in both engineering and law from the University of Alabama. He is director of the Alabama Law Institute and an adjunct professor at the Alabama School of Law. He has also served as a municipal judge and has authored 12 books on law and government.

Mr. McCurley has been a member of Kiwanis in Gadsden and Tuscaloosa for more than 30 years. He led the Kiwanis organization in Alabama in 1983–1984, served as Trustee and then Vice President of Kiwanis International from 1987–1992, and since 1994 has served the Kiwanis International Foundation as a Trustee, Treasurer, and President. In addition to Kiwanis, he has served his community as a volunteer in leadership positions with the March of Dimes, Boys Club, Focus on Senior Citizens, and Association for Retarded Children.

Robert L. McCurley Jr.'s charitable work has made a difference in countless lives in Alabama and throughout the world. UNICEF estimates that Kiwanis support of iodine deficiency disorder programs is saving more than 8 million children each year from mental and physical disabilities. I would like to congratulate Mr. McCurley on a stellar term as President of the Kiwanis International Foundation, and wish him and his family the best in the future.●

TRIBUTE TO LAWRENCE AND KIM BUTTERFIELD

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Lawrence and Kim Butterfield for their commitment to higher education, and their generosity to the many students who will be able to attend Spalding University because of their gift.

Spalding University has 2.5 million reasons to be grateful to Lawrence and Kim Butterfield of Louisville, Kentucky. Their recent $2.5 million contribution to Spalding University will allow the school to expand their current overseas travel and study programs, and provide additional student scholarships. The Butterfield's kindness and generosity will ensure that countless students from all backgrounds will receive a quality education and the opportunity to succeed in whatever field of study they choose. Their contribution also will enable students to have the incredible experience of traveling and studying abroad. Students who could not otherwise have afforded this opportunity will now be able to participate because of Lawrence and Kim.

Spalding University will benefit from the many students who will be able to attend classes because of the Butterfield's gift of scholarship funds. The gift of an education is truly the gift that keeps on giving. When Lawrence and Kim provide a scholarship for a student at Spalding, they give the student a quality education and lifelong career opportunities. But the gift goes further than the individual recipient—it also is a gift to the University and to the Louisville community.

On behalf of myself and my colleagues in the United States Senate, I offer sincere thanks to the Butterfield's for their gift to the students and faculty at Spalding University, to the Louisville community, and to the education of today's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE U.S. RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 133

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 17, 2000, during the recess of the Senate, received the following message from the President of the United States, together with accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal year 1999, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 17, 2000.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 13, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4516. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed by the President pro tempore (Mr. THURMOND) on October 13, 2000.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1155: A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. No. 106–504).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):

S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 377. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. DODD):

S. 3208. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Health, Education, Labor, and Pensions.

INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000

• Mr. JEFFORDS. Mr. President, I am here today to join with my colleagues in the Senate and House in a bipartisan effort to address the relatively new development of Internet pharmacies. The ever-increasing cost of prescription drugs has led a growing number of Americans to turn to Internet pharmacies to try to find savings. Our goal with the Internet Prescription Drug Consumer Protection Act is to allow American consumers to place the same confidence and trust in Internet pharmacies as they do in traditional brick-and-mortar pharmacies. The bill we are introducing today is a starting point in addressing this issue. If there is not enough time to pass this bill in the remaining days of the session, then I hope to return to this issue early in the next Congress and finish what we have started.

We are well aware that the explosion of Internet commerce has put all manner of goods and services literally at our fingertips. In this respect, health care products and prescription drugs are no different from books, compact disks, or the many other products sold online. But there is a potential for very serious dangers when purchasing prescription drugs online. On March 21 of this year, I chaired a hearing of the Health, Education, Labor, and Pensions Committee to examine this issue.

In the search for lower-priced prescription drugs, American consumers can, unwittingly, order prescription drugs from rogue web sites that appear to be American-based companies, but are actually overseas sites offering low-priced prescription drugs that are unapproved, counterfeit, contaminated, expired, mislabeled, manufactured in unapproved facilities, or not stored or handled in a proper manner.

I believe legitimate Internet pharmacies that operate legally and ethically can offer valuable services to many Americans and have an important role in E-commerce. But there must be an appropriate regulatory system that protects American consumers from illegal and unethical behavior which can endanger lives, and which combats any rogue Internet operators.

Our legislation contains several provisions to protect consumers. But the most important is clearly the one that allows states to obtain nationwide injunctive relief against unlawful Internet sellers, as requested by the National Association of Attorneys General. Currently, in their efforts to combat illegal actions by a few Internet pharmacies, several states' Attorneys General have filed suit against the same companies and the same doctors. To simply prevent those bad actors from doing business in their state, each Attorney General has to file an action in his or her state court. This duplication of effort drains resources that could be utilized against other offenders. Since the states' primary goal is to prevent rogue sites from harming citizens, nationwide injunctive relief would allow each state to help protect all the citizens of this nation. This power would be directly analogous to the national injunctive relief contained in the federal telemarketing statute.

A number of witnesses at our hearing testified that the most prominent danger presented to consumers is the rogue pharmacies operating in countries other than the United States. In this case, the federal government is clearly the most appropriate entity to deal with international rogue pharmacists, and this legislation provides remedies. Our bill also provides for better coordination between federal and state authorities.

Mr. President, this legislation represents a great deal of work by Senator KENNEDY and myself. Representatives BLILEY, KLINK, and UPTON have worked on this issue as well, and I understand that they are introducing companion legislation in the House. I am pleased that we have been able to work in a bipartisan and bicameral fashion on such a complicated issue. Any time Congress attempts to respond to emerging technologies, similar challenges are faced.

I recognize that we are introducing this bill late in the session and that several members have expressed concern with certain aspects of our proposal. I want to assure my colleagues that this legislation is a starting point. This will provide my colleagues with the opportunity to make comments and suggestions on the different policy areas. We have written this bill with bipartisan cooperation, and I look forward to continuing in that spirit as we work to ensure the safety of Internet pharmacies.•

• Mr. KENNEDY. Mr. President, the Internet is transforming all aspects of our society, including health care. Web-based businesses, such as Internet pharmacies, can offer convenience and an opportunity for privacy for large numbers of consumers buying online. The Internet also creates opportunities, however, for scam artists and unprincipled suppliers to market contaminated, expired, ineffective, or counterfeit medications to unsuspecting patients. Today, these bad actors can easily prey on patients who turn to the Internet for easy access or low-priced medications.

Clearly, effective oversight is needed to protect consumers using the Internet and root out illegal operators without interfering with legitimate Internet commerce. Americans are entitled to the same protections on the Internet that they enjoy in other commercial settings.

So far, existing Federal and State laws have had only limited success in protecting consumers from unlawful Internet sellers of prescription medications.

Today, some physicians issue prescriptions for patients they have never seen, let alone seriously examined. Patients can purchase prescription drugs on the Internet without adequate safeguards that the drugs are appropriate and of high quality. Because web sites can be easily created and designed, patients may think they have purchased their medications from a U.S.-licensed pharmacy when, in fact, they have not. The prescription drugs they receive may be sold out of someone's garage or from a country with few, if any, standards for manufacturing, storing or shipping these products.

Several states and Federal agencies have taken enforcement actions against unlawful Internet sellers, but with limited results. While the number of legitimate Internet pharmacies remains small, the number of illegal sellers continues to grow. We must do more to protect patients when they buy prescription drugs online. Patients should have the same protections when purchasing their medications over the Internet as when buying from a "bricks-and-mortar" pharmacy.

At a hearing on Internet pharmacies by the Senate Health, Education, Labor and Pensions Committee in March, state and Federal regulators asked the Committee for additional enforcement tools to combat illegal sales of prescription drugs over the Internet. The National Association of Attorneys General called for Federal legislation to require Internet entities that sell prescription medications to disclose information about their businesses, and to give the states the authority to stop illegal sales nationwide, rather than only within their own borders. At a hearing by the House Commerce Committee in May, the Department of Justice asked for authority to freeze domestic assets of illegal foreign web sites.

The Internet Prescription Drug Consumer Protection Act of 2000, which Senators JEFFORDS, DODD, and I are introducing today, gives these needed tools to federal and state law enforcement officials to protect the public from those who sell prescription drugs illegally on the Internet. A companion bill is being introduced by Congressmen BLILEY, KLINK, and UPTON in the House, and I commend Congressman KLINK in particular for his leadership and guidance on this issue.

Today's consumer protection laws were enacted before the development of the Internet. This legislation will fill the gaps in current law that permit these illegal sellers to evade prosecution. The bill is supported by the National Association of Attorneys General, the American Pharmaceutical Association, the American Society of Health-System Pharmacists, drugstore.com, and the National Consumers League.

Our legislation recognizes that states need additional enforcement tools to take effective action against unlawful domestic Internet sellers, and Federal agencies need additional enforcement tools to take effective action against illegal foreign sellers.

First, the Act requires Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board their street address, telephone number, and states where they are licensed to sell their products. Consumers have a right to know with whom they are dealing on the Internet, just as they do when they walk into their local pharmacy.

Second, the bill authorizes a state to go to federal court to obtain a nationwide injunction against an unlawful Internet seller. Currently, a state can stop an illegal web site operator from selling drugs to citizens in its state, but the illegal operator is free to sell in the other 49 states. For many illegal sellers, the risk of a state injunction is merely a cost of doing business. Under this legislation, illegal sellers will be out of business altogether.

The Federal Government has little authority to bring criminals in other countries to justice. However, it can freeze the U.S. assets of foreign sellers if given the proper authority. This legislation gives the Department of Justice the ability to stop illegal foreign operators from collecting payments from U.S. customers. If they can't turn a profit, they'll stop selling.

As electronic commerce evolves, cooperative multinational efforts will be needed to assure adequate protections for consumers. Our proposal lays the foundation to achieve this goal. It requires the Secretary of Health and Human Services to make recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

Consumers also have an important role to play. Informed purchasers are well prepared to avoid illegal web sites. This legislation requires the Secretary of Health and Human Services to educate the public about the potential dangers of buying medications online and about effective public and private sector consumer protections.

This legislation is an important step toward making medications online a safe purchase for consumers. I look forward to working with my colleagues to expedite its passage.

I ask that a summary of the bill and letters of support for it be printed in the RECORD.

The materials follow.

INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000: SUMMARY

Use of the Internet to buy prescription medications is growing rapidly, and many consumers can benefit from the convenience and potential privacy of this new option. Unfortunately, illegitimate sellers threaten patient safety in this quickly evolving environment. Many of these operations are fly-by-night or foreign businesses that easily evade prosecution. Consumers who buy prescription drugs from such web sites can be harmed from inappropriately prescribed medications, dangerous drug interactions, and contaminated drugs. Consumers may also be defrauded by paying money but never receiving the medications they ordered or receiving ineffective or counterfeit drugs. Because today's laws were enacted before the development of the Internet, there are gaps in current law that leave consumers vulnerable to unscrupulous business practices. This bill addresses these deficiencies by providing federal and state law enforcement authorities with the tools they need to adequately protect the public when buying medications online.

DISCLOSURE REQUIREMENT

Requires interstate Internet sellers of prescription drugs to disclose on their web sites and to the appropriate state licensing board the street address of their place of business, telephone number, and states where they are licensed to sell prescription medications.

FEDERAL CAUSE OF ACTION FOR STATES

Authorizes states to go into federal court to obtain a nationwide injunction against an unlawful interstate Internet seller.

FREEZING FOREIGN ASSETS

Grants the Department of Justice the authority to stop illegal foreign operators from collecting payments from U.S. customers. The bill also requires the Secretary of Health and Human Services to provide recommendations to Congress for coordinating activities of the federal government with those of other countries to curb illegal Internet sales from abroad.

PUBLIC EDUCATION

Requires the Secretary of Health and Human Services to educate the public about the dangers of buying medications online and about effective public and private sector consumer protections.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL
Washington, DC, October 16, 2000.

Hon. JIM M. JEFFORDS,
U.S. Senate, Washington, DC.
Hon. THOMAS J. BLILEY, Jr.,
House of Representatives, Washington, DC.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.
Hon. RON KLINK,
House of Representatives, Washington, DC.

Re The Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR JEFFORDS, SENATOR KENNEDY, REPRESENTATIVE BLILEY AND REPRESENTATIVE KLINK: As the chair of the Online Pharmacy Working Group for the National Association of Attorneys General, I wish to express the support of my colleagues for legislation you are introducing to address the proliferation of illegal prescription drug sales over the Internet and for your commitment to this issue as the chairs and ranking members of the Senate Health, Education, Labor, and Pensions Committee, the House Commerce Committee and its Subcommittee on Oversight and Investigations, respectively.

As you know, the states have traditionally regulated the practice of prescribing and dispensing medications through state law and licensure requirements. This statutory and regulatory structure ensures the existence of a valid physician-patient or prescriber-patient relationship, the accuracy of prescriptions, and the quality of pharmaceuticals.

The Internet has changed many traditional business practices—including providing new opportunities for consumers to purchase medications from online pharmacies. While the Internet can provide a legitimate, convenient, and effective means for pharmacies to transact business with consumers if operated in full compliance with state laws, it also provides an opportunity for businesses that are not operating in compliance with state laws to reach consumers. Many of these prescribe and sell drugs without a valid examination by a physician, without a review of a patient's medical records for adverse reactions, without valid prescriptions, without compliance with state laws and licensure requirements, without parental consent, etc. These illegal sites can jeopardize the health and safety of consumers.

The state Attorneys General believe that online pharmacies should not be treated differently than traditional "brick and mortar" pharmacies when it comes to compliance with state laws: if a pharmacy 'wants to transact business in a certain state, then it should submit to the laws of that state. If the law is broken, the offender should be prosecuted. To date, my state of Kansas and several other states have taken enforcement actions against illegal Internet sites prescribing and/or dispensing prescription drugs to consumers in violation of state law.

These cases are not easy ones for the state to bring. Because of the low start-up costs and anonymity associated with the Internet, it is often difficult for the states to locate those responsible for operating an illegal online pharmacy and those who prescribe and dispense the drugs to consumers, hindering effective investigation and prosecution. Likewise the current lack of nationwide injunctive relief requires each state to separately sue a site to obtain an injunction to protect its consumers, wasting valuable resources.

The bi-partisan and bi-cameral legislation you have introduced will increase the effectiveness of the states' ability to protect consumers. The Internet Prescription Drug Consumer Protection Act of 2000 clearly provides the states with the authority to obtain nationwide injunctive relief, providing an opportunity for a state to obtain an injunction effective in every state, while preserving the ability of other states to seek restitution for their own consumers and penalties and fees in their own state courts. It also addresses the need to ensure we can locate the companies selling prescription drugs by incorporating disclosure and notification requirements that will require companies to maintain accurate, accessible information about their principals and location.

Thank you, again, for your leadership on this issue.

Sincerely

CARLA, J. STOVALL,
Attorney General of Kansas.

AMERICAN PHARMACEUTICAL ASSOCIATION,
Washington, DC, October 10, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The American Pharmaceutical Association (APhA), the national professional society of pharmacists, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. This proposal is commendable for building on existing State regulation of pharmacy practice and prescription dispensing by other providers, rather than creating a redundant Federal regulation system.

This bill is important to pharmacists as it provides our patients better protection against fraudulent Internet sellers. This bill also complements APhA's work to help consumers know what to look for in an Internet pharmacy. I have enclosed a sample of the information APhA has disseminated broadly to assist consumers in choosing an Internet pharmacy. We look forward to working with the Secretary of Health and Human Services and the Food and Drug Administration to educate the public about the dangers of purchasing prescription drugs from unlawful Internet sources.

APhA especially supports the provision authorizing injunctions against alienation of property as a preliminary step to address the significant problem of international prescription drug sellers—sellers not bound to the important requirements regulating domestic pharmacies and pharmacists. We strongly support efforts to coordinate Federal agency activity addressing interstate Internet sellers operating from foreign countries. The Association and its members look forward to working with you to refine this approach in certain areas, such as the 75-mile exemption, and to help this proposal become law.

The American Pharmaceutical Association is the first established and largest professional association of pharmacists in the United States. APhA's more than 50,000 members include practicing pharmacists (including pharmacists in legitimate Internet pharmacy practices), pharmaceutical scientists, pharmacy students, and others interested in advancing the profession. The Association is a leader in providing professional information and education for pharmacists and an advocate for improved health through the provision of comprehensive pharmaceutical care.

Please contact Susan C. Winckler, RPh., APhA's Group Director of Policy and Advocacy or Lisa M. Geiger, APhA's Director of State and Federal Policy, should you or your staff require any assistance from APhA. Thank you for your leadership in addressing this important issue.

Sincerely,

JOHN A. GANS,
PharmD, Executive Vice President.

AMERICAN SOCIETY OF HEALTH-SYSTEM PHARMACISTS,
Bethesda, MD, October 6, 2000.

Hon. EDWARD M. KENNEDY,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Society of Health-System Pharmacists (ASHP), the 30,000-member national professional association that represents pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, home care, and other components of health care systems, I am writing to support continued efforts to improve patient safety. Your legislation, the "Internet Prescription Consumer Protection Act of 2000," provides a significant step towards ensuring that medications obtained via the Internet met the same quality and assurance standards as those products obtained through more traditional means.

ASHP recognizes that the majority of pharmacies selling prescription drugs over the Internet are legitimate entities that offer important health benefits to the patient, including greater accessibility, convenience and access to information. However, legislation is needed to ensure that rogue sites do not exploit and endanger consumers. Current state and federal regulation of Internet pharmacies, as well as voluntary industry initiatives, are not sufficient to ensure patient safety.

The Internet Prescription Drug Consumer Protection Act meets ASHP's policy position on regulating online pharmacy. The bill mandates the disclosure of important provider information, works to ensure that a legitimate patient-prescription relationship exists, and enhances state and federal enforcement authority. These important safety measures will foster greater confidence in the quality of the pharmaceutical products reaching the American public.

Again, we applaud the introduction of your legislation and hope the Congress will come together in a bipartisan manner to address this important patient safety issue in the remaining days of the 106th Congress. We also look forward to working with you further to address the foreign source aspect of the public health problem. Please feel free to have your staff contact Kathleen M. Cantwell, ASHP's Assistant Director and Counsel for Federal Legislative Affairs (301-657-3000 ext. 1326) if we can be of assistance.

Sincerely,

HENRI R. MANASSE, Jr.,
Ph.D., Sc.D.,
Executive Vice President and Chief Executive Officer.

DRUGSTORE.COM,
Bellevue, WA, October 12, 2000.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Re: Internet Prescription Drug Consumer Protection Act of 2000

DEAR SENATOR MURRAY: We understand that legislation will be introduced in the Senate to impose certain requirements on interstate Internet sellers which sell prescription drugs to consumers, and to facilitate legal action against those sellers making illegal sales of prescription drugs over the Internet. We have reviewed a copy of the legislation provided by Senate staff last week. It is our opinion that the legislation does not impose undue burdens on legitimate Internet pharmacies, such as drugstore.com, and that it represents a step forward in providing consumers with information enabling them to distinguish between legitimate pharmacies and rogue operators. The legislation also authorizes additional law enforcement tools to facilitate the prosecution of those rogues.

We were pleased to see the legislation's acknowledgement that "legitimate Internet sellers of prescription drugs can offer substantial benefits to consumers. These potential benefits include convenience, privacy, valuable information, lower prices, and personalized services." drugstore.com is proud to be the leading online drugstore. We believe that our success in attracting more than 1.2 million customers is the direct result of our commitment to provide safe, secure, legitimate and innovative pharmacy services. We are using the Internet to help our customers make clear, informed decisions about their health and well-being.

As this legislation was being developed, we were concerned that it would impose unreasonable burdens on legitimate online pharmacies, such as drugstore.com, that are already complying with all existing state and federal laws. However, we believe that the Web site disclosure requirements contained in the bill are reasonably circumscribed to avoid such burdens. Such requirements mandate that an interstate Internet seller disclose to consumers such fundamental information as its address and the states in which it is licensed. drugstore.com already discloses that and more on its Web site, and, therefore, does not find such requirements objectionable. We hope that the regulations promulgated by the Department of health and Human Services under the authority of Sec. 3(a)(6) will acknowledge the apparent intent of the bill not to impose unreasonable burdens on legitimate Internet pharmacies. In that regard, drugstore.com enthusiastically supports the National Association of Boards of Pharmacy's VIPPS (Verified Internet Pharmacy Practices Sites) certification program. That's because we believe the VIPPS certification helps consumers distinguish between legitimate Internet pharmacies and illegitimate rogue sites. We, therefore, recommend VIPPS as a model for the purpose of promulgating regulations to implement the disclosure requirements of this bill.

We leave to law enforcement authorities the question as to whether the additional enforcement powers authorized by the bill provide sufficient effective mechanisms to investigate and prosecute questionable Internet sites. We take note of the fact that other proposals would have imposed monetary penalties against Internet operators who knowingly dispense a prescription drug without a valid description—a provision missing from this bill. Consistent with drugstore.com's position that rogue sites should be held accountable for their noncompliance with the law, we would have preferred that such penalties be retained as a disincentive to those inclined to violate the law. However, we hope that the enforcement powers included in the bill will be used effectively against illegal operators.

One of the greatest dangers posed to Internet consumers and to legitimate Internet pharmacies across the country is the problem of rogue operators domiciled overseas. Again, we reiterate that the Federal government must exert a much greater effort to address this problem, including working with foreign governments and increasing import surveillance, to deny these rogue sites a safe harbor in the United States.

Finally, we support and encourage consumer education initiatives regarding the dangers and pitfalls of buying from rogue sites, and are pleased to see that the bill mandates such public education. Recently, we participated with the Food and Drug Administration in the CybeRxSmart coalition that is designed to educate and increase consumer awareness on how to purchase prescription drugs safely and legitimately via the Internet. Given the importance of Internet commerce, both to consumers and the economy, we would have preferred that the bill made mandatory the involvement of private sector Internet health care providers in the development of consumer education programs in order to draw on their extensive expertise and enhance the support of such activities.

In summary, we believe that, if sufficient resources are made available to back up the will of Congress as stated in this bill, the Internet Prescription Drug Consumer Protection Act of 2000 can increase consumer awareness of those unsafe Internet sites and enforce federal and state laws against interstate Internet sellers which mislead, and jeopardize the health and safety of, consumers.

We appreciate your attention to this important issue.

Sincerely,

PETER M. NEUPERT,
CEO and President.

NATIONAL CONSUMERS LEAGUE,
Washington, DC, October 10, 2000.

Hon. EDWARD KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Consumers League, America's oldest nonprofit consumer advocacy organization, is pleased to support the Internet Prescription Drug Consumer Protection Act of 2000. With the increasing use of the Internet to purchase prescription drugs, consumers need adequate protection and information when purchasing medications online. Unfortunately, there are numerous websites that are willing to sell consumers prescription medications without a valid prescription from a licensed provider. These sellers threaten consumer and patient safety and stigmatize the universe of Internet pharmacies, many of which comply with state and federal regulations governing the prescribing and dispensing of medications.

This legislation will provide valuable protections for consumers by addressing the deficiencies that currently exist for state and federal law enforcement agencies to take action against illegitimate sellers. By requiring all Internet pharmacy websites to be licensed in any state that they sell or ship prescription drugs, consumers will have the confidence that their health and safety are being protected and the purchases they make will be legitimate.

Further, we commend the requirement of a consumer education component in this legislation. Without adequate public education consumers would still remain vulnerable to unscrupulous Internet sites despite the enhanced enforcement tools provided in the legislation.

The National Consumers League supports this important piece of legislation and commends you and the other Members of Congress for helping to improve patient safety and enhance consumer protections online. We look forward to working with you on this bill.

Sincerely,

LINDA F. GOLODNER,
President.●

Mr. DODD. Mr. President, I rise today to join Senators KENNEDY and JEFFORDS in introducing the "Internet Prescription Drug Consumer Protection Act of 2000," legislation that offers much-needed safeguards for consumers who purchase prescription drugs over the Internet. This legislation will, for the first time, require online sellers of pharmaceuticals to comply with the same basic standards as traditional brick-and-mortar pharmacies and will create additional enforcement tools so that states and federal agencies can take effective action against online pharmacies that endanger the public safety.

As with most of the recent advances in technology over the past decade, the ability to shop over the Internet has brought with it new benefits, as well as new worries. While many of us applaud the advantages that e-commerce has provided, when it comes to the purchase of products with a direct and immediate impact on health and safety—such as prescription drugs—we must seriously consider the risks that come with convenience.

While some online pharmacies have adopted all the safeguards of traditional pharmacies, such as hiring licensed pharmacists and requiring valid prescriptions before dispensing drugs, increasingly, unscrupulous companies have used the anonymity of cyberspace to hide from federal and state safety regulations, placing the health of their customers at serious risk. These unethical companies can easily take advantage of the fact that, as consumers, we may leave our common sense behind when we turn on our computers. Too often, we assume that simply because a business has a website, it must be legitimate.

Consequently, we've received hundreds of reports of Internet pharmacies selling powerful prescription drugs to consumers simply on the basis of answers to a health questionnaire—without the patient ever setting foot in a doctor's office. This practice, which has been condemned as unethical by the American Medical Association, places patients at serious risk for misdiagnoses and dangerous drug interactions. Perhaps even more frightening is that some Internet sellers are dispensing contaminated or counterfeit drugs to their unsuspecting customers. And, unfortunately, the ease with which websites can be created and removed and the difficulty regulators have in determining the identity of the corporations behind the websites create obstacles to states and federal agencies trying to shut down unlawful sellers.

This legislation would require online sellers of prescription drugs to dispense medications only with valid prescriptions, to notify state boards of pharmacy in each state in which they operate of the establishment of their service, and to provide full disclosure of the address and telephone number of the business's headquarters on their website. Under this bill, Internet sellers who do not adhere to these basic standards will risk serious legal sanctions, including permanent prohibition from conducting further business and the freezing of assets.

While we should ensure that legitimate pharmacies can continue to serve their customers on the information superhighway, we need to act immediately to derail those who would use the Internet in unsafe or illicit ways. The legislation we introduce today will give state and federal agencies the appropriate authority to protect American consumers from unscrupulous Internet sellers. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. DASCHLE (for Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. SARBANES, Mr. SCHUMER, Mr. BIDEN, Mr. MOYNIHAN, Mr. ROTH, and Mr. L. CHAFEE)):

S. 3209. A bill to direct the Secretary of the Interior to carry out a resource study of the approximately 600-mile route through the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the Revolutionary War; to the Committee on Energy and Natural Resources.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000

● Mr. LIEBERMAN. Mr. President, 219 years ago this month, a small army camped at the gates of a small port in

Virginia. And turned the world upside down. This collection of often poorly fed, poorly paid, and poorly armed men made a sacrifice from which we all benefit today. In October 1781, a few thousand American and French soldiers laid siege to Yorktown, forced the surrender of Cornwallis and his British regulars, and won American independence.

Although we often remember the victory at Yorktown, too often we lose sight of the heroic efforts that made it possible. Too often we forget that this victory was the culmination of a miraculous campaign—when two nations, two armies, and two great men put aside their differences and worked together for a common purpose.

It is my opinion that no single monument or battlefield would do justice to the scope of this event. That is why I, along with my colleagues, Senators DODD, KERRY, BIDEN, ROTH, SCHUMER, MOYNIHAN, SARBANES, and CHAFEE, am privileged to call for a national commemoration of the events leading to our victory at Yorktown and the end of the American Revolution. We have been strongly supported in this effort by the work of dedicated volunteers across the country—members of the Sons of the American Revolution in all of our states. I would especially like to acknowledge the help of Albert McJoynt and Win Carroll, for their work with my staff on this important project.

The Washington-Rochambeau Revolutionary Road is 600 miles of history, winding from Providence, Rhode Island to Yorktown, Virginia. In the opinion of my colleagues and I, it is well worthy of designation as a National Historic Trail. Let us document the events in the cities and towns all along the road to Yorktown and the birth of this great nation of ours. Let us celebrate the unprecedented Franco-American alliance and the superhuman efforts of Generals George Washington and Jean Baptiste Donatien de Vimeur, Comte de Rochambeau to preserve that alliance in the face of seemingly unsurmountable odds. Let us create a National Historic Trail along whose course we can pause and remember these men and women, their travels, and sacrifices—from the journey's beginning when Rochambeau led the French army out of Newport and Providence, Rhode Island, into New York where he joined Washington's troops, and through a cross section of colonial America to its culmination at the gates of Yorktown.

The story of the alliance and the march is like many in our history—full of heroic characters, brave deeds, and political intrigue. Hollywood should take note: it would make for a blockbuster—and uplifting—adventure. The story unfolds through seven states and countless towns and stars the men and women of the march who left their mark wherever they went.

Each of the towns on the trail makes its own unique contribution to the tale of the journey. Hartford and Wethersfield, in my own state of Connecticut—where the two generals met and through a translator planned their strategy. In Phillipsburg, New York, the French and American armies first joined together and faced off against the British in New York City. Here, Washington and Rochambeau planned their high risk strategy—abandoning established positions in the north and racing hundreds of miles south to surprise and trap an unsuspecting British army. In Chatham, New Jersey, the French made a show of storing supplies and building bread ovens in order to disguise their march towards Cornwallis in Virginia, to confuse the British. They moved on through Princeton and Trenton, New Jersey—sites of previous colonial victories against great odds.

But the march itself is only part of the story. The unprecedented alliance between France and America was cemented during this journey. Elite troops from one of the great European powers stood with the ragtag but spirited Continental Army to face and defeat the British Empire. Men who shared no common language and had in many cases been enemies in previous wars, shared clothing and food and cultures in order to achieve their goal. And as a proud member of the Armed Services Committee I am pleased to say this was a successful Joint and Coalition operation.

The trail goes through Philadelphia, Pennsylvania—then capital of the colonies. Here Washington and Rochambeau stopped their men outside town, had them clean off the dirt of the trail and marched them through town with drums beating and flags unfurled before the Continental Congress and the people of Philadelphia. The grandeur of their new European ally helped restore the spirit of America during this very uncertain time.

A few days later in Chester, Pennsylvania, Washington, the normally reserved commander-in-chief, literally danced on the dock when he learned the French fleet had arrived in the Chesapeake and trapped the British at Yorktown. For the first time, it seemed that victory for the colonies was possible. The armies marched on to Wilmington, Delaware and Elkton, Maryland, where American troops were finally paid for some of their efforts, using money borrowed by the bankrupt Continental Army from General Rochambeau.

There are two central characters to this drama, without whom the march, siege, and victory would have never happened—Rochambeau and Washington. French ministers hand-selected the celebrated and experienced Rochambeau for the unique "Expédition Particulière" because of his patience and professionalism. Lieutenant General Rochambeau had a distinguished military career. More importantly, he understood the need for America to play the leading role in the war. With dignity and respect, he subordinated himself and his men to Washington and his patchwork forces. While avoiding intrigue and scandal, he overlooked improprieties and affronts, and provided needed counsel, supplies, and money to Washington and his men. He is undoubtedly one of the key forces helping Washington to victory at Yorktown, and has rightly been called "America's Neglected Founding Father."

Our nation's capital region also played its part in this story. Troops camped in Baltimore near the site of today's Camden Yards. Some crossed the Potomac near Georgetown, while others camped in Alexandria, Virginia. Along the way, General Washington made a triumphal return to Mount Vernon, and hosted a celebration for his French allies. All along the route, towns were touched and thrilled by the passage of the army and events swirling around them. Within this national commemoration, we should let each tell its own story in its own way.

The force that held it all together throughout the march and on to victory was General Washington. This was not a new role for him. Before the war, Washington was one of the wealthiest men in the colonies and one of its few military heroes. Only he, with his public standing and incredible resolve, could have held together the fledgling Continental Army, the divided loyalties of the American people, a meddling Congress, disloyal generals, and an international alliance, for the six years leading up to the Yorktown Campaign. He overcame his own distrust and doubt and invited his old enemies, the French—who had held him prisoner in an earlier war—to field a European army in the colonies while he was working with all his energy to evict another one. Over the years, he had used his own money and credit to pay and feed his men. And he carefully balanced the need to combine his new nation's independence with delicate European sensibilities to forge a winning alliance. In these months in 1781, he took a grand risk and won the war. Although the march is not his most famous hour, in many ways it is his finest.

The armies marched on through Williamsburg, Virginia until they reached positions outside Yorktown in late September. Washington and Rochambeau and their troops went on to win this battle and the war. The rest is history. We should work today to ensure that this history, in all its rich detail, is not forgotten. We have the support of many state and local and private and public historic preservation groups in our efforts to establish this trail. We should use their momentum and enthusiasm to make it a reality. This bill begins that process, by directing the Secretary of the Interior to perform a resource study on the establishment of this trail, in coordination with their activities and other Congressionally mandated programs. In a time when it seems we have few heroes, let us take the time to better remember the heroes of our past. Those who sacificed so much for our freedom today deserve no less.●

Mr. SESSIONS:

S. 3210. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process for consumers and employees; to the Committee on the Judiciary.

THE CONSUMER AND EMPLOYEE ARBITRATION BILL OF RIGHTS

Mr. SESSIONS. Mr. President, I rise to sent to the desk a bill entitled, "The Consumer and Employee Arbitration Bill of Rights." This bill begins the multi-year legislative process necessary to improve the Federal Arbitration Act so that it will be a cost-effective means of resolving disputes. This bill of rights will provide procedural protections to consumers and employees to ensure that their claims will be resolved under due process of law, in a speedy and cost effective manner.

Congress enacted the Federal Arbitration Act in 1925. It has served us as well for three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a non-profit arbitration organization. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant state law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingent fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe the time has come for a comprehensive review of how arbitration works and what we can do to enhance its effectiveness.

The approach of reforming arbitration, rather than abandoning the arbitration process provides several benefits. Arbitration is one of the best means of dispute resolution and one that most consumers and employees can afford. Consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not big enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. Thus, the consumer or employee is faced with having to pay a lawyer's hourly rate for his claim. If he can afford to pay the hourly rate, he must decide whether it makes financial sense to pay a lawyer several thousand dollars to litigate a claim in court for a broken television that cost $700 new. If this is what consumers and employees are left with, many will have no choice but to drop their claim. This is not right. It is not fair.

This is where arbitration can give the consumer or employee a cost effective forum to assert their claim. Thus, before we make exceptions to the Federal Arbitration Act for some of the most well to do corporations in our society, I think it is our duty to consider how we can improve the system for those less financially able.

A letter I recently received from the National Arbitration Forum contained some interesting comments about the importance of arbitration: the ABA has calculated that 100 million Americans are locked out of court by high legal costs, and that most lawyers will not begin a lawsuit worth less than $20,000, while arbitration serves as an accessible forum for dispute resolution; consumer class actions increasingly generate little more than coupons for consumers, while contractual arbitration gives a consumer the ability to get his or her case before a neutral party at a reasonable price and in a reasonable amount of time; a recent Roper Study indicates that 59 percent of Americans would choose arbitration over a lawsuit to resolve a claim for money.

Thus, the benefits for customers and employees are readily apparent. Can we improve this system? Yes, but we must take a balanced approach.

Further, arbitration promotes the freedom of parties to make contracts. I was recently contacted by Professor Stephen Ware of the Cumberland School of Law, who reminded us that the promotion of contractual freedom regarding arbitration has long been a primary goal of the Federal Arbitration Act. In any contract, the parties agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic principle upon which the Federal Arbitration Act has been supported for 75 years.

But this is not always the case. In certain situations, consumers or employees are not treated fairly. That is what the Consumer and Employee Arbitration Bill of Rights is designed to correct.

The bill will maintain the cost benefits of binding arbitration, but would grant several specific "due process" rights to consumers and employees. The bill is based on the consumer and employee due process protocols of the American Arbitration Association and have broad support. The bill provides the following rights:

No. 1, notice—Under the bill an arbitration clause, to be enforceable, would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the consumer or employee could contact for more information, and state that a consumer could opt out to small claims court.

This will ensure that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is printed in fine print. Further, it will give consumers and employees a means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a consumer's claims could otherwise be brought in small claims court, he is free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

No. 2, independent selection of arbitrators—The bill will grant consumers and employees the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer or the employee with a grievance will have the right to nominate potential arbitrators too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either the seller or the consumer.

No. 3, choice of law—The bill grants consumers and employees the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the consumer resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer or employee resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place the contract was entered into. The bill ensures that an arbitrator will use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law will govern the arbitration proceedings.

No. 4, representation—The bill grants consumers and employees the right to be represented by counsel at his own expense. Thus, if the claim involves complicated legal issues, the consumer or employee is free to have his lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

No. 5, hearing—The bill grants consumers and employees the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring a consumer or employee to travel across the country to arbitrate his claim and to expend more in travel costs than his claim may be worth.

No. 6, evidence—The bill grants consumers and employees the right to conduct discovery and to present evidence. This ensures that the arbitrator will have all the facts before him prior to making a decision.

No. 7, cross examination—The bill grants consumers and employees the right to cross-examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

No. 8, record—The bill grants consumers and employees the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later that the arbitration proceeding was fair.

No. 9, timely resolution—The bill grants consumers and employees the right to have an arbitration proceeding to be completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill a defendant must file an answer within 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

No. 10, written decision—The bill grants consumers and employees the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

No. 11, expenses—The bill grants consumers and employees the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

No. 12, small claims opt out—The bill grants consumers and employees the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for consumers and employees to enforce these rights. At any time, if a consumer or employee believes that the other party violated his rights, he may ask and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if the company fails to provide discovery to the employee, the employee can make a motion for fees. The amount of fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Federal Rule of Civil Procedure 37.

After the decision, if the losing party believes that the rights granted to him by the Act have been violated, he may file a petition with the Federal district court. If the court finds by clear and convincing evidence that his rights were violated, it may order a new arbitrator appointed. Thus, if a consumer or employee has an arbitrator that is unfair and this causes him to lose the case, the consumer or employee can obtain another arbitrator.

Mr. President, this bill is the first step to creating a constructive dialog on arbitration reform. This bill of rights will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers and employees who agree in a contract to arbitrate their claims will be afforded due process of law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer and Employee Arbitration Bill of Rights".

SEC. 2. ELECTION OF ARBITRATION.

(a) Consumer and Employment Contracts.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Consumer and employment contracts

"(a) Definitions.—In this section—

"(1) the term 'consumer contract' means any written, standardized form contract between the parties to a consumer transaction;

"(2) the term 'consumer transaction' means the sale or rental of goods, services, or real property, including an extension of credit or the provision of any other financial product or service, to an individual in a transaction entered into primarily for personal, family, or household purposes; and

"(3) the term 'employment contract'—

"(A) means a uniform, employer promulgated plan that covers all employees in a company, facility, or work grade, and that may cover legally protected rights or statutory rights; and

"(B) does not include any individually negotiated executive employment agreements.

"(b) Fair Disclosure.—In order to be binding on the parties to a consumer contract or an employment contract, an arbitration clause in such contract shall—

"(1) have a printed heading in bold, capital letters entitled 'ARBITRATION CLAUSE', which heading shall be printed in letters not smaller than ½ inch in height;

"(2) explicitly state whether participation within the arbitration program is mandatory or optional;

"(3) identify a source that a consumer can contact for additional information on costs and fees and on all forms and procedures necessary for effective participation in the arbitration program; and

"(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, if such dispute falls within the jurisdiction of that court and the claim is for less than $50,000 in total damages.

"(c) Procedural Rights.—If a consumer contract or employment contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the following rights, in addition to any rights provided by the contract:

"(1) Competence and Neutrality of Arbitrator and Administrative Process.—

"(A) In General.—Each party to the dispute (referred to in this section as a 'party') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

"(B) Arbitrator.—Each party shall have an equal voice in the selection of the arbitrator, who—

"(i) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Arbitration Association and the State bar association of which the arbitrator is a member;

"(ii) shall have no personal or financial interest in the results of the proceedings in which the arbitrator is appointed and shall have no relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

"(iii) prior to accepting appointment, shall disclose all information that might be relevant to neutrality, including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives, or that may prevent a prompt hearing.

"(C) Administration.—The arbitration shall be administered by an independent, neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator.

"(2) Applicable Law.—In resolving a dispute, the arbitrator—

"(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the forum in which the consumer or employee resided at the time the contract was entered into; and

"(B) shall be empowered to grant whatever relief would be available in court under law or equity.

"(3) Representation.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at the expense of that party.

"(4) Hearing.—

"(A) In general.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a 'hearing') with adequate notice and an opportunity to be heard.

"(B) Electronic or telephonic means.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

"(C) Face-to-face meeting.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who is the consumer or employee, unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28 to determine the venue for the hearing.

"(5) Evidence.—With respect to any hearing—

"(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

"(B) consistent with the expedited nature of arbitration, relevant and necessary prehearing depositions shall be available to each party at the direction of the arbitrator; and

"(C) the arbitrator shall—

"(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

"(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

"(6) Cross examination.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

"(7) Record of proceeding.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days in advance of the hearing. The requesting party or parties shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

"(8) Timely resolution.—Upon submission of a complaint by the claimant, the respondent shall have 30 days to file an answer. Thereafter, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the filing of the answer. In extraordinary circumstances, the arbitrator may grant a limited extension of these time limits to a party, or the parties may agree to an extension. The arbitrator shall file a decision with each party not later than 30 days after the hearing.

"(9) Written decision.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be final and binding, subject only to the review provisions in subsection (d).

"(10) Expenses.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

"(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

"(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

"(11) Small claims opt out.—Each party shall have the right to opt out of binding arbitration and into the small claims court for the forum, if such court has jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of $50,000 shall be considered to be a small claims court.

"(d) Denial of Rights.—

"(1) Denial of rights by party misconduct.—

"(A) In general.—At any time during an arbitration involving a consumer contract or employment contract, any party may file a motion with the arbitrator asserting that the other party has deprived the movant of 1 or more rights granted by this section and seeking relief.

"(B) Award by arbitrator.—If the arbitrator determines that the movant has been deprived of a right granted by this section by the other party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

"(i) the motion was filed without the movant's first making a good faith effort to obtain discovery or the realization of another right granted by this section;

"(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

"(iii) the circumstances otherwise make an award of expenses unjust.

"(2) Denial of rights by arbitrator.—A losing party in an arbitration may file a petition in the district court of the United States in the forum in which the consumer or employee resided at the time the contract was entered into to assert that the arbitrator violated 1 or more of the rights granted to the party by this section and to seek relief. In order to grant the petition, the court must find clear and convincing evidence that 1 or more actions or omissions of the arbitrator resulted in a deprivation of a right of the petitioner under this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Consumer and employment contracts.".

(c) Effective Date.—The amendments made by this section shall apply to any consumer contract or employment contract entered into after the date that is 6 months after the date of enactment of this Act.

SEC. 3. LIMITATION ON CLAIMS.

Except as otherwise expressly provided in this Act, nothing in this Act may be construed to be the basis for any claim in law or equity.

Mr. HARKIN:

S. 3211. A bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE TECHNOLOGY FOR ALL AMERICANS ACT

• Mr. HARKIN. Mr. President, I rise to introduce the Technology for All Americans Act. This Act will maximize our country's potential by helping to close the Digital Divide for people with disabilities. In doing so, it will increase their independence and self-sufficiency and further strengthen our economy and society by enabling the greatest possible number of us to contribute our abilities.

As we celebrate the Americans with Disabilities Act's 10th Anniversary, we are entering a new millennium; one that will be defined by technology. But technology can be a double-edged sword for people with disabilities, who continue to fight for the freedom to live independently.

If the Internet and other technologies are accessible, they will offer people with disabilities unprecedented opportunities for independence and self-sufficiency. But if they are not accessible, they simply will create new barriers to full participation of people with disabilities in our society and our economy.

Although new technologies have improved the lives of many Americans with disabilities, there remains a significant "Digital Divide" between Americans with and without disabilities. Although people with disabilities are nearly twice as likely as people without disabilities to say that the Internet has improved their lives significantly, they are barely one-quarter as likely to use the Internet and less than half as likely to have access to a computer at home.

The Technology for All Americans Act will begin to bridge this gap. The Act provides incentives for public and private researchers to use universal design and accessibility principles in new technologies, and to develop technologies to eliminate functional barriers to full independence for people with disabilities. It will increase public access to technology by providing grants to States to make public libraries, including those in elementary and secondary schools, technology accessible. It will increase the development and use of accessible technology by providing grants to colleges and universities to establish model curricula incorporating the design and use of accessible technology into academic and professional programs. And it will help children with disabilities maximize their potential in school and after graduation by ensuring their access to technology. In a nutshell, this Act will help ensure that people with disabilities have an equal opportunity to participate in society.

But, this act is not just for people with disabilities. It is, as it's name says, for all Americans. When people with disabilities succeed in school, join the workforce, and participate in day-to-day life, we all benefit from their abilities.

History also demonstrates that research on accessible technology benefits everyone. How many people know that the typewriter was invented for an Italian countess who was blind? In 1990, the Television Decoder Circuitry Act, which I introduced, required closed captioning for most television sets so that people who are deaf could watch TV. But today millions of people who are not deaf use closed captioning at home, at work, at gyms, and at sports bars, to name a few. And, millions of people use voice-activated technology at work or in car phones and cell phones. That technology also was intended primarily for people with disabilities.

This trend will accelerate as the Technology Revolution moves forward. The technologies that make things accessible for people with disabilities have applications for all of us.

More and more each day, every American's ability to participate in society is determined by how well they are able to use technology. This Act will help us take the greatest advantage of technology for the benefit of the greatest number of Americans. This must be one of our priorities as we move into the new millennium.

So I ask my colleagues, people with disabilities, educators, technology experts, and others who are interested to share their ideas with me about this bill and about the issue of making technology accessible to every American, so that next Congress we can ensure that every American has access to the tools that will shape our future.●

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2412

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2412, a bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2440

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2675

At the request of Ms. SNOWE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2675, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Iowa (Mr. HARKIN), the Senator from Florida (Mr. GRAHAM), the Senator from Virginia (Mr. ROBB), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3187

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 3187, a bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

S. 3189

At the request of Ms. SNOWE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3189, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

S. RES. 373

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

At the request of Mr. LOTT, his name was added as a cosponsor of S. Res. 373, supra

SENATE RESOLUTION 377—AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 377

Resolved, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

AMENDMENTS SUBMITTED

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

SNOWE (AND KERRY) AMENDMENT NO. 4322

Mr. COCHRAN (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.".

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuary managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.".

(c) PURPOSE AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking "; and" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.".

SEC. 4. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;".

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archeological, scientific,".

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301.".

SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resources or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and".

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the areas's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.".

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

"(vi) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis for the findings made under section 303(a) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).".

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

"(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.".

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking "management techniques," and inserting "management techniques and strategies,"; and

(2) by adding at the end the following: "This review shall include a prioritization of management objectives.".

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

"(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

"(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

"(A) the addition of a new sanctuary will not have a negative impact on the System; and

"(B) sufficient resources were available in the fiscal year in which the finding is made to—

"(i) effectively implement sanctuary management plans for each sanctuary in the System; and

"(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

"(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

"(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

"(A) a Thunder Bay National Marine Sanctuary; or

"(B) a Northwestern Hawaiian Islands National Marine Sanctuary."

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act; and

(3) PUBLIC COMMENT.—Notwithstanding any other provision of law no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) REPORT.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting "for any person" after "unlawful";

(2) in paragraph (2) by inserting "offer for sale, purchase, import, export," after "sell,"; and

(3) by amending paragraph (3) to read as follows:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

"(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

"(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or".

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).".

(b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

"(c) CRIMINAL OFFENSES.—

"(1) OFFENSES.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

"(2) Punishment.—Any person that is guilty of an offense under this subsection—

"(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

"(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.".

(c) Subpoenas of Electronic Files.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting "electronic files," after "books,".

(d) Nationwide Service of Process.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

"(l) Nationwide Service of Process.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

"SEC. 308. REGULATIONS.

"The Secretary may issue such regulations as may be necessary to carry out this title.".

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) In General.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

"(b) Research and Monitoring.—

"(1) In general.—The Secretary may—

"(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

"(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

"(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

"(2) Availability of results.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

"(c) Education.—

"(1) In general.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

"(2) Educational activities.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

"(d) Interpretive Facilities.—

"(1) In general.—The Secretary may develop interpretive facilities near any national marine sanctuary.

"(2) Facility requirement.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

"(e) Consultation and Coordination.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.".

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

"(b) Public Notice Required.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) in subsection (d)(3)(B), as redesignated, by striking "designating and"; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

"(4) Waiver or reduction of fees.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.".

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) Agreements and Grants.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

"(a) Agreements and Grants.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.".

(b) Use of Resources From Other Government Agencies.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

"(e) Use of Resources of Other Government Agencies.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

"(f) Authority To Obtain Grants.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.".

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) Venue for Civil Actions.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking "in the United States district court for the appropriate district"; and

(3) by adding at the end the following:

"(2) An action under this subsection may be brought in the United States district court for any district in which—

"(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

"(B) the vessel is located, in the case of an action against a vessel; or

"(C) the destruction of, loss of, or injury to a sanctuary resource occurred.".

(b) Use of Recovered Amounts.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Response costs.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

"(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

"(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

"(2) Other amounts.—All other amounts recovered shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

"(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

"(C) to restore degraded sanctuary resources of other national marine sanctuaries.".

(c) Statute of Limitations.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

"(e) Statute of Limitations.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) to carry out this title—

"(A) $32,000,000 for fiscal year 2001;

"(B) $34,000,000 for fiscal year 2002;

"(C) $36,000,000 for fiscal year 2003;

"(D) $38,000,000 for fiscal year 2004;

"(E) $40,000,000 for fiscal year 2005; and

"(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking "provide assistance" in subsection

(a) and inserting "advise and make recommendations".

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting "or the System" after "sanctuaries";

(2) in subsection (a)(4) by striking "use of any symbol published under paragraph (1)" and inserting "manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,";

(3) by amending subsection (e)(3) to read as follows:

"(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(4) by adding at the end the following:

"(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

"(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

"(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

"(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

"(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.".

SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

"SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

"(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

"(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

"(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

"(c) AWARD.—Each Dr. Nancy Foster Scholarship—

"(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

"(2) shall be awarded in accordance with guidelines issued by the Secretary.

"(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

"(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

"(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fradulent conduct or failed to comply with any term or condition of the scholarship.

"(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term 'maritime archeology' includes the curation, preservation, and display of maritime artifacts.".

SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

"(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);".

(2) Section 302(9) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(3) Section 303(b)(2)(D) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(4) Section 304(a)(5) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "UNITED STATES" and inserting "UNITED STATES".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and in consultation with the chairman of the Senate Committee on Armed Services, pursuant to Public Law 106–65, announces the appointment of the following individuals to serve as members of the Commission of the National Military Museum: John G. Campbell, or Virginia, and Henriette V. Warfield, of Virginia.

VETERANS' ORAL HISTORY PROJECT ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5212 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5212) to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5212) was read the third time and passed.

AUTHORIZING PHOTOGRAPHS IN THE SENATE CHAMBER

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 377, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 377) authorizing the taking of photographs in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 377) was agreed to, as follows:

S. RES. 377

Resolved, That (a) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting photographs as provided in subsection (b).

(b) The photographs shall be—

(1) taken during the period that the Senate of the 106th Congress stands in recess or adjournment and prior to the convening of the 107th Congress;

(2) taken for the purpose of allowing the Senate Commission on Art to carry out its responsibilities to preserve works of art and

historical objects within the Senate Chamber and to document those works and objects; and

(3) subject to the approval of the Committee on Rules and Administration.

SEC. 2. The Sergeant at Arms of the Senate shall make the necessary arrangements to carry out this resolution.

PROVIDING FOR CORRECTIONS IN THE ENROLLMENT OF H.R. 5164

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 428, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 428) providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 428) was agreed to.

BEAR PROTECTION ACT OF 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 933, S. 1109.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1109) to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1109) was read the third time and passed, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bear Protection Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249) (referred to in this section as "CITES");

(2) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species on Appendix I or II, and the Parties to CITES adopted a resolution (Conf. 10.8) urging Parties to take immediate action to demonstrably reduce the illegal trade in bear parts and derivatives;

(3) the Asian bear populations have declined significantly in recent years, as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

SEC. 3. PURPOSES.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

SEC. 4. DEFINITIONS.

In this Act:

(1) BEAR VISCERA.—The term "bear viscera" means the body fluids or internal organs, including the gallbladder and its contents but not including blood or brains, of a species of bear.

(2) IMPORT.—The term "import" means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(3) PERSON.—The term "person" means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State, municipality, or political subdivision of a State; or

(iii) any foreign government;

(C) a State, municipality, or political subdivision of a State; and

(D) any other entity subject to the jurisdiction of the United States.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(6) TRANSPORT.—The term "transport" means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

SEC. 5. PROHIBITED ACTS.

(a) IN GENERAL.—Except as provided in subsection (b), a person shall not—

(1) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(2) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subparagraph (B) or (C) of section 4(3) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(1) is solely for wildlife law enforcement purposes; and

(2) is authorized by a valid permit issued under Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249), in any case in which such a permit is required under the Convention.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL PENALTIES.—A person that knowingly violates section 5 shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) AMOUNT.—A person that knowingly violates section 5 may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this subsection shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any bear viscera, or any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.

(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this section.

(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

SEC. 7. DISCUSSIONS CONCERNING TRADE PRACTICES.

The Secretary and the Secretary of State shall discuss issues involving trade in bear viscera with the appropriate representatives of countries trading with the United States that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera, and attempt to establish coordinated efforts with the countries to protect bears.

SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with appropriate State agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report detailing the progress of efforts to end the illegal trade in bear viscera.

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 702, S. 1482.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic:)

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of [1999".] *2000".*

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

(a) Amendment of Findings.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) by striking "research, educational, or aesthetic" in paragraph (2) and inserting "scientific, educational, cultural, archaeological, or aesthetic";

(2) by inserting "ecosystem" after "comprehensive" in paragraph (3);

(3) by striking "wise use" in paragraph (5) and inserting "sustainable use"; *and*

[(4) by striking "and" after the semicolon in paragraph (5);

[(5)] *(4)* by striking "protection of these" in paragraph (6) and inserting "protecting the biodiversity, habitats, and qualities of such"; and

[(6)] *(5)* by inserting "and the values and ecological services they provide" in paragraph (6) after "living resources".

(b) Amendment of Purposes and Policies.—Section 301(b) (16 *U.S.C.* 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraph (3) and inserting the following:

"(3) to maintain natural biodiversity and biological communities, and to protect, and where appropriate, [restore,] *restore* and enhance natural habitats, populations, and ecological processes;";

(3) by striking "understanding, appreciation, and wise use of the marine environment;" in paragraph (4) and inserting "understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;";

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) by striking "areas;" in paragraph (8), as redesignated, and inserting "areas, including the application of innovative management techniques; and";

(6) by striking "marine resources; and" in paragraph (9), as redesignated, and inserting "marine and coastal resources."; and

(7) by striking paragraph (10), as redesignated.

SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking "304(a)(1)(C)(v)" in paragraph (1) and inserting "304(a)(2)(A)";

(2) by striking " 'Magnuson" in paragraph (2) and inserting " 'Magnuson-Stevens";

(3) by striking "and" after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking "resources;" in subparagraph (C) of paragraph (6) and inserting "resources; and";

(5) by inserting after paragraph (6)(C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;";

(6) by striking "injury;" in paragraph (7) and inserting "injury, including enforcement activities related to any incident;"

(7) by striking "educational, or " in paragraph (8) and inserting "educational, cultural, archaeological,";

(8) by striking "and" after the semicolon in paragraph (8);

(9) by striking "Magnuson Fishery Conservation and Management Act." in paragraph (9) and inserting "Magnuson-Stevens Act;"; and

(10) by adding at the end thereof the following:

"(10) 'system' means the National Marine Sanctuary System established by section 303; and

"(11) 'person' has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.".

SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

"SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.";

(2) by striking subsection (a) and inserting the following:

"(a) Establishment of System.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.";

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

"(b) Sanctuary Designation Standards.—

"(1) In general.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

"(A) the area is of special national significance due to its—

"(i) biodiversity;

"(ii) ecological importance;

"(iii) archaeological, cultural, or historical importance; or

"(iv) human-use values;

"(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

"(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.";

(5) by striking "subsection (a)" in paragraph (2), as redesignated, and inserting "paragraph (1)";

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

"(E) the areas's scientific value and value for monitoring as a special area of the marine environment;";

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

"(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;";

(8) by striking "vital habitats, and resources which generate tourism;" in subparagraph (I), as redesignated, and inserting "and vital habitats;";

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

"(J) the value of the area as an addition to the System;"; and

(10) by striking "Merchant Marine and Fisheries" in subparagraph (A) of paragraph (3), as redesignated, and inserting "Resources";

(11) by inserting after "Administrator" in subparagraph (B) of paragraph (3), as redesignated the following: "of the Environmental Protection Agency,"; and

(12) by adding at the end of subsection (b) the following:

"(4) Required findings.—

["(A) New designations.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

["(i) an operational level of facilities, equipment, and employees;

["(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

[“(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

[“(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

[“(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.”.]

“(A) NEW DESIGNATIONS.—The Secretary shall not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary unless the Secretary has published in the Federal Register and submitted to Congress a finding that the addition of a new sanctuary will not have a negative impact on the National Marine Sanctuary System and each designated sanctuary has—

“(i) an operational level of facilities, equipment, and employees;

“(ii) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities;

“(iii) sufficient resources available in the fiscal year in which the finding is made to implement the sanctuary management plan effectively;

“(iv) completed site characterizations studies, inventories of known sanctuary resources, and management plan review; and

“(v) a list of priorities and a strategy to address such priorities.

“(B) FAILURE TO COMPLETE CERTAIN REQUIREMENTS.—If the requirements of subparagraph (A)(iv) have not been completed at the time of designation of a sanctuary, then the Secretary shall submit a plan and schedule for the completion of these activities for the sanctuary, based on the assumption that the amounts appropriated for the sanctuaries will be maintained at the same level for each fiscal year for the next 10 years.

“(C) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for the Thunder Bay National Marine Sanctuary.

“(D) DEADLINE.—If a finding under subparagraph (A) has not been published by February 1, 2004, the Secretary shall submit to Congress by September 30, 2004, a finding stating whether the requirements in subparagraph (A) have been met.

“(E) SUNSET.—The requirements of this paragraph shall be in effect until September 30, 2004.”.

SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

“(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement under paragraph (3).

“(B) A management plan document, which the Secretary shall make available to the public, containing—

“(i) the terms of the proposed designation;

“(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

“(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

“(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

“(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

“(vi) the regulations proposed under paragraph (1)(A).

“(C) Maps depicting the boundaries of the proposed sanctuary.

“(D) A statement of the basis for the findings made under section 303(b)(2).

“(E) An assessment of the considerations under section 303(b)(1).

“(F) A resource assessment that includes—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational usés;

“(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisidiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.”.

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking “as provided by” in subparagraph (A) of paragraph (3), as redesignated, and inserting “under”;

(2) by inserting “cultural, archaeological,” after “educational,” in paragraph (4), *(5)* as redesignated;

(3) by striking “only by the same procedures by which the original designation is made.” in paragraph [(4).] *(5)* as redesignated, and inserting “by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.”;

(4) by inserting “this Act and” after “objectives of” in the second sentence of paragraph (6), as redesignated; and

(5) by striking “Merchant Marine and Fisheries Resources” in paragraph (7), as redesignated, and inserting “Resources”.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by striking “(a)(6)” in subsection (b)(1) and inserting “(a)(7)”;

[(1)] *(2)* by inserting “or the national system” in subsection (b)(2) after “sanctuary” *each place it appears*;

[(2)] *(3)* by striking “management techniques,” in subsection (e) and inserting “management techniques and strategies,”; and

[(3)] *(4)* by striking “title.” in subsection (e) and inserting “title. This review shall include a prioritization of management objectives.”

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) by striking “sell,” in paragraph (2) and inserting “offer for sale, sell, purchase, import, export,”; and

(2) by striking paragraph (3) and inserting the following:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

“(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

“(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

“(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or”.

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

“(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);”;

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

“(2) AGGREVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

“(A) uses a dangerous weapon,

“(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

“(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.”;

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

“(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.”;

(4) by inserting "electronic files," after "books," in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

"(i) Nationwide Service of Process.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

"SEC. 308. REGULATIONS AND SEVERABILITY.

"(a) Regulations.—The Secretary may issue such regulations as may be necessary to carry out this title.

"(b) Severability.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.".

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

"(a) In General.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

"(b) Research and Monitoring.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

"(c) Education and Interpretive Facilities.—The Secretary may establish facilities or displays—

"(1) to promote national marine sanctuaries and the purposes and policies of this title; and

"(2) either solely or in partnership with other persons, under an agreement under section 311.".

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through [(e)] *(f)* as subsections (c) through [(f)] *(g)*, and by inserting after subsection (a) the following:

"(b) Public Notice Required.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

"(3) Waiver or reduction of fees.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system."; and

(5) by striking "designating and" in paragraph (4)(B) of subsection (d), as redesignated.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: "Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title."; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

"(b) Use of State and Federal Agency Resources.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the government of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.".

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) Liability.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking "used to destroy, cause the loss of, or injure" in subsection (a)(2) and inserting "that destroys, causes the loss of, or injures";

(2) by inserting "or vessel" after "person" in subsection (a)(4);

(3) by inserting "(as defined in section 302(11))" after "damages" in subsection (b)(2);

(4) by striking "vessel who" in subsection (c) and inserting "vessel that";

(5) by striking "person may" in subsection (c) and inserting "person or vessel may";

(6) by inserting "by the Secretary" after "used" in subsection (d); and

(7) by adding at the end of subsection (d) the following:

"(4) Statute of limitations.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) $30,000,000 for fiscal year 2000;

"(2) $32,000,000 for fiscal year 2001;

"(3) $34,000,000 for fiscal year 2002;

"(4) $36,000,000 for fiscal year 2003; [and]

"(5) $38,000,000 for fiscal year [2004.".] *2004; and*

"(6) $40,000,000 for fiscal year 2005.".

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. [1446)] *1445a)* is amended by striking "provide assistance" in subsection (a) and inserting "advise and make recommendations".

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. [1447)] *1445b)* is amended—

(1) by striking "use" in subsection (a)(4) and inserting "manufacture, reproduction, or other use";

(2) by striking "sanctuaries;" in subsection (a)(4) and inserting "sanctuaries or by persons that enter [cooperative agreements] *collaborative efforts* with the Secretary under subsection (f);";

(3) by striking "symbols" in subsection (a)(6) and inserting "symbols, including sale of items bearing the symbols,";

(4) by redesignating subsections (c), (d), and (e) as (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

"(c) Collaborations.— The Secretary may authorize the use of the symbol described in subsection (a) by any person with which the Secretary is engaged in a collaborative effort to carry out the purposes and policies of this title.";

[(4) striking] *(5) by striking* "Secretary; and" in paragraph (3) of subsection (f), as redesignated, and inserting "Secretary, or without prior authorization under subsection (a)(4); or"; and

[(5)] *(6)* by adding at the end thereof the following:

["(f)] *"(g)* Authorization for Non-Profit Organization To Solicit Sponsors.—

"(1) In general.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

"(2) Reimbursement for administrative costs.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.".

Mr. COCHRAN. I ask consent the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 4322

Mr. COCHRAN. Senators Snowe and Kerry have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Cochran], for Ms. Snowe, for herself and Mr. Kerry, proposes an amendment numbered 4322.

Mr. COCHRAN. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4322) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

• Mr. McCAIN. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. The National Marine Sanctuary System recognizes the ecological and cultural importance of our nation's marine resources. By setting aside these areas for protection above and beyond what is already encompassed in other state and federal programs, we are ensuring that the public will benefit from them well into the future.

The existing 13 sanctuaries provide more then just protection for the marine resources they encompass. They also provide recreational and educational opportunities that might not otherwise exist. For example, in the USS Monitor Sanctuary, a sunken Civil War vessel lies off the coast of North Carolina and preserves a piece of our collective history. And, in the 5,300 square miles of the Monterey Bay Sanctuary, the program protects important kelp forests and one of the deepest underwater canyons on the west coast. This emphasis on complementary uses and management is the strength of the sanctuary program.

There is much we can do to build upon the successes the sanctuaries have already achieved. By prioritizing our actions over the next few years on making the existing sanctuaries fully operational with education and research programs, a full complement of staff, active public outreach programs, and enforcement we will strengthen the system and help it to reach its full potential. At the same time, we are increasing the funding to the system to ensure that these goals can be reached. Authorization levels begin at $32 million for fiscal year 2001 with levels increasing by $2 million a year until fiscal year 2005. Additionally, $6 million per year is authorized for construction projects at the sanctuaries.

This bill also includes a new initiative to help secure the future of marine resource conservation through the creation of the Dr. Nancy Foster Scholarship Program. These graduate scholarships will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds in memory of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY, INOUYE, and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and balanced marine sanctuaries bill.

Mr. President, again I urge the Senate to pass S. 1482, the National Marine Sanctuaries Amendments Act of 2000.•

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on S. 1482, the National Marine Sanctuaries Amendments Act of 2000, legislation to reauthorize the National Marine Sanctuaries Act.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the committee agenda this Congress and working diligently for its passage. In addition, passage of this bill would not have been possible without the tireless efforts of the ranking member of the subcommittee, Mr. KERRY. I would also like to thank them for their support and inclusion of the Dr. Nancy Foster Scholarship Program in this bill. We were all deeply saddened by Dr. Foster's passing this year, at the height of her career as the head of the National Ocean Service. I know I speak for all of my colleagues when I say we are only too pleased to have this opportunity to recognize Dr. Foster's efforts to protect, understand, and make the public care about our marine environment. Dr. Foster was particularly proud of NOAA's Sanctuaries Program and I know she would have appreciated creating this opportunity to encourage more women and minorities to become involved in the study of the marine environment and conservation of our underwater treasures.

When Congress enacted the National Marine Sanctuaries Act in 1972 we recognized that while the Nation had already provided our "special areas" on land with protections, we had no mechanism to protect those areas of the marine environment with unique qualities that are of special national, and even international, significance. Congress acted on the need for certain marine areas to be protected from human threats and recognized that management of undersea areas posed different challenges than land-based preserves, requiring different expertise and approaches. In fact, at the time, the unique character of the marine environment was the predominant reason for bringing together the Stratton Commission and the subsequent creation of the National Oceanic and Atmospheric Administration (NOAA) at the Commission's recommendation. Before the creation of NOAA in 1970, the late Senator from Washington state, Warren Magnuson, noted that twenty-eight different departments and agencies dealt with the field of oceanography. Senator Magnuson concluded, in part because of the lack of coordination that we "know more about the back side of the Moon that we know of three-quarters of the Earth's surface." The creation of NOAA was the way to go about changing this fact. Since then, Congress has consistently endorsed the creation of NOAA 30 years ago as the premier federal agency to manage, study, and protect the marine environment in a coordinated and comprehensive manner.

In much the same way, Congress created the sanctuaries system to "provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment." It was the clear intent of Congress that a tool was needed to create and protect marine sanctuaries. If the Congress believed that existing laws could have done the job, we would not have created the Sanctuary program. In fact, in 1971 we recognized there was a need to create a marine sanctuaries program because "a mechanism for protecting certain important areas of the coastal zone from intrusive activities by man . . . is not met by any legislation now on the books."

Furthermore, the Senate Commerce Committee found that "the establishment of marine sanctuaries is appropriate where it is desirable to set aside areas of the seabed and the waters above for scientific study, to preserve, unique, rare, or characteristic features of the oceans, coastal, and other waters, and their total ecosystems." As I have said before, it is as clear now as it was then that NOAA is the appropriate agency to study and preserve marine ecosystems; the line offices of NOAA have expertise in all of the major areas that impact marine sanctuaries and the ecosystems on which they depend.

Today, nothing has occurred that would change the intent of Congress when they created the sanctuaries program in 1972—certain areas of the marine environment need special protection and recognition. While that protection has not been as comprehensive as many would like, I know that the program is growing in both energy and focus thanks to a concerted effort from all those who care about our coastal environment. This year marks a great turning point for the program, as a result of the improvements in this legislation, the current five-year review process, the increased financial commitment by both the Congress and the administration, and the flood of public support for ocean conservation. In fact, the exploration and publicity generated by NOAA's Sustainable Seas program, in conjunction with the National Geographic Society, will help bring a fuller understanding and focus to each of our sanctuaries.

Now, one of the hallmarks of the Sanctuaries Act is the process that Congress established to ensure significant "up-front" involvement of all constituent groups affected by the designation of a sanctuary. Although to some this may seem unduly cumbersome, I believe that the history has shown that this inclusive, open-door process has worked and that the "behind-closed doors, top-down" approach creates nothing but havoc and leads to ineffective solutions that lack public support. However, I am heartened by the fact that President Clinton appears to agree with the process Congress created with the sanctuaries program. In Executive Order 13158 on Marine Protected Areas, signed on May 26, 2000, President Clinton states, "In carrying out the requirements of . . . of this order, [agencies] shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs."

I would urge the administration to continue meeting the commitment to involve the public, the states, and tribes as much as possible up front, particularly with respect to efforts currently underway within the administration to identify and protect the corals and other living marine resources of the Northwestern Hawaiian Islands. Use the authorities and direction contained in the Sanctuaries Act; it is flexible, works well with our nearshore analogs, the National Estuarine Research Reserves, and other coastal reserves and parks, and has the added benefit of a well-known process that has worked to ensure lasting public support for protecting the marine environment. In this regard, I commend the cooperative efforts of NOAA, and other federal and state agencies, and all the constituent groups in putting together the Tortugas Ecological Reserve under able leadership of the Florida Keys National Marine Sanctuary.

NOAA was established 30 years ago to research, protect, and manage our nations oceans and atmosphere. That statement may seem fairly obvious, but there are some who may have lost sight of where we've come from and where we are going. So I thought I would re-state congressional intent for the record: Congress clearly intended that NOAA be the lead agency in development of a comprehensive and coordinated ocean and coastal management system, including marine protected areas, under the National Marine Sanctuaries Act and many of the other statutes it implements such as the Coastal Zone Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

In closing, I would like again state my support for the National Marine Sanctuaries Amendments Act and to urge its adoption by the Senate. This bill takes an important step to further the wise stewardship of our marine resources and the protection of areas of significant ecological, aesthetic, historical and recreational value. It will improve our 13 existing sanctuaries, provide a rational framework for the designation of any future marine sanctuaries, and offers a sound mechanism for a coordinating a national system of marine protected areas.

• Ms. SNOWE. Mr. President, I rise in support of S. 1482, the National Marine Sanctuaries Amendments Act of 2000. This bill represents a major breakthrough for the protection of our coastal and marine resources by reauthorizing the marine sanctuary program. It is highly appropriate that we are considering this bill because just last week, on October 7, 2000, we designated our 13th national marine sanctuary in Thunder Bay. This is the first sanctuary in the system to be designated in the Great Lakes and serves as a perfect example of the type of federal and state partnerships that have contributed to the success of our other sanctuaries.

One hundred years after the first national park was created, the United States made a similar commitment to preserving its valuable marine resources by establishing the National Marine Sanctuary Program in 1972. Since then, 13 areas covering a wide range of marine habitats have been designated as national marine sanctuaries in the Atlantic, Pacific, Great Lakes and Gulf of Mexico. Today, the sanctuaries program protects over 18,000 square miles of our seas. Not only do the sanctuaries help protect unique ecosystems, but they also serve as models for multiple use management in the marine environment. Additionally, the sanctuaries can also function as platforms for better ocean stewardship, allowing opportunities for research, education, and outreach activities.

One of the most serious impediments to achieving the original goals of the program is the lack of funding. This bill authorizes funds at a level that we hope will allow full implementation of the sanctuary program. The bill authorizes $32 million in fiscal year 2001, with levels increasing by $2 million a year until fiscal year 2005. It also authorizes $6 million a year in fiscal years 2001 through 2005 for construction projects at the sanctuaries.

Additionally, we have set the priority for the next few years on making the existing sanctuaries fully operational before expanding the sanctuary system. These marine sanctuaries have tremendous potential for protecting our marine resources and increasing the public's awareness of the marine environment. However, lack of funding has prevented the sanctuary program from reaching its full potential. By increasing authorization levels and focusing our attention on the existing sanctuaries we can drastically increase the public benefits from these sanctuaries.

There are two exceptions to this limitation. The first is to allow for the completion of the Thunder Bay National Marine Sanctuary designation. The second is to allow for the development of a sanctuary in the Northwestern Hawaiian Islands. These unpopulated islands provide a refuge for marine resources without the typical coastal development pressures. They are also home to the majority of the United States' coral reefs. The people of Hawaii have strong ties to these islands and, in recent years, have been working on a variety of conservation strategies to better manage these valuable resources. One of the options being discussed is a national marine sanctuary. Members of the Subcommittee on Oceans and Fisheries want to ensure that this remains an option. The full complement of marine conservation and management programs administered by the Department of Commerce will provide for meaningful and lasting protections of these resources.

This bill also creates the Dr. Nancy Foster Scholarship Program to recognize outstanding scholarship, particularly by women and minorities, in the fields of oceanography, marine biology, or maritime archeology. The scholarships will be used to support the graduate studies and research of its recipients. It is being established in honor of Dr. Nancy Foster, a 23-year NOAA employee who was serving as the Assistant Administrator for Ocean Services and Coastal Zone Management at the time of her death in June. The scholarship will be funded by setting aside 1 percent of the National Marine Sanctuary Program's annual appropriated funds. I can think of no better tribute to Dr. Foster's long commitment to marine resource conservation and management then helping the next generation of scientists and managers launch their careers.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the Northwestern Hawaiian Islands Coral Reef Reserve provision. In addition, I would like to thank Senator McCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass S. 1482, as amended.•

MARINE SANCTUARY PROGRAM

• Mr. INOUYE. Mr. President, I take this opportunity to thank Senators SNOWE, KERRY and HOLLINGS for their dedicated efforts in support of this important measure and engage in a discussion of certain provisions of S. 1482, the National Marine Sanctuaries Amendments Act of 2000.

Since its creation in 1972, the National Marine Sanctuary Program has successfully protected our nation's unique marine resources through a deliberative process that has allowed affected citizens to help shape the future of the protected resources. The Hawaiian Islands Humpback Whale National Marine Sanctuary is an excellent example of how divergent interests came together to develop a plan for the protection of the unique marine resources of this area.

We now have a new opportunity to enhance the protection of another unique Hawaiian resource—the coral reef ecosystem surrounding the Northwestern Hawaiian Island (NWHI). In May of this year, President Clinton expressed his desire to provide strong and lasting protection for the coral reef ecosystem of the NWHI, and directed the Secretaries of the Interior and Commerce, in cooperation with the State of Hawaii and in consultation with the Western Pacific Regional Fishery Management Council (WESPAC), to develop recommendations for "a new, coordinated management regime to increase protection for the coral reef ecosystem" of the NWHI.

I agree with the President that there should be strong and lasting protection for the coral reef ecosystem of the NWHI. I also believe that it is critical to ensure meaningful public input on the nature of actions to be taken and to foster public support for these lasting protections.

Prior to the President's announcement, the Commerce Department already had a solid head start in efforts to identify and evaluate actions to protect the resources of the NWHI in developing the first ever ecosystem level fishery management plan. This Coral Reef Ecosystem Fisheries Management Plan, which identifies a series of actions such as "no-take" closures for coral and monk seal protection, was subject to extensive public comment and is now undergoing departmental internal review.

To complement this ongoing effort, the sanctuary program is well equipped to achieve the President's goals while ensuring meaningful public participation. Accordingly, S. 1482 would trigger an immediate process for designating a sanctuary in the NWHI. In the interim, to accommodate President Clinton's desire to implement protections without delay, S. 1482 would authorize the President, after consulting with the Governor of the State of Hawaii, to designate any coral reef ecosystem area in the NWHI as a coral reef reserve, and establish a Coral Reef Reserve Advisory Council to work with the Secretary of Commerce in developing a long-range and lasting plan to protect the living marine resources of the NWHI. The Coral Reef Reserve area would ultimately become part of any sanctuary established in the NWHI.

The Dry Tortugas Ecological Reserve and Natural Resource area off the Florida Keys is in many ways similar to what is being proposed for the Northwestern Hawaiians Islands. However, the Dry Tortugas process benefited from an extensive public process which ensured community concerns were heard and addressed. As a result of this process, there is now widespread support for this ecological reserve.

I am concerned about the administration's interest in immediately establishing, without any public input, areas around the NWHI within which all activities are permanently prohibited except for Native Hawaiian access and subsistence. This could mean that all other activities, including commercial and recreational access and possibly certain defense activities, would be prohibited within these areas forever. Whatever protections the administration feels are necessary should be subject to review during the course of the sanctuary designation process. Even the Administration's U.S. Coral Reef Task Force contemplated a deliberative process when it recommended the goal of achieving at least 20 percent protection by the year 2010.

Mr. HOLLINGS. I agree with my colleague from the great State of Hawaii. The National Sanctuary Program is an ideal tool for coordinated and comprehensive management of the coral reef ecosystem of the NWHI. I further agree that any closure areas imposed by the President prior to the completion of the sanctuary designation process should be subject to public comment and review before it becomes permanently carved in stone. Does the Senator envision that the Reserve area would be subject to the same 5-year program review that the Sanctuary process provides? In addition to Congressional oversight, such periodic and rigorous review will help ensure the Sanctuary and Reserve are meeting the expectations set by the people of Hawaii, the Sanctuary Advisory Council, the Secretary of Commerce, and the President.

Mr. INOUYE. Yes, in addition to the evaluation process provided for in the designation, the legislation ensures that such a 5-year review would take place. While we know enough about the area to understand the need to protect it, we will know far more about it in 5 years. In conjunction with the development of a Sanctuary the National Oceanic and Atmospheric Administration is already mapping and assessing the coral ecosystem of this area, and evaluating the status of its living marine resources. It will be important to use this information to evaluate whether the management of the area under the National Marine Sanctuaries Act, in conjunction with other marine conservation laws, is adequate.

Ms. SNOWE. I fully concur with my colleagues that robust public participation, oversight and review is necessary to ensure long-term meaningful protection of our living marine resources whether in Hawaii or in my home state of Maine. While I agree that it is appropriate to take action to protect our precious coral resources, I, to, am greatly concerned about the administration's plans to impose immediate and permanent prohibitions in marine areas without providing a meaningful opportunity for public comment on the proposal. Both the National Marine Sanctuaries Act and the Magnuson-Stevens Fishery Conservation and Management Act provide models for such a process. As my esteemed colleague from Hawaii pointed out, WESPAC has gone through an elaborate public process in developing the Coral Reef Ecosystem Fishery Management Plan which identified several potential closed areas. Does the Senator believe the development of this plan provided sufficient public review to support immediate closures under the Magnuson-Stevens Act or other marine conservation status implemented by the Secretary?

Mr. INOUYE. Yes I do, and I would support such closures, as well as taking aggressive action to address the terrible problem of marine debris in the NWHI, which is harming both the corals and our endangered monk seals. Furthermore, I believe it may be appropriate to identify further precautionary actions that our scientists tell us may be necessary to prevent future harm to these resources. However, no action should be taken on these proposals until they can be evaluated publicly by the people of Hawaii.

Mr. HOLLINGS. I believe that is a sound plan and I look forward to working with you as we ensure that the NWHI and other important marine areas are accorded strong and lasting protections developed through the consensus process. Thank you.

Mr. INOUYE. I thank Senators SNOWE and HOLLINGS.•

Mr. COCHRAN. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1482), as amended, was engrossed for a third reading, read the third time, and passed, as follows:

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) Clerical Amendment.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.".

(b) Findings.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.".

(c) Purposes and Policies.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking "; and" and inserting a period.

(d) Establishment of System.—Section 301 is amended by adding at the end the following:

"(c) Establishment of System.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.".

SEC. 4. CHANGES IN DEFINITIONS.

(a) Damages.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;".

(b) Response Costs.—Paragraph (7) of such section is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) Sanctuary Resource.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archeological, scientific,".

(d) System.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301.".

SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) Standards.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and".

(b) Factors; Repeal of Report Requirement.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) Submission of Notice of Proposed Designation to Congress.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.".

(b) Sanctuary Designation.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) Sanctuary designation documents.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

"(vi) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis for the findings made under section 303(a) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).".

(c) Withdrawal of Designation.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(d) Federal Agency Actions Affecting Sanctuary Resources.—Section 304(d) (16 U.S.C.1434(d)) is amended by adding at the end the following:

"(4) Failure to follow alternative.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.".

(e) Evaluation of Progress in Implementing Management Strategies.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking "management techniques," and inserting "management techniques and strategies,"; and

(2) by adding at the end the following: "This review shall include a prioritization of management objectives.".

(f) Limitation on Designation of New Sanctuaries.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

"(f) Limitation on Designation of New Sanctuaries.—

"(1) Finding required.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

"(A) the addition of a new sanctuary will not have a negative impact on the System; and

"(B) sufficient resources were available in the fiscal year in which the finding is made to—

"(i) effectively implement sanctuary management plans for each sanctuary in the System; and

"(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

"(2) Deadline.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

"(3) Limitation on application.—Paragraph (1) does not apply to any sanctuary designation documents for—

"(A) a Thunder Bay National Marine Sanctuary; or

"(B) a Northwestern Hawaiian Islands National Marine Sanctuary.".

(g) Northwestern Hawaiian Islands Coral Reef Reserve.—

(1) Presidential designation.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) Secretarial action.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) Public comment.—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) Coordination.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) Review.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) Report.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting "for any person" after "unlawful";

(2) in paragraph (2) by inserting "offer for sale, purchase, import, export," after "sell,"; and

(3) by amending paragraph (3) to read as follows:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

"(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

"(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or".

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) Powers of Authorized Officers To Arrest.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).".

(b) Criminal Offenses.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

"(c) Criminal Offenses.—

"(1) Offenses.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

"(2) Punishment.—Any person that is guilty of an offense under this subsection—

"(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

"(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.".

(c) Subpoenas of Electronic Files.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting "electronic files," after "books,".

(d) Nationwide Service of Process.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

"(l) Nationwide Service of Process.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

"SEC. 308. REGULATIONS.

"The Secretary may issue such regulations as may be necessary to carry out this title.".

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) In General.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

"(b) Research and Monitoring.—

"(1) In general.—The Secretary may—

"(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

"(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

"(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

"(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

"(c) EDUCATION.—

"(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

"(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

"(d) INTERPRETIVE FACILITIES.—

"(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

"(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

"(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.".

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

"(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) in subsection (d)(3)(B), as redesignated, by striking "designating and"; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

"(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.".

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

"(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.".

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

"(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

"(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.".

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking "in the United States district court for the appropriate district"; and

(3) by adding at the end the following:

"(2) An action under this subsection may be brought in the United States district court for any district in which—

"(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

"(B) the vessel is located, in the case of an action against a vessel; or

"(C) the destruction of, loss of, or injury to a sanctuary resource occurred.".

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

"(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

"(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

"(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

"(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

"(C) to restore degraded sanctuary resources of other national marine sanctuaries.".

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

"(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) to carry out this title—

"(A) $32,000,000 for fiscal year 2001;

"(B) $34,000,000 for fiscal year 2002;

"(C) $36,000,000 for fiscal year 2003;

"(D) $38,000,000 for fiscal year 2004;

"(E) $40,000,000 for fiscal year 2005; and

"(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking "provide assistance" in subsection (a) and inserting "advise and make recommendations".

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting "or the System" after "sanctuaries";

(2) in subsection (a)(4) by striking "use of any symbol published under paragraph (1)" and inserting "manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,";

(3) by amending subsection (e)(3) to read as follows:

"(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(4) by adding at the end the following:

"(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

"(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

"(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

"(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

"(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.".

SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

"SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

"(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

"(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups ; and

"(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

"(c) AWARD.—Each Dr. Nancy Foster Scholarship—

"(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

"(2) shall be awarded in accordance with guidelines issued by the Secretary.

"(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

"(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

"(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

"(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term 'maritime archeology' includes the curation, preservation, and display of maritime artifacts.".

SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

"(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);".

(2) Section 302(9) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(3) Section 303(b)(2)(D) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(4) Section 304(a)(5) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "UNITED STATES" and inserting "UNITED STATES".

CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 797, S. 1066.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1066) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carbon Cycle and Agricultural Best Practices Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) agricultural producers in the United States—

(A) have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and

(B) have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—

(i) the economic success of agricultural producers; and

(ii) the production of food and fiber for developing and developed nations;

(2) in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;

(3) agricultural best practices include the more efficient use of agriculture inputs and equipment;

(4)(A) agricultural best practices accentuate the carbon cycle by increasing the conversion of carbon dioxide from the air into plants that produce grain and forage;

(B) at the end of the growing season, plant material decomposes, adding carbon to soil;

(C) carbon can persist in soil for hundreds and even thousands of years; and

(D) through conservation practices, the additional carbon in soil results in multiple environmental benefits, erosion reduction, moisture retention, water quality improvements, and increased crop yields;

(5) according to the Climate Monitoring and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;

(6) the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;

(7) agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;

(8) by increasing use of voluntary agricultural best practices, it is possible to offset carbon dioxide emissions, thereby benefiting the environment, without implementing a United Nations-sponsored climate change protocol or treaty;

(9) Federal research is needed to identify—

(A) the agricultural best practices that supplement the natural carbon cycle; and

(B) Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle; and

(10) increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit.

SEC. 3. AGRICULTURAL BEST PRACTICES.

Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"Subtitle N—Carbon Cycle and Agricultural Best Practices

"SEC. 1490. DEFINITIONS.

"In this subtitle:

"(1) AGRICULTURAL BEST PRACTICE.—The term 'agricultural best practice' means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—

"(A) crop residue management;
"(B) soil erosion management;
"(C) nutrient management;
"(D) remote sensing;
"(E) precision agriculture;
"(F) integrated pest management;
"(G) animal waste management;
"(H) cover crop management;
"(I) water quality and utilization management;
"(J) grazing and range management;
"(K) wetland management;
"(L) buffer strip use; and
"(M) tree planting.

"(2) CONSERVATION PROGRAM.—The term 'conservation program' means a program established under—

"(A) subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);

"(B) section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);

"(C) section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or

"(D) any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.

"SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.

"(a) IN GENERAL.—The Department of Agriculture shall be the lead agency with respect to

any agricultural soil carbon research conducted by the Federal Government.

“(b) RESEARCH SERVICES.—

“(1) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—

“(A) determine the effects of management and conservation on soil organic carbon storage in cropland and grazing land;

“(B) evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;

“(C) study the transfer of organic carbon to soil; and

“(D) study carbon storage of commodities.

“(2) NATURAL RESOURCES CONSERVATION SERVICE.—

“(A) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—

“(i) the development of a soil carbon database to—

“(I) provide online access to information about soil carbon potential in a format that facilitates the use of the database in making land management decisions; and

“(II) allow additional and more refined data to be linked to similar databases containing information on forests and rangeland;

“(ii) the conversion to an electronic format and linkage to the national soil database described in clause (i) of county-level soil surveys and State-level soil maps;

“(iii) updating of State-level soil maps;

“(iv) the linkage, for information purposes only, of soil information to other soil and land use databases; and

“(v) the completion of evaluations, such as field validation and calibration, of modeling, remote sensing, and statistical inventory approaches to carbon stock assessments related to land management practices and agronomic systems at the field, regional, and national levels.

“(B) UNIT OF INFORMATION.—The Secretary, acting through the Natural Resources Conservation Service, shall disseminate a national basic unit of information for an assessment of the carbon storage potential of soils in the United States.

“(3) ECONOMIC RESEARCH SERVICE REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Economic Research Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes the impact of the financial health of the farm economy of the United States under the Kyoto Protocol and other international agreements under the Framework Convention on Climate Change—

“(A) with and without market mechanisms (including whether the mechanisms are permits for emissions and whether the permits are issued by allocation, auction, or otherwise);

“(B) with and without the participation of developing countries;

“(C) with and without carbon sinks; and

“(D) with respect to the imposition of traditional command and control measures.

“(4) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

“(A) IN GENERAL.—The Cooperative State Research, Education, and Extension Service shall, through land-grant colleges and universities, develop a comprehensive national carbon cycle and agricultural best practices research agenda.

“(B) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Cooperative State Research, Education, and Extension Service, include the provision, through land-grant colleges and universities, of research opportunities to improve the scientific basis for using land management practices to increase soil carbon sequestration needed for producers, including research concerning innovative methods of using biotechnology and nanotechnology.

“(C) ACTIVITIES.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall—

“(i) identify, develop, and evaluate agricultural best practices using partnerships comprised of Federal, State, or private entities and the Department of Agriculture, including the Agricultural Research Service;

“(ii) develop necessary computer models to predict and assess the carbon cycle, as well as other priorities requested by the Secretary and the heads of other Federal agencies;

“(iii) estimate and develop mechanisms to measure changes in carbon levels resulting from voluntary Federal conservation programs, private and Federal forests, and other land uses;

“(iv) develop outreach programs, in coordination with cooperative extension services, to share information on carbon cycles and agricultural best practices that is useful to agricultural producers; and

“(v) research new technologies that may increase carbon cycle effectiveness, such as biotechnology and nanotechnology.

“(c) CONSORTIA.—

“(1) IN GENERAL.—The Secretary may designate not more than 2 carbon cycle and agricultural best practices research consortia to carry out this section.

“(2) SELECTION.—The consortia designated by the Secretary shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

“(3) CONSORTIA PARTICIPANTS.—The participants in the consortia may include—

“(A) land-grant colleges and universities;

“(B) State geological surveys;

“(C) research centers of the National Aeronautics and Space Administration;

“(D) other Federal agencies;

“(E) representatives of agricultural businesses and organizations; and

“(F) representatives of the private sector.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2001 through 2005.

“(d) PROMOTION OF AGRICULTURAL BEST PRACTICES.—The Secretary shall promote voluntary agricultural best practices that take into account soil organic matter dynamics, carbon cycle, ecology, and soil organisms that will lead to the more effective use of soil resources to—

“(1) enhance the carbon cycle;

“(2) improve soil quality;

“(3) increase the use of renewable resources; and

“(4) overcome unfavorable physical soil properties.

“(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes programs that are or will be conducted by the Secretary, through land-grant colleges and universities, to provide to agricultural producers the results of research conducted on agricultural best practices, including the results of—

“(1) research;

“(2) future research plans;

“(3) consultations with appropriate scientific organizations;

“(4) proposed extension outreach activities; and

“(5) findings of scientific peer review under section 103(d)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(d)(1)).

“SEC. 1492. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

“(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

“(1) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

“(2) to assess and model agricultural carbon sequestration.

“(b) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

“(c) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

“(1) the mapping of carbon-sequestering land use and land cover;

“(2) the monitoring of changes in land cover and management;

“(3) new systems for the remote sensing of soil carbon; and

“(4) regional-scale carbon sequestration estimation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

“SEC. 1493. RESEARCH INCENTIVE PAYMENTS.

“(a) IN GENERAL.—In addition to payments that are made by the Secretary to producers under conservation programs, the Secretary may, subject to appropriations authorized in subsection (c), offer research incentive payments to producers that are participating in the conservation programs to compensate the producers for allowing researchers to scientifically analyze, and collect information with respect to, agricultural best practices that are carried out by the producers as part of conservation projects and activities that are funded, in whole or in part, by the Federal Government.

“(b) CONFIDENTIALITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any information submitted to the Secretary under subsection (a) shall be confidential and may be disclosed only if required under court order.

“(2) RELEASE OF INFORMATION IN AGGREGATE FORM.—The Secretary may release or make public information described in paragraph (1) in an aggregate or summary form that does not directly disclose the identity, business transactions, or trade secrets of any person that submits the information.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

“SEC. 1494. ASSISTANCE FOR AGRICULTURAL BEST PRACTICES AND NATURAL RESOURCE MANAGEMENT PLANS UNDER CONSERVATION PROGRAMS.

“(a) IN GENERAL.—In addition to assistance that is provided by the Secretary to producers under conservation programs, the Secretary, on request of the producers, shall provide, subject to appropriations authorized in subsection (c), education through extension activities and technical assistance to producers that are participating in the conservation programs to assist the producers in planning, designing, and installing agricultural best practices and natural resource management plans established under the conservation programs.

“(b) INFORMATION TO DEVELOPING NATIONS.—The Secretary shall disseminate to developing nations information on agricultural best practices and natural resource management plans that—

"(1) provide crucial agricultural benefits for soil and water quality; and

"(2) increase production.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2001 through 2005.

"SEC. 1495. TRACE GAS NETWORK SYSTEM.

"(a) ESTABLISHMENT.—The Secretary, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, may establish a nationwide trace gas network system to research the flux of carbon between soil, air, and water.

"(b) PURPOSE OF SYSTEM.—The trace gas network system shall focus on locating appropriate research equipment on or near agricultural best practices that are—

"(1) undertaken voluntarily;

"(2) undertaken through a conservation program of the Department of Agriculture;

"(3) implemented as part of a program or activity of the Department of Agriculture; or

"(4) identified by the Administrator of the National Oceanic and Atmospheric Administration.

"(c) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the National Oceanic and Atmospheric Administration to ensure that research goals of programs established by the Federal Government relating to trace gas research are met through the trace gas network system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.".

Mr. COCHRAN. I ask unanimous consent the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1066), as amended, was engrossed for a third reading, read the third time, and passed.

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2296, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2296) to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2296) was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 18, 2000

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Wednesday, October 18. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the majority leader has asked that it be announced that the Senate will resume consideration of the conference report to accompany the Agriculture appropriations bill at 10 a.m. tomorrow. The vote has been changed to occur at 5:30 p.m. on Wednesday, with the final 2 hours of debate to take place on Wednesday 2 hours prior to the vote. Senators on both sides of the aisle have requested the vote be changed for various reasons, the most important being the request by the congressional delegation that will be attending the memorial service for the U.S. sailors killed aboard the U.S.S. *Cole*. That memorial service is to be held at 11 a.m. in Norfolk, VA, thereby making the previously scheduled vote not feasible.

As for the remainder of the week, it is hoped that the Senate can complete most, if not all, business necessary for sine die adjournment. Senators should expect votes throughout each day and into the evenings at the end of the week.

ORDER FOR RECORD TO REMAIN OPEN

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senators have until 3 p.m. today to submit statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:49 p.m., recessed until Wednesday, October 18, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 17, 2000:

BROADCASTING BOARD OF GOVERNORS

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

ROBERT M. LEDBETTER, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003, VICE BETTE BAO LORD, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCRACKEN FOX.

NATIONAL COUNCIL ON DISABILITY

EDWARD CORREIA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE MICHAEL B. UNHJEM, TERM EXPIRED.

DEPARTMENT OF ENERGY

MARK J. MAZUR, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY, VICE JAY E. HAKES, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES LYNWOOD YOUNGER, JR., OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN WILLIAM MARSHALL, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH C. CARTER, 2435
RAYMOND M. MURPHY, 1509

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2000, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

SARAH MCCRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 19, 1999, TO JANUARY 24, 2000, WHICH WAS SENT TO THE SENATE ON MARCH 2, 2000.

HOUSE OF REPRESENTATIVES—*Tuesday, October 17, 2000*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 17, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 5 minutes.

THE TRAGIC DEATH OF MISSOURI GOVERNOR MEL CARNAHAN

Mr. SKELTON. Madam Speaker, it is my sad duty to announce to this body the tragic death of Missouri's Governor, Mel Carnahan, who died along with his son Randy and an advisor, Chris Sifford, yesterday evening.

Needless to say, I am heartbroken today. The sudden loss of a friend and Missouri's Governor, Mel Carnahan, pales in comparison to the loss being felt by his wife, Jean, and the rest of the family. Our sympathy and prayers go out to the families of both the Carnahans and the Siffords.

Mel Carnahan was a public servant of the best sort. He was devoted to his family and he unselfishly gave his same devotion to the people of Missouri. All Missourians are fortunate that someone of Mel Carnahan's caliber and stature dedicated his life and career to making our State and our Nation a better place.

Madam Speaker, Mel Carnahan was my friend for many, many years, and I can hardly measure right now how much I will miss him. As a model of friendship and service, however, he will always be with us.

In an interview that was relayed on the radio earlier today, I heard Governor Carnahan say how proud he was of all he had accomplished as an elected official, but that he felt he had more to contribute. This kind of sentiment is an inspiration to those of us in public life today and those who will serve in the future.

My wife, Suzie, joins me and I know all Members of this body join me in expressing deep sympathy to Jean Carnahan, to the Carnahan family, as well as to the Sifford family.

CONGRESS SHOULD ACT TO REDUCE GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, my goal in coming to Congress was to help make the Federal Government a better partner in making communities more livable, our families safer, healthier, and more economically secure.

Clearly, safety from the threat of gun violence is one critical element in a livable community. Since I started my public service career, over 1 million Americans have lost their lives to gun violence. That is more than all the United States citizens who have lost their lives in battle from the Civil War through last week to the 17 who were tragically killed in Yemen.

Part of the solution to this epidemic of gun violence is to put a name to those faces, to make them real. One of those faces belongs to a woman named Candice DuBoff Jones, who was a bright, caring 26-year-old attorney who happened to be a law school classmate of mine in Portland, Oregon.

One morning at 10:30, she was having a hearing on a domestic relations matter two floors below where I was working as a county commissioner. Shots rang out. Candice was dead, along with her assailant who was the husband of the woman she was representing.

This impact had a dramatic ripple effect. It was not just the loss of Ms. Jones' life, but it was a loss for her husband, it was a loss for her brother, friends, and colleagues. Certainly, everybody in that courtroom was scarred by that event.

Madam Speaker, it is hard for me to share even today, not because we were that close particularly. In fact, I knew her brother much better, who was a distinguished and respected faculty member at our college, Professor Leonard DuBoff. But what is hard for me, besides the tragic loss of this woman, was that we as a society, we as a government know we can take steps to reduce gun violence, and we do not.

Over the same period of time that we lost those million gun deaths, we as a society cut the rate of auto death in this country in half. There was not any single magic solution, but there was a determination on the part of citizens and government alike to take simple, common sense steps to improve traffic safety, auto design, and law enforcement.

We can do the same thing to reduce gun violence. Luckily, there are now some States where citizens have taken the matters in their own hands, like my own State of Oregon where there is a measure on the ballot in November that will allow people to close the gun show loophole. I am confident that voters will overwhelmingly, when given this chance, vote affirmatively, as they will in Colorado.

It is strange that at a time when leaders in the Mideast are once again taking risks for peace, in fact, putting their own lives at risk by stepping forward, I am sad that the Republican House leadership will not stand up to the gun lobby and take a small but important step for peace in this country to reduce gun violence.

We have not had a meeting of the conference committee on the juvenile crime bill for the last 15 months. It was last August that it met. It has a provision that would enable us to close the gun show loophole that has already passed the Senate.

This is just but one small step, but it would send a signal that we in the House of Representatives care enough about saving lives of families in this country to take modest political risks to do the right thing.

There is still time yet in this session of Congress to do that, to convene the conference committee, to allow the House of Representatives to vote on closing the gun show loophole, to take a small step to make our communities more livable, our families safer, healthier, and more economically secure.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 39 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All praise and honor to You, Lord God. Each day You shower the United States of America with blessings. Enable us to receive Your gifts graciously.

With gratitude for all we have received, may each of us use our gifts in service to one another. Like good stewards dispensing the grace of God in various ways, may our very diversity give You greater glory.

If any of us is to speak out, let us speak with Your Word. If any of us desires to serve, let it be in the strength You supply.

The speaker needs another to listen. The dispenser of good gifts needs another to receive graciously. May true dialogue and the exchange of gifts be the unfolding of Your power in our midst.

In all things, let us so act that the glory and the power be Yours forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

UNITED STATES SENATOR JOE LIEBERMAN MISSES GOLDEN OPPORTUNITY

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Madam Speaker, last week, the Democratic candidate for Vice President made a brief stop in Odessa, Texas, in my district. He arrived with an agenda to embarrass our hometown son, Governor George Bush. He tried to cast Odessa in a bad light by making false claims against one of our most ardent businesses, the Huntsman Corporation.

The Huntsman plant is a business anchor to the Permian Basin, employing over 700 hard-working men and women. It is a good corporate citizen and an asset to our community. I am sorely disappointed that their campaign would exploit our town for political gain.

The folks of Odessa and Midland were ready to accommodate their guests. However, the candidate snubbed officials from both cities, including the chambers of commerce, mayors, and even the chairman of the Democratic Party. Our local media was also kept at arms' length. Only the candidate's handpicked media could cover the story, with only biased facts.

We in politics fully understand the staged media events and photo-ops, but the Senator's treatment of these kind folks, whom I am honored to represent, was truly uncalled for and out of line. His visit was a missed opportunity for him to meet the real success story in the Permian Basin, the people.

DRUG CZAR DID NOTHING FOR UNITED STATES BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the Drug Czar is retiring to teach national security issues at two colleges. Now, do not get me wrong. I like General McCaffrey. But for years, while truckloads and boatloads of heroin and cocaine were coming across our border, General McCaffrey asked for more money, more cops, more halfway houses, more counselors, and more TV commercials. He did nothing about our borders.

This drug czar lecturing on national security is like Janet Reno teaching a class on treason. Beam me up.

I yield back the fact that, while our soldiers are vaccinating dogs in Haiti, American police departments are training police dogs to sniff out heroin and cocaine in our schools. Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2000".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

Amend the title so as to read: "An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4850 is the Veterans' Compensation Cost-of-Living Adjustment Act of 2000.

This is a clean bill providing a cost-of-living adjustment to disabled veterans and their surviving spouses. Current estimates indicate that the increase will be about 3 percent, and veterans will see this increase in their January check.

I urge my colleagues to support the passage of H.R. 4850.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4850, as amended. I thank the gentleman from Arizona (Mr. STUMP) once again for his leadership on this important legislation and for his continued efforts on behalf of this Nation's veterans.

I also want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER), the ranking Democratic member of the subcommittee for their hard work on this measure.

The importance of this legislation cannot be overstated. It protects the purchasing power of service-connected disability benefits which our Nation's veterans have earned by virtue of their military service, and it affords similar protection for the recipients of dependency and indemnity compensation (DIC).

Under the Veterans' Compensation Cost-of-Living Adjustment Act of 2000, effective December 1, a cost-of-living adjustment will be provided for service-connected disability compensation and DIC benefits. This adjustment will be the same as that provided to Social Security recipients.

I call on every Member of this body to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I commend the following article to my colleagues:

On behalf of all the Veterans, I stand in support of H.R. 4850, the Veterans Cost of Living Adjustments Act of 2000 and urge all my colleagues to do the same. I thank Chairman STUMP for introducing this piece of legislation and giving the House and Senate the opportunity to vote on such a bill.

H.R. 4850 directs the Secretary of Veterans Affairs to increase the rates of veterans disability compensation, dependency and indemnity compensation, additional compensation for dependents, and the clothing allowance for certain disabled veterans, effective December 1, 2000.

Not only does the bill give veterans a cost of living adjustment, but this legislation includes a provision that will directly benefit veterans in Ohio attending Ohio University in Athens. The Department of Veterans Affairs (VA) decided to reverse itself on a long-standing policy issue and eliminate a December veterans educational benefit payment to approximately 360 eligible veterans who are students at Ohio University (OU).

This problem now exists for veterans because of OU's extended break between the fall and winter quarter which runs from the day prior to Thanksgiving until the day after New Years, which averages about 40 days or six weeks of down time. OU is one of only a few public universities that takes such a lengthy break from classes within its academic year. The VA has a policy which suspends benefits under the Montgomery GI Bill to veterans if they experience a break of more than 30 days between enrollment periods.

In years past, the VA approved an exemption from the policy for OU because the university uses the extended break to conserve energy by closing residence halls and academic buildings. Unfortunately, the VA recently ruled that OU will no longer qualify for an exemption. This means that if veterans are going to be paid for the month of December, they must be enrolled.

In order to remedy this situation, H.R. 4850 includes a provision that will authorize the continued payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between semesters or quarters if the interval does not exceed eight weeks. This legislation will also correct this problem for veterans around the country who attend other educational institutions that also have a break between classes of over 30 days.

It is not reasonable to punish veterans by withholding their December benefits when they do not have the option of enrolling in course work between the fall and winter quarters that is appropriate to their academic programs. The Veterans Cost of Living Adjustments Act of 2000 will right this wrong and help veterans who are trying to better their lives by completing college.

I again thank the Chairman and urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I would like to thank Chairman STUMP, Ranking Member EVANS and Mr. QUINN, Chairman of the Subcommittee on Benefits for once again assuring our country's veterans and their survivors that the value of their VA benefits will not be eroded by increases in the cost of living.

This measure is important to the continued financial well-being of our disabled veterans and their survivors. H.R. 4850 will provide a cost-of-living increase comparable to the increase received by Social Security beneficiaries. Our veterans and their families deserve no less.

I urge all members to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4850, The Veterans' Cost of Living Adjustments Act of 2000.

H.R. 4850 authorizes a cost-of-living adjustment to veterans who receive disability compensation and dependency and indemnity compensation to surviving spouses of prisoners of war who received complete disability at time of death, due to service-related injuries. This will be effective December 1, 2000.

Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

The bill also directs that strokes and heart attacks suffered by reserve component members in the performing of inactive duty training are to be considered service-connected.

Additionally, the legislation requires that compensation be paid at the "K" rate for the service-connected loss of one or both breasts due to a radical mastectomy, and expands eligibility for service-members group life insurance policies for certain members of the individual ready reserve.

Madam Speaker, I believe this is a worthy piece of legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Mr. STUMP. Madam Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for his hard work and contribution to this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4850.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Claims Assistance Act of 2000".

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§5100. Definition of 'claimant'

"For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.".

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

"§5102. Application forms furnished upon request; notice to claimants of incomplete applications

"(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

"(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

"§5103. Notice to claimants of required information and evidence

"(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

"(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

"(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

"§5103A. Duty to assist claimants

"(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

"(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

"(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

"(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

"(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

"(A) identify the records the Secretary is unable to obtain;

"(B) briefly explain the efforts that the Secretary made to obtain those records; and

"(C) describe any further action to be taken by the Secretary with respect to the claim.

"(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

"(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

"(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

"(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

"(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

"(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

"(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

"(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

"(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

"(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

"(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.".

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further amended by adding at the end the following new section:

"§5126. Benefits not to be denied based on lack of mailing address

"Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.".

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

"§5107. Claimant responsibility; benefit of the doubt

"(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

"(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.".

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: "The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.".

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

"5100. Definition of 'claimant'.";

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

"5102. Application forms furnished upon request; notice to claimants of incomplete applications.

"5103. Notice to claimants of required information and evidence.

"5103A. Duty to assist claimants.";

(3) by striking the item relating to section 5107 and inserting the following:

"5107. Claimant responsibility; benefit of the doubt.";

and

(4) by adding at the end the following new item:

"5126. Benefits not to be denied based on lack of mailing address.".

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4864.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4864 is the Veterans Claims Assistance Act of 2000. The bill addresses the Morton versus West court decision and corrects difficulties veterans have experienced with VA's claims processing. This bill clarifies VA's duty to assist veterans with their claims.

Over the last few months, the Committee on Veterans' Affairs has worked closely with the Veterans Administration, the Senate Committee on Veterans' Affairs, and the veterans service organizations on this bill.

Passage of this bill today will restore the balance in the VA claims system. Although this legislation will require some claims to be redone, it is the right thing to do.

I urge my colleagues to support H.R. 4864.

Madam Speaker, I include an explanatory statement on H.R. 4864, as amended, as follows:

EXPLANATORY STATEMENT ON H.R. 4864, AS AMENDED

H.R. 4864, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans Affairs have reached on H.R. 4864 and section 101 of S. 1810. H.R. 4864, the Veterans Claims Assistance Act of 2000, passed the House on July 25, 2000 (hereinafter referred to in context as the "House Bill"). On September 21, 2000, the Senate passed S. 1810, the Veterans Programs Enhancement Act of 2000 (hereinafter referred to in context as the "Senate Bill").

The House and Senate Committees on Veterans Affairs have prepared the following explanation of H.R. 4864, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 4864 and section 101 of S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

BACKGROUND

The Department of Veterans Affairs' (VA) system for deciding benefits claims "is unlike any other adjudicative process. It is specifically designed to be claimant friendly. It is non-adversarial; therefore, the VA must provide a substantial amount of assistance to a veteran seeking benefits." H. Rept. No. 105–52, at 2 (1997). Chapter 51 of title 38, United States Code, provides the general administrative provisions relating to processing of claims for veterans benefits. In particular, section 5107 of title 38, United States Code, states that it is a veteran's responsibility to submit evidence of a "well-grounded" claim, and the Secretary shall assist a veteran in developing the facts pertinent to the claim. Such assistance historically has included requesting service records, medical records and other documents identified by the veterans.

On July 14, 1999, the U.S. Court of Appeals for Veterans Claims ruled in Morton v. West, 12 Vet. App. 477, remanded on other grounds F.3d , 2000 U.S. App. LEXIS 22464 (Fed. Cir., August 17, 2000), that VA has no authority to develop claims that are not "well-grounded," and invalidated VA manual provisions which directed regional offices to undertake full development of all claims. This and previous court decisions construing the meaning of section 5107 of title 38, United States Code, have constructed a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS

Current Law

Chapter 51 of title 38, United States Code, refers to an applicant for veterans benefits as a "claimant," but does not provide a definition of the term.

House Bill

Section 2 of H.R. 4864 would amend chapter 51 of title 38, United States Code, by adding a new section at the beginning of the chapter. The new section would define the term "claimant" to mean "any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary."

Senate Bill

Section 101(a) of S. 1810 would add a new section 5101 to title 38, United States Code, to define the term "claimant" as "any individual who submits a claim for benefits under the laws administered by the Secretary."

Compromise Agreement

Section 2 of the compromise agreement follows the House language.

ASSISTANCE TO CLAIMANTS

APPLICATION FORMS; NOTICES TO CLAIMANTS OF INCOMPLETE APPLICATIONS

Current law

Section 5102 of title 38, United States Code, provides that the Secretary shall furnish, upon request made in person or in writing by any person claiming or applying for benefits, all printed instructions and forms necessary to establish a claim for veterans benefits at no cost to the claimant.

Section 5103 of title 38, United States Code, provides that if a claimant's application for benefits is incomplete, the Secretary shall notify the claimant of the evidence necessary to complete the application. It further provides that in the event that the additional evidence is not received within one year from the date of notification, no benefits may be paid by reason of the incomplete application. Section 5103 does not apply to any application or claim for Government life insurance benefits. Section 5103 also provides that benefits may be not be denied on the basis that the claimant does not have a mailing address.

The Secretary of Veterans Affairs' duty to assist claimants is codified at section 5107(a) of title 38, United States Code. The courts have held that the Secretary's duty to assist claimants does not arise until a claimant has first submitted a "well-grounded" claim.

House Bill

Section 3 of H.R. 4864 substantially revises current sections 5102, 5103, and 5107 of title 38, United States Code. The "duty to assist" provision would be transferred from section 5107 of title 38 to section 5103. As revised, section 5102 would contain almost all of existing sections 5102 and 5103. Subsection (a) of the proposed section 5102 is identical to existing section 5102. Subsections (c) and (d) of proposed section 5102 are identical to subsections (a) and (b) of existing subsection 5103. Proposed section 5102(b) contains the provisions of subsection (a) of existing section 5103. Proposed subsection 5102(b) clarifies the Secretary's obligation to send notices to the claimant and the claimant's representative, and to advise the claimant and the claimant's representative as to information the claimant must submit to complete the application. It also would require the Secretary to notify the claimant (and the claimant's representative) of any additional information and medical and lay evidence necessary to substantiate the claim, and which portion of such evidence is to be provided by the claimant and which portion, if any, the Secretary will attempt to obtain.

Senate Bill

Section 101(b) of S. 1810 would amend existing section 5103(a) by striking "evidence" both places it appears and inserting "information," in order to clarify that claimants will not be obligated to present any evidence upon initial application for benefits.

Subsection (c) of proposed section 5103A (as added by section 101(c)) would require VA to notify the claimant and the claimant's representative of the information and medical or lay evidence needed in order to aid in the establishment of eligibility for benefits, and inform the claimant and his or her representative what information under subsection (c)(1) the Secretary was unable to obtain.

Compromise Agreement

Proposed section 5102(a) would require the Secretary to furnish all instructions and forms necessary when a request is made, or an intent is expressed, by any person applying for veterans benefits. It is the Committees' intent that such a request might be made by using various modes of communication—electronic, telephonic, written, or personal.

The removal of the "in person or in writing" requirement from current section 5102 of title 38, United States Code, is not intended to change current VA regulations with respect to the definition of a claim or the requirements concerning what communication is sufficient to treat the communication as an informal claim. By removing the restriction on requests "in person or in writing," the Committees intend to permit veterans and VA to use current and future modes of communication. The Committees expect VA to appropriately document its communications with veterans regardless of the form of communication used.

The compromise version of revised section 5103 of title 38, United States Code, substantially maintains the current provisions of section 5103. However, it renames the title of the section as "Notice to claimants of required information and evidence" to more accurately reflect the section's purpose. The compromise agreement enhances the notice that the Secretary is now required to provide to a claimant and the claimant's representative regarding information that is necessary to complete the application. The notice would inform the claimant what information (e.g., Social Security number, address, etc.), and what medical evidence, (e.g., medical diagnoses and opinions on causes or onset of the condition, etc.) and lay evidence (e.g., statements by the veteran, witnesses, family members, etc.) is necessary to substantiate the claim. The notice would also specify which portion of this information and evidence is to be provided by the Secretary or by the claimant.

The compromise agreement also maintains the language in current section 5103 relating to time limits, but expands that language to include "information or evidence." It is not the Committees' purpose to modify the historical application of this provision, nor do the Committees intend that this section be interpreted as a hypertechnical bar to benefits. For example, if the Secretary notices a claimant to submit three pieces of information or evidence, and the claimant submits only two of the specified items, which are sufficient evidence for VA to grant the claim, then VA must act at that point. The failure to submit the additional information would not be grounds for barring payment of benefits of an otherwise established claim.

The Committees have agreed to use the phrase "information . . . and evidence . . . that is necessary to substantial the claim" [emphasis added] in appropriate places in revised sections 5103 and 5103A. This wording is used in lieu of phrases such as "establishment of the eligibility of the claimant" (S. 1810) or "establishment of eligibility for the benefits sought" (H.R. 4864). Although all three phrases convey a similar if not identical purpose, the Committees believe that they have chosen a less ambigioius and more objective test for the types of evidence that could be useful to the Secretary in deciding the claim. If information or evidence has some probative value, there must be an effort made to obtain it or to explain to the claimant how he or she might obtain it.

It is the Committees' intent that the verb "to substantiate," as used in this subsection and throughout the compromise bill (cf., proposed 5103A(a), 5103A(2), 5103A(g)) be construed to mean "tending to prove" or "to support." Information or evidence necessary to substantiate a claim need not necessarily prove a claim—although it eventually may do so when a decision on a claim is made—but it needs to support a claim or give form and substance to a claim.

SECRETARY'S DUTY TO ASSIST CLAIMANTS: GENERAL DUTY TO ASSIST

House Bill

Proposed subsection (a) of new section 5103 is a revision of language currently found in section 5107(a), which requires the Secretary to assist claimants who have filed a "well-grounded" claim. As revised, the Secretary would be obligated to assist a claimant in obtaining evidence that is necessary to establish eligibility for the benefit sought. The well-grounded claim requirement would be eliminated. However, the Secretary would be able to decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance would aid in the establishment of eligibility for the benefit sought.

Senate Bill

Subsection (a) of proposed section 5103A would require the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish the eligibility of a claimant for benefits. It eliminates the well-grounded claim requirement.

Subsection (b) provides that the Secretary is not required to provide assistance to a claimant under subsection (a) if no reasonable possibility exists that such assistance would aid in the establishment of the eligibility of the claimant for benefits.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for the benefit sought. The exact type of assistance, such as obtaining documentary evidence or medical examinations or opinions, is not specified in this section since the type of assistance needed for each claim will vary depending upon the benefit sought. This lack of specificity is not intended to limit the type of assistance required or rendered. However, the Secretary is not required to assist a claimant if no reasonable possibility exists that such assistance would aid in substantiating the claim. Under this section, the Secretary may defer providing assistance pending the submission by the claimant of essential information missing from the claimant's application.

ASSISTANCE IN OBTAINING RECORDS

House Bill

Proposed subsection (b) of the new section 5103 clarifies the Secretary's obligation to assist a claimant in obtaining evidence that is relevant to a particular claim. Under the House bill, the Secretary would be required to make reasonable efforts to obtain relevant records that the claimant adequately identifies and authorizes the Secretary to obtain. Subsection (b) would also require that the Secretary provide notice to the claimant if the effort to obtain records is unsuccessful and briefly explain the Secretary's efforts to obtain such records, describe any further actions to be taken by the Secretary, and allow the claimant a reasonable opportunity to obtain the records before the claim is decided and notify the Secretary of such actions.

Senate Bill

The Senate bill does not specifically provide for general assistance to secure records, but considers that obligation as part of VA's duty to assist claimants in the development of information and evidence necessary to establish entitlement to benefits.

Compromise Agreement

Under section 3, the Secretary would be required to make reasonable efforts to obtain relevant records, including private records, that the claimant adequately identifies and authorizes the Secretary to obtain. In an effort to keep the claimant informed about the status of the development of his or her claim, the Secretary would be required to notify the claimant when the Department is unable to obtain records. The notice would identify the records the Secretary is unable to obtain, provide a brief explanation of the efforts that the Secretary has made to obtain those records, and describe any further action to be taken by the Secretary with respect to the claim. The Secretary would be required to continue attempts to obtain the records from a Federal department or agency until it is reasonably certain that the records do not exist or that further efforts to obtain them would be futile.

OBTAINING RECORDS FOR COMPENSATION CLAIMS

House Bill

Proposed subsection (c) of section 5103 would provide for special rules for obtaining evidence in disability compensation claims. For this type of claim, the Secretary would always be obligated to obtain (1) existing service medical records, and other relevant service records if the claimant has provided sufficient locator information, (2) records of treatment or examination at Department health care facilities, if the claimant has provided information sufficient to locate such records, and (3) records in the possession of other Federal agencies if such records are relevant to the veteran's claim.

Senate Bill

Subsection (d) of the proposed 5103A would specify the assistance to be provided by the Secretary to a claimant applying for disability compensation. The Secretary would be obligated to obtain (1) relevant service and medical records maintained by applicable governmental entities that pertain to the veteran for the period or periods of the veteran's service in the active military, naval, or air service, (2) existing records of relevant medical treatment or examinations provided at Department health care facilities or at the expense of the Department but only if the claimant has furnished information sufficient to locate such records, (3) relevant records from adequately identified governmental entities authorized by the claimant to be released, and (4) relevant records from adequately identified private person or entities authorized by the claimant to be released. Efforts to obtain governmental records would be required to continue until it is reasonably certain, as determined in accordance with the regulations prescribed under subsection (f) that such records do not exist.

Compromise Agreement

Recognizing that VA has a higher burden in securing records maintained by VA and other governmental agencies, section 3 of the compromise agreement requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by a governmental entity if the claimant provides sufficient information to locate them. By use of the term "governmental entity," it is the Committees' intention that VA also secure relevant records maintained by state national guard and reserve units, as they may provide important information relating to the veteran's service history.

MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS

House Bill

In the case of a claim for disability compensation, subsection (d) of proposed section 5103 would require the Secretary to provide a medical examination or obtain a medical opinion when the Secretary has established that (1) the claimant has (a) a current disability, (b) current symptoms of a disease that may not be characterized by symptoms for extended periods of time, or (c) persistent or recurrent symptoms of disability following discharge from service, and (2) there was an in-service event, injury, or disease (or combination of events, injuries, or diseases) during the claimant's active military, naval, or air service which could have caused or aggravated the current disability or symptoms, but (3) the evidence "on hand" is insufficient to establish service connection.

SENATE BILL

Proposed section 5103A(d) would require VA to provide a medical examination needed for the purpose of determining the existence of a current disability if the claimant submits verifiable evidence, as determined in accordance with the regulations prescribed under subsection (f), establishing that the claimant is unable to afford medical treatment. Proposed subsection (e) provides that, while obtaining or after obtaining information or lay or medical evidence under subsection (d) of proposed 5103A, the Secretary determines that a medical examination or a medical opinion is necessary to substantiate entitlement to a benefit, the Secretary would then provide such medical examination or obtain such medical opinion.

Compromise Agreement

Under section 3 of the compromise agreement, proposed section 5103A(d) provides that in the case of a claim for disability compensation, the Secretary shall provide a medical examination or obtain a medical opinion when such an examination or opinion is necessary to make a decision on the claim. Taking into consideration all information and lay or medical evidence (including statements of the claimant), an examination would be necessary if the evidence of record (a) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of a disability and, (b) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service but, (c) does not contain sufficient medical evidence for the Secretary to make a decision on the claim. It is the Committees' intent that the term "disability" cover both injuries and diseases, including symptoms of undiagnosed illnesses.

In the revised section 5103A, the Committees have agreed to use the phrase "if the evidence of record . . . taking into consideration all information and lay or medical evidence (including statements of the claimant) . . . contains competent evidence . . . that the claimant has a current disability, or persistent or recurrent symptoms of disability" [emphasis added] as the threshold for when VA must obtain a medical examination or opinion for compensation claimants. This wording is used to describe evidence that is "fit for the purpose for which it is offered." U.S. v. DeLucia, 256 F.2d 487, 491 (7th Cir. 1958). Competent evidence would be evidence that is offered by someone capable of attesting to it; it need not be evidence that is credible or sufficient to establish the claim. A veteran (or layperson) can provide competent evidence that he or she has a pain in the knee since that evidence is fit for the purpose for which it is offered. However, VA would not be bound to accept a veteran's assertion that he has a torn ligament, for that would require more sophisticated information, such as the results of a medical examination or special medical testing. The Committees emphasize that medical examinations or medical opinions may be needed in order for the Secretary to fulfill the duty to assist in other situations not mandated by this section under the general duty to assist required in section 3.

REGULATIONS

House Bill

Proposed subsection 5103(e) would require the Secretary to prescribe regulations (1) specifying the evidence needed to establish a claimant's eligibility for a benefit and (2) defining the records that are relevant to a claim.

Senate Bill

Proposed subsection 5103A(f) of S. 1810 would require the Secretary to prescribe regulations for purposes of the administration of new section 5103A.

Compromise Agreement

Section 3 of the compromise agreement would require the Secretary to prescribe regulations in order to carry out this section. It is the Committees' intent that these regulations address the provisions of the language described above under "House Bill."

RULE WITH RESPECT TO DISALLOWED CLAIMS

House Bill

Proposed subsection (f) of section 5103 would specify that nothing in section 5103 would be construed to require the Secretary to reopen a claim that had been disallowed except when new and material evidence is presented or secured, as described in section 5108 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

OTHER ASSISTANCE NOT PRECLUDED

House Bill

Proposed subsection (g) of section 5103 would clarify that nothing in section 5103 would be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.

Senate Bill

Proposed subsection 5103A(d)(1)(F) would provide that the Secretary would provide any other appropriate assistance not specifically listed in section 5103(d).

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

REENACTMENT OF RULE FOR CLAIMANTS LACKING A MAILING ADDRESS

House Bill

Proposed section 3(b) of H.R. 4864 would recodify the language found at section 5103(c) as a new section 5126 of title 38, United States Code.

Senate Bill

S. 1810 does not contain a similar provision.

Compromise Agreement

Section 3 of the compromise agreement follows the House language.

DECISION ON CLAIM

Current Law

Under section 5107(a) of title 38, United States Code, a person who submits a claim for benefits has the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is "well-grounded." In order to file a "well-grounded" disability compensation claim, the court has ruled that the claimant must present evidence of 1) a current disability, 2) an in-service incidence or aggravation of a disease or injury, and 3) a nexus between the in-service disease or injury and the current disability. Caluza v. Brown, 7 Vet. App. 498 (1995) aff'd 78 F.3d 604 (Fed. Cir. 1996 table). Once that burden had been met, the Secretary must assist the claimant in developing the facts pertinent to the claim.

Under section 5107(b) of title 38, United States Code, the Secretary is required to give claimant the benefit of the doubt in resolving each material issue where there is an approximate balance of positive and negative evidence regarding the merits of the issue. Subsection (b) also provides that nothing in that subsection shall be construed as shifting the burden of establishing a well-grounded claim from the claimant to the Secretary.

House Bill

Section 4 of the House bill would revise section 5107 of title 38, United States Code, to eliminate the requirement that a veteran submit a "well-grounded" claim. The proposed revision of section 5103 discussed above sets out the authority for the Secretary to provide assistance to a claimant. Thus, the extent to which the Secretary conducted a separate threshold examination of the evidence provided in support of a claim are addressed in that section. The revised section 5107 would restate, without any substantive change, the requirements in existing law that the claimant has the burden of proving entitlement to benefits and that the Secretary must provide the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding a material issue.

Senate Bill

Section 101(e) of S. 1810 would amend section 5107 of title 38, United States Code, to eliminate the requirement that claimants submit evidence sufficient to justify the belief that the claim is "well-grounded" before VA will execute its duty to assist. Section 5107(a), as amended, would specify that the burden of proof to establish entitlement to VA benefits remains with the claimant. Section 5107(b), as amended, retains the language in current section 5107(b) requiring that claimants be given the "benefit of the doubt" when there exists an approximate balance of positive and negative evidence.

Compromise Agreement

Proposed section 5107(a) of the compromise agreement provides that a claimant has the responsibility to present and support a claim for the benefit sought. As under current law, the Secretary would be required to consider all information and lay and medical evidence of record, and when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter, the Secretary would be required to give the benefit of the doubt to the claimant.

PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES

Current Law

Section 5106 of title 38, United States Code, provides that in obtaining evidence for the development of a claim for veterans benefits, Federal departments or agencies shall provide information that the Secretary requests to determine eligibility for, or the amount of benefits, or to verify other information necessary to adjudicate a claim.

House Bill

Section 5 of the House bill adds a new sentence to section 5106 to provide that Federal departments or agencies shall furnish the Department of Veterans Affairs with records pertaining to a benefits application without charge.

Senate Bill

Proposed section 5103A(d) provides that the costs of providing VA with information are to be borne by the department or agency supplying the information.

Compromise Agreement

Section 5 of the compromise agreement follows the Senate language.

EFFECTIVE DATE

House Bill

Section 6 of the House bill provides that, in general, the provisions in the bill would apply to claims filed on or after the date of enactment and to claims which are not final as of that date. Subsection (b) of section 6 would establish a special rule providing retroactive relief on claims which were not final or which were dismissed was not "well-grounded" beginning on July 14, 1999 (the effective date of the Morton decision). In such cases, the Secretary would order the claim to be readjudicated at the request of the claimant or on the Secretary's own motion. Subsection (b)(2) would provide that a motion to readjudicate the claim would have to be made within two years from the date of enactment, while subsection (b)(3) would relieve the Secretary, in the absence of a motion to readjudicate, of any obligation to locate and readjudicate claims which might be affected by the change in law described in this subsection.

Senate Bill

The Senate provision is virtually identical to the House bill.

Compromise Agreement

Section 7 of the compromise agreement contains this provision.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Veterans Claims Assistance Act of 2000, H.R. 4864, and I thank every individual who helped perfect this measure, particularly the gentleman from Arizona (Chairman STUMP). This has broad-based bipartisan, bicameral support; and it is worthy of the support of every Member of this House.

Last fall, after the Department of Veterans Affairs implemented the Morton versus West decision of the United States Court of Appeals for veterans claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of the law. Judicial review was intended to continue VA's long-standing obligation to assist all veterans develop their claims. Under this decision, the exact opposite has occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill. Following that, a bipartisan compromise, H.R. 4864, was introduced.

I am especially pleased all critical providings of H.R. 3193 have been perfected and incorporated into H.R. 4864's amendment. These include the removal of the well-grounded claim requirement, specific notice requirements, duty to assist all claimants, additional specific requirements for service-connected disability claims.

I strongly believe in judicial review. However, the courts can, and do, make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is Congress' responsibility to correct the problem. I believe this measure will do this.

Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, the Veterans Claims Assistance Act of 2000, H.R. 4864, is the product of hard work of many people. Members of the Veterans' Affairs Committees of both bodies, Democratic and Republican committee staff from both bodies, representatives of veterans service organizations and the administration have all contributed to this measure. I thank each individual who has helped perfect this measure and I particularly thank Chairman STUMP for his leadership in crafting H.R. 4864, which has broad bipartisan, bicameral support.

Last fall, after the Department of Veterans Affairs (VA) implemented the Morton v. West decision of the United States Court of Appeals for Veterans Claims, I introduced H.R. 3193, the Duty to Assist Act. This legislation was introduced to correct erroneous interpretations of law. Judicial review was intended to continue VA's long standing obligation to assist all veterans with the development of their claims. Under the Morton decision, the exact opposite occurred.

On March 23, 2000, the Subcommittee on Benefits held a hearing on my bill and the problems experienced by veterans under the well-grounded claim requirement. A number of suggestions were made during this hearing and in subsequent meetings with representatives of the VA and veterans service organizations. As a result, a bipartisan compromise bill H.R. 4864, was introduced. The other body also addressed this problem in a provision included in S. 1810. The compromise bill we are considering today, H.R. 4864, as amended by the other body, includes elements of bills passed by both houses of Congress.

I am especially pleased that all of the critical provisions from H.R. 3193 have been perfected and incorporated into H.R. 4864. These include:

REMOVAL OF THE WELL-GROUNDED CLAIM REQUIREMENT

First and most importantly, the bill eliminates the requirement that a veteran submit a well-grounded claim before VA is required to offer any help to a veteran in the development of his or her claim.

Unfortunately for veterans and their survivors, the requirement to submit a well-grounded claim gradually increased from the concept of a uniquely low threshold, to a significant barrier, requiring veterans to purchase medical evaluations and opinion before their claims could be considered on their merits. Claims of combat-injured veterans were denied before VA adjudicators even obtained copies of the veterans' service medical records. Veterans who were being discharged from military service because of a disability had their claim for service-connected disability benefits for that disability denied as not well-grounded. In some of these cases, the veteran later supplied copies of their military and other medical records and had benefits awarded after multiple decision concerning the "well-groundedness" of various parts of the claim. In other cases, I fear that deserving veterans have just gone away, feeling betrayed by the government they have served so honorably.

By removing the well-grounded claim requirement, I expect that the VA will proceed in a fair and reasonable fair manner to identify and obtain all of the relevant evidence necessary to make an accurate decision on the claim when it is first presented. While some claims may ultimately be denied, by obtaining and reviewing all of the relevant evidence first, veterans will be assured that their claims have been fairly and fully considered.

SPECIFIC NOTICE REQUIREMENTS

I am particularly concerned that the notices sent to veterans often do not contain clear information that enables the veteran to understand what actions VA has taken or will take and what information or evidence the veteran should provide. If VA is requesting the veteran to supply information such as employment information or school records of children, the notice should provide enough information in clearly understandable language for the veteran to understand what is being requested. Following the Morton decision many veterans received virtually indecipherable notices advising them that their claim was "not well-grounded". I encourage the VA to continue developing communications using plain English which the majority of beneficiaries can be expected to understand. The compromise bill expands upon the notice requirements specified in H.R. 3193.

DUTY TO ASSIST ALL CLAIMANTS

The compromise bill makes it clear that VA has a duty to make reasonable efforts to assist all claimants in obtaining evidence needed to substantiate their claim. What is reasonable will depend upon the nature of the claim being pursued and the evidence which is needed to establish that claim. If a medical examination or opinion is needed VA is required to provide it. If private medical records are needed, VA should request the records from the treating source with the consent of the veteran claimant.

ADDITIONAL SPECIFIC REQUIREMENTS FOR SERVICE-CONNECTED DISABILITY CLAIMS

The compromise bill contains specific special requirements for the adjudication of service-connected disability claims. These requirements recognize that certain actions are always necessary to the proper development of claims for service-connected compensation benefits and are therefore mandated.

The Committees have determined that because of special responsibility of the government for claims for service-connected compensation benefits that there are certain circumstances when VA may not proceed to decide a claim without first obtaining a medical examination or opinion. If the record contains competent evidence that the claimant has a current disability or symptoms and indicates that the disability or symptoms may be associated with the claimant's military service, but the medical evidence is insufficient to make a determination on the claim, VA must obtain a medical evaluation or opinion. If the evidence is sufficient to decide the claim, VA may proceed to decide it.

I am particularly concerned with the number of cases reviewed by Committee staff in which VA has evidence of a current disability and an indication of a potential in-service incident or series of events which may have caused or aggravated the disability, but VA has failed to obtain a medical opinion concerning the relationship between the two. For example, under this provision, I expect that if a veteran's military records indicate he served as a paratrooper, making multiple jumps during service in Vietnam and the veteran now has evidence of arthritis of the knees he indicates was due to these jumps, VA will be required to obtain a medical opinion as to whether it is as likely as not that his current arthritis is related to his military service.

I recognize that some concerns have been raised that because the bill mandates certain procedures in some circumstances and not in others, VA will refuse to comply with its general duty to assist contained in the amended section 5103A(a)(1) of title 38. I do not believe that in implementing this law, VA will refuse to comply with its general duty to assist.

The general duty to assist section is intended to provide VA with the flexibility to make whatever reasonable efforts are needed in order to properly adjudicate the particular claim. If a pension applicant needs a medical examination to determine disability, I fully expect VA to provide a medical examination. If a medical evaluation or opinion is needed to resolve conflicts in the medical evidence related to a service-connected claim, I fully expect VA to obtain the requisite examination or opinion. the special provisions mandated for service-connected claims in some circumstances is not, and should not be interpreted by VA, as a license to ignore the general duty to assist provided in the same bill.

I strongly believe in judicial review. However, courts can—and do—make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is Congress' responsibility to correct the problem. H.R. 4864, as amended, will do this.

Veterans seeking to establish their entitlement to benefits they have earned as a result of their service to our country deserve to have their claims decided fairly and fully based upon all relevant and available evidence. Where it is as likely as not that a disability was incurred or aggravated during military service, the benefit of the doubt rule dictates that the disability will be service-connected. Passage of H.R. 4864 will help to assure that their claims are properly considered and fairly decided.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Madam Speaker, to the gentleman from Arizona (Mr. STUMP), my friend and colleague, the distinguished chairman of the Committee on Veterans' Affairs, I want to thank him for his leadership, as well as the gentleman from Illinois (Mr. EVANS), the ranking member, for his contributions and leadership to this very important issue.

Madam Speaker, I am pleased to rise today in support of H.R. 4864, as amended, the Veterans Claims Assistance Act of 2000. The members of the Subcommittee on Benefits have worked for the past 7 months on crafting legislation to address the Morton versus West decision by the Court of Appeals for veterans claims. H.R. 4864, as amended, meets that challenge.

This and previous court decisions have construed VA's authority to develop claims that are not what is legally referred to as well grounded, and the results have created a significant barrier to veterans who need assistance in obtaining information and evidence in order to receive benefits from the VA.

Among other things, H.R. 4864, as amended, requires the Secretary to furnish all necessary forms and instructions to file a claim when a request is made and requires the Secretary to make reasonable efforts to assist in the development of information and medical and lay evidence necessary to establish eligibility of a claimant for benefits.

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This bill eliminates the "well grounded" requirements.

With regard to compensation claims, this bill requires the Secretary to obtain the claimant's service medical records and other relevant records pertaining to the claimant's active military service, if the claimant provides sufficient information to locate them, and requires the Secretary to provide a medical examination or obtain a medical opinion when such an exam or opinion is necessary to make a decision on that claim.

As the chairman has indicated, we have been working with the VA officials and members of veterans service organizations to develop a bill that addresses the concerns of all interested parties, and I believe we have succeeded in this bill. I want to thank the chairman and the ranking member once again for their leadership, and I urge my colleagues to support H.R. 4864 as amended.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), and express my appreciation for his efforts on behalf of this legislation.

I also want to thank the members of the Subcommittee on Benefits, and the chairman in particular, for all their hard work on H.R. 4864.

I would also like to tell my colleagues about the hard work performed by the chairman of the Subcommittee on Benefits, the gentleman from New York (Mr. QUINN), during the 106th Congress. This Congress has been a very good one for veterans, due in no small part to the extraordinary energy of the gentleman from New York. He has done a commendable job leading a subcommittee that deals with very difficult and sometimes emotional issues, and I thank him very much for all his hard work.

I would also like to thank the gentleman from Nevada (Mr. GIBBONS), a member of the committee, for his contributions to this bill.

Mr. FILNER. Madam Speaker, I thank the Chairman, Mr. STUMP and the Ranking Member of the Full Committee, Mr. EVANS for their hard work in bringing the Veterans Claims Assistance Act of 2000, H.R. 4864 as amended, before us today.

Following the U.S. Court of Appeals for Veterans Claims decision in *Morton* v. *West* thousands of veterans throughout this country received letters from VA telling them that their claims for disability benefits were "not well-grounded." In many cases, the notices were incomprehensible to veterans.

Veterans were told that they had to submit evidence of a "nexus" between their military service and current disability before VA would provide them any help at all. Claims of combat injured veterans were denied before records of military service were obtained.

In our subcommittee hearing on Mr. EVAN's bill we heard eloquent testimony about the seriousness of the problem.

Veterans with claims for service-connected disabilities which were noted in their service medical records had those claims rejected as "not well-grounded."

Veterans being treated by VA physicians were denied VA medical opinions concerning the relationship between their disability and their military service and were thus unable to provide "nexus" statements VA required without purchasing medical opinions at their own expense.

Vietnam veterans with conditions presumed under law to be service-connected as a result of Agent Orange exposure had claims rejected as not well-grounded.

Medal of Honor winners and former Prisoners of War had their claims rejected.

This bill will rectify those errors. In addition, the bill contains very specific notice requirements. Even as a former college professor, I have found notices sent to veterans who contact my office, both here and in San Diego, to be virtually incomprehensible. The compromise bill passed by the Senate requires VA to inform veterans when additional information is needed. If VA is unable to obtain records identified by the claimant, VA is required to notify the claimant that the records were not obtained, describe the efforts made to obtain the records and describe the action to be taken by the Secretary. These provisions were inserted to assure that veterans are able to make informed decisions concerning their claims. I expect VA to provide this information in simple, plain, understandable English.

By passing H.R. 4864, this House agreed that veterans and other claimants have a right to have their claims fully developed and properly evaluated. The Senate has now agreed.

By passing this bill Congress will send a strong message to the VA and our Nation's veterans concerning our government's obligation to care for him who has borne the battle. I urge my colleagues to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans' Claims Assistance Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 4864, authorizes the Secretary of Veterans Affairs to assist a veteran claimant in obtaining evidence to establish an entitlement to a benefit. The bill achieves this by requiring the Secretary of Veterans Affairs to make reasonable efforts to obtain relevant records that the claimant identifies, unless there is no reasonable possibility that assistance would aid in substantiating the claim. Also, the measure eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence.

For service-connected disability compensation claims, H.R. 4864 requires the Secretary to obtain existing service medical records and other relevant records pertaining to the claimant's active military, naval, or air service that are maintained by the Government if the claimant provides sufficient information to locate them, and provide a medical examination or obtain a medical opinion when such an examination (or opinion) is necessary to make a decision on the claim. The bill further requires other Federal agencies to furnish relevant records to the Department at no cost to the claimant.

Under the bill a "claimant" is a person who would be eligible to receive assistance from the Veterans Secretary as any person seeking veterans benefits. The Secretary would be required to give the benefit of the doubt to the claimant when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of a matter.

Finally, H.R. 4864 permits veterans who had claims denied or dismissed after the court of appeals for veterans claims decision in Morton v. West to request review of those claims within a 2-year period following enactment.

Madam Speaker, the VA claims process was initially intended to be friendly to the veterans. In recent years, however, the system has been plagued by unacceptably long delays and far too many bureaucratic hurdles. Earlier this year, the House addressed the issue of timeliness. This bill seeks to remove one of the barriers that has recently arisen to block the successful resolution of many claims.

In July 1999, the court of appeals for veterans claims stated in the case of Morton v. West that the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is "well-grounded."

This decision, not only prevents the VA from providing assistance to veterans, it has also led to confusion concerning the meaning and application of the "well grounded" claim requirement. H.R. 4864 clarifies the "well grounded" claim requirement and enables the VA to once again provide as much assistance as possible to veterans.

Accordingly, I urge my colleagues to support this important legislation.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4864.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

The Clerk read as follows:

Senate amendments to house amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits and Health Care Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.
Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.
Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors' and Dependents' Educational Assistance

Sec. 111. Increase in rates of survivors' and dependents' educational assistance.
Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.
Sec. 113. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 114. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.

Subtitle C—General Educational Assistance

Sec. 121. Revision of educational assistance interval payment requirements.
Sec. 122. Availability of education benefits for payment for licensing or certification tests.
Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.
Sec. 202. Special pay for dentists.
Sec. 203. Exemption for pharmacists from ceiling on special salary rates.
Sec. 204. Temporary full-time appointments of certain medical personnel.
Sec. 205. Qualifications of social workers.
Sec. 206. Physician assistant adviser to Under Secretary for Health.
Sec. 207. Extension of voluntary separation incentive payments.

Subtitle B—Military Service Issues

Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.
Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.

Subtitle C—Medical Administration

Sec. 221. Department of Veterans Affairs Fisher Houses.
Sec. 222. Exception to recapture rule.
Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.
Sec. 224. Technical and conforming changes.

Subtitle D—Construction Authorization
Sec. 231. Authorization of major medical facility projects.
Sec. 232. Authorization of appropriations.
Subtitle E—Real Property Matters
Sec. 241. Change to enhanced use lease congressional notification period.
Sec. 242. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.
Sec. 243. Demolition, environmental cleanup, and reversion of Department of Veterans Affairs Medical Center, Allen Park, Michigan.
Sec. 244. Conveyance of certain property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.
Sec. 245. Land conveyance, Miles City Department of Veterans Affairs Medical Center complex, Miles City, Montana.
Sec. 246. Conveyance of Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
Sec. 247. Effect of closure of Fort Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.
TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS
Subtitle A—Compensation Program Changes
Sec. 301. Strokes and heart attacks incurred or aggravated by members of reserve components in the performance of duty while performing inactive duty training to be considered to be service-connected.
Sec. 302. Special monthly compensation for women veterans who lose a breast as a result of a service-connected disability.
Sec. 303. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 304. Revision to limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 305. Review of dose reconstruction program of the Defense Threat Reduction Agency.
Subtitle B—Life Insurance Matters
Sec. 311. Premiums for term Service Disabled Veterans' Insurance for veterans older than age 70.
Sec. 312. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
Sec. 313. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.
Subtitle C—Housing and Employment Programs
Sec. 321. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
Sec. 322. Veterans employment emphasis under Federal contracts for recently separated veterans.
Sec. 323. Employers required to grant leave of absence for employees to participate in honor guards for funerals of veterans.
Subtitle D—Cemeteries and Memorial Affairs
Sec. 331. Eligibility for interment of certain Filipino veterans of World War II in national cemeteries.
Sec. 332. Payment rate of certain burial benefits for certain Filipino veterans of World War II.
Sec. 333. Plot allowance for burial in State veterans cemeteries.
TITLE IV—OTHER MATTERS
Sec. 401. Benefits for the children of women Vietnam veterans who suffer from certain birth defects.
Sec. 402. Extension of certain expiring authorities.
Sec. 403. Preservation of certain reporting requirements.
Sec. 404. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$650"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$528".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.

SEC. 102. UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and"; and

(B) by striking subsection (e).

(2) Section 3017(a)(1)(A)(ii) is amended by striking "clause (2)(A)" and inserting "clause (2)".

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and"; and

(2) by striking subsection (f).

(c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—Paragraph (4) of section 3018(b) is amended to read as follows:

"(4) before applying for benefits under this section—

"(A) completes the requirements of a secondary school diploma (or equivalency certificate); or

"(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and".

(d) EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF SELECTED RESERVE.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:

"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);".

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for such basic educational assistance by reason of the requirement of a secondary school diploma (or equivalency certificate) as a condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) becomes entitled to basic educational assistance under section 3011(a)(2), 3012(a)(2), or 3018(b)(4) of title 38, United States Code, by reason of the amendments made by this section.

SEC. 103. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following new clause (i):

"(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or"; and

(B) in clause (ii)(II), by striking "in the case of an individual who completed not less than 20 months" and all that follows through "was at least three years" and inserting "if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service";

(2) in subsection (d)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which an individual's entitlement to assistance under this section is based";

(3) in subsection (h)(2)(A), by striking "during an initial period of active duty," and inserting "during the obligated period of active duty on which entitlement to assistance under this section is based,"; and

(4) in subsection (i), by striking "initial".

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a)(1)(A)(i), by striking ", as the individual's" and all that follows through "Armed Forces" and inserting "an obligated period of active duty of at least two years of continuous active duty in the Armed Forces"; and

(2) in subsection (e)(1), by striking "initial".

(c) DURATION OF ASSISTANCE.—Section 3013 is amended—

(1) in subsection (a)(2), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based"; and

(2) in subsection (b)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based".

(d) AMOUNT OF ASSISTANCE.—Section 3015 is amended—

(1) in the second sentence of subsection (a), by inserting before "a basic educational assistance allowance" the following: "in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,";

(2) in subsection (b), by striking "and whose initial obligated period of active duty is two years," and inserting "whose obligated period of active duty on which such entitlement is based is two years,"; and

(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

"(A) whose obligated period of active duty on which such entitlement is based is less than three years;

"(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and".

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for basic educational assistance under chapter 30 of such title by reason of the requirement of an initial obligated period of active duty as condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) on or after such date becomes eligible for such assistance by reason of the amendments made by this section.

SEC. 104. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

"(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

"(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

"(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

"(C) The individual meets the requirements of subsection (a)(3).

"(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

"(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

"(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

"(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

"(I) the Secretary concerned shall collect from the qualified individual; or

"(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

"(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

"(C) The provisions of subsection (c) shall apply to qualified individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

"(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

"(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

"(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

"(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

(c) COORDINATION PROVISIONS.—(1) If this Act is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1601 of that Act, including the amendments made by that section, shall not take effect. If this Act is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of this Act, the amendments made by section 1601 of that Act shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

(2) If the Veterans Claims Assistance Act of 2000 is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, including the amendments made by that section, shall not take effect. If the Veterans Claims Assistance Act of 2000 is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of the Veterans Claims Assistance Act of 2000, the amendments made by section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

SEC. 105. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011, as amended by section 102(a)(1)(B), is amended by inserting after subsection (d) the following new subsection (e):

"(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

"(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

"(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

"(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.".

(2) Section 3012, as amended by section 102(b)(2), is amended by inserting after subsection (e) the following new subsection (f):

"(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

"(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

"(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

"(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.".

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015 is amended—

(1) by striking "subsection (g)" each place it appears in subsections (a)(1) and (b)(1) and inserting "subsection (h)";

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

"(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

"(1) an amount equal to $1 for each $4 contributed by such individual under section 3011(e) or 3012(f), as the case may be, for an approved program of education pursued on a full-time basis; or

"(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.".

(c) Effective Date.—The amendments made by this section shall take effect on May 1, 2001.

(d) Transitional Provision for Individuals Discharged Between Enactment and Effective Date.—(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

(2) Paragraph (1) applies in the case of an individual who—

(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act and ending on April 30, 2001; and

(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.

Subtitle B—Survivors' and Dependents' Educational Assistance

SEC. 111. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) Survivors' and Dependents' Educational Assistance.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking "$485" and inserting "$588";

(B) by striking "$365" and inserting "$441"; and

(C) by striking "$242" and inserting "$294";

(2) in subsection (a)(2), by striking "$485" and inserting "$588";

(3) in subsection (b), by striking "$485" and inserting "$588"; and

(4) in subsection (c)(2)—

(A) by striking "$392" and inserting "$475";

(B) by striking "$294" and inserting "$356"; and

(C) by striking "$196" and inserting "$238".

(b) Correspondence Course.—Section 3534(b) is amended by striking "$485" and inserting "$588".

(c) Special Restorative Training.—Section 3542(a) is amended—

(1) by striking "$485" and inserting "$588";

(2) by striking "$152" each place it appears and inserting "$184"; and

(3) by striking "$16.16" and all that follows and inserting "such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.".

(d) Apprenticeship Training.—Section 3687(b)(2) is amended—

(1) by striking "$353" and inserting "$428";

(2) by striking "$264" and inserting "$320";

(3) by striking "$175" and inserting "$212"; and

(4) by striking "$88" and inserting "$107".

(e) Effective Date.—The amendments made by subsections (a) through (d) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 35 of title 38, United States Code, for months after October 2000.

(f) Annual Adjustments to Amounts of Assistance.—

(1) Chapter 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

"§ 3564. Annual adjustment of amounts of educational assistance

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

"3564. Annual adjustment of amounts of educational assistance.".

(2) Chapter 36.—Section 3687 is amended by adding at the end the following new subsection:

"(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(3) Effective Date.—Sections 3654 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.

SEC. 112. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

Section 3512(a)(3) is amended by striking "8 years after," and all that follows through the end and inserting "8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

"(A) the Secretary approves that beginning date;

"(B) the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and

"(C) that beginning date—

"(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is between the dates described in subsection (d); and

"(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

"(I) the date of the parent's death; and

"(II) the date of the Secretary's decision that the death was service-connected;".

SEC. 113. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) In General.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking "subsection (b) of this section" and inserting "subsections (b) and (c)"; and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual's application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

"(2) An individual referred to in paragraph (1) is an eligible person who—

"(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

"(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

"(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual's eligibility date.

"(3) In this subsection:

"(A) The term 'eligibility date' means the date on which an individual becomes an eligible person.

"(B) The term 'eligible person' has the meaning given that term under section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.

"(C) The term 'initial rating decision' means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for such veteran's death or (ii) the existence of such veteran's service-connected total disability permanent in nature, as the case may be.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.

SEC. 114. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

(a) In General.—Section 3501(a)(5) is amended by adding at the end the following new sentence: "Such term also includes any preparatory course described in section 3002(3)(B) of this title.".

(b) Scope of Availability.—Section 3512(a) is amended—

(1) by striking "and" at the end of clause (5);

(2) by striking the period at the end of clause (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.".

Subtitle C—General Educational Assistance

SEC. 121. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) In General.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between those terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 122. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) In General.—Sections 3452(b) and 3501(a)(5) (as amended by section 114(a)) are

each amended by adding at the end the following new sentence: "Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.".

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

"(c)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—(1) Chapter 36 is amended by inserting after section 3688 the following new section:

"§3689. Approval requirements for licensing and certification testing

"(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

"(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

"(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

"(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

"(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

"(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

"(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered the test for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

"(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

"(D) The organization or entity has no direct financial interest in—

"(i) the outcome of the test; or

"(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

"(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

"(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

"(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

"(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

"(H) The organization or entity furnishes to the Secretary the following information:

"(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

"(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

"(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

"(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

"(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

"(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

"(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

"(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

"(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

"(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

"(B) The Secretary of Labor and the Secretary of Defense shall serve as ex officio members of the Committee.

"(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

"(4)(A) The Secretary shall appoint the chairman of the Committee.

"(B) The Committee shall meet at the call of the chairman.

"(5) The Committee shall terminate December 31, 2006.".

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

"3689. Approval requirements for licensing and certification testing.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary on Veterans Affairs on or after such date.

(e) STARTUP FUNDING.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2001 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed $3,000,000 to develop the systems and procedures required to make payments under chapters 30, 32, 34, and 35 of title 38, United States Code, for licensing and certification tests.

SEC. 123. INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES.

Section 3674(a)(4) is amended—

(1) in the first sentence, by inserting "or, for each of fiscal years 2001 and 2002, $14,000,000" after "$13,000,000"; and

(2) in the second sentence, by striking "$13,000,000" both places it appears and inserting "the amount applicable to that fiscal year under the preceding sentence".

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

SEC. 201. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) REVISED PAY ADJUSTMENT PROCEDURES.—(1) Subsection (d) of section 7451 is amended—

(A) in paragraph (1)—

(i) by striking "The rates" and inserting "Subject to subsection (e), the rates"; and

(ii) in subparagraph (A)—

(I) by striking "section 5305" and inserting "section 5303"; and

(II) by inserting "and to be by the same percentage" after "to have the same effective date";

(B) in paragraph (2), by striking "Such" in the second sentence and inserting "Except as provided in paragraph (1)(A), such";

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: "To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.";

(ii) by inserting before the penultimate sentence the following new sentence: "To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay, and such other information needed to meet the purpose of this section."; and

(iii) in the penultimate sentence, by inserting "or published" after "completed"; and

(D) by striking clause (iii) of paragraph (3)(C).

(2) Subsection (e) of such section is amended to read as follows:

"(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.

"(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with subsection (d)(3).

"(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. If the determination of the director would result in an adjustment in rates of basic pay applicable to covered positions, any action by the Under Secretary under the preceding sentence shall be made before the effective date of such pay adjustment. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the timely exercise of the authority in this paragraph.

"(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

"(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

"(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

"(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

"(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

"(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department health care facilities. Each such report shall include the following:

"(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

"(B) The information for each such facility specified in paragraph (4).".

(3) Subsection (f) of such section is amended—

(A) by striking "February 1 of 1991, 1992, and 1993" and inserting "March 1 of each year"; and

(B) by striking "subsection (d)(1)(A)" and inserting "subsection (d)".

(4) Such section is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) REQUIRED CONSULTATIONS WITH NURSES.—(1) Subchapter II of chapter 73 is further amended by adding at the end the following new section:

"§ 7323. Required consultations with nurses

"The Under Secretary for Health shall ensure that—

"(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

"(2) the director of a medical center shall include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

"7323. Required consultations with nurses.".

SEC. 202. SPECIAL PAY FOR DENTISTS.

(a) FULL-TIME STATUS PAY.—Paragraph (1) of section 7435(b) is amended by striking "$3,500" and inserting "$9,000".

(b) TENURE PAY.—The table in paragraph (2)(A) of that section is amended to read as follows:

"Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years	$1,000	$2,000
2 years but less than 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years ..	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.".

(c) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of that section is amended by striking "$20,000" and inserting "$30,000".

(d) RESPONSIBILITY PAY.—(1) The table in paragraph (4)(A) of that section is amended to read as follows:

"Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade	$14,500	$25,000
Director Grade	0	25,000
Service Chief (or in a comparable position as determined by the Secretary)	4,500	15,000.".

(2) The table in paragraph (4)(B) of that section is amended to read as follows:

"Position	Rate
Deputy Service Director	$20,000

"Position	Rate
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000.".

(e) Geographic Pay.—Paragraph (6) of that section is amended by striking "$5,000" and inserting "$12,000".

(f) Special Pay for Post-Graduate Training.—Such section is further amended by adding at the end the following new paragraph:

"(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.".

(g) Crediting of Increased Tenure Pay for Civil Service Retirement.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the date of the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

"(A) In an amount equal to the amount that would have been so considered under such section on the day before such date based on the rates of special pay the dentist was entitled to receive under that section on the day before such date.

"(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such date.".

(h) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the date of the enactment of this Act.

(i) Transition.—In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after that date, the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of the date of the enactment of this Act in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that date.

SEC. 203. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

Section 7455(c)(1) is amended by inserting ", pharmacists," after "anesthetists".

SEC. 204. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) Physician Assistants Awaiting Certification or Licensure.—Paragraph (2) of section 7405(c) is amended to read as follows:

"(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

"(A) has successfully completed—

"(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

"(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

"(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.".

(b) Medical Support Personnel.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".

SEC. 205. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(b)(9) is amended by striking "a person must" and all that follows and inserting "a person must—

"(A) hold a master's degree in social work from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.".

SEC. 206. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.".

SEC. 207. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

"(c) Limitation.—The plan under subsection (a) shall be limited to a total of 7,734 positions within the Department, allocated among the elements of the Department as follows:

"(1) The Veterans Health Administration, 6,800 positions.

"(2) The Veterans Benefits Administration, 740 positions.

"(3) Department of Veterans Affairs Staff Offices, 156 positions.

"(4) The National Cemetery Administration, 38 positions.".

(2) Section 1105(a) is amended by striking "26 percent" and inserting "15 percent".

(3) Section 1109(a) is amended by striking "December 31, 2000" and inserting "December 31, 2002".

Subtitle B—Military Service Issues

SEC. 211. FINDINGS AND SENSE OF CONGRESS CONCERNING USE OF MILITARY HISTORIES OF VETERANS IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) Findings.—Congress makes the following findings:

(1) Pertinent military experiences and exposures may affect the health status of Department of Veterans Affairs patients who are veterans.

(2) The Department of Veterans Affairs has begun to implement a Veterans Health Initiative to develop systems to ensure that both patient care and medical education in the Veterans Health Administration are specific to the special needs of veterans and should be encouraged to continue these efforts.

(3) Protocols eliciting pertinent information relating to the military history of veterans may be beneficial to understanding certain conditions for which veterans may be at risk and thereby facilitate the treatment of veterans for those conditions.

(4) The Department of Veterans Affairs is in the process of developing a Computerized Patient Record System that offers the potential to aid in the care and monitoring of such conditions.

(b) Sense of Congress.—Congress—

(1) urges the Secretary of Veterans Affairs to assess the feasibility and desirability of using a computer-based system to conduct clinical evaluations relevant to military experiences and exposures; and

(2) recommends that the Secretary accelerate efforts within the Department of Veterans Affairs to ensure that relevant military histories of veterans are included in Department medical records.

SEC. 212. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

(a) Study on Post-Traumatic Stress Disorder.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) Follow-Up Study.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.

(c) Information To Be Included.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;

(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) Report.—The Secretary shall submit to the Committees of Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

Subtitle C—Medical Administration

SEC. 221. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) Authority.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

"§ 1708. Temporary lodging

"(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

"(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

"(1) A veteran who must travel a significant distance to receive care or services under this title.

"(2) A member of the family of a veteran and others who accompany a veteran and provide *the equivalent of familial support for such veteran.*

"(c) In this section, the term 'Fisher house' means a housing facility that—

"(1) is located at, or in proximity to, a Department medical facility;

"(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

"(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

"(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

"(1) limiting the duration of lodging provided under this section;

"(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

"(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

"(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

"(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

"1708. Temporary lodging.".

SEC. 222. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.".

SEC. 223. SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement and distribution of medical items, including prescription drugs, is a multibillion-dollar annual business for both the Department of Defense and the Department of Veterans Affairs.

(2) Those departments prescribe common high-use drugs to many of their 12,000,000 patients who have similar medical profiles.

(3) The health care systems of those departments should have management systems that can share and communicate clinical and management information useful for both systems.

(4) The institutional barriers separating the two departments have begun to be overcome in the area of medical supplies, in part as a response to recommendations by the General Accounting Office and the Commission on Servicemembers and Veterans Transition Assistance.

(5) There is significant potential for improved savings and services by improving cooperation between the two departments in the procurement and management of prescription drugs, while remaining mindful that the two departments have different missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense and the Department of Veterans Affairs should increase, to the maximum extent consistent with their respective missions, their level of cooperation in the procurement and management of prescription drugs.

SEC. 224. TECHNICAL AND CONFORMING CHANGES.

(a) REQUIREMENT TO PROVIDE CARE.—Section 1710A(a) is amended by inserting "(subject to section 1710(a)(4) of this title)" after "Secretary" the first place it appears.

(b) CONFORMING AMENDMENTS.—Section 1710(a)(4) is amended—

(1) by inserting "the requirement in section 1710A(a) of this title that the Secretary provide nursing home care," after "medical services,"; and

(2) by striking the comma after "extended care services".

(c) OUTPATIENT TREATMENT.—Section 201 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1561) is amended by adding at the end the following new subsection:

"(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b).".

(d) RATIFICATION.—Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act is hereby ratified.

Subtitle D—Construction Authorization

SEC. 231. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) FISCAL YEAR 2001 PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, $51,700,000.

(4) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, $23,600,000.

(b) ADDITIONAL FISCAL YEAR 2000 PROJECT.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account—

(1) for fiscal years 2001 and 2002, a total of $87,800,000 for the projects authorized in paragraphs (1), (2), and (3) of section 231(a);

(2) for fiscal year 2001, an additional amount of $23,600,000 for the project authorized in paragraph (4) of that section; and

(3) for fiscal year 2002, an additional amount of $14,500,000 for the project authorized in section 401(1) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572).

(b) LIMITATION.—The projects authorized in section 231(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) for a category of activity not specific to a project.

(c) REVISION TO PRIOR LIMITATION.—Notwithstanding the limitation in section 403(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573), the project referred to in subsection (a)(3) may be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (a)(3);

(2) funds appropriated for Construction, Major Projects, for fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 for a category of activity not specific to a project.

Subtitle E—Real Property Matters

SEC. 241. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

"(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).".

SEC. 242. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) RELEASE OF INTEREST.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled "An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee", approved June 6, 1953 (67 Stat. 54).

(b) SPECIFIED REVERSIONARY INTEREST.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a); requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) CONFORMING AMENDMENT.—Section 2 of such Act is repealed.

SEC. 243. DEMOLITION, ENVIRONMENTAL CLEANUP, AND REVERSION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ALLEN PARK, MICHIGAN.

(a) AUTHORITY.—(1) The Secretary of Veterans Affairs shall enter into a multiyear contract with the Ford Motor Land Development Corporation (hereinafter in this section referred to as the "Corporation") to undertake project management responsibility to—

(A) demolish the buildings and auxiliary structures comprising the Department of Veterans Affairs Medical Center, Allen Park, Michigan; and

(B) remediate the site of all hazardous material and environmental contaminants found on the site.

(2) The contract under paragraph (1) may be entered into notwithstanding sections 303 and 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253, 254). The contract shall be for a period specified in the contract not to exceed seven years.

(b) CONTRACT COST AND SOURCE OF FUNDING.—(1) The Secretary may expend no more than $14,000,000 for the contract required by subsection (a). The contract shall provide that all costs for the demolition and site remediation under the contract in excess of $14,000,000 shall be borne by the Corporation.

(2) Payments by the Secretary under the contract shall be made in annual increments of no more than $2,000,000, beginning with fiscal year 2001, for the duration of the contract. Such payments shall be made from the nonrecurring maintenance portion of the annual Department of Veterans Affairs medical care appropriation.

(3) Notwithstanding any other provision of law, the amount obligated upon the award of the contract may not exceed $2,000,000 and the amount obligated with respect to any succeeding fiscal year may not exceed $2,000,000. Any funds obligated for the contact shall be subject to the availability of appropriated funds.

(c) REVERSION OF PROPERTY.—Upon completion of the demolition and remediation project under the contract to the satisfaction of the Secretary, the Secretary shall, on behalf of the United States, formally abandon the Allen Park property (title to which will then revert in accordance with the terms of the 1937 deed conveying such property to the United States).

(d) FLAGPOLE AND MEMORIAL.—The contract under subsection (a) shall require that the Corporation shall erect and maintain on the property abandoned by the United States under subsection (c) a flagpole and suitable memorial identifying the property as the location of the former Allen Park Medical Center. The Secretary and the Corporation shall jointly determine the placement of the memorial and flagpole and the form of, and appropriate inscription on, the memorial.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with regard to the contract with the Corporation under subsection (a) and with the reversion of the property under subsection (c) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 244. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

(a) CONVEYANCE TO STATE BOARD OF REGENTS.—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) CONVEYANCE TO COMMUNITY SERVICE BOARD OF MIDDLE GEORGIA.—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 245. LAND CONVEYANCE, MILES CITY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the "County"), all right, title, and interest of the United States in and to the parcels of real property consisting of the Miles City Department of Veterans Affairs Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.

(b) TIMING OF CONVEYANCE.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.

(c) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the County—

(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).

(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.

(2) Any conveyance under this subsection shall be without consideration.

(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.

(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.

(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 246. CONVEYANCE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the Fort Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to use the property for purposes of a correctional facility.

(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel (located on that real property) and the cemetery located adjacent to that real property.

(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.

(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:

(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Fort Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.

(B) That the conveyance of the Fort Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.

(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.

(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.

(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.

(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.

(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.

(g) Additional Terms and Conditions.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. EFFECT OF CLOSURE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.

(a) Payment for Nursing Home Care.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to a facility of the State of Colorado or such private facility, as the case may be, as a result of the closure of the Fort Lyon Department of Veterans Affairs Medical Center.

(b) Obligation To Provide Extended Care Services.—Nothing in section 246 or this section may be construed to alter or otherwise affect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.

(c) Report on Veterans Health Care in Southern Colorado.—Not later than one year after the conveyance, if any, authorized by section 246, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under that Network in southern Colorado. The report shall describe any improvements to the system in southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

SEC. 301. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) Scope of Term "Active Military, Naval, or Air Service".—Section 101(24) is amended to read as follows:

"(24) The term 'active military, naval, or air service' includes—

"(A) active duty;

"(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

"(C) any period of inactive duty training during which the individual concerned was disabled or died—

"(i) from an injury incurred or aggravated in line of duty; or

"(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.".

(b) Travel to or From Training Duty.—Section 106(d) is amended—

(1) by inserting "(1)" after "(d)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "or covered disease" after "injury" each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'covered disease' means any of the following:

"(A) Acute myocardial infarction.

"(B) A cardiac arrest.

"(C) A cerebrovascular accident.".

SEC. 302. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

Section 1114(k) is amended—

(1) by striking "or has suffered" and inserting "has suffered"; and

(2) by inserting after "air and bone conduction," the following: "or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy),".

SEC. 303. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting "(A)" after "proximately caused"; and

(2) by inserting before the period at the end the following: ", or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title".

SEC. 304. REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503(b)(1) is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500" and inserting "the amount equal to five times the section 1114(j) rate"; and

(B) by striking "$500" and inserting "one-half that amount"; and

(2) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, the term 'section 1114(j) rate' means the monthly rate of compensation in effect under section 1114(j) of this title for a veteran with a service-connected disability rated as total.".

SEC. 305. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) Review by National Academy of Sciences.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the "dose reconstruction program".

(b) Review Activities.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) Duration of Review.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) Report.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

SEC. 311. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

(a) Cap on Premiums.—Section 1922 is amended by adding at the end the following new subsection:

"(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.".

(b) Report.—Not later than September 30, 2001, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a plan to liquidate the unfunded liability under the life insurance program under section 1922 of title 38, United States Code, not later than October 1, 2011.

SEC. 312. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) Maximum Under Servicemembers' Group Life Insurance.—Section 1967 is amended in subsections (a), (c), and (d) by striking "$200,000" each place it appears and inserting "$250,000".

(b) Maximum Under Veterans' Group Life Insurance.—Section 1977(a) is amended by striking "$200,000" each place it appears and inserting "$250,000".

(c) Effective Date.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 313. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) Eligibility.—Section 1965(5) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and".

(b) Conforming Amendments.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) are amended by striking "section 1965(5)(B) of this title" each place it appears and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

Subtitle C—Housing and Employment Programs

SEC. 321. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.

Section 2102 is amended by adding at the end the following new subsection:

"(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.".

SEC. 322. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) Employment Emphasis.—Subsection (a) of section 4212 is amended in the first sentence

by inserting "recently separated veterans," after "veterans of the Vietnam era,".

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting "recently separated veterans," after "veterans of the Vietnam era," each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

"(6) The term 'recently separated veteran' means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.".

SEC. 323. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) is amended—

(1) by striking "and" after "National Guard duty"; and

(2) by inserting before the period at the end ", and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.".

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 is amended by adding at the end the following new subsection:

"(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

"(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Cemeteries and Memorial Affairs

SEC. 331. ELIGIBILITY FOR INTERMENT OF CERTAIN FILIPINO VETERANS OF WORLD WAR II IN NATIONAL CEMETERIES.

(a) ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.—Section 2402 is amended by adding at the end the following new paragraph:

"(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

"(A) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

"(B) resided in the United States.".

(b) CONFORMING AMENDMENT.—Section 107(a)(3) is amended to read as follows:

"(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 332. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking "Payments" and inserting "Subject to subsection (c), payments"; and

(2) by adding at the end the following new section:

"(c)(1) In the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

"(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of this subsection if the individual, on the individual's date of death—

"(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

"(B) is residing in the United States; and

"(C) either—

"(i) is receiving compensation under chapter 11 of this title; or

"(ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.".

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 333. PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS CEMETERIES.

(a) IN GENERAL.—Section 2303(b)(1)(A) is amended to read as follows: "(A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"§ 1811. Definitions

"In this subchapter:

"(1) The term 'eligible child' means an individual who—

"(A) is the child (as defined in section 1821(1) of this title) of a woman Vietnam veteran; and

"(B) was born with one or more covered birth defects.

"(2) The term 'covered birth defect' means a birth defect identified by the Secretary under section 1812 of this title.

"§ 1812. Covered birth defects

"(a) IDENTIFICATION.—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

"(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

"(2) result in permanent physical or mental disability.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

"§ 1813. Health care

"(a) NEEDED CARE.—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child's covered birth defects or any disability that is associated with those birth defects.

"(b) AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

"(c) DEFINITIONS.—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

"(1) the reference to 'specialized spina bifida clinic' in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

"(2) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

"§ 1814. Vocational training

"(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

"(b) APPLICABLE PROVISIONS.—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

"§ 1815. Monetary allowance

"(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

"(b) SCHEDULE FOR RATING DISABILITIES.—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

"(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

"(c) AMOUNT OF MONTHLY ALLOWANCE.—The amount of the monthly allowance paid under this section shall be as follows:

"(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), $100.

"(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $214; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

"(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $743; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

"(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

"(A) $1,272; or

"(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level *of disability prescribed for purposes of that section.*

"(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

"§1816. Regulations

"The Secretary shall prescribe regulations for purposes of the administration of this subchapter.".

(b) CONSOLIDATION OF PROVISIONS APPLICABLE TO BOTH SUBCHAPTERS.—Chapter 18 is further amended by adding after subchapter II, as added by subsection (a), the following new subchapter:

"SUBCHAPTER III—GENERAL PROVISIONS

"§1821. Definitions

"In this chapter:

"(1) The term 'child' means an individual, regardless of age or marital status, who—

"(A) is the natural child of a Vietnam veteran; and

"(B) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual's service.

"(3) The term 'Vietnam era' with respect to—

"(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

"(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

"§1822. Applicability of certain administrative provisions

"(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

"(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

"(1) Section 5101(c).

"(2) Subsections (a), (b)(2), (g), and (i) of section 5110.

"(3) Section 5111.

"(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

"§1823. Treatment of receipt of monetary allowance and other benefits

"(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

"(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

"(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"§1824. Nonduplication of benefits

"(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter.

"(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.".

(c) REPEAL OF RECODIFIED PROVISIONS.—The following provisions are repealed:

(1) Section 1801.

(2) Subsections (c) and (d) of section 1805.

(3) Section 1806.

(d) DESIGNATION OF SUBCHAPTER I.—Chapter 18 is further amended by inserting before section 1802 the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) CONFORMING AMENDMENTS.—(1) Section 1802 is amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) is amended by striking "this chapter" and inserting "this section".

(f) CLERICAL AMENDMENTS.—(1) The chapter heading of chapter 18 is amended to read as follows:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".

(2) The tables of chapters before part I, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

"18. Benefits for Children of Vietnam Veterans .... 1802".

(3) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting at the beginning the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the items relating to sections 1801 and 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Covered birth defects.
"1813. Health care.
"1814. Vocational training.
"1815. Monetary allowance.
"1816. Regulations.

"SUBCHAPTER III—GENERAL PROVISIONS

"1821. Definitions.
"1822. Applicability of certain administrative provisions.
"1823. Treatment of receipt of monetary allowance and other benefits.
"1824. Nonduplication of benefits.".

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).

SEC. 402. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking "December 31, 2002" and inserting "December 31, 2008".

(b) HOME LOAN FEES.—Section 3729 is amended by striking everything after the section heading and inserting the following:

"(a) REQUIREMENT OF FEE.—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

"(2) The fee may be included in the loan and paid from the proceeds thereof.

"(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

"(2) The loan fee table referred to in paragraph (1) is as follows:

"LOAN FEE TABLE

Type of loan	*Active duty veteran*	*Reservist*	*Other obligor*
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	*2.00*	*2.75*	*NA*

“LOAN FEE TABLE—Continued

Type of loan	*Active duty veteran*	*Reservist*	*Other obligor*
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	*1.25*	*2.00*	*NA*
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	*3.00*	*3.00*	*NA*
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	*1.25*	*2.00*	*NA*
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	*1.50*	*2.25*	*NA*
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	*.75*	*1.50*	*NA*
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	*1.25*	*2.00*	*NA*
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	*.50*	*1.25*	*NA*
(E) Interest rate reduction refinancing loan	*0.50*	*0.50*	*NA*
(F) Direct loan under section 3711	*1.00*	*1.00*	*NA*
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	*1.00*	*1.00*	*NA*

"LOAN FEE TABLE—Continued

Type of loan	*Active duty veteran*	*Reservist*	*Other obligor*
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	*1.25*	*1.25*	*NA*
(I) Loan assumption under section 3714	*0.50*	*0.50*	*0.50*
(J) Loan under section 3733(a) ..	*2.25*	*2.25*	*2.25".*

"(3) Any reference to a section in the 'Type of loan' column in the loan fee table in paragraph (2) refers to a section of this title.

"(4) For the purposes of paragraph (2):

"(A) The term 'active duty veteran' means any veteran eligible for the benefits of this chapter other than a Reservist.

"(B) The term 'Reservist' means a veteran described in section 3701(b)(5)(A) of this title.

"(C) The term 'other obligor' means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

"(D) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

"(E) The term 'subsequent loan' means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

"(F) The term 'interest rate reduction refinancing loan' means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

"(G) The term '0-down' means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

"(H) The term '5-down' means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

"(I) The term '10-down' means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

"(c) Waiver of Fee.—A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.".

(c) Procedures Applicable to Liquidation Sales on Defaulted Home Loans Guaranteed by the Department of Veterans Affairs.—Section 3732(c)(11) is amended by striking "October 1, 2002" and inserting "October 1, 2008".

(d) Income Verification Authority.—Section 5317(g) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(e) Limitation on Pension for Certain Recipients of Medicaid-Covered Nursing Home Care.—Section 5503(f)(7) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(f) Annual Report of Committee on Mentally Ill Veterans.—Section 7321(d)(2) is amended by striking "three" and inserting "six".

(g) Authority To Establish Research and Education Corporations.—Section 7368 is amended by striking "December 31, 2000" and inserting "December 31, 2003".

SEC. 403. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Inapplicability of Prior Reports Termination Provision to Certain Reports of the Department of Veterans Affairs.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) Repeal of Reporting Requirements Terminated by Prior Law.—Sections 8111A(f) and 8201(h) are repealed.

(c) Sunset of Certain Reporting Requirements.—

(1) Annual report on equitable relief cases.—Section 503(c) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(2) Biennial report of advisory committee on former prisoners of war.—Section 541(c)(1) is amended by inserting "through 2003" after "each odd-numbered year".

(3) Biennial report of advisory committee on women veterans.—Section 542(c)(1) is amended by inserting "through 2004" after "each even-numbered year".

(4) Biennial reports on Montgomery GI Bill.—Subsection (d) of section 3036 is amended to read as follows:

"(d) No report shall be required under this section after January 1, 2005.".

(5) Annual report of special medical advisory group.—Section 7312(d) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004.".

(d) Cost Information To Be Provided With Each Report Required by Congress.—(1)(A) Chapter 1 is amended by adding at the end the following new section:

"§ 116. Reports to Congress: cost information

"Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

"(1) a statement of the cost of preparing the report; and

"(2) a brief explanation of the methodology used in preparing that cost statement.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Reports to Congress: cost information.".

(2) Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 404. TECHNICAL AMENDMENTS.

(a) Title 38.—Title 38, United States Code, is amended as follows:

(1) Section 1116(a)(2)(F) is amended by inserting "of disability" after "to a degree"

(2) Section 1318(b)(3) is amended by striking "not later than" and inserting "not less than".

(3) Section 1712(a)(4)(A) is amended by striking "subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)" and inserting "this subsection".

(4) Section 1720A(c)(1) is amended by striking "for such disability" and all that follows through "to such member" and inserting "for such disability. Care and services provided to a member so transferred".

(5) Section 2402(7) is amended by striking "chapter 67 of title 10" and inserting "chapter 1223 of title 10".

(6) Section 3012(g)(2) is amended by striking "subparagraphs" both places it appears and inserting "subparagraph".

(7) Section 3684(c) is amended by striking "calender" and inserting "calendar".

(8) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 4110A the following new item:

"4110B. Coordination and nonduplication.".

(9) The text of section 4213 is amended to read as follows:

"(a) Amounts and periods of time specified in subsection (b) shall be disregarded in determining eligibility under any of the following:

"(1) Any public service employment program.

"(2) Any emergency employment program.

"(3) Any job training program assisted under the Economic Opportunity Act of 1964.

"(4) Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(5) Any other employment or training (or related) program financed in whole or in part with Federal funds.

"(b) Subsection (a) applies with respect to the following amounts and periods of time:

"(1) Any amount received as pay or allowances by any person while serving on active duty.

"(2) Any period of time during which such person served on active duty.

"(3) Any amount received under chapters 11, 13, 30, 31, 32, and 36 of this title by an eligible veteran.

"(4) Any amount received by an eligible person under chapters 13 and 35 of this title.

"(5) Any amount received by an eligible member under chapter 106 of title 10.".

(10) Section 7603(a)(1) is amended by striking "subsection" and inserting "subchapter".

(b) Other Laws.—

(1) Effective November 30, 1999, and as if included therein as originally enacted, section 208(c)(2) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1568) is amended by striking "subsection (c)(1)" and inserting "subsection (c)(3)".

(2) Effective November 21, 1977, and as if included therein as originally enacted, section 402(e) of the Veterans' Benefits Act of 1997 (Public Law 105–114; 111 Stat. 2294) is amended by striking "second sentence" and inserting "third sentence".

Amend the amendment of the House to the title so as to read: "An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1402, the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill represents an agreement we have reached before the Senate Committee on Veterans' Affairs on issues brought before the House and Senate in this session of the 106th Congress. It improves many of the benefits and health care programs serving veterans today.

Let me touch on just a few of the major provisions. This bill makes a number of improvements to the Montgomery GI Bill, the veterans' education assistance program named for our former colleague, the gentleman from Mississippi, Sonny Montgomery. I saw him here on the floor earlier, and I would like to welcome him back. It raises the monthly benefit rate from $552 to $650, and permits GIs to earn an additional $150 a month by contributing $600 to their account while they are in service.

Since 1998, we have raised the GI bill monthly allowance by some 48 percent. This bill also increases the educational benefit payable each month to a student who is a child or a spouse of a veteran who is totally disabled or who died of a service-connected cause.

Additionally, the bill authorizes the VA to provide an annual pay increase to some 35,000 VA nurses as well as the VA dentists.

There are a good many provisions in this bill, and at this time I would like to commend the chairman of our Subcommittee on Health, the gentleman from Florida (Mr. STEARNS) for the outstanding job he has done. Overseeing the VA health care system is a very challenging task at times, and the gentleman from Florida has done a magnificent job of doing just that.

Madam Speaker, I submit for the RECORD an explanatory statement on the Senate amendments to the House amendments to S. 1402.

The Senate amendments to the House amendments to S. 1402, as amended, reflect a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, H.R. 5139, H.R. 5346, H. Con. Res. 413, S. 1076, S. 1402, and S. 1810. On May 23, 2000, the House passed S. 1402 with an amendment consisting of the text of H.R. 4268 as reported. H.R. 4850 passed the House on July 25, 2000. H.R. 5109 passed the House on September 21, 2000. H.R. 284 passed the House on October 3, 2000. S. 1076 passed the Senate on September 8, 1999, and S. 1810 passed the Senate on September 21, 2000. S. 1402 passed the Senate on July 26, 1999. H. Con. Res. 413 was introduced on September 28, 2000. H.R. 5346 was introduced on September 29, 2000. H.R. 5139 passed the House on October 3, 2000.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1402, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, S. 1076, S. 1402, and S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

INCREASE IN RATES ON BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

Current Law

Section 3011 of title 38, United States Code, establishes basic educational assistance entitlement under the All-Volunteer Force Educational Assistance Program (commonly referred to as the "Montgomery GI Bill" or "MGIB") Active Duty program. Section 3015 establishes the base amount of such educational assistance at the monthly rate of $528 for a 3-year period of service and $429 for a 2-year period of service. These amounts increased to $552 per month and $449 per month, respectively, on October 1, 2000.

House Bill

Section 2 of the House amendments to S. 1402 would increase the current monthly rate of basic education benefits to $600 per month effective October 1, 2000, and to $720 per month on October 1, 2002, for full-time students. The monthly rate for 2-year enlistees would increase to $487 per month effective October 1, 2000, and to $585 per month on October 1, 2002. This section provides parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. No cost-of-living increases would be made in fiscal years 2001 and 2003.

Senate Bill

Section 4 of S. 1402 would increase the monthly rate of basic education benefits to $600 per month for 3-year enlistees and $488 per month for 2-year enlistees.

Compromise Agreement

Under section 101 of the compromise agreement, effective November 1, 2000, the basic education benefit would be increased from $552 per month (effective October 1, 2000) to $650 per month for a 3-year period of service, and $528 per month for a 2-year period of service.

UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS

Current Law

To be eligible to receive educational assistance, section 3011(a)(2) of title 38, United States Code, requires that a servicemember complete the requirements of a secondary-school diploma (or equivalent certificate) before the end of the individual's initial obligation period of active duty. Section 3012(a)(2) contains a similar requirement for servicemembers who serve 2 years of active duty as part of a 6-year Selected Reserve commitment.

Senate Bill

Section 111 of S. 1810 would create a single, uniform secondary school diploma requirement as a prerequisite for eligibility for education benefits—a requirement that, prior to applying for benefits, the applicant will have received a high school diploma or equivalency certificate, or will have completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

House Bill

The House bills contain no comparable provisions.

Compromise Agreement

Section 102 of the compromise agreement follows the Senate language, modified to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS

Current Law

Sections 3011(a)(1)(A)(i) and 3012(a)(1)(A)(i) of title 38, United States Code, set forth initial-period-of-active-duty requirements to earn basic educational assistance entitlement under the Montgomery GI Bill. The period within which a servicemember's eligibility for educational assistance can be established is currently restricted to the initial period of active duty service.

Senate Bill

Section 112 of S. 1810 would strike the requirement that MGIB benefit entitlement be predicated on serving an "initial" period of obligated service and substitute in its place a requirement that an obligated period of active duty be served.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 103 of the compromise agreement follows the Senate language with a clarifying amendment that for an obligated period of service of at least 3 years, the servicemember would have to complete at least 30 months of continuous active duty under that period of obligated service. In addition, the compromise agreement contains a modification to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL

Current Law

Section 3018C of title 38, United States Code, furnishes an opportunity for certain post-Vietnam-era Veterans' Educational Assistance Program (VEAP) participants to convert to the Montgomery GI Bill (MGIB) if the individual was a participant in VEAP on October 9, 1996, was serving on active duty on that date, meets high school diploma or equivalency requirements before applying for MGIB benefits, is discharged from active duty after the individual makes the election to convert, and during the 1-year period beginning on October 9, 1996, makes an irrevocable election to receive benefits under the

MGIB in lieu of VEAP, and also elects a $1,200 pay reduction.

House Bill

Section 3 of the House amendments to S. 1402 would furnish individuals who have served continuously on active duty since October 9, 1996, through at least April 1, 2000, and who either turned down a previous opportunity to convert to the MBIB or had a zero balance in their VEAP account, the option to pay $2,700 to convert to the MGIB program; individuals would have 12 months to elect to convert and 18 months to make payment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 104 of the compromise agreement contains the House language.

INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS

Current Law

Section 3011(b) of title 38, United States Code, requires servicemembers who elect to participate in the Montgomery GI Bill program to participate in a voluntary pay reduction of $100 per month for the first 12 months of active service to establish entitlement to basic educational assistance.

Senate Bill

Section 6 of S. 1810 would allow servicemembers who have not opted out of MGIB participation to increase the monthly rate of educational benefits they will receive after service by making contributions, at any time prior to leaving service, over and above the $1,200 basic pay reduction necessary to establish MGIB eligibility. Under section 6, a servicemember could contribute up to an additional $600 in multiple of $4. The monthly rate of basic educational assistance would be increased by $1 per month for each $4 so contributed. Thus, MGIB participants who "use up" their full 36 months of MGIB benefits would receive a 9-to-1 return on their additional contribution investment. A maximum in-service contribution of $600 would yield an additional $5,400 of entitlement to the 36-month MGIB benefit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 105 of the compromise agreement follows the Senate language with amendments to make this provision effective May 1, 2001, and to make eligible any servicemember who was on active duty on the date of enactment and subsequently discharged between date of enactment and May 1, 2001 to have until July 31, 2001. These individuals would have until July 31, 2001, to make an election to "buy up" additional benefits.

Subtitle B—Survivors' and Dependents' Educational Assistance

INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3532 of title 38, United States Code, provides survivors' and dependents' educational assistance (DEA) allowances of $485 per month for full-time school attendance, with lesser amounts for part-time training. Generally, eligible survivors and dependents include unremarried spouses of veterans who died or are permanently or totally disabled or servicemembers who are missing in action or captured for more than 90 days by a hostile force or detained or interned for more than 90 days by a foreign government. Under section 3534, such benefits are also available for correspondence courses, special restorative training, and apprenticeship training.

House Bill

Section 4 of the House amendments to S. 1402 would increase DEA benefits for full-time classroom training students to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. Apprenticeship training would increase from $353 to $437 per month effective October 1, 2000, and $524 per month effective October 1, 2002. This provision also requires annual cost-of-living allowances for DEA benefits.

Senate Bill

Section 5 of S. 1402 would increase the full-time rate of DEA benefits by 13.6 percent to $550 per month, and make parallel increases in the benefit rates afforded to three-quarter time and half-time students. Increases of 13.6 percent in the amounts for correspondence courses, special restorative training, and apprenticeship training would also be afforded.

Compromise Agreement

Under section 111 of the compromise agreement, effective November 1, 2000, the basic education benefit for survivors and dependents would increase from $485 per month to $588 per month, with future annual cost-of-living increases effective October 1, 2001.

ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3512(a)(3) of title 38, United States Code, provides that if the Secretary first finds that the parent from whom eligibility for DEA benefits is derived has a total and permanent service-connected disability, or if the death of the parent from whom eligibility is derived occurs between an eligible child's 18th and 26th birthdays, then such eligibility period shall end 8 years after whichever date last occurs: 1) the date on which the Secretary first finds that the parent from whom eligibility is derived has a total and permanent service-connected disability, or 2) the date of death of the parent from whom eligibility is derived. "First finds" is defined in this section as either the date the Secretary notifies an eligible parent of total and permanent service-connected disability or the effective date of such disability award.

Senate Bill

Section 114 of S. 1810 would allow a child to elect the beginning date of eligibility for DEA benefits that is between 1) in the case of a child whose eligibility is based on a parent who has a total and permanent service-connected disability, the effective date of the rating determination and the date of notification by the Secretary for such disability, 2) in the case of a child whose eligibility is based on the death of a parent, the date of the parent's death and the date of the Secretary's decision that the death was service-connected.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 112 of the compromise agreement contains the Senate language.

ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 5113 of title 38, United States Code, states that except for the effective date of adjusted benefits, dates relating to awards under chapters 30, 31, 32, 34, and 35, or chapter 1606 of title 10 shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

House Bill

Section 4 of the House amendments to S. 1402 would permit the award of DEA benefits to be retroactive to the date of the entitling event, that is, service-connected death or award of a total and permanent service-connected disability. This provision would be limited to eligible person who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Senate Bill

Section 115 of S. 1810 would tie the effective date of award for DEA benefits to the date of the entitling event, i.e., the date of a veteran's service-connected death or award of a permanent and total disability rating. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Compromise Agreement

Section 113 of the compromise agreement contains the Senate language.

AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL REQUIREMENTS

Current Law

Sections 3002(3) and 3501(a)(5) of title 38, United States Code, define the "program of education" for which veterans and surviving spouses and children, receive educational assistance benefits. Section 701 of Public Law 106–118 modified section 3002(3) of title 38, United States Code, to permit a veteran to use benefits for preparatory courses. Examples of preparatory courses include courses for standardized tests used for admission to college or graduate school.

Senate Bill

Section 113 of S. 1810 would allow survivors' and dependents' educational assistance benefits to be provided for use on preparatory courses.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 114 of the compromise agreement follows the Senate language with an amendment clarifying that qualifying persons may pursue preparatory courses prior to the person's 18th birthday.

Subtitle C—General Educational Assistance

REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS

Current Law

Section 3680(a)(C) of title 38, United States Code, allows VA to pay educational assistance for periods between a term, semester, or quarter if the interval between these periods does not exceed one calendar month.

House Bill

Section 6 of the House amendments to S. 1402 would allow monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 121 of the compromise agreement contains the House language.

AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS

Current Law

Chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, do not currently authorize use of VA educational assistance benefits for occupational licensing or certification tests.

House Bill

Section 7 of the House amendments to S. 1402 would allow veterans' and DEA benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations that are necessary to enter, maintain, or advance into employment in a vocation or profession. This section would establish various requirements regarding the use of such entitlement and requirements for organizations or entities offering licensing or certification tests. This section also establishes minimum approval requirements of a licensing or certification body, requirements for tests, requirements for organizations or entities offering these tests, VA administrative authority (including a requirement to develop the computer systems and procedures to make payments to beneficiaries for these tests), and a seven-member, organization-specific VA Professional Certification and Licensing Advisory Committee.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 122 of the compromise agreement follows the House language with an amendment that the Secretary shall name seven individuals to the VA professional Certification and Licensing Advisory Committee, an amendment that deletes specific names of organizations from which members shall be named, and an amendment that deletes the requirement that members shall service without compensation.

INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES

Current Law

Section 3674(a)(4) of title 38, United States Code, makes available amounts not exceeding $13 million in each fiscal year for duties carried out by State Approving Agencies

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 123 of the compromise agreement amends the amount available for State Approving Agencies to $14 million for fiscal year 2001 and fiscal year 2002.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

The rate of pay for VA nurses is determined using a mechanism contained in Subchapter IV of Chapter 74, title 38, United States Code. The law links changes in total pay to nurse compensation trends in local health care labor markets. This locality pay feature has not always produced the results envisioned by Congress. For example, even though many VA nurses received very substantial one-time increases as a consequence of the 1900 restructuring of basic pay, some VA nurses have not received any additional pay raises since that time.

House Bill

Section 101 of H.R. 5109 would reform the local labor market survey process and replace it with a discretionary survey technique. The bill would provide more flexibility to VA medical center directors to obtain the data needed to complete necessary surveys and also restrict their authority to withhold indicated rate increases. Directors would be prohibited from reducing nurse pay. In addition, the House bill would also guarantee VA nurses a national comparability increase equivalent to the amount provided to other federal employees. The bill also would require Veterans Health Administration network directors to consult with nurses on questions of policy affecting the work of VA nurses, and would provide for registered nurses' participation on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 201 of the compromise agreement contains the House language.

SPECIAL PAY FOR DENTISTS

Current Law

Subchapter III of Chapter 74, title 38, United States Code, authorizes special pay to physicians and dentists employed in the Veterans Health Administration. This authority is intended to improve recruitment and retention of dentists and physicians.

House Bill

Section 102 of H.R. 5109 would revise and increase the rates of special pay for VA dentists. This is the first proposed change in these rates since 1991.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 202 of the compromise agreement contains the House language. The Committees urge medical center directors to utilize the full range of pay increases authorized, including increases in the higher range, to optimize dentist recruitment and retention efforts.

EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES

Current Law

Under section 7455 of title 38, United States Code, VA has authority to increase rates of basic pay for certain health care personnel—either nationally, locally or on another geographic basis—when deemed necessary for successful recruiting and retention. Special rates may be granted in response to salaries in local labor market, but may not enable VA to be a pay leader. With limited exceptions, the law restricts such "special salary rates" to a maximum pay rate, but exempts two categories of health care personnel from that statutory ceiling: nurse anesthetists and physical therapists.

House Bill

Section 103 of H.R. 5109 adds VA pharmacists to the existing categories of VA personnel exempted from such statutory pay ceilings. This amendment would enable VA to improve retention of the most senior members of the current pharmacy workforce and would improve its competitiveness in recruiting new pharmacists.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 203 of the compromise agreement contains the Housing language.

TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL

Current Law

Section 7405 of title 38, United States Code, authorizes VA to provide temporary appointments of individuals in certain professions, including nursing, pharmacy, and respiratory, physical, and occupational therapy, who have successfully completed a full course of study but who are pending registration, licensure, or certification. Upon obtaining the required credentials, these professionals may be converted to career appointments. This temporary appointment authority provides VA a means of recruiting new health professionals still in the process of meeting the technical qualification standards pertinent to their fields.

However, VA must now limit physician assistants (PAs) waiting to take the PA certification examination to a general 1 year, nonrenewable appointment. Since the national certification examination is only offered once a year, this 1-year appointment limits VA's efforts to provide a smooth transition from a training appointment to a permanent appointment for such graduates.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(2) of title 38, United States Code, to add the position of physician assistant to the existing of professional and technical occupations for which VA may make temporary graduate technician appointments, provided these individuals have completed training programs acceptable to the Secretary. Under this appointment authority, graduate physician assistants would have up to 2 years to obtain professionals certification or licensure.

Senate Bill

Section 203 of S. 1810 would accomplish the same ends as the above-described language with respect to physician assistant temporary graduate technician appointments.

Compromise Agreement

Section 204(a) of the compromise agreement contains the House language.

MEDICAL SUPPORT PERSONNEL

Current Law

Section 7405 of title 38 United States Code, permits the temporary appointment of certain medical support personnel who work primarily in the laboratories and other facilities of VA principal investigators who have been awarded VA research and development funds through VA's scientific merit review process. These technicians are appointed for a maximum term of 2 years. The normal VA cycle of 3-year research awards conflicts with the 2-year maximum term for appointments of these key personnel in VA's research and development program.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(3) of title 38, United States Code, to authorize the Secretary to make and to renew temporary full time appointments for periods not to exceed 3 years.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 204(b) of the compromise agreement contains the House language.

QUALIFICATIONS OF SOCIAL WORKERS

Current Law

Section 7402(b)(9) of title 38, United States Code, requires that a VA social worker become licensed, certified, or registered in the state in which he or she works within 3 years of initial appointments in this capacity by the VA. Certain states, such as California, impose prerequisites to the licensure examination that routinely require more than 3 years to satisfy. Many states do not provide reciprocity in social work licensure, and thus will not grant a license in the absence of a new state licensing examination. At present, VA social workers are the only VA health care practitioners who cannot use their states licenses to gain credentials in other states' VA medical centers.

House Bill

Section 106 of H.R. 5109 would allow the Secretary, on the recommendation of the Under Secretary for Health, to waive the 3-year requirement in order to provide sufficient time to newly graduated or transferred VA social workers to prepare for their state licensure examinations.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 205 of the compromise agreement contains the House language.

PHYSICIAN ASSISTANT ADVISOR TO THE UNDER SECRETARY FOR HEALTH

Current Law

Section 7306 of title 38, United States Code, establishes the Office of the Under Secretary for Health and requires that the office include representatives of certain health care professions. VA is the nation's largest single employer of physician assistants (PAs), with over 1,100 physician assistants on VA's employment rolls. Nevertheless, PAs are not represented by a number of their field in the office of the Under Secretary for Health.

House Bill

Section 104 of H.R. 5109 would establish a PA consultant position which would be filled by a VHA physician assistant designated by the Under Secretary for Health. This individual could be assigned to the field with occasional official visits as needed to VHA headquarters or elsewhere as required to fulfill assigned duties of the position. The PA consultant would advise the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Veterans Health Administration.

Senate Bill

Section 202 of S. 1810 would add an Advisor on Physician Assistants to the immediate Office of the Under Secretary for Health, would require this individual to serve in an advisory capacity and would require that the PA advisor shall advise the Under Secretary on matters regarding general and expanded utilization, clinical privileges, and employment (including various specific matters associated therewith) of physician assistants in the Veterans health Administration.

Compromise Agreement

Section 206 of the compromise agreement incorporates portions of both the House and Senate language. The Committees call upon VA to provide the individual selected as Advisor on Physician Assistants with necessary support and resources to enable this consultant to fulfill the assigned responsibilities of the position.

EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Current Law

Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, authorized a temporary program of voluntary separation incentive payments to assist VA in restructuring its workforce. This program limited VA to a 15-month authorization period for such "buyouts" of VA employees, limited to 4,700 the number of staff who could participate, and required VA to make a contribution of 26 percent of the average salary of participating employees to the Civil Service Retirement and Disability Fund. This provision also requires a one-for-one employee replacement for each such buyout approved under this policy.

House Bill

Section 107 of H.R. 5109 would amend title XI of Public Law 106–117 to increase the number of VA positions subject to buyouts to 8,110. The House measure would also adjust the contribution made by VA to the retirement fund to 15 percent, an amount equivalent to the amount that most other Federal agencies must contribute to the fund for their buyout participants. The measure extends VA's buyout authority from December 31, 2000 to December 31, 2002.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 207 of the compromise agreement follows the House language, but limits the number of VA positions subject to buyouts to 7,734 and allocates the position for activities of the Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and VA staff offices.

Subtitle B—Military Service Issues

MILITARY SERVICE HISTORY

Current Law

No provision.

House Bill

Section 301 of H.R. 5109 would require VA to take and maintain a thorough history of each veteran's health, including a military medical history. Ascertaining that a veteran was a prisoner of war, participated directly in combat, or was exposed to sustained subfreezing conditions, toxic substances, environmental hazards, or nuclear ionizing radiation often facilitates diagnosis and treatment of veterans. The House bill would provide veterans assurance that such a policy becomes a matter of routine clinical practice in VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 211 of the compromise agreement adopts the intent of the House proposal, but in the form of a Sense of the Congress Resolution to express the sense of Congress that VA proceed to implement a system of record keeping to record veterans' military history.

STUDY OF POST-TRAUMATIC STRESS DISORDER (PTSD) IN VIETNAM VETERANS

Current Law

Public Law 98–160 directed VA to conduct a large-scale survey on the prevalence and incidence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male and 8.5 percent of female Vietnam veterans suffered from PTSD. Among those exposed to high levels of war zone stress, however, PTSD rates were dramatically higher. Also, the study found that nearly one-third of Vietnam veterans had suffered from PTSD at some point after military service.

House Bill

Section 302 of HR 5109 would direct the VA to enter into a contract with an "appropriate entity" to carry out a follow-up study to the study conducted under Public Law 98–160.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 212 of the compromise agreement contains the House language. The Committees agree the new study should be kept distinct and independent from VA, as in the original. The compromise agreement is not intended to pre-judge the entity that will win this award.

Subtitle C—Medical Administration

DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES

Current Law

Current law does not explicitly provide VA with authority to house veterans overnight to expedite outpatient care or next-day hospital admissions. Nor does current law provide explicit authority for VA to accept, maintain, or operate facilities for housing families or others who accompany veterans to VA facilities. However, most VA medical centers offer veterans who live some distance from a medical facility from which they are receiving care or services help with some form of lodging to facilitate scheduled visits or admissions. Indeed, more than 115 facilities offer lodging of some kind on VA grounds, and services are available in non-VA facilities at a number of other locations. Also, over the years, many VA medical centers have converted unused wards and other available space to establish temporary lodging facilities for use by patients. The Under Secretary for Health has encouraged medical centers to establish such facilities to avert the need for hospitalizing patients when outpatient treatment is more appropriate. This guidance to VA facilities suggested that facilities could provide lodging without charge to outpatients and their family members and others accompanying veterans when "medically necessary." The guidance also sanctioned the use of a revocable license for family members under which an individual could be required to pay VA a fee equal to the fair-market value of the services being furnished.

House Bill

Section 404 of H.R. 5109 would clarify VA's authority to provide temporary overnight accommodations in "Fisher Houses," built with funds donated by the Zachary and Elizabeth M. Fisher Foundation. Four such facilities are now being operated in conjunction with VA medical centers and other similar facilities located at or near a VA facility. These accommodations are available to veterans who have business at a VA medical facility and must travel a significant distance to receive Department services, and to other individuals accompany veterans. Section 404 would also give VA clear authority to charge veterans (and those accompanying them) for overnight accommodations and apply fees collected to support continuation of these services. The measure would require VA to promulgate regulations to address matters such as the appropriate limitations on the use of the facilities and the length of time individuals may stay in the facilities.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 221 of the compromise agreement contains the House language.

EXCEPTION TO THE RECAPTURE RULE

Current Law

Section 8136 of title 38, United States Code, requires VA to "recapture" the amount of a grant to a state home for purposes of building or renovating a state veterans home, if, within 20 years, the state home ceases to be used for providing domiciliary, nursing home, or hospital care for veterans. This provision could be interpreted to require recapture of the grant if the state home allows VA to establish an outpatient clinic in the home.

House Bill

Section 406 of H.R. 5109 would clarify that establishment of an outpatient clinic in a state home would not constitute grounds entitling the United States to recover its grant.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 222 of the compromise agreement contains the House language.

SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS

Current Law

Under the Department of Veterans Affairs (VA) and Department of Defense (DOD) Health Resources Sharing and Emergency Operations Act, Public Law 97–174, VA and DOD have the authority to share medical resources. In 1999, VA and DOD entered into sharing agreements amounting to $60 million out of combined budgets of approximately $35 billion. This is resource sharing of less than two-tenths of one percent. On May 25, 2000, the General Accounting Office reported that greater joint pharmaceutical procurements alone could lead to as much as $345 million in annual recurring savings.

House Bill

H. Con. Res. 413 would encourage expanded joint procurement of medical items, to include prescription drugs.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 223 of the compromise agreement contains the House language.

SUBTITLE D—CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current Law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds (other than for planning and design) for any medical construction project involving a total expenditure of more than $4 million unless funds for that project have been specifically authorized by law.

House Bill

Section 201 of H.R. 5109 would authorize the construction of a gero-psychiatric care building at the Department of Veterans Affairs Medical Center, Palo Alto, California ($26.6 million); the construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida ($23.6 million); and, seismic corrections, clinical consolidation and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California ($51.7 million). Also, the House bill would authorize the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, using funds previously appropriated for this specific purpose ($14 million).

Senate Bill

Section 301 of S. 1810 would authorize construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California ($26.6 million); and, construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia ($9.5 million). In section 302 of S. 1810, the Senate would amend section 401 of the Veterans Millennium Health Care and Benefits Act of 1999, Public Law 106–117, to add as a seventh project authorized by that act for fiscal year 2000–2001 the Murfreesboro construction project ($14 million).

Compromise Agreement

Section 231 of the compromise agreement incorporates each of the projects authorized by either body and includes specific authorization for the Murfreesboro project. Also, the compromise agreement provides that the authorizations for Palo Alto, Long Beach, and Beckley will be for 2 years, covering fiscal years 2001 and 2002, while the authorization for the Miami project will be only for fiscal year 2001. The compromise agreement also renews and extends the prior authorization of a project at the Lebanon, Pennsylvania VA Medical Center through the end of fiscal year 2002.

The Miami electrical plant and utility vault project is authorized only for fiscal year 2001. While the compromise agreement authorizes the project to proceed, we note that the current estimate to replace these facilities is $32 million. Given this level of anticipated expenditure, the Committees urge the Secretary to examine innovative ways to reduce VA's outlay, at least on an initial basis. For example, the Committees note that the Miami facility is located in the midst of a very densely developed community of health and public safety-related institutions, including the Jackson Memorial Hospital and Metro-Dade police headquarters, among others. Given the need for such crucial institutions, including the VA medical center, to have dependable, stable, weather-proof and even fail-safe electrical sources, the Committees urge the Secretary to consider a "performance-based contract" for these services through the local utility (Florida Power and Light), or by consortium with multiple partners in need of similar improvements, assurances and security of utilities. At a minimum, the Secretary must carefully examine the reported cost of this project to ensure that it is being planned to meet known needs, rather than planned for the "highest possible use."

AUTHORIZATION OF APPROPRIATIONS

House

The House bill (H.R. 5109, section 202) would authorize appropriations for fiscal years 2001 and 2002 of $101.9 million for construction of the facilities authorized in section 201 thereof.

Senate Bill

S. 1810, section 303, would authorize appropriations for fiscal years 2001 and 2002 of $36.1 million for construction for the facilities authorized in section 301. Also, section 303 alters the authorization funding level of projects authorized in Public Law 106–117 by including the Murfreesboro project discussed above.

Compromise Agreement

Section 232 of the compromise agreement authorizes appropriations for the amounts indicated in each measure for these projects, affecting both fiscal year 2001 and fiscal 2002, as follows:

Authorizations	Amount authorized (in millions)
Beckley	$9.5
Lebanon*	14.5
Long Beach	51.7
Miami**	23.6
Murfreesboro	14.0
Palo Alto	26.6

*Indicates authorization of appropriation in fiscal year 2002 only.
**Indicates authorization of appropriation in fiscal year 2001 only.

EXTENSION OF CONSTRUCTION AUTHORIZATION AT THE LEBANON, PENNSYLVANIA VA MEDICAL CENTER

Current Law

Section 401 of Public Law 106–117 (113 Stat. 1572) authorized a major construction project at the Lebanon, Pennsylvania, VA Medical Center. The project was authorized for fiscal year 2002 and fiscal year 2001.

House

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 232(a)(3) of the compromise agreement extends through fiscal year 2002 the prior authorization for construction of a long-term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14.5 million.

Subtitle E—Real Property Matters

CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD

Current Law

Section 8163(a) of title 38, United States Code, requires the Secretary to notify Congress of VA's intention to pursue an enhanced-use lease of unused VA property, then wait a period of "60 legislative days" prior to proceeding with the specific lease objective(s). In the Veterans' Millennium Health care Act, Public Law 105–117, Congress eased limits in law on leasing underused VA property based on a finding that long-term leasing could be used more extensively to enhance health care delivery to veterans.

House

Section 407 of H.R. 5109 would amend the waiting period for VA notifications to Congress from 60 "legislative" days to 90 "calendar" days. This change would shorten the length of time VA must wait before entering into an enhanced-use lease.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 241 of the compromise agreement contains the House language.

RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE

Current Law

In 1953, by Act of congress (67 Stat. 54), the federal government transferred certain property of the Veterans Administration (now Department of Veterans Affairs) in Johnson City (now Mountain Home), Tennessee, to the State of Tennessee, for use by the Army National Guard of the State of Tennessee. The act of transfer retained a reversionary interest in the land on the part of the government in the event that the State of Tennessee ceased to use the land as a training area for the guard and for "other military purposes." The land is no longer being used by the Tennessee National Guard and has no practical use by the government. Local municipal officials desire the land as a site for a public park and recreation area, and the State of Tennessee has made a commitment to transfer the land for these purposes but may not do so absent a recision of the federal government's reversionary interest in the property.

House Bill

Section 407 of H.R. 5109 would rescind the government's reversionary interest in the Tennessee property.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 242 of the compromise agreement contains the House language.

TRANSFER OF THE ALLEN PARK, MICHIGAN, VA MEDICAL CENTER TO FORD MOTOR LAND DEVELOPMENT CORPORATION

Current Law

In 1937, the Henry Ford family donated a 39-acre plot to VA expressly for the establishment of the Allen Park, Michigan VA Hospital. The conveyance provided that VA must return the land, in the same condition as it was received, if VA ceased to utilize it for veterans' health care. In 1996, VA activated a new VA Medical Center in Detroit.

House Bill

H.R. 5346 would transfer the land, the site of the former Allen Park, Michigan VA Medical Center, and all improvements thereon, to the Ford Motor Land Development Corporation, a subsidiary of Ford Motor Company. Having been replaced in 1996 by a new VA Medical Center in Detroit, the facility now is in disrepair. The bill would require up to 7 years of cooperation between VA and Ford in demolition, environmental cleanup (including remediation of hazardous material and environmental contaminants found on the site), and restoration of the property to its prior state. VA contributions would be limited to $2 million per year over the period, and Ford would be responsible for any amount over VA's total contribution ($14 million) required to complete the restoration. At the conclusion of restorative work, the Secretary would formally abandon the property, which would then revert to Ford Motor Land Development Corporation, in accordance with the reversionary clause contained in the original 1937 gift.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 243 of the compromise agreement contains the House language.

TRANSFER OF LAND AT THE CARL VINSON VA MEDICAL CENTER, DUBLIN, GEORGIA

Current Law

No provision.

House Bill

H.R. 5139 would convey to the Board of Regents of the State of Georgia two tracts of real property, including improvements, consisting of 39 acres at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia. The bill also conveys to the Community Service Board of Middle Georgia three tracts of property consisting of 58 acres, including improvements, at the Carl Vinson facility. The bill requires these properties be used in perpetuity for education or health care.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 244 of the compromise agreement contains the House language.

LAND CONVEYANCE OF MILES CITY, MONTANA VETERANS AFFAIRS MEDICAL CENTER TO CUSTER COUNTY, MONTANA

Current Law

No provision.

Senate Bill

Section 312 of S. 1810 would transfer VA medical center facilities in Miles City, Montana, to Custer County, Montana, while authorizing VA to lease space in which VA would operate an outpatient clinic. Custer County would devote the transferred land to assisted living apartments for the elderly and to a number of other economic enhancement and community activity uses, including education and training courses through Miles Community College, a technology center, local fire department training, and use by the Montana Area Food Bank. VA, in turn, is relieved of the requirement to spend over $500,000 per year maintaining a facility that is poorly suited to provide health care to the veterans of eastern Montana. VA would devote the saved funds to expanding Montana veterans' access to care by activating additional community based outpatient clinics in Montana.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 245 of the compromise agreement follows the Senate language. The compromise agreement anticipates that VA will work with the civic leadership of Custer County, Montana in order to identify potential improvements that may be reasonably necessary to effectuate the transfer of the Miles City property to Custer County. Also, the compromise agreement calls for the Secretary to determine to what extent it may be necessary to stipulate any conditions about the transfer, or conditions for VA's future use of this property, prior to the transfer of ownership of this property to Custer County. The compromise agreement further envisions funds appropriated to VA for non-recurring maintenance may be used, as authorized by law, to facilitate the transfer of VA's interest in the Miles City VA Medical Center to Custer County.

TRANSFER OF THE FORT LYON, COLORADO, VA MEDICAL CENTER TO THE STATE OF COLORADO

Current Law

No provision.

Senate Bill

Sections 313 and 314 of S. 1810 would transfer the VA Medical Center, Ft. Lyon, Colorado to the State of Colorado for use by the State as a corrections facility. Under the terms of the bill, the conveyance would take place only when arrangements are made to protect the interests of affected patients and employees of the facility. With respect to patients, the bill would require VA to make alternate arrangements to ensure that appropriate medical care and nursing home care services continue to be provided, on the same basis that care had been provided at Ft. Lyon, to all veterans receiving such services at the medical center. Under the bill, the VA would be authorized to provide care in community facilities at VA expense, notwithstanding other statutory limitations—e.g., title 38, United States Code, section 1720, which limits to 6 months the duration for which such care might be provided to veterans for nonservice-connected disabilities—or by state homes where VA would pay full costs and reimburse the veterans' share of copayments. Further, VA would be authorized to offer voluntary separation incentive payments to eligible employees of the Ft. Lyon VA medical center. In addition, the State would be required to allow public access to the Kit Carson Chapel located on the grounds of the VA medical center. And, finally, the VA would report on the status of the VA health care system in southern Colorado, not later than 1 year after the conveyance.

House Bill

The House bills contain no comparabale provision.

Compromise Agreement

Sections 246 and 247 of the compromise agreement follow the Senate language, except for the provision extending VA's authority to offer voluntary separation incentive payments [subsection (c) of section 314 of S. 1810].

The inclusion of this language in this legislation should not be misconstrued as an erosion of, or acquiescence in, the requirement enacted in Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, for VA to maintain VA-provided long-term care capacity at the 1998 level. VA continues to be obligated by law to ensure that the cumulative effect of its actions does not result in a reduction in VA's ability to provide institutional long-term care.

It should be noted that section 207 of this bill provides a 2-year extension of VA-wide authority to offer voluntary separation incentive payments to VA employees. The Committees find that the provision specifically granting the Fort Lyon facility a 1-year authority to offer voluntary separation incentive payments is redundant. Further, the Committees were concerned that retaining the Fort Lyon-specific provision in final legislation could have the unintended effect of limiting the 2-year, VA-wide buyout authority, granted in section 207, to 1 year when applied in the case of Fort Lyon. The Committees expect VA to use the authority granted in section 207, as an important human resources management tool, in its conveyance of the Fort Lyon facility.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Programs Changes

PRESUMPTION OF SERVICE CONNECTION FOR HEART ATTACK OR STROKE SUFFERED BY A MEMBER OF A RESERVE COMPONENT IN THE PERFORMANCE OF DUTY WHILE PERFORMING IN ACTIVE DUTY TRAINING

Current Law

Under section 101(24) of title 38, United States Code, guardsmen and reservists who sustain an "injury" during inactive duty training are eligible for certain veterans' benefits, but are not eligible to receive disability compensation for a condition characterized as a "disease" that is incurred or aggravated during such training.

House Bill

Section 201(a) of H.R. 4850 would amend section 101(24) to include an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident resulting in disability or death and occurring during any period of inactive duty training for the purposes of service-connected benefits administered by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 301 of the compromise agreement contains the House provision.

SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY

Current Law

Section 1114(k) of title 38, United States Code, authorizes a special rate of compensation if a veteran, as the result of a service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete loss of the ability to speak, or deafness of both ears. The special monthly compensation is payable in addition to the compensation payable by reason of ratings assigned under the rating schedule.

House Bill

Section 202 of H.R. 4850 would amend section 1114(k) by making veterans eligible for special monthly compensation due to the service-connected loss of one or both breasts due to a radical mastectomy or modified radical mastectomy.

Senate Bill

Section 103 of S. 1810 would amend section 1114(k) by making female veterans eligible for special monthly compensation due to the loss of one or both breasts, including loss by mastectomy.

Compromise Agreement

Section 302 of the compromise agreement contains the Senate provision.

BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM

Current Law

Section 1151 of title 38, United States Code, provides compensation, under certain circumstances, to veterans who are injured as a result of VA health care or participation in VA vocational rehabilitation. Section 1718 of title 38, United States Code, authorizes the "Compensated Work Therapy Program (CWT)," which pays veterans to work in a variety of positions on contracts with governmental and industrial entities. CWT work is intended to be therapeutic by helping veterans re-enter the work force, enabling them to increase self-confidence and by improving their ability to adjust to the work setting. However, current law provides no mechanism to compensate CWT participants who may be injured as a result of participation.

House Bill

Section 402 of H.R. 5109 would allow VA to provide disability benefits under section 1151 to CWT participants injured while participating in this program.

Senate Bill

The Senate bills contains no comparable provision.

Compromise Agreement

Section 303 of the compromise agreement contains the House language.

REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS

Current Law

Under section 5503 of title 38, United States Code, VA is prohibited from paying compensation and pension benefits to an incompetent veteran who has assets of $1,500 or more if the veteran is being provided institutional care with or without charge by VA (or another governmental provider) and he or she has no dependents. Such payments are restored if the veteran's assets drop to $500 in value. If VA later determines that the veteran is competent for at least 6 months, the withheld payments are made in a lump sum.

Senate Bill

Section 205 of S. 1076 would repeal the limitation on benefit payments imposed by section 5503 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Under section 304 of the compromise agreement, the amount of resources that an incompetent veteran may retain and still qualify for payments is increased from $1,500 to five times the benefit amount payable to a service-connected disabled veteran rated at 100 percent. If payments are withheld, they may be restored if the veteran's assets drop to one-half of that amount. The Committees expect that in notifying veterans and fiduciaries of the applicability of this requirement, VA will briefly indicate the assets that are counted or excluded in determining net worth. (See 38 C.F.R. §13.109)

REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY

Current Law

VA provides service-connected compensation benefits to veterans who were exposed to ionizing radiation in service (due to participation in the occupation forces of Hiroshima or Nagasaki immediately after World War II, or in nuclear testing activities during the Cold War era) and who, subsequently, are diagnosed with the presumptive diseases listed in section 1112(c)(2) of title 38, United States Code. VA may also compensate radiation-exposed veterans with diseases not presumed to be service-connected if it determines that it is as likely as not that the disease is the result of exposure, taking into account the amount of exposure and the radiogenic properties of the disease; but VA utilizes dose reconstruction analysis provided by the Department of Defense to determine the estimated exposure.

Senate Bill

Section 171 of S. 1810 specifies that the Department of Defense (DOD) shall contract with the National Academy of Sciences (NAS) to carry out periodic reviews of the dose reconstruction program. NAS would review whether DOD's reconstruction of sampled doses is accurate, whether DOD assumptions regarding exposure based upon sampled doses are credible, and whether data from nuclear testing used by DOD in its reconstructions are accurate. The review would last 24 months and culminate in a report detailing NAS' findings and recommendations, if any, for a permanent review program.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 305 of the compromise agreement follows the Senate language.

Subtitle B—Life Insurance Matters

PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70

Current Law

VA Administers the Service-Disabled Veterans Insurance (SDVI) program under chapter 19 of title 38, United States Code. SDVI term policy premiums increase every 5 years to reflect the increased risk of death as individuals age.

Senate Bill

Section 131 of S. 1810 would cap premiums for SDVI term policies at the age 70 renewal rate.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 311 of the compromise agreement follows the Senate language with an amendment requiring VA to report to Congress, not later than September 30, 2001, on plans to liquidate the unfunded liability in the SDVI program not later than October 1, 2011.

INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The Servicemembers' Group Life Insurance (SGLI) program provides up to $200,000 in coverage to individuals on active duty in the Armed Forces, members of the Ready Reserves, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. The maximum coverage of $200,000 is automatically provided unless the servicemember declines coverage are elects coverage at a reduced amount.

Senate Bill

Section 132 of S. 1810 would increase the maximum amount of coverage available through the SGLI program from $200,000 to $250,000.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 312 of the compromise agreement contains the Senate language.

ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Members of the Selected Reserve are eligible for enrollment in the Servicemembers' Group Life Insurance (SGLI) program. Members of the Individual Ready Reserve (IRR) are eligible for SGLI only when called to active duty. Members of the IRR are currently eligible for Veterans Group Life Insurance, but only a small percentage participates.

House Bill

Section 301 of H.R. 4850 would provide those members of the IRR who are subject to involuntary call-up authority to enroll in the Serivcemembers' Group Life Insurance program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 313 of the compromise agreement contains the House language.

Subtitle C—Housing and Employment Programs

ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS

Current Law

Under chapter 21 of title 38, United States Code, veterans with severe disabilities such as loss of ambulatory function are eligible for specially adapted housing grants of up to $43,000 to finance the purchase or remodeling of housing units with special adaptions necessary to accommodate their disabilities. No particular form of ownership is specified in current law. Under regulations promulgated by the Secretary of Veterans Affairs, co-ownership of the property by the veteran and another person is not relevant to the amount of the grant if the co-owner is the veteran's spouse. If, however, the co-owner is a person other than the veteran's spouse, the maximum grant amount is reduced by regulation to reflect the veteran's partial ownership of the property interest, e.g., if the veteran jointly owns the property with one other person such as a sibling, the maximum grant is $21,500. (See 38 CFR §36.4402)

Senate Bill

Section 121 of S. 1810 would amend section 2102 of chapter 21 of title 38, United States Code, to allow VA to make non-reduced grants for specially adapted housing in cases where title to the housing unit is not vested solely in the veteran, if the veteran resides in the housing unit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 321 of the compromise agreement contains the Senate language.

VETERAN'S EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS

Current Law

Section 4212 of title 38, United States Code, requires that certain Federal contractors and subcontractors take affirmative action to employ and advance "special disabled veterans" (generally, veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, and other veterans who are "preference eligible" (generally, veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized).

Senate Bill

Section 151 of S. 1810 would add recently separated veterans (veterans who have been discharged or released from active duty within a 1-year period) to the definition of veterans to whom Federal contractors and subcontractors must extend affirmative action to employ and advance in employment.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 322 of the compromise agreement contains the Senate language.

EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE AS HONOR GUARDS FOR FUNERALS OF VETERANS

Current Law

Section 4303(13) of title 38, United States Code, defines "service in the uniformed services," as the performance of duty on a voluntary or involuntary basis. Section 4316 defines the rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

House Bill

H.R. 284 would add to the definition of "service in the uniformed services" a period for which a person is absent from employment for the purpose of performing funeral honors authorized duty under section 12503 of title 10, United States Code, or section 115 of title 32, United States Code. An employer would be required to grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow the employee to perform funeral duties. For purposes of intent to return to a position of employment with an employer, H.R. 284 would stipulate that an employee who takes an authorized leave of absence to perform funeral honors duty would be deemed to have notified the employer of the employee's intent to return to such position of employment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 323 of the compromise agreement contains the House language.

Subtitle D—Cemeteries and Memorial Affairs

ELIGIBILITY OF CERTAIN FILIPINO VETERANS OF WORLD WAR II FOR INTERMENT IN NATIONAL CEMETERIES

Current Law

Section 2402(4) of title 38, United States Code, provides that eligibility for burial in any open VA national cemetery include any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

Senate Bill

Section 141 of S. 1810 would amend section 2402(4) of title 38, United States Code, to provide for the eligibility of a Philippine Commonwealth Army veteran for burial in a national cemetery if, at the time of death, the Commonwealth Army veteran is a naturalized citizen of the United States, and he is a resident of the United States.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 331 of the compromise agreement follows the Senate language with an amendment requiring that the veteran be a citizen of, or lawfully admitted for permanent residence in, the United States, and be receiving compensation or be determined to have been eligible for pension had the veteran's service been deemed to be active military, naval, or air service.

PAYMENT RATE OF BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II

Current Law

Former members of the Philippine Commonwealth Army may qualify for VA disability compensation, burial benefits, and National Service Life Insurance benefits, and their survivors may qualify for dependency and indemnity compensation. These benefits are paid at one-half the rate they are provided to U.S. veterans. (See 38 U.S.C. §107).

Senate Bill

Section 201 of S. 1076 would authorize payment of the full-rate funeral expense and plot allowance to survivors of Philippine Commonwealth Army veterans who, at the time of death, a) are citizens of the United States residing in the U.S. and b) are receiving compensation for a service-connected disability or would have been eligible for VA pension benefits had their service been deemed to have been active military, naval, or air service.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 332 of the compromise agreement follows the Senate language with an amendment that as an alternate requirement to citizenship, permanent resident status would suffice for purposes of establishing eligibility.

PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS' CEMETERIES

Current Law

Section 2303(b)(1) provides a plot allowance of $150 for each veteran buried in a State-owned veterans' cemetery, provided that only persons eligible for burial in a national cemetery are buried in that cemetery.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 333 of the compromise agreement would allow a State to bury in a State veterans' cemetery members of the Armed Forces or former members discharged or released from service under conditions other than dishonorable—who are not otherwise eligible for burial in a national cemetery—without the State losing its eligibility for a plot allowance.

TITLE IV—OTHER MATTERS

BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS

Current Law

VA has authority to compensate veterans (including additional amounts of compensation for dependents) for service-connected disease or injury. VA may, pursuant to Public Law 104-204, provides benefits to children of Vietnam veterans born with "all forms and manifestations" of spina bifida except spina bifida occulta. Children with spina bifida born of Vietnam veterans currently are eligible for (1) a monthly allowance, varying by degree of disability of the person with spina bifida, (2) health care for any disability associated with that person's spina bifida, and 930 vocational training, job placement, and post-job placement services.

Senate Bill

Section 162 of S. 1810 would extend (with a single variation) to the children born with birth defects to women Vietnam veterans the same benefits as those now afforded to Vietnam veterans' children born with spina bifida under chapter 18 of title 38, United States Code.

House Bill

The House bills contains no comparable provision.

Compromise Agreement

Section 401 of the compromise agreement generally follows the Senate language. The former chapter 18 has been redesignated as subchapter I, the compromise agreement from section 401 of S. 1810 has been designated as subchapter II of chapter 18 and certain general definitional and administrative provisions applicable to both subchapters I and II of chapter 18 have been placed in a new subchapter III.

The definition of "child" in the Senate bill has been moved to a general definitions section (new section 1821) contained in subchapter III. A separate definition of "eligible child" (for purposes of subchapter II) has been provided in a new section 1811. The definition of "female Vietnam veteran" contained in S. 1810 has been removed from subchapter II and replaced by general definitions of Vietnam veteran and Vietnam era in new section 1821.

S. 1810 would have excluded spina bifida from the definition of a covered birth defect in subchapter II. Thus, the Senate bill could have been interpreted so as to require a child to choose to receive a monthly monetary allowance and health care based only on spina bifida or based only on non-spina bifida disabilities, but not both. Because the Committees wish to include spina bifida with all other covered disabilities for purposes of rating the disabilities from which an eligible child may suffer, the prohibition in proposed section 1812(b)(2) has been deleted from the compromise bill. The compromise agreement is intended to ensure that children of women Vietnam veterans who suffer both from spina bifida and any other covered birth defect will have all of their disabilities considered in determining the appropriate disability rating and the amount of monetary benefits to be paid under subchapter II of chapter 18. If the only covered birth defect present is spina bifida, the eligible child would be compensated under the spina bifida provisions of subchapter I of chapter 18.

The requirement in S. 1810 that birth defects identified by the Secretary be listed in regulations has been omitted. In drafting this legislation, the Committees considered the report of the Department of Veterans Affairs, Veterans Health Administration, Environmental Epidemiology Service, entitled "Women Vietnam Veterans Reproductive Outcomes Health Study" (October, 1998). Because this report identifies a wide variety of birth defects identified in the children of women Vietnam veterans, the Committees concluded that it was not necessary to provide a rating for each separate defect. Thus, the Committees intend that, in addition to whatever specific defects the Secretary may identify, the Secretary may also describe defects in generic terms, such as "a congenial muscular impairment resulting in the inability to stand or walk without assistive devices." Language authorizing the Secretary to take into account functional limitations when formulating a schedule for rating disabilities under the new subchapter was added to specifically allow for ratings based upon generic descriptions of functional limitations imposed by the disabilities.

The limitation contained in the Senate bill which barred assistance under the new authority to an individual who qualified for spina bifida benefits has been deleted to assure that children who suffer from spina bifida and any other covered defect may receive a monetary allowance under subchapter II and health care which takes into account the disabilities imposed by spina bifida and any other condition.

EXTENSION OF CERTAIN EXPIRING AUTHORITIES

Current Law

The following authorities expire on September 30, 2002: 1) VA's authority to verify the eligibility of recipients, of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, 2) the reduction to $90 per month for VA pension and death pension benefits to veterans or other beneficiaries without dependents who are receiving Medicaid-covered nursing home care, 3) the Secretary's authority to charge borrowers who obtain VA-guaranteed, insured or direct home loans a "home loan" fee, and 4) procedures applicable to liquidation sales of defaulted home loans guaranteed by VA. The Secretary's (enhanced loan asset) authority to issue and guarantee securities representing an interest in home loans expires on December 31, 2002.

House Bill

Section 8 of H.R. 4268 would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002, including: 1) VA income verification authority through which VA verifies the eligibility for VA needs-based benefits and VA means-tested medical care, by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, 2) limitation on VA pension and death pension payments to beneficiaries without dependents receiving Medicaid-covered nursing home care, 3) VA-enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities, VA home loan fees of ¾ of one percent of the total loan amount, and 4) procedures applicable to liquidation sales on defaulted home loans guaranteed by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 402 of the compromise agreement contains the House language.

PRESERVATION OF CERTAIN REPORTING REQUIREMENTS

Current Law

The Federal Reports Elimination and Sunset Act of 1995 repealed a number of agency report requirements that Congress had imposed during the 20th century. The effect of that law, which otherwise would have taken effect last year, was temporarily suspended until May 15, 2000, by a provision in last year's omnibus appropriations act, Public Law 106-113.

House Bill

Section 10 of H.R. 4268 would reinstate the requirements that the Secretary provide periodic reports concerning equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on a) former prisoners of war (expires December 31, 2003) and b) women veterans (expires after biennial reports submitted in 2004); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and activities of the Secretary's special medical advisory group (expires December 31, 2004). It also requires the Secretary to include with any report that is required by law or by a joint explanatory statement of a Congressional conference committee an estimate of the cost of preparing the report.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 403 of the compromise agreement contains the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS

Current Law

Section 1112(c)(2) of title 38, United States Code, lists 16 diseases which, if they become manifest in a radiation-exposed veteran at any time in his or her lifetime, would be considered to have been incurred in or aggravated during active service.

Senate Bill

Section 102 of S. 1810 would amend section 1112(c)(2) by adding lung cancer, tumors of the brain and central nervous system, and ovarian cancer to the list of diseases presumed to be service-connected if they are contracted by radiation-exposed veterans.

House Bill

The House bills contain no comparable provision.

INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE

Current Law

Under section 3703(a)(1)(A)(IV) of title 38, United States Code, VA guarantees 25 percent of a home loan amount for loans of more than $144,000, with a maximum guaranty of $50,750. Under current mortgage loan industry practices, a loan guaranty of $50,750 is sufficient to allow a veteran to borrow up to $203,000 toward the purchase of a home with no down payment.

Senate Bill

Section 122 of S. 1810 would amend section 3703(a)(1) to increase the maximum amount of the VA guaranty from $50,750 to $63,175.

House Bill

The House bills contain no comparable provision.

TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS

Current Law

Section 3729(c) of title 38, United States Code, provides that a loan fee may not be collected from a veteran who is receiving disability compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran who died from a service-connected disability (including a person who died in the active military, naval, or air service).

Senate Bill

Section 123 of S. 1810 would amend section 3729 to add an additional category of fee-exempt borrower; persons who have been evaluated by VA prior to discharge from military service and who are expected to qualify for a compensable service-connected disability upon discharge, but who are not yet receiving disability compensation because they are still on active duty.

House Bill

The House bills contain no comparable provision.

FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Spouses and dependent children are not eligible for any VA-administered insurance program.

Senate Bill

Section 133 of S. 1810 would create a new section 1967A within chapter 19 of title 38, United States Code. This section would provide to SGLI-insured servicemembers an opportunity to provide for coverage of their spouses and children. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $50,000. The lives of an insured servicemembers' dependent children would be insured for $5,000.

House Bill

The House bills contain no comparable provision.

COMPTROLLER GENERAL AUDIT OF VETERANS' EMPLOYMENT AND TRAINING SERVICE OF THE DEPARTMENT OF LABOR

Current Law

Not applicable.

Senate Bill

Section 152 of S. 1810 would require the Comptroller General of the United States to carry out a comprehensive audit of the Veterans' Employment and Training Service of the Department of Labor. The audit would commence not earlier than January 1, 2001, and would be completed not later than 1 year after enactment of this provision. Its purpose would be to provide a basis for future evaluations of the effectiveness of the Service in meeting its mission. The audit would review the requirements applicable to the Service under law, evaluate the organizational structure of the Service, and any other matters related to the Service that the Comptroller General considers appropriate.

House Bill

The House bills contain no comparable provision.

ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE

Current Law

Current law does not provide for accelerated educational assistance payments tin VA-administered education programs.

Senate Bill

Section 9 of S. 1402 would authorize VA to make accelerated payments under the terms of regulations that VA would promulgate to allow MGIB participants to receive a semester's, a quarter's, or a term's worth of benefits at the beginning of the semester, quarter, or term. For courses not so organized, VA could make an accelerated payment up to a limit established by VA regulation, not to exceed the cost of the course.

House Bill

The House bills contain no comparable provision.

ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE

Current Law

Sections 3011(c)(1) (for active duty service of at least 3 years) and 3012(d)(1) (for active duty service of 2 years and 4 continuous years in the Selected Reserve) of title 38, United States Code, provide that any servicemember may make an election not to receive educational assistance under chapter 30 of title 38, United States Code. Any such election shall be made at the time the individual initially enters active duty. For servicemembers who elect to sign up for the Montgomery GI Bill, section 3011(b) requires a pay reduction of $100 per month for the first 12 months of active service.

Senate Bill

Section 8 of S. 1402 would authorize servicemembers who had "opted out" of MGIB participation (by electing not to receive MGIB benefits and whose basic pay during the first 12 months of service, therefore, had not been reduced by $100 per month for 12 months) to regain eligibility for MGIB benefits by making a $1,500 lump sum payment.

House Bill

The House bills contain no comparable provision.

CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS

Current Law

Each year the Congress appropriates funds to the Department of Veterans Affairs as part of the Departments of Veterans Affair and Housing and Urban Development, Independent Agencies Appropriations Act (VA–HUD) appropriations bill). Although the amount of the appropriations varies from year to year, the purposes for which appropriations are made are generally fixed, and change little, if any, from year to year. Because the style of appropriations language discourages normal punctuation or sentence structure, some of the "sentences" making appropriations exceed a page in length. This approach appears to make the appropriations language difficult for the average person to read.

House Bill

Section 9 of H.R. 4268 would codify recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

Senate Bill

The Senate bills contain no comparable provision.

MAJOR CONSTRUCTION PROJECT AT THE BOSTON, MASSACHUSETTS HEALTH CARE SYSTEM: INTEGRATION OF THE BOSTON, WEST ROXBURY, AND BROCKTON VA MEDICAL CENTERS

Current Law

No provision.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

The Committees take note of concerns registered by Members of both Houses over the pace and poor planning associated with an important project in the greater Boston VA environment. The most recent information on the Boston integration indicates that a new review—by the Capital Assets Restructuring For Enhanced Services (CARES) contractor for New England—will begin soon. The Committees expect VA to complete the Boston integration plan in an expedited manner. Further, the Committees expect the VA to submit a proposal, or a major construction authorization request, to address these infrastructure needs following completion of the CARES validation of bed need in the area. The Committees support this process and look forward to the results of the analysis and any proposal VA consequently may make.

PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS

Current Law

No provision.

House Bill

Section 401 of H.R. 5109 would authorize a four-site VA pilot program. Under the program, veterans with Medicare or private health coverage (and a number of indigent veterans), who rely on a VA community-based clinic, could voluntarily choose nearby community hospital care for brief episodes of medical-surgical inpatient care. The VA clinic would coordinate care and cover required copayments.

Senate Bill

The Senate bills contain no comparable provision.

UNIFICATION OF MEDICATION COPAYMENTS

Current Law

Under Section 1710(a)(2)(G) of title 38, United States Code, VA provides medical care, without imposing an obligation to make copayments for such care, to veterans who are "unable to defray the expenses of necessary care. . . ." This is determined by comparing the veteran's annual income against an income threshold that is adjusted annually. A separate provision of law, section 1722A of title 38, United States Code, mandates that VA charge a copayment for each 30-day supply of prescription medications provided to a veteran on an outpatient basis if that medication is for the treatment of a nonservice-connected condition.

Two categories of veterans are exempt from the copayment obligation: veterans who have service-connected disability ratings of 50 percent or higher, and veterans whose annual income does not exceed the maximum amount of "means tested" VA pension that would be payable if such veterans were to qualify for pension. Eligibility for pension is also determined by calculating countable income against an income threshold. This pension level is lower than the health care eligibility income threshold. As a consequence, veterans who are given priority access to VA health care and are exempted from making copayments for that health care under one measurement of their means are required to make copayments for medications under a different measurement of their means.

Senate Bill

Section 201 of S. 1810 would unify the copayment exemption thresholds at the health care eligibility income threshold.

House Bill

The House bills contain no comparable provision.

EXTENSION OF MAXIMUM TERM OF VA LEASES TO PROVIDERS OF HOMELESS VETERANS SERVICES

Current Law

VA's Home Loan Guaranty Program assists veterans by facilitating their purchase, construction, and improvement of homes. VA does so by encouraging private lenders to extend favorable credit terms to veterans by guaranteeing repayment of a portion of the lender-provided home loan.

In some circumstances, veterans default on mortgage loans guaranteed by VA. In such cases, the lender will foreclose, and VA, as a guarantor, may come into possession of the property. Such properties, typically, are sold to the public by VA. VA, however, has the option of leasing such properties to public and nonprofit private providers of services to homeless veterans so that such service-providers may offer shelter and other services to homeless veterans and their families. However, such leases to the providers of services to homeless veterans may not exceed 3 years in term.

Senate Bill

Section 311 of S. 1810 would extend the maximum term of VA leases to providers of services to homeless veterans from 3 to 20 years.

House Bill

The House bills contain no comparable provision.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill's amendment. This legislation contains many important provisions, a few of which I will highlight at this time.

Among the most important is an increase in the Montgomery GI Bill basic benefit of $650 a month. This will provide qualifying veterans more than $23,000 to pursue their higher education goals. We are very pleased that the former chairman, the gentleman from Mississippi, Sonny Montgomery, is in the Chamber with us today. He deserves the credit for the initiation of this program and its continued support.

This is an increase of $4200, or more than 23 percent, than the benefit available when this year began. For VA nurses, an annual pay adjustment is provided. At long last, VA nurses will now receive an annual pay adjustment like other VA employees.

I am very pleased that the measure also requires the VA to carry out a new study on Vietnam veterans and post-traumatic stress disorder. Importantly, this provision also recognizes the increased occurrence of birth defects in children born to women veterans who served in Vietnam during that war.

Madam Speaker, I particularly want to thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP) not only for his leadership on this issue and the other veterans' issues being considered here today, but for his stewardship of the House Committee on Veterans' Affairs during the past 6 years. It has been a good run, and we appreciate the gentleman's strong support for the veterans of our country. We know he will be a continued fighter for their benefits and compensation.

Madam Speaker, I rise in strong support of S. 1402, the Veterans Benefits and Health Care Improvement Act of 2000. This legislation will benefit our nation's veterans, their dependents and survivors, and strongly deserves overwhelming approval by this House.

This legislation contains many noteworthy education provisions which will benefit not only those who serve in uniform, but our nation as a whole. As the author of this legislation, with my good friend, Congressman JOHN DINGELL, to provide a meaningful increase in veterans' education benefits. I strongly believe this measure is an important first step toward revitalizing one of the most successful and important programs in modern history. Under this measure, effective November 1, 2000, the Montgomery GI Bill (MGIB) basic education benefit for veterans will increase to $650 per month for those who serve three years in the Armed Forces and to $528 per month for a two-year period of service. For those serving three years, this increase will provide qualifying veterans more than $23,000 to pursue their higher education goals. This is an increase of $4200, or 23%, over the benefit available when this year began. It is a needed step in restoring the purchasing power of the Montgomery GI Bill benefit.

In addition, an increase in MGIB education benefits for eligible survivors and dependents is provided. For the first time, an annual cost-of-living increase will also be provided for educational benefits being received by eligible survivors and dependents. Under this legislation survivors' and dependents' education benefits would be increased from $485 per month to $588 per month for full-time students, and by lesser amounts for part-time and other types of training.

For the first time, servicemembers on active duty who are particularly determined to achieve their educational goals are provided the option to elect an enhanced MGIB. Under this provision, eligible servicemembers could elect to make voluntary contributions while still on active duty, up to a maximum additional contribution of $600. This contribution would be in addition to the $1,200 reduction in pay that is required of every servicemember who elects to participate in the MGIB. In return for a maximum additional contribution of $600, the servicemember would be eligible for up to $5,400 in additional education assistance benefits under the MGIB program.

Other important provisions provide for a uniform requirement for a high school diploma or GED before applying for MGIB benefits and the repeal of the requirement for initial obligated period of active duty as a condition of eligibility for MGIB benefits. Further, the legislation provides that up to $2,000 in MGIB education benefits which may be used for civilian occupational licensing or certification examination fees that are necessary to enter, maintain or advance in employment. In addition, survivors and dependents who are eligible for MGIB benefits are authorized to use those benefits for preparatory courses including standardized college entrance examinations.

Veterans are not using the MGIB benefits they have earned through honorable military service. High-ability, college-bound young Americans are choosing not to serve in the Armed Forces. The significant changes in the MGIB readjustment program embodied in this compromise agreement should help to increase program usage and enable the military service to recruit the higher ability young people they need.

Several important changes regarding burial benefits are also included in this legislation. Eligibility for burial in a VA national cemetery is provided to Filipino veterans of World War II if, at the time of death, the veteran was legally residing in the United States. In addition, full-rate funeral expenses and plot allowances to survivors of eligible Filipino veterans of World War II are authorized.

With the aging of our World War II population, an estimated 1,000 veteran burials occur each day and by the year 2008, it has been estimated that 1,700 veterans' funerals will take place each day. Importantly, this legislation includes a provision that would amend the Uniformed Services Employment and Reemployment Rights Act (USERRA) to expressly require employers to grant reservists an authorized leave of absence for performing funeral honors duty. This provision would ensure that civilian employers support both reserve component servicemembers and America's veterans to whom we all owe our gratitude and final respect.

Another significant provision of this legislation regards veterans' employment. This provision would add recently-separated servicemembers as veterans to whom affirmative action must be extended, for purposes of employment and advancement in employment, by Federal contractors and subcontractors.

For VA nurses, an annual pay adjustment is provided. At long last, a serious pay inequity affecting the largest group of employees in the VA—its nurses—is addressed and VA nurses will now receive a annual pay adjustment like other VA employees. Most experts agree that we have entered or are on the threshold of another critical nurse shortage. The current nurse workforce is aging and many nurses will retire within the next five years. At the same time, the American Nurses Association indicates that enrollment in nursing schools has dropped precipitously just as we will be attempting to address the needs of an increasingly large elderly population. Older people use far more health care services than younger people do.

In addition, nurses have had to shoulder even more responsibility as health care delivery is transformed. Nurses are continually asked to work more independently, work additional shifts, and change the manner in which they have practiced medicine to reflect current health care delivery practices, which often means updating or learning new skills. This very important nurse pay provision will correct a problem that has been demoralizing our VA nurse workforce and I thank my colleagues for supporting this provision.

Over the last five years, VA's dental workforce has literally been decimated while VA has enrolled more veterans who require their services. I want to commend the Ranking Member of our Benefits Subcommittee, BOB FILNER for recognizing this problem and for authoring legislation that served as the framework for a provision contained in this legislation. This measure will allow VA to shore up its dental staff by providing VA with the authority to extend ranges of pay for dentists who work full-time in the VA, who have special hospital-based training, and who have dedicated their careers to VA. It will help VA recruit and retain its dentists who have unique skills in working with veterans who are often medically indigent or have experienced traumatic service-incurred injuries. These valuable personnel have learned from working with veterans, and VA should take dramatic steps to revise the damage that has been done to this workforce over the last few years.

Further, this legislation also provides VA physicians assistants long-sought representation within VA Headquarters along with better training opportunities. It will also help VA retain social workers, pharmacists and medical support personnel. These measures are crucial to sustaining a highly skilled health care staff.

This year marked the 25th anniversary of the end of the Vietnam war. I am very pleased this measure requires VA to carry out a new study on Vietnam veterans and Post-Traumatic Stress Disorder.

This legislation recognizes the increased occurrence of birth defects in children born to women veterans who served in Vietnam during the Vietnam war. Appropriately this measure provides health care, vocational rehabilitation and monetary benefits for children with birth defects attributable to the service of their mother in Vietnam. Earlier this year I introduced H.R. 4488 to provide these benefits. I am pleased S. 1402, as amended, authorizes these benefits.

Further, this measure also provides eligibility for special monthly compensation for women veterans for service-connected loss of one or both breasts.

This legislation also calls for a new focus on "military service" in assessing factors that may affect veterans' health. This "Veterans Health Initiative" is supported by many of the members of the Vietnam Veterans in Congress Caucus as well as by the Vietnam Veterans of America. Earlier this year we asked Secretary West to promote this orientation within the Department. This initiative will promote this activity by allowing VA to live up to its promise to be a system focused on the specific needs of veterans—a true veterans' health care system.

Veterans are often required to travel some distance to the nearest VA facility and are often accompanied by family or friends. For many years, VA has attempted to accommodate veterans who are not sick enough to stay in the hospital, but who may be unable to meet early appointment times with their physicians unless they stay nearby. If the veteran travels with family, the family member usually must find other accommodations. Fisher Houses are a source of lodging that have been available to servicemembers for some time. There are some Fisher Houses already accommodating veterans and their families. I am pleased this provision will authorize a regularized approach to operating them in concert with veterans' health care.

I am pleased that we are allowing VA to extend its buyout authority for two additional years. This authority will allow VA to restructure its workforce to bring in health care professionals and others with an appropriate mix of skills to contribute to the changing needs of the system. This authority is not without strings. In the health care system, VA has had to replace each worker with another professional. This has enabled VA to move appropriately skilled workers into areas where they are needed. Buyouts are greatly preferable to employees than the reductions-in-force that VA might otherwise have to employ. They are also tailored to allow VA flexibility in updating the skills within its workforce.

Mr. Speaker, the Veterans Benefits and Health Care Improvement Act of 2000 which deserves the strong support of every member of the house, is the product of the hard work of many people. In particular I want to thank the Chairman and Ranking Democratic member of our three Veterans' Affairs Subcommittees—CLIFF STEARNS and LUIS GUITERREZ, JACK QUINN and BOB FILNER, and TERRY EVERETT and CORRINE BROWN—for their important contributions.

I also applaud the significant contributions by our colleagues BART STUPAK and DAVID MINGE. BART STUPAK authored legislation authorizing service-connected disability for diseases manifest during inactive duty for training. A provision based on his proposal is included in this legislation.

DAVID MINGE proposed legislation to increase the amount of resources an incompetent veteran with no dependents, may retain and still qualify for payment of benefits while being provided institutional care at VA's expense.

Contributions made by members of the other body, by veterans, veteran service organizations, representatives of the Administration, our House Legislative Counsel, particularly Bob Cover, and the members of our Committee staffs are also acknowledged and certainly appreciated.

Mr. Speaker, I particularly thank the Chairman of the Committee, BOB STUMP, not only for his leadership of this measure and the other veterans measures being considered today, but also for his stewardship of the Veterans Affairs Committee during the past six years.

A member of the Committee since 1979, BOB STUMP assumed the Chairmanship of our Committee at the beginning of the 104th Congress. Under current House rules, having served as Chairman during the 104th, 105th and 106th sessions of Congress, BOB is precluded from serving as Chairman of Veterans Affairs during the 107th Congress.

For the last four years I have served as the Ranking Democratic Member of the Committee. I am indebted and grateful to BOB for the courtesy and cooperation that he has extended to me and to other Democratic members of the Committee.

We have not always agreed on public policy, but our disagreements have never prevented us from working together on behalf of veterans. It has been my privilege to work with BOB to develop legislation to address the most important needs of our veterans, their dependents and survivors.

During his six-year tenure as Chairman, our Committee has enacted significant legislation. We have accomplished much and assisted and benefited many. A man of few words, BOB STUMP would rather solve problems than talk about them. Thank you, BOB. I salute you for a job well done.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Madam Speaker, I thank the gentleman for yielding me this time, and I also want to thank him for allowing me the opportunity to speak on this worthwhile bill. I would like to give great credit to the gentleman from Arizona (Mr. STUMP), the chairman of the committee, for his introduction of HCR-419, which is a bill that mirrors this bill and was introduced on the House side and became a very important part of our consideration in the deliberations of this bill.

Madam Speaker, I am pleased to rise in support of S. 1402, as amended, and I encourage all of my colleagues to support it as well. I wanted to highlight just a few of the benefit provisions of the bill, however, first I would like to also recognize one of our former colleagues, a great friend of America, a great friend of all veterans, the former representative from Mississippi, G. V. Sonny Montgomery, one of the distinguished gentlemen who was responsible for the GI Bill. And, of course, the bill carries his name, and rightfully so. It is a great honor for me to have the privilege to have made friends with Sonny Montgomery, and I treasure his work with veterans over all these years.

Madam Speaker, effective on November 1, this bill increases the Montgomery GI Bill benefit from $552 per month to $650 per month, thus helping 309,000 veterans and students immediately. Since October of 1997, Congress has increased the Montgomery GI Bill by 48 percent from $439 to $650 per month, and we still have more to go.

With the new buy-up provisions in this bill, current and future service members can contribute up to an additional $600 and increase their monthly benefit over 4 years of schooling from $650 per month to $800 per month.

Second, effective November 1, the bill increases educational benefits for 48,000 survivors and dependents from $485 to $588 per month, with guaranteed COLAs in years ahead.

Third, the bill is welcome news for about 137,000 active duty service members who either previously turned down an opportunity to convert from the post-Vietnam era veterans' educational assistance program, known as VEAP, to the Montgomery GI Bill or had a zero balance in their VEAP account. For a $2700 buy-in, these individuals will receive full Montgomery GI Bill benefits that will be valued at $23,400 with passage of today's legislation.

Fourth, the bill will help about 25,000 service members who are discharged from military service each year who need a civilian license or certification to practice their vocation or profession. Now they will be able to use their Montgomery GI Bill benefits to pay for such examinations, which average about $150 each. The subcommittee has been very active on this issue, and I am pleased we were able to include this provision in our final package.

Fifth, the bill provides special monthly compensation for women veterans who lose a breast as a result of service-connected disability.

Sixth, the bill makes eligible for burial in VA national cemeteries, and for a burial plot allowance in other cemeteries, certain Philippine commonwealth army veterans of World War II.

Madam Speaker, in closing, I would like to pay tribute to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs. The gentleman from Arizona enlisted in the Navy at the age of 16 in 1943, and as a teenager and Navy corpsman, participated with the Marines in the invasion of Iwo Jima and Okinawa and the liberation of the Philippines.

The gentleman from Arizona has served on this committee for more than 17 years, and in the last 6 years was teamed first with Sonny Montgomery then with the gentleman from Illinois (Mr. EVANS) to provide the bipartisan leadership needed to get things done.

He has now completed his 6-year term as chairman using the simple credo of doing right by America's sons and daughters who have protected our priceless freedoms. We do not see BOB on the talk shows or doing media interviews, nor do we hear him trumpeting his legislative accomplishments. I suspect, Madam Speaker, that is because he would say, "That's our duty."

The gentleman from Arizona is an individual who provided selfless leadership, the kind of leadership that seems so common to his generation, a generation that repeatedly demonstrates that they are ordinary people doing extraordinary things.

I want the gentleman to know that he has my thanks and friendship, my admiration and deep respect, as well as all America's respect, especially our veterans in this country.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Madam Speaker, I would like to associate myself with the remarks of the gentleman from Nevada (Mr. GIBBONS). Very eloquently done.

Having spent some time in the Marines Corps myself and then having to transition to the civilian world after an injury, I found out what it was like to use the GI Bill to get a new education. I got a master's degree in business with it. I found out what it was like to have a disability associated with the military and how one gets taken care of by the VA.

We make a promise to veterans. In many cases we promise them a very hard life and after their 3 or 4 years service, we send them back into society. The veterans that came back from World War II and Korea, with the use of the GI Bill that we had in place then, changed the world. That education program allowed hundreds of thousands of men and women to get an education and, in turn, make this Nation's economy grow into what it is today. They laid the foundation for the economic prosperity we have today. They are now retirees in many cases and are moving on, but this was possible due to the education those veterans received.

This bill continues that process. It continues it for veterans that are currently serving and it continues it for those who are on benefits today. Education, I believe, is part of the promise we owe them. Increasing the education benefits is well deserved, and I do not think we can ever do quite enough for these young men and women.

Finally, the health care portion. We have always had veterans, but we do not always take care of them as well as we should. This goes a long way towards improving this situation. It helps us improve some of the specialists pay who are treating veterans; it helps us with our facilities, as in the case of one in my area, by making it seismically safe, so that when we have earthquakes in California, that hospital will still be able to function helping veterans.

The bill also helps veterans by helping their families, when they have passed away, to bury them where they can be with their comrades. We have created several new cemeteries in this legislation.

All of these things, I think, go down the road of continuing our promise to people who are willing to serve our Nation, whether it be for a career or only for a short time, that we will look after them after they have left that service.

□ 1230

I commend S. 1402, urge its passage, and hope we implement it with the utmost speed.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me once again thank the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health, who could not be here today because of a previous commitment in Florida. He has done a great job in steering this committee for the last 4 years.

I want to thank the gentleman from Nevada (Mr. GIBBONS) for his input on this bill that we are dealing with right now and thank him for his very kind remarks.

This is probably the last bill that we will bring to the floor under suspensions this year, Madam Speaker, and I would like to thank each and every member of the Committee on Veterans' Affairs on both sides of the aisle.

I especially would like to thank the gentleman from Illinois (Mr. EVANS) and his staff for the great job they have done for veterans, which just shows when we put partisan politics aside and work in the best interest of the veterans that we can accomplish many good things. I thank him very much.

I also would like to thank Senator SPECTER, the chairman of the VA on the Senate side, as well as the ranking member, Senator ROCKEFELLER, for their work and accomplishments on this measure. This is a good bill. Our veterans deserve it.

Mr. MINGE. Madam Speaker, I rise today to support S. 1402, the Veterans and Dependents Millennium Education Act. Specifically, I would like to commend the conferees for including a modified version of my legislation, H.R. 4935.

Section 304 of the Veterans and Dependents Millennium Education Act will be a great benefit to our nation's most vulnerable veterans. Current law concerning mentally ill veterans actually discourages them from seeking the mental health services they so desperately need. If a single, mentally ill veteran is institutionalized with an estate over $1,500, his or her estate is essentially reduced to below $500. Upon discharge, he or she would basically have no money for housing or other needs.

Today's legislation will modernize the estate levels for institutionalized mentally ill veterans. By tying the estate levels to the service connected disability ratings, we will ensure that they will be adequate and continue to adjust with the cost of inflation. I am proud that Congress is acting to ensure that those who served our country are not forgotten in their time of need.

There are many people who worked to make this effort possible. In the tradition of veterans helping veterans, the Minnesota Veterans of Foreign Wars visited my office last Spring to inform me of this discriminatory treatment of mentally ill veterans. Former State Commander of the VFW Dave Adams and Claims Director Tom Hanson are to be especially commended for their work on this initiative. I would also like to thank Representative LANE EVANS, the Ranking Democrat on the House Veterans' Affairs Committee, for all his help in securing inclusion of this legislation. He and the Democratic staff have been incredibly helpful throughout the whole process.

I urge my colleagues to join me in supporting S. 1402.

Mr. BUYER. Madam Speaker, I rise in strong support of S. 1402, the Veterans Benefits and Health Care Improvement Act of 2000. This bill is a comprehensive package of education, health, and compensation benefits that passed the House as separate bills earlier this year. Clearly, this is another monumental step in fulfilling America's promise to its veterans and their families.

As agreed to by House and Senate negotiators, the bill will improve Montgomery GI Bill

(MGIB) benefits in order to compete with the rising costs of a college education. Specifically, the bill will increase the monthly education benefit to $650 for a total of $23,400 in assistance to a full-time student pursuing a four-year degree. This is a tremendous boon to veterans and their families that will help in their transition back to the civilian work force after honorably and unselfishly serving their country in uniform. Veterans' survivors and dependents will receive an education stipend increase by raising the monthly benefit to $588 per month.

In addition, the bill will provide active duty service members another chance to convert their Post-Vietnam Educational Assistance Program (VEAP) benefits to the MGIB if they previously declined to do so or withdrew all funds from their VEAP accounts. Other provisions allow payment of education benefits during intervals lasting as long as eight weeks between academic terms and the use of up to $2,000 of VA education benefits toward the fee for civilian licensing or certification examination.

The measure would also give annual pay raises to VA nurses and increase special pay to dentists and other VA medical personnel. This important provision will help VA to hire and retain the skilled, caring health personnel that it must have in order to serve an aging veterans' population. Last year, the Marion VA chapter, the American Federation of Government Employees Local 1020, contacted my office seeking pay parity for VA nurses. Specifically, Local 1020 asked me to help them better address manning and staffing levels that were creating patient and employee safety issues due to the lack of adequate nursing staff. It was evident that to ensure the highest quality of care for our veterans, an effort to meet these shortfalls would be required. Earlier this year, the VA Committee reported a similar nurse's pay provision to the House floor, and Local 1020 indicated their full support for the measure, and reiterated the need for nurse pay parity. Like the previously passed bill, this measure addresses their concerns.

Another provision would allow VA disability benefits for a heart attack or stroke of a reservist if incurred or aggravated while in a drilling status, as well as make women eligible for special monthly compensation for the loss of one or both breasts. It would also increase the maximum amount of coverage available through the Service Members Group Life Insurance program to $250,000. Other provisions of the bill will require federal contractors and subcontractors to extend affirmative action regarding employment and promotions to recently discharged veterans, require employers to grant leaves of absence to employees who participate in honor guards for the funerals of veterans and provide benefits to children of women Vietnam veterans who suffer from specified birth defects.

This is great news for the veterans community, to include VA employees, especially VA nurses and VA dentists. As in the past, Congress has worked hard to ensure the United States government remains steadfast in its moral, legal and ethical obligation to provide veterans and their families the benefits and services they so richly deserve. This bill is good for veterans, it is good for their families, and it is good for America.

Finally, I would like to thank Chairman STUMP and Ranking Member EVANS for their hard work and diligence in ensuring passage of this bill. Their efforts were truly bipartisan and deserve recognition.

I urge my colleagues to support this bill.

Mr. STUPAK. Madam Speaker, I would like to commend the Chairman and Ranking Member of both the House and the Senate Veterans Affairs committees and the staff for their excellent work on S. 1402, which incorporates several very worthy bills, including mine, H.R. 3816.

My bill closes an exceptionally problematic loophole brought to my attention by the Pearce family of Traverse City, Michigan. Master Sergeant Ron Pearce was a full time employee of the National Guard who suffered a heart attack while performing the required physical fitness test, a part of Inactive Duty Training requirements. Master Sergeant Pearce had a history of heart trouble, and in the past had been exempted from the from the fitness test on recommendation of his doctor. He was ordered to take this test as a condition of his continued employment with the National Guard.

He passed away as a direct result of this fitness test, leaving behind a wife and family with no means of support. The VA first approved and then denied his family benefits. My bill would consider heart attacks and strokes suffered by Guard and Reserve personnel while on "inactive duty for training," to be service-connected for the purpose of VA benefits.

Madam Speaker, I strongly support this legislation and I am happy that the loophole will be closed and more families will not have to suffer as the Pearce family has suffered. I strongly urge members to vote yes on this bill. I thank the distinguished gentleman from Arizona, the Chairman of the Veterans Committee, and the distinguished gentleman from Illinois, the Ranking Member, for their inclusion of my legislation in this bill, as well as the distinguished Chair and Ranking Member from the other body.

Mr. FILNER. Madam Speaker, as the Senior Democrat on the Benefits Subcommittee of the House Committee on Veterans Affairs, I want to express my strong support for the legislation before the House today. S. 1402 as amended by the Senate, presents an agreement that every Member of the House can support. It is a strong reaffirmation of our commitment to the men and women who have stood in our defense. Our nation's veterans would benefit greatly from this well-crafted and meaningful legislation. I urge my fellow colleagues to join me in my support for this legislation and to vote in favor of its final passage.

I want to take a moment to thank the Chairman of the Benefits Subcommittee, JACK QUINN; the Chairman of the Veterans Affairs Committee, BOB STUMP, and the Ranking Democratic Member of the Committee, LANE EVANS, for their collective leadership on the many important issues affecting our men and women in uniform. I have enjoyed working with each of them on the bill that is before the House today, and also with the other members of the Committee. I also want to thank our colleagues in the Senate for their significant efforts in this area. Senator ARLEN SPECTER and Senator JAY ROCKEFELLER, Chairman and Ranking Member of the Senate Committee on Veterans Affairs, have put forth the cooperative effort that is essential to reaching a good agreement.

Madam Speaker, I am pleased that the agreement we are considering makes some significant improvements to veterans' education benefits. Education benefits are a prime focus of this legislation. I have always been a strong believer that higher education is a positive agent of change. I came to Congress from the higher education community, and I have witnessed first hand the great things a higher education can do for our veterans. From that experience, and from my years on the Veterans Affairs Committee, I have concluded there is no better way to empower the men and women who have served in America's defense. Educating these brave men and women is undoubtedly the best way for us to ensure they join the ranks of a thriving civilian workforce.

Under the agreement, the basic educational benefit for veterans will increase under the MGIB program from $552 per month to $650 per month for a three-year term of enlistment and $528 per month for a two-year term of enlistment. This represents an 18 percent increase in the basic MGIB education readjustment benefit for veterans. As my colleagues know, I believe the MGIB benefit should be increased more than has been proposed in this agreement. The increase it does provide, however, is a strong and positive step toward achieving the goal of providing a more meaningful education benefit for our nation's veterans than is currently available.

The agreement also provides for an increase to MGIB education benefits for eligible survivors and dependents. These benefits would be increased from $485 per month to $588 per month for full-time students. These increases would be effective as of November 1, 2000, with future annual cost-of-living increases effective October 1, 2001. I am very pleased that the agreement provides for a cost-of-living increase for survivors and dependents. Moreover, the election period and effective date for the award of survivors' and dependents' benefits under MGIB have been corrected under this agreement, allowing for retroactive payments for benefits that should have been awarded but were not, due to long waiting times for VA adjudication. Also in the agreement is a provision that would allow those veteran students whose academic calendars include long intervals between terms, semesters or quarters to continue to receive their educational assistance benefits during such periods in order to prevent financial hardship.

Of immediate concern to the Benefits Subcommittee has been the ineffectiveness of the MGIB as a readjustment benefit for servicemembers making the transition from military service to a civilian society and workforce. While costs of higher education have soared, nearly doubling since 1980, GI Bill benefits have not kept pace. One of the most noteworthy provisions in this agreement would allow for an increased MGIB education assistance for particularly determined active duty servicemembers. Under the agreement, servicemembers who have elected to participate in the MGIB program by contributing their initial $1,200 pay reduction would be afforded the opportunity to take advantage of enhanced MGIB benefits by making an additional contribution of up to $600. In return, that servicemember would be eligible for up to $5,400 in additional MGIB education assistance.

Thanks in large part to the leadership of my friend JACK QUINN, the Chairman of the Benefits Subcommittee, there is a provision in this legislation that would make available MGIB education benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations. The Subcommittee has held extensive hearings on this complex topic and I am glad to see that the agreement includes this important provision. It will make an immediate, positive impact on thousands of servicemembers who return to the civilian workforce every year. The agreement also allows survivors and dependents to use their MGIB benefits for preparatory courses.

The brave men and women who serve in America's Armed Forces deserve, and have indeed earned, far better than the inadequate educational assistant program now available to them. I am very pleased that the agreement includes such momentum toward getting veterans' education benefits back to the stature and effectiveness they were meant to have all along.

Another significant accomplishment coming out of this agreement would be to finally allow for more equitable burial benefits for our Filipino veterans of World War II. Today, an estimated 17,000 Filipino veterans are citizens of the United States. Most of these are veterans of World War II, over 1,200 of who receive VA compensation for service-connected disabilities.

Under current federal law, certain Filipino veterans of World War II are not eligible for burial in VA national cemeteries. Moreover, survivors of eligible Filipino veterans currently receive funeral expenses and burial plot allowances at one-half the rates paid to survivors of U.S. veterans.

The agreement would provide for the eligibility of certain Filipino veterans of World War II for burial in a VA national cemetery if, at the time of death, that veteran is a naturalized citizen and resident of the United States. In addition, the agreement would authorize payment of full-rate funeral expenses and plot allowances to survivors of eligible Filipino veterans of World War II.

An aging World War II veteran population has caused an unprecedented demand for military funeral honors over recent years, and this demand will continue. As the military seeks to meet these demands through its use of reservists, increasing numbers of civilian employees will be called away from their jobs temporarily to perform funeral honors duty. Importantly, the agreement includes a provision that would amend the Uniformed Services Employment and Reemployment Rights Act (USERRA) to expressly require employers to give reservists an authorized leave of absence for performing funeral honors duty.

Finally, I want to stress the importance of the agreement's provision regarding equity in pay for VA dentists. I introduced last fall H.R. 2660, which I entitled, "Put Your Money Where Your Mouth Is, the VA Dentist Equity Act," in response to a variety of concerns of VA dentists. Almost 70 percent of VA dentists will be eligible for retirement in the next three years. On top of this troubling fact, VA dentists are paid less than their DOD counterparts, dentists in academia or dentists in private practice. In fact, they make almost one-third less than dentists working in these settings. So I am very glad that the agreement includes a provision to enable VA to recruit and retain new dentists into the system now and in the future.

As amended, S. 1402 represents good public policy for America's veterans. I believe strongly that every one of my colleagues here today would do well by their veterans at home by voting in favor of this bill.

Mr. STEARNS. Madam Speaker, first, to my colleagues, I want to recognize our superb Chairman, Mr. STUMP of Arizona, who leads us today as Chairman of the full Committee on Veterans' Affairs. Mr. STUMP is a senior Member of this House and a man of honor, Madam Speaker. BOB STUMP served his country faithfully—and with distinction—in war, and has served with care and vigor as a Member and Chairman of the Veterans Committee. I am privileged to serve with him; BOB STUMP is one of the secret treasures of this House. I salute him for his leadership on this bill, and for his dedicated service over the past six years as Chairman of our Committee on Veterans' Affairs.

Madam Speaker, the bills before us today, S. 1402, H.R. 4864, and H.R. 4850, are good bills for veterans, and they are good reflections of this House. They contain provisions that are innovative, useful, necessary, and workable—a winning combination for the veterans we serve and for the Department of Veterans Affairs that we are charged to oversee.

Madam Speaker, I want to address specifically one of our measures today, S. 1402, final passage of the Senate amendments to the House amendments to S. 1402, the "Veterans Benefits and Health Care Improvement Act of 200." After a number of hearings, Subcommittee meetings, site visits and other data collection, I introduced, with bipartisan cosponsors, one of the predecessor bills incorporated in this measure, H.R. 5109, the "Department of Veterans Affairs Health Care Personnel Act of 2000." My Subcommittee endorsed this bill on a bipartisan basis, and our full Committee, under my Chairman's leadership, ordered the bill reported to the House on September 13, 2000. The House unanimously passed H.R. 5109 on September 21, 2000.

Let me review some of the key provisions of our health bill, H.R. 5109, that were successfully negotiated with our Senate colleagues, and are incorporated in S. 1402:

NURSES

Madam Speaker, about ten years ago, Congress created an innovative pay system for VA nurses, with a locality-based mechanism to produce pay rates that were intended to address labor market needs to keep VA competitive. The idea was that each VA hospital could act in its own self-interest, and remain competitive locally. It was intended to be a good reform, and this system initially gave VA nurses a big pay raise. VA's recruitment and retention problem for nurses effectively disappeared for awhile. But the old saying, "that was then, and this is now," comes to mind.

My subcommittee gave a special focus during this Congress to the pay situation of VA nurses. What we found was disappointing—we have learned that many VA nurses hadn't received any increases in their pay since the initial ones from our 1990 legislation.

While those first pay increases were in many cases substantial, in the course of time, other Federal employee groups had caught up because of the annual comparability pay raises available to every other Federal employee—except VA nurses. So once again VA finds itself in a competitive disadvantage, and some VA nurses are looking for other employment options. In my judgment, as Chairman of our Health Subcommittee, it is a loss that veterans cannot afford. Therefore, our bill guarantees VA nurses the statutory national comparability pay raise given to all other Federal employees.

My colleagues, these changes do not mean that Congress is declaring reform to be our enemy. We want to make certain that the earlier legislation works as the 101st Congress intended it. Therefore, in addition to the guaranteed national pay raise for nurses, the bill crafts necessary adjustments to the locality survey mechanism to ensure that data are available when needed, and to specify that certain steps be taken, when they are necessary, that lead to appropriate salary rates for VA nurses. This is the right solution for VA nurses; it is a bipartisan compromise, and I compliment my colleague, the gentleman from Illinois, Mr. EVANS, and also another gentleman from Illinois, my good friend, Mr. GUTIERREZ, for their cooperation in getting this important matter resolved for VA nurses and for the veterans they serve.

DENTISTS

Madam Speaker, this bill addresses recommendations of VA's Quadrennial Pay Report concerning VA dentists, bringing their pay into better balance with average compensation of hospital-based dentists in the private sector. This is the first change in almost 10 years in VA dentists' special pay. I want to recognize my colleague from the State of California, Dr. BOB FILNER, for bringing his voice to this important issue for VA dentists.

CONSTRUCTION

Our bill authorizes major medical facility construction projects in Beckley, West Virginia, Palo Alto and Long Beach, California, and Miami, Florida, with a commensurate authorization of appropriations of $120.9 million for this necessary construction. Also, we are extending a prior authorization for a long-term care project in Lebanon, Pennsylvania, and approving an authorization for a previously appropriated project for the Murfreesboro, Tennessee VA facility. These are excellent projects that have been carefully reviewed by Members of both Bodies and warrant our approval in this legislation.

PTSD

My friend, Mr. EVANS of Illinois, the Ranking Member of the full VA Committee, recently raised the profile of the need for Congress to reauthorize the landmark 1988 study of post traumatic stress disorder in Vietnam veterans. Madam Speaker, our bill reauthorizes this important study.

MILITARY SERVICE

The bill also urges, in a Sense of Congress Resolution, that VA record military service history when VA physicians and other caregivers initially take a veteran's general health history. This will aid any veteran who files a VA claim for disability, especially given our new appreciation that military and combat exposure may be associated with onset of disease in later life. I want to commend the Vietnam Veterans of America organization for bringing this proposal to the Subcommittee on Health—it is a valuable contribution to this bill.

PROPERTY MATTERS

In addition to these items, Madam Speaker, we are making some important changes in VA properties. We are transferring a number of parcels of land at VA medical centers in Georgia, Michigan, Montana, and Tennessee to state and local governments, and the private sector, for good uses. Also, we are authorizing the Secretary of Veterans Affairs to close the VA Medical Center in Ft. Lyon, Colorado, on the condition that the Secretary ensure that the veterans this facility serves now are properly treated in other facilities in the private and public sectors. Also, I want the Secretary to know that my subcommittee, on a bipartisan basis, will be carefully monitoring VA's actions in the case of Ft. Lyon. We are particularly interested in how VA will meet its statutory requirement to maintain capacity to provide long-term care, and how southern Colorado will contribute to this obligation, following closure of the Ft. Lyon facility. In all likelihood, the Subcommittee on Health will hold hearings on this matter next year. Thus, VA needs to be aware that its actions in respect to Ft. Lyon will be closely scrutinized. Also, VA needs to ensure that employees of the Ft. Lyon facility are offered all the personnel options available to the VA for "early out" and "buy out" benefits. It is through no fault of these employees that this facility is being closed, and all our Members believe that they should be held harmless by the Government's decision to close this facility. These VA employees have served their country honorably and with dedication. This service should be recognized and treated with the respect it deserves by the Secretary as the VA moves closer to closing this longstanding institution.

Madam Speaker, our bill is endorsed by a number of organizations, including the American Legion, Veterans of Foreign Wars of the United States, Vietnam Veterans of America, Disabled American Veterans, AMVETS, PVA, BVA, the Nursing Organization of Veterans Affairs, the American Dental Association, and the largest federal union, the American Federation of Government Employees (AFGE), among others. I hope that each of my colleagues will vote for passage of this measure today, and that we can send it on to the President prior to adjournment sine die of the 106th Congress.

I want to add one personal note today. I have served as Chairman of the Subcommittee on Health for the past 4 years. It has been both an honor and an education for me, and I appreciate having been afforded an opportunity to serve in a leadership position on this Committee. I thank my Chairman, Mr. Stump, and the Ranking Members of the full Committee, Mr. Evans, as well as Mr. Gutierrez, our Ranking Member of the Subcommittee on Health, as well as other Members for supporting me as Chairman. It is important to note that these Members also exhibited the best of our traditions on the Committee on Veterans' Affairs—the traditions of Sonny Montgomery, Tiger Teague and Bob Stump—of working together in a bipartisan manner, to honor and to help veterans. So, Madam Speaker, my chairmanship of the subcommittee has been a rewarding experience for me, and I look forward to continuing these good bipartisan relations in the new Congress in January 2001.

In conclusion, veterans of our Armed Forces need these bills, Madam Speaker. They are good bills, with effective provisions, that help veterans, and I urge my colleagues to support them so that we can continue to keep our promise to America's veterans.

Mr. EVERETT. Madam Speaker, as Chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations, I rise in strong support of S. 1402 as amended, the Veterans Benefits and Health Care Improvement Act of 2000. Section 223 of this bill is derived from H. Con. Res. 413, which I introduced along with my colleague and Subcommittee Ranking Democratic Member, Ms. Corrine Brown. Section 223 states the Sense of the Congress that the Departments of Veterans Affairs and Defense should increase their cooperation in the procurement of medical items, including pharmaceuticals.

Ms. Brown has taken an active role in working for increased VA/DoD sharing, and I thank her for her cooperation. I want to express my appreciation to our full Committee Chairman, Bob Stump, and our Ranking Democratic Member, Lane Evans, for their leadership on this issue as well. I also want to thank Chairman Arlen Specter and Senator Jay Rockefeller of the Senate Veterans' Affairs Committee for agreeing to include this section in the final bill.

Under the Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act, P.L. 97–174, VA and DoD have had the authority to share medical resources since 1982. In 1999, VA and DoD entered into sharing agreements amounting to $60 million out of total combined healthcare budgets of approximately $35 billion. This amounts to less than two-tenths of one percent of sharing. At our May 25, 2000 hearing, GAO stated that greater joint pharmaceutical procurements could lead to annual recurring savings of up to $345 million. These savings could be reinvested in improved healthcare for veterans, military retirees, service members and their families.

I urge the VA and the Department of Defense to heed this Sense of the Congress and quickly improve their joint procurement practices to obtain the best possible prices in the pharmaceutical market. Otherwise, huge amounts of healthcare dollars will continue to be wasted as VA and DoD pay too much money for pharmaceuticals.

Madam Speaker, I strongly encourage all of my colleagues to join in bipartisan support of this important legislation to improve healthcare, education and other benefits for our Nation's veterans.

Mr. REYES. Madam Speaker, I rise in strong support of the three veterans bills that we are addressing today. As many of you know, we recently lost several service members as a result of a despicable terrorist act in Yemen. Those sailors, our service members, gave their lives . . . made the ultimate sacrifice for their country. Unfortunately, as we get caught up in our day-to-day lives we often forget that there are men and women in distant lands and dangerous situations doing a lot of heavy lifting for us and this country. Its important that we pause occasionally and remember that our freedom, our wealth and our peace of mind is the direct result of service members such as the sailors on the USS Cole. This year, there has been considerable debate and discussion about keeping promises to our veterans and their families. I think that these bills help to put an end to any doubt about our commitment to our veterans. In my district of El Paso, Texas, I represent almost seventy thousand veterans and family members. I've seen some of the procedural difficulties that veterans and their family members must endure. And, I can talk to you in great detail about how these bills will help to improve the quality of life for our veterans. In my view, this legislation is not about keeping promises or mending fences. I think of it simply as an imperative for the nation. This is legislation that this body must pass because it is the right thing to do for those who have committed so much of themselves to our country. I sincerely appreciate the work that my colleagues on both sides of the aisle put into these bills. Because of their hard work, we have three meaningful veterans bills. The Veterans Benefit Act, the Claims Assistance Act and the Veterans and Health Care Improvement Act each provide important improvements or enhancements to the existing veterans programs. I urge each of you to support passage of each of these veterans bills.

Mr. GILMAN. Madam Speaker, I rise today in strong support of S. 1402, the Veterans and Dependents Millennium Education Act. ! urge my colleagues to join in supporting this worthwhile legislation.

S. 1402 incorporates a number of important bills which were addressed and passed by the house earlier this year. These include increasing the monthly benefit in the Montgomery G.I. bill, increasing the monthly amount of the basic education allowance for survivors and dependents, specific improvements in the pay and benefits for nurses and pharmacists at V.A. health care facilities, and a number of extensions of reauthorizations for various programs relating to V.A. loans through 2008.

S. 1402 also contains a provision extending burial benefits to those Filipino World War II veterans, who either reside in the United States, or who have become citizens or applied for permanent residence. As a long-time champion of the Filipino World War II veterans, I was pleased to see that provision included in this measure.

Madam Speaker, I urge my colleagues to support this timely, appropriate legislation.

Mr. WATTS of Oklahoma. Madam Speaker, I rise today in support of The Veterans Benefits and Health Care Improvement Act of 2000.

This legislation increases the rates of educational assistance under the Montgomery GI Bill and improves the pay rates for many health care professionals employed by the Department of Veterans Affairs. Also, it makes other needed improvements in veterans educational assistance, health care, and benefits programs. This act is a major effort by Congress to assist our veterans and to keep faith with those who have served.

Under the provisions of this bill the basic benefit by the Montgomery GI Bill will increase to $650 per month for a three-year period of military service and $528 per month for a two-year period of service. It will increase the basic educational allowance for survivors and dependents of eligible veterans to $588 per month, and will significantly increase the flexibility for survivors and dependents in taking advantage of their educational benefits.

Particularly important in this bill is the effort to address the looming nurse shortage within the Veteran Administration. A number of steps have been taken to insure VA nurses are paid adequately and competitive with their counterparts in the private sector. Also, provisions addressing paid and professional status for dentists, pharmacists, physician assistants and social workers have been included.

Other important items in S. 1402 include the authorization of $120.9 million in fiscal year 2001 or 2002 for major construction and increasing the maximum amount of coverage available through the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program for $200,000 to $250,000. There are improvements in Housing and Employment Programs, Cemeteries and Memorial Affairs Program, and in the VA Compensation Program.

I fully support this important bill because our nation's treatment of it's veterans will impact upon our ability to attract Americans to military service. Our veterans must receive fair treatment in a timely manner. If we do not keep faith with our veterans—we will jeopardize the national security of the nation.

Mr. DINGELL. Madam Speaker, I rise in support of the measure before us, S. 1402, the Veterans Benefits and Health Care Improvement Act. I would like to thank the work of Chairman BOB STUMP, Representative LANE EVANS, as well as their staffs for bringing this legislation to the floor. I'd also like to thank Chairman SPECTER and Senator ROCKEFELLER for their assistance.

In addition to many of the beneficial provisions in this bill, such as a badly needed increase in the basic Montgomery G.I. Bill benefit, S. 1402 includes language of considerable importance to the citizens and veterans of Southeast Michigan.

For sixty years, the veterans' hospital in Allen Park, Michigan provided quality health care to those who answered our nation's call to arms. In the 1930's, this 39-acre property was given to the VA as a gift from the Henry Ford family. The deed that turned the property over to the VA, however, included a reversionary clause that spelled out that if the VA no longer used the property, the land would revert back to the Ford family.

The VA operated a fully functional hospital on the Allen Park site until 1996, at which time a new VA hospital was opened in nearly Detroit. This new state-of-the-art hospital, which I am deeply honored is named the John D. Dingell VA Hospital, provides quality health care for the veterans of Southeast Michigan despite recent budgetary shortfalls which required the hospital to make unspecified efficiency cuts, usually resulting in staff cuts.

At the time the decision was made to build a new hospital in Southeast Michigan in 1986, the VA envisioned converting the old Allen Park facility into a long-term care facility, creating a dual campus arrangement with Detroit. The dual campus plan, however, was abandoned because the Allen Park facility was no longer needed to meet veterans' needs in the area. Just to be certain, at the request of myself and my colleague Representative JOE KNOLLENBERG, the VA conducted a study to determine whether the Allen Park facility, or the campus, was needed to meet area veterans' health care needs today or in the future. The VA found that not only was Allen Park no longer needed, but that two floors at the new hospital were currently vacant. The General Accounting Office verified the accuracy of the VA study.

Currently, the Allen Park campus consists of perhaps 15 buildings, and is closed with the exception of a small corner of the old main hospital building, which is used as a part-time outpatient care clinic. Few veterans use Allen Park except to catch the VA bus to the Detroit facility. The VA operates this clinic only to keep an official VA presence on the campus, because if it failed to have a presence, the land would revert to the Ford family and the VA would immediately be responsible for paying enormous cleanup costs before the reversion could occur. These costs would have to be absorbed by the VA, and no doubt would eat up a significant chunk of the annual VA budget.

Today, it costs the VA between $500,000 to $1,000,000, probably more, just to maintain the Allen Park clinic and campus, which fails to offer most health services, is in shabby condition and filled with asbestos. This money comes out of the budget intended specifically for VA health care in VISN 11. It is money poorly spent, which undermines the already cash strapped regional VA health care budget. It makes the veterans' health care system in Southeast Michigan worse.

Given that the VA's Allen Park facility is no longer needed, the Ford Land Management Company would like to develop the Allen Park property. The VA would like to abandon it. Additionally, the City of Allen Park has long sought to see the VA campus developed and have the land placed on city tax rolls.

This summer the VA conducted an environmental impact study and estimated cleanup costs. VA and Ford officials concluded that it would cost at least $21.3 million to clean up the site. Ford officials have offered to pay for all cleanup costs after $14 million, saving taxpayers at least $7.3 million. Ford will also save taxpayers' money because it will store the demolished materials in a nearby storage facility. No appropriation earmark will be required now or in the future. The VA will be spared having to fund a one-time, $21.3 million major construction project simply to demolish an obsolete building. Additionally, the VA will be able to use the $500,000 to $1,000,000 spent each year at Allen Park to better the veterans' health care system in Southeast Michigan. Finally, I am pleased that the Allen Park agreement also requires a flagpole and a plaque be maintained at the site in honor of the service of our veterans.

Madam Speaker, the Allen Park provision of this bill is a good deal for veterans, a good deal for taxpayers, and a good deal for Allen Park. I urge my colleagues to pass this bill.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill, S. 1402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the House amendments to the Senate bill were concurred in.

A motion to reconsider was laid on the table.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions.

The Clerk read as follows:

Senate amendment:

Page 21, after line 2, insert:

SEC. 11. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory or facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 209.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 209 continues the Committee on Science's long and rich history of advancing technology transfer to help boost United States international competitiveness.

Through the enactment of the Stevenson-Wydler Technology Innovation Act of 1980, the Federal Technology Transfer Act of 1988, and the National Technology Transfer and Advancement Act of 1995, Congress, by the direction of the Committee on Science, has created the framework to promote the government-to-industry transfer of technology that has enhanced our Nation's ability to compete in the global marketplace.

H.R. 209, which originally passed the House in May of last year, continues this tradition.

Last week, the Senate agreed to H.R. 209 and added a new section to the bill that directs the director of each Department of Energy laboratory to appoint an ombudsman to hear and help resolve industry partner concerns regarding laboratory policies or actions.

The ombudsman's primary duty is to facilitate the speedy and low-cost resolution of complaints and disputes with industry partners.

In its consideration, the Senate made clear that, to ensure fairness and objectivity, the ombudsman should promote the use of collaborative alternative dispute resolution techniques, such as mediation, but that the amendment should not be interpreted to empower the ombudsman to act as a mediator or arbitrator in the process.

After its passage today, H.R. 209 will be sent to the President for his signature into law.

I congratulate the Chair of the Subcommittee on Technology of the Committee on Science, the gentlewoman from Maryland (Mrs. MORELLA), for introducing this bill and for her tireless efforts to work cooperatively with the gentleman from Tennessee (Mr. GORDON) and other Members of the minority, the administration, and the other body in crafting this important bill.

I urge adoption of the Technology Transfer Commercialization Act, and I look forward to its signature by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act of 1999, and urge its passage.

This is a bill but important piece of legislation that will make it much easier to transfer Federal technology to the businesses that can extract economic value from that technology.

It has been about a year and a half since this legislation was last on the floor of the House of Representatives. It was a good bill in March of 1999, and it is a good bill now.

The only changes which the Senate made to the legislation was to add a section that creates mediators or ombudsmen at each of the Department's national laboratories and makes sure that the appropriate people in the Department's headquarters are kept informed quarterly of the mediators' progress in resolving disputes.

This provision is a good idea because some small businesses have been caught up for years in attempting to resolve intellectual property disputes with DOE laboratories. Having mediators in each lab should help small businesses by resolving those disputes much more quickly and inexpensively.

The Senate did not change a word in the provisions we sent to them last year. The bill still makes important changes in the law regarding federally owned patents. It will now be easier for small businesses to license these inventions and more likely that taxpayers will get their money's worth from them.

I urge my colleagues to think about these businesses, many of which are small and with limited resources, who are risking much to commercialize Federal inventions. This bill will make their lives easier, and it is worthy of our vote.

I want to extend my thanks and compliments to my colleagues who worked on this legislation, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from Michigan (Mr. BARCIA). I urge all Members to support this passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for his outstanding leadership as Chair of the Committee on Science. I am pleased to be here.

Each day in our Nation's over 700 government laboratories, Mr. Speaker, new innovations are created by our hard-working Federal scientists to meet the mission of that laboratory.

There are instances, however, when these government-owned innovations have commercial applications beyond just the Federal mission and have been brought into the marketplace, resulting in consumer products that have improved our quality of life while also enhancing our international competitiveness.

Successful technology transfer commercialization from our government laboratories is fighting our deadliest diseases, creating safer and more fuel-efficient methods of transportation, protecting the food that we eat, assisting the disabled, and making our environment cleaner.

I will just list a few of the current examples of technology transfer success stories:

An infrared heat-seeking digital sensor, developed with Department of Defense funding, designed to search for distant galaxies and spot missile launches as part of the Star Wars program that is being used to probe for the first signs of cancer in the human body;

A NASA satellite device used to locate hotspots during fires and monitor volcanoes that has applications in recognizing tumors and abnormalities in women's breasts;

Department of Energy research that developed gas-paneled, energy-efficient superwindows has been transformed to develop an inexpensive, advanced insulating material for use as a thermal packaging to ship perishable cargo such as seafood, meat, fruit, prepared foods and pharmaceuticals; and

Eye-tracking technology; food irradiation research that has an application in the commercial sector.

But it should be clear by now that the importance of technology transfer to our economy and our society cannot be underscored enough; certainly, if we include some of the more storied success stories, such as the Internet, the AIDS home testing kit, and Global Positioning System.

So by permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy, enhances the competitive position of United States industry internationally, and promotes the development and use of new technologies developed under taxpayer-funded research so those innovations are incorporated quickly, effectively, and efficiently into practice to the benefit of the American public.

One of the most successful legislative frameworks for advancing this has been the Bayh-Dole Act. The Bayh-Dole Act, which was enacted in 1980, permits universities, not-for-profit organizations, and small businesses to obtain title to scientific inventions developed with Federal Government support. It also allows Federal agencies to license government-owned patented scientific inventions even nonexclusively, partially exclusively, or exclusively, depending upon which license is determined, to be the most effective means for achieving commercialization.

Prior to the enactment of the Bayh-Dole Act, many discoveries resulting from federally funded scientific research were not commercialized to help the American public. Since the Federal Government lacked the resources to market new inventions and private industry was reluctant to make high-risk investments without the protection of patent rights, many valuable innovations were left unused on the shelf of Federal laboratories.

With its success licensing Federal inventions, the Bayh-Dole Act is widely used as an effective framework for Federal technology transfer. So the process for licensing of government-owned patents should continue to be refined, we believe, by refining the procedures and by removing the uncertainties associated with the licensing process.

So if we can by reducing that and the uncertainty created by existing procedural barriers and by lowering the transactional costs associated with licensing Federal technologies from the government, we could greatly increase participation by the private sector in its technology transfer programs. This approach would expedite the commercialization of government-owned inventions and through royalties could reduce the cost to the American taxpayer for the production of new technology-based products created in our labs.

That is the intention of this bill before us. The goal of H.R. 209 is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federal-patented inventions created in a government-owned, government-operated laboratory by applying the successful Bayh-Dole Act provision to a GOGO.

Under the bill, its agencies would be provided with two important new tools for effectively commercializing on-the-shelf, federally owned technologies, either licensing them as stand-alone inventions under the bill's revised authorities of section 209 of the Bayh-Dole Act, or by including them as part of a larger package under the Cooperative Research and Development Agreement.

In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Let me just close by noting that the bill before us represents a bipartisan and bicameral consensus. I am pleased to have worked very closely with Members of the minority, the administration, and the Senate in helping to perfect the bill since it was originally introduced.

I am especially pleased that the administration has issued a Statement of Administration Policy which states that the administration supports passage of H.R. 209, which will significantly facilitate the licensing of government-owned inventions by Federal agencies.

I want to thank the chairman of the full committee, the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership; the ranking member of the Committee on Science, the gentleman from Texas (Mr. HALL), as well as the ranking member of the Subcommittee on Technology of the Committee on Science, the gentleman from Michigan (Mr. BARCIA).

I certainly want to commend the ranking member on the committee. I also want to commend some members of the other body, Senators ROCKEFELLER, FRIST, HATCH, and LEAHY for their input and for their support in helping to refine the legislation.

I look forward to the President's signature of this important bill into law.

I want to point out that staff also helped enormously. Barry Berringer, Jim Turner, Jeff Grove, and Ben Wu especially worked very hard on this.

The Federal laboratories are eager to receive the new authorities contained in this bill, and I urge all of my colleagues to support H.R. 209.

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Mr. GORDON. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 209.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMERCIAL SPACE TRANSPORTATION COMPETITIVENESS ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Transportation Competitiveness Act of 2000".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§ 70119. Office of Commercial Space Transportation

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) $12,607,000 for fiscal year 2001; and

"(2) $16,478,000 for fiscal year 2002.".

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

"70119. Office of Commercial Space Transportation.".

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) $590,000 for fiscal year 2001;

(2) $608,000 for fiscal year 2002; and

(3) $626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) In General.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking "December 31, 2000" and inserting "December 31, 2004".

(b) Amendment of Modified Section.—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking "December 31, 2001" and inserting "December 31, 2004".

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, United States Code, is amended by striking "———, 19——.'," in subsection (e)(1)(A) and inserting "———, 20——.',".

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) Report Requirement.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) Contents.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be "ultrahazardous activities" for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal Government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) Sections.—The report required by this section shall contain sections expressing the views and recommendations of—

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2607.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends launch indemnification to the U.S. commercial launch industry through the end of the year 2004, and authorizes funding for the Offices of Advanced Space Transportation and Space Commerce in the Departments of Transportation and Commerce. This is a bipartisan bill jointly sponsored by the Subcommittee on Space and Aeronautics; the gentleman from California (Mr. ROHRABACHER); the gentleman from Florida (Mr. WELDON); and the ranking minority member, the gentleman from Tennessee (Mr. GORDON).

The Federal Government first decided to indemnify commercial launch companies against catastrophic losses in 1990 as a means of rebuilding a launch industry which was critical for national security. Congress has traditionally reviewed indemnification in 5-year increments. At no cost to the government, the act successfully created a stable business environment that encouraged private firms to invest in improving U.S. space launch capabilities and maintaining their competitiveness with launchers from Europe, Russia, the Ukraine and China. By extending indemnification through 2004, we will eliminate the uncertainty created by 1-year renewals and restore a business environment that helps U.S. launch firms retain their competitiveness.

The House passed this bill last year by an overwhelming margin on suspension of the rules and should do so again now that the Senate has acted. The Senate has made only minor modifications. I urge all my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a few brief comments in support of H.R. 2607. H.R. 2607, the Commercial Space Competitiveness Act of 2000, is a bill that does a number of important things to advance the competitiveness of the Nation's commercial space transportation industry. First and foremost, the bill extends the commercial space transportation indemnification provisions through 2004. Those indemnification provisions were first enacted in 1988 as part of the Commercial Space Launch Act amendments. They have provided a sensible and highly cost-effective risk-sharing regime that has helped our launch industry compete in world markets. And since their enactment, these provisions have not cost American taxpayers a single dollar in claims.

H.R. 2607 does a number of important things, including authorizing funding for the Department of Transportation's Office of Commercial Space Transportation and the Department of Commerce's Office of Space Commercialization. The Office of Commercial Space Transportation in particular has been responsible for licensing U.S. commercial launches and launch facilities, and this legislation recognizes the need to provide the resources needed to carry out its duties.

Before I close, I would like to just express my thanks to my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. ROHRABACHER), the gentleman from Texas (Mr. Hall), Senators MCCAIN, HOLLINGS, FRIST and BREAUX. Without their collective efforts, we would not be considering this bill today.

Mr. Speaker, the House originally passed H.R. 2607 more than a year ago. The version before us today reflects the incorporation of some minor but constructive changes requested by the Senate. I believe this bill is a useful piece of legislation and I urge my colleagues to vote to suspend the rules and pass this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2607.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROTECTING OUR CHILDREN FROM DRUGS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5312) to amend the Controlled Substances Act to protect children from drug traffickers.

The Clerk read as follows:

H.R. 5312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Children From Drugs Act of 2000".

SEC. 2. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

SEC. 3. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 4. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5312.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are few responsibilities that we have as Members of Congress that are more important than seeking to leave our children a better future. This legislation seeks to accomplish that goal by protecting children from illegal drugs, drug trafficking and the violence associated with the drug trade through increased prison sentences for Federal drug felonies involving or affecting children.

H.R. 5312 increases the mandatory minimum prison sentences from 1 year to 3 years in three important areas. First, it raises the sentence to 3 years for those who use children to distribute drugs. Second, it raises the sentence to 3 years for those who traffic drugs to children. And third, it raises the sentence to 3 years for those who traffic drugs in or near a school or other protected location, including colleges, playgrounds, public housing facilities, youth centers, public swimming pools or video arcade facilities.

In each of these circumstances, it raises the mandatory minimum sentence for a second time offender to 5 years.

Mr. Speaker, protecting children should be a top priority for our society. Crime is down in America but we must remain vigilant. This bill sends an important and unmistakable message, do not involve our kids in your drug trade. By passing and enacting this legislation, we are doing more to make sure our children realize the promising future to which they are entitled. I urge my colleagues to support the Protecting Our Children From Drugs Act of 2000. I want to express my gratitude to the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM), who is the sponsor of this legislation, for his leadership in moving forward with this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 5312, the "Protecting Our Children From Drugs Act of 2000," which would increase mandatory minimums for certain drug offenses involving minors. While I certainly support any legislative action which would keep drugs out of the hands of our kids, this bill will not do that.

Unfortunately, we are here again with Congress' favorite solution to crime—mandatory minimum sentencing. This despite the fact that scientific studies have found no empirical evidence linking mandatory minimum sentences to reductions in crime. Instead, what the studies have shown is that mandatory minimum sentences distort the sentencing process, discriminate against minorities in their application and waste money.

In a study report entitled "Mandatory Minimum Drug Sentences: Throwing Away the Key or the Tax Payers Money?," the Rand Commission concluded that mandatory minimum sentences were significantly less effective than discretionary sentencing, and substantially less effective than drug treatment in reducing drug related crime, and far more costly than either.

Further, both the Judicial Center in its study report entitled "The General Effects of Mandatory Minimum Prison Terms: A longitudinal Study of Federal Sentences Imposed," and the United States Sentencing Commission in its study report entitled "Mandatory Minimum Penalties in the Federal Criminal Justice System," found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences.

Perhaps the problem with mandatory minimums is best stated in a March 17, 2000 letter from the Judicial Conference of the United States to Chairman HYDE, and which provided as follows:

> The reason for our opposition is manifest: Mandatory minimums severely distort and damage the federal sentencing system. Mandatories undermine the Sentencing Guidelines regimen Congress so carefully established under the Sentencing Reform Act of 1984 by preventing the rational development of guidelines that reduce unwarranted disparity and provide proportionality and fairness. Mandatory minimums also destroy honesty in sentencing by encouraging charge and fact plea bargains to avoid mandatory minimums. In fact, the U.S. Sentencing Commission has documented that mandatory minimum sentences have the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner—offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment.

The fact is, we know how to reduce drug abuse—its with prevention and drug rehabilitation programs. One study of a program in California has shown drug rehabilitation to be so effective that for every dollar the state spends on its drug abuse program, it saves seven dollars in reduced costs in health care, welfare, and crime.

In addition, late last year several of us worked on the bipartisan task force on juvenile crime. We heard from experts from across the country, and all the testimony we heard pointed to prevention and early intervention as appropriate strategies to deal with juvenile crime. We did not hear a single witness suggest we enact mandatory minimum sentencing schemes.

Mr. Speaker, H.R. 5312 was introduced just two weeks ago by Representative MCCOLLUM, and comes to the floor today without the benefit of hearings or the opportunity to amend the bill. Thus, it is no surprise that it reflects an old approach which has been proven to be ineffective and discriminatory in its impact. For those reasons, I must oppose H.R. 5312, and urge my colleagues to vote against the bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5312, the Protecting Our Children From Drugs Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 5312 amends the Controlled Substances Act to increase penalties for: (1) using persons under the age of 18 to distribute drugs, (2) distributing drugs to minors, (3) drug trafficking near a school or other protected location, such as a youth center, playground, or public housing facility.

In all of these cases, the penalty for a first time offense increases from a minimum of one to three years in prison. The penalty for subsequent offenses is increased to a minimum of five years in prison.

Mr. Speaker, the threat posed by illegal drugs is one of the greatest national security threats facing our nation. This is the cold truth.

While opponents have argued that we spend too much on combating drugs, they are ignoring the true cost of drug use on our society. In addition to costs associated with supply and demand reduction, drug use costs billions each year in health care expenses and lost productivity. Moreover, it also has intangible costs in terms of broken families and destroyed lives.

Our children are on the front lines of this drug war. They are the primary target of both the drug producers and the sellers. This legislation is a small step designed to make selling drugs to minors, a less attractive option. I urge my colleagues to lend it their full support.

Mr. LARSON. Mr. Speaker, I rise today to support legislation sponsored by my colleague from Florida (Mr. MCCOLLUM). The Protecting Our Children From Drugs Act will give this country a much needed additional source of ammunition in our war against drugs. This legislation will send a forceful message to drug dealers that our children and our schools are not going to be participants in the drug trade. In addition, by taking increased measures to protect our children from the dangers of illegal drugs, we are ensuring that one day they will be readily equipped to continue the fight for a drug free America.

As statistics show that the rate of teen drug use in this country has doubled since 1992, it is clear that the time for this legislation is now. I, unfortunately, know all too well about the constant challenges of protecting innocent children from being corrupted by the drug trade. In June of 1999, the ONDCP designated my district a High Intensity Drug Trafficking Area. A month before, an arrest in the suburban town of Newington, Connecticut, that netted 60 bags of heroin, took place 1500 feet from a day care center. In November of that same year, a man was arrested in Hartford for using a 15 year old to sell over a hundred bags of heroin. These examples highlight the disturbing reality that our children and our schools are not ignored by drug dealers, but that they are often targeted. As both a legislator and a father of three young children, it is painfully obvious that drug trafficking is everywhere. We must send a message to drug dealers that their crimes will be punished with significantly harsher penalties if they invade our schools, and infiltrate among our children.

In his long and continuing effort to protect our country and our children from illegal drugs, my colleague notes that intervention is the first step necessary to winning the drug war. However, intervention is not always the goal we strive for. Perhaps it is because we often see exposure to drugs as an inevitable part of our children's lives. It doesn't have to be. We must intervene and prevent exposure at the source, and let dealers know that our kids are off limits. Further action, such as this legislation, will protect our children and give them the opportunity to lead this country into the 21st century. I rise in support of this legislation today and I urge our colleagues to join us.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5312.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4493) to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

The Clerk read as follows:

H.R. 4493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prosecution Drug Treatment Alternative to Prison Act of 2000".

SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS ADMINISTERED BY STATE OR LOCAL PROSECUTORS.

(a) PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART AA—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

"SEC. 2701. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General may make grants to State or local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternative to prison programs that comply with the requirements of this part.

"(b) USE OF FUNDS.—A State or local prosecutor who receives a grant under this part shall use amounts provided under the grant to develop, implement, or expand the drug treatment alternative to prison program for which the grant was made, which may include payment of the following expenses:

"(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

"(2) Payments to licensed substance abuse treatment providers for providing treatment to offenders participating in the program for which the grant was made, including aftercare supervision, vocational training, education, and job placement.

"(3) Payments to public and nonprofit private entities for providing treatment to offenders participating in the program for which the grant was made.

"(c) FEDERAL SHARE.—The Federal share of a grant under this part shall not exceed 75 percent of the cost of the program.

"(d) SUPPLEMENT AND NOT SUPPLANT.—Grant amounts received under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"SEC. 2702. PROGRAM REQUIREMENTS.

"A drug treatment alternative to prison program with respect to which a grant is made under this part shall comply with the following requirements:

"(1) A State or local prosecutor shall administer the program.

"(2) An eligible offender may participate in the program only with the consent of the State or local prosecutor.

"(3) Each eligible offender who participates in the program shall, as an alternative to incarceration, be sentenced to or placed with a long term, drug free residential substance abuse treatment provider that is licensed under State or local law.

"(4) Each eligible offender who participates in the program shall serve a sentence of imprisonment with respect to the underlying crime if that offender does not successfully complete treatment with the residential substance abuse provider.

"(5) Each residential substance abuse provider treating an offender under the program shall—

"(A) make periodic reports of the progress of treatment of that offender to the State or local prosecutor carrying out the program and to the appropriate court in which the defendant was convicted; and

"(B) notify that prosecutor and that court if that offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program.

"(6) The program shall have an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor carrying out the program, the duties of which shall include verifying an offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an offender who has absconded from the facility of a residential substance abuse treatment provider or otherwise violated the terms and conditions of the program, and returning such offender to court for sentence on the underlying crime.

"SEC. 2703. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(b) CERTIFICATIONS.—Each such application shall contain the certification of the State or local prosecutor that the program for which the grant is requested shall meet each of the requirements of this part.

"SEC. 2704. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, the distribution of grant awards is equitable and includes State or local prosecutors—

"(1) in each State; and

"(2) in rural, suburban, and urban jurisdictions.

"SEC. 2705. REPORTS AND EVALUATIONS.

"For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report regarding the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"SEC. 2706. DEFINITIONS.

"In this part:

"(1) The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

"(2) The term 'eligible offender' means an individual who—

"(A) has been convicted of, or pled guilty to, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

"(B) has never been convicted of, or pled guilty to, or admitted guilt with respect to, and is not presently charged with, a felony crime of violence or a major drug offense or a crime that is considered a violent felony under State or local law; and

"(C) has been found by a professional substance abuse screener to be in need of substance abuse treatment because that offender has a history of substance abuse that is a significant contributing factor to that offender's criminal conduct.

"(3) The term 'felony crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code.

"(4) The term 'major drug offense' has the meaning given such term in section 36(a) of title 18, United States Code.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

"(24) There are authorized to be appropriated to carry out part AA—

"(A) $75,000,000 for fiscal year 2000;

"(B) $85,000,000 for fiscal year 2001;

"(C) $95,000,000 for fiscal year 2002;

"(D) $105,000,000 for fiscal year 2003; and

"(E) $125,000,000 for fiscal year 2004.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4493, the Prosecution Drug Treatment Alternative to Prison Act of 2000 would authorize grants for drug treatment alternative to prison programs administered by State or local prosecutors. This legislation represents a responsible approach to drug treatment because it holds the individual receiving treatment accountable and it allows local prosecutors to exercise discretion regarding those for whom drug treatment is appropriate.

I want to thank the gentleman from Florida (Mr. MICA), the sponsor of this legislation, for his leadership on this innovative legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Speaker, in addition to the gentleman from Florida (Mr. MICA), I would like to enter into the record the other original cosponsors of this bill, those being, the gentleman from North Carolina (Mr. BALLENGER); the gentleman from New York (Mr. GILMAN); the gentleman from Florida (Mr. GOSS); the gentlewoman from Texas (Ms. GRANGER); the gentleman from Arkansas (Mr. HUTCHINSON); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Iowa (Mr. LATHAM); the gentleman from Florida (Mr. MCCOLLUM); the gentleman from Ohio (Mr. PORTMAN); the gentleman from Tennessee (Mr. WAMP); and the gentleman from Virginia (Mr. WOLF).

The reason I do that is I want to evidence the broad geographic interest in providing some means of relief for folks who are suffering from the malaise of drugs. I wish to thank also the dozens of cosponsors of this legislation from both sides of the aisle. It is my expectation that the bill soon will be introduced and receive bipartisan support in the United States Senate as well.

This legislation will provide much needed resources to State and local governments for new prosecutor-managed drug treatment options for eligible nonviolent offenders. The program is designed for offenders who need and seek an opportunity to break the terrible chains of drug addiction and take back control of their lives.

In fact, such a program has been administered successfully for more than a decade in Brooklyn, New York. It has been rigorously evaluated and found to have resulted in higher treatment success, low recidivism rates and substantial tax dollar savings. This legislation will be an important new addition to our Nation's drug demand reduction efforts.

Mr. Speaker, most State and local criminal prosecutions are resolved through guilty pleas and plea bargains. Plea agreements prevent our criminal justice system from coming to a screeching halt and, as such, they are a valuable tool. This particular legislation represents another option for offenders who plead guilty to nonviolent offenses such as personal drug use. Just to be clear, violent drug offenders and serious drug traffickers will not be eligible under this legislation. The legislation also authorizes new Federal funding for programs designed and managed by State and local prosecutors who prosecute nonviolent offenders who are in desperate need of treatment. It allows prosecutors to select only eligible nonviolent offenders for a rigorous program of mandatory drug treatment and strict rules and conditions. Prosecutors have total discretion to select participants. Participants must be identified as being in need of treatment but they must also not have been convicted of a felony crime of violence or a major drug offense as defined under Federal law.

An important benefit of this option is that a prosecutor retains the leverage of a substantial prison sentence to be used if an offender violates program or treatment requirements. That is called accountability.

This accountability provides prosecutors with a common sense cost-effective alternative for offenders who really want to reform their lives. A successful model program of this type is the drug treatment alternative to prison program, as I mentioned, established in 1990 by the Office of the District Attorney for Kings County, which is Brooklyn, New York.

Evaluation results of the New York program indicate high treatment retention rates, low recidivism and significant cost savings. The 1-year retention rate in drug treatment is 66 percent. The recidivism rate for participants is less than a half for comparable offenders, 23 percent compared to 47 percent. Nearly all employable program graduates, that is 92 percent, are now working or are in vocational programs compared with only 26 percent who were employed prior to entering the program.

This particular program in Brooklyn, New York, reportedly has saved the city and the State more than $15 million over the past 10 years. The program holds great promise for communities across America. It is designed to combat drugs and address the treatment needs of eligible nonviolent offenders who desire to forsake crime and drugs and regain control of their lives. Experience has shown that this approach breaks addiction, protects lives, assists families, promotes gainful employment and saves substantial tax dollars. The legislation itself will provide funds up to 75 percent of program costs directly to State and local governments. The total authorized under this bill is almost a half a billion dollars. The program grants will be administered by the United States Department of Justice. State and local government recipients must match by at least 25 percent the Federal grant award amount.

□ 1300

Evaluations will be required and funded.

Each program is required to maintain an enforcement unit of sworn officers to monitor and apprehend any offenders who violate program requirements and attempt to abscond from their responsibilities.

There are requirements for ensuring a fair geographic distribution of funds, so that people in Maine or people in California or people in Washington or Iowa get a fair shot at getting the funding for their treatment. Grant awards are to be made, to the extent practicable, to each State and to rural suburban and urban jurisdictions.

Madam Speaker, I do not have to remind you or other Members of the need for us to do everything possible to help

State and local governments respond to their continuing drug challenges. Even the White House's Office of National Drug Control Policy indicates that overall drug use has increased from 6.4 percent of our population in 1997 to 7 percent in 1999. That is a 10 percent increase in 2 years.

While marijuana and crack use has decreased among youth, Ecstasy, methamphetamine and "designer drug" use has shot through the roof among youth and adults. We are seeing overdoses and deaths as we have never seen them before. Drug-induced deaths number about 17,000 annually and are rising. In total, drug-related deaths, that is, where someone dies as a result of drug use, now exceed 50,000 each year. That is more than the number of murders in this country on an annual basis.

We need to take this important step as outlined in this legislation in a national effort to turn this situation around, to make our communities safer and to improve the quality of life for everybody in America. This initiative will make a substantial contribution to this effort.

Madam Speaker, I want to highlight in particular how this program, on a point-by-point comparison, will help in California because, as always, I go home every weekend, and that is kind of where my heart is.

California has an initiative on the ballot this year called Prop 36, and it is being marketed to the voters as a drug treatment initiative to try and give people assistance. In fact, the initiative itself is around 4,500 words; and interestingly enough, of those 4,500 words, about 3,600 talk about sentencing and incarceration and doing time in prison.

You would think that an initiative that is supposed to address drug treatment would talk about drug treatment instead of about sentencing and the like. In fact, this initiative spends about 390 words out of 4,500 talking about treatment, and then it only talks about funding.

Prop 36 in California is a sham, and I would hope that the other Members of this body would take the time to read it and share it with their people, because, if it is successful in California, it is coming to your State soon. It is kind of like a bad movie.

We need to defeat Prop 36. The legislation that is on the floor today addresses actual treatment opportunities for people, compared to Prop 36, which offers no treatment whatsoever.

In fact, the single most effective means of helping people suffering from drug addiction, which is blood testing and urinalysis, under Prop 36 is forbidden. Think about that. Prop 36 says it is a drug treatment, but it removes the single most effective tool that professionals in the field use to hold folks accountable for getting rid of this scourge.

I want to close, if I can, Madam Speaker. This legislation put forward by the gentleman from Florida (Mr. MICA) is about fighting drugs harder and smarter. It can make a real difference in promoting demand reduction and breaking the link between drugs and crime for many eligible nonviolent offenders who are at great risk of pursuing criminal careers.

Both sides of the aisle support this legislation. So do criminal justice professionals. Treatment experts and providers, such as Phoenix House and the Therapeutic Communities of America, have endorsed this legislation. So have Pennsylvania and New York District Attorney Associations. We have worked very closely with the DA from Brooklyn, New York, to develop this legislation based upon his proven experience.

The chairman of the committee, the gentleman from Florida (Mr. MICA), has personally visited the program and discussed it with the offenders going through it. Respected researchers and evaluators have documented the program's successes. If properly designed and administered as outlined in this legislation, I am convinced that we have the opportunity to save lives and save money in this country.

Madam Speaker, H.R. 4493 is a good bill, and it is much needed. It is important to States, communities, and families across this country. In combatting drug use, we must identify programs that work and support them. We cannot afford any longer to squander tax dollars on unnecessary bureaucracies and ineffective approaches.

Accordingly, I urge all Members to vote for H.R. 4493. I appreciate the opportunity to speak on this very important issue this afternoon.

Mr. GORDON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, could not be here today; but I will submit his statement.

If I could take a brief moment, Madam Speaker, my friend, the gentleman from Florida (Mr. CANADY), this is his last or soon to be last presentation, I suspect, before this body; and I just want to say that over the years he has been here, there may be some that have disagreed with him on occasion, but hopefully no one would ever disagree that he is a man of integrity. I appreciate his friendship. I know he is going to enjoy going back and spending more time with his family, and I want to wish him well in his endeavors in Florida.

Madam Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the kind remarks of the gentleman from Tennessee (Mr. GORDON).

Mr. CONYERS. Madam Speaker, as we passed the threshold of two million incarcerated, It has become apparent that our nation's war on drugs has taken its toll on communities across the nation. With the support of the federal government, many states are implementing innovative programs to address the problems of incarceration and drug addiction. H.R. 4493 does not advance the best efforts to stem this tide.

The best programs currently under consideration return discretion to the judges for an assessment of the best methods for rehabilitation. Programs, like those in H.R. 4493, that vest prosecutors with the discretion to grant alternative sentence are not new and suffer from a clear flaw that has limited their effectiveness.

As a general matter, prosecutors are concerned with conviction rates, not rehabilitation. Consequently, these kinds of programs have been used as bargaining chips to obtain evidence and convictions, rather than tools for reducing recidivism. Moreover, these programs contain no long tem "after care" services which have proven critical to addressing the continuing problems faced by addicts after incarceration.

This session, during a markup of methamphetamine legislation, an amendments that provide a good starting point for reforming our national drug policy was approved by the full Judiciary Committee.

This legislation established federal drug courts that would allow the federal government to vigorously pursue sentencing and treatment alternatives to break the cycle and control the costs of drug-offense incarceration. This would allow us to join alternative sentencing and treatment programs that have been adopted in states such as Arizona, California, and New York that have been credited with significant declines in their prison population.

The stakes could hardly be higher in our efforts for policy reform. It is a sad fact of life that more people were imprisoned during the 1990s than any other period on record, with nearly one-in-four prisoners incarcerated for drug offenses, many carrying mandatory minimum sentences.

In raw numbers, today, there are almost as many inmates imprisoned for drug offense as the entire U.S. prison population in 1980. It will cost counties, states and the federal government over $9 billion to incarcerate our 458,131 drug offenders this year.

We should continue to look for and support successful strategies like those offered in the Judiciary Committee.

Mr. CANADY of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4493.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING AN INTERPRETIVE CENTER NEAR DIAMOND VALLEY LAKE, CALIFORNIA

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4187) to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The Clerk read as follows:

H.R. 4187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANCE FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have introduced H.R. 4187, along with the gentlewoman from California (Mrs. BONO), the gentleman from California (Mr. PACKARD), the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. LEWIS), the gentleman from California (Mr. GARY MILLER), the gentleman from California (Mr. HUNTER), and the gentleman from California (Mr. BACA).

Madam Speaker, this legislation will assist in establishing the Western Archeology and Paleontology Center in the vicinity of Diamond Valley Lake in Southern California. This center will preserve, protect and make available the extraordinary discoveries that were uncovered during the construction of Diamond Valley Lake to all citizens of the United States. The University of California, Riverside, has been instrumental in developing this center; and I look forward to their continued leadership in the establishment and operation of the center. House report language calls for the Secretary of Interior to work with UCR, metropolitan water districts, and local shareholders in this effort.

During the past 10 years, the construction of Diamond Valley Lake outside of Hemet, California, has been the largest private earth-moving construction project in the United States. The reservoir is now the largest man-made lake in Southern California. It covers 4,500 acres, is 4½ miles long, 2 miles wide, and 250 feet deep. The cost of this was $2.1 million for construction, was totally borne by the residents of Southern California. The reservoir will provide a desperately needed emergency supply of water for the City of Los Angeles and the surrounding area.

During the construction and excavation of this massive project, extraordinary paleontology and archeology discoveries were uncovered. Unearthed were 365 prehistoric sites, pictographs, stone tools, bone tools and arrowheads. Also discovered were a preserved mastodon skeleton, a mammoth skeleton, a 7-foot tusk and bones from the extinct animals previously unknown to have resided in the area, including the giant long-horned bison and an enormous North American Lion.

The construction of Diamond Valley Lake unearthed the largest known accumulation of late Ice Age fossils known in California. The scientific importance of this collection may now rival California's other famed site, the La Brea Tar Pits.

The State of California is an active participant in this endeavor, having already contributed $6 million to the Western Center. Another $10.5 million has been included in this year's State budget for construction and maintenance of the center.

As for the Federal Government's role in this endeavor, first, 12,000 acres of land totaling about $40 million, have been bought and set aside by the Metropolitan Water District to comply with the Endangered Species Act, a Federal requirement.

Moreover, there is legislative precedent for Federal assistance to States for preservation. The National Historic Preservation Act set the stage for Federal, State and local partnerships. This act provides that the Federal government shall contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means.

In addition, the Army Corps of Engineers, the Department of Defense, the Department of Interior, and the Department of Agriculture have uncovered prehistoric and historic artifacts and are being forced to store these artifacts and records in storage units, offices, basements or in substandard museums, which is unacceptable. I am pleased that we can use this unique opportunity to work together in a partnership with local, State and Federal interests to protect and preserve these assets for all Americans.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Utah (Chairman HANSEN) for their work on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4187 authorizes the Federal Government to pay up to one-quarter of the cost of a $40 million visitors facility to be constructed as part of a vast recreational complex being developed around a new locally owned water project in California. The complex is reported to include golf courses, restaurants, and concert areas centered around this new reservoir.

While we of the minority do not intend to oppose this legislation, H.R. 4187 does raise some serious concerns. The bill authorizes this Federal expenditure, despite the fact that there is no substantive Federal connection to this project. None of the facilities, nor any of the land, are federally owned or operated.

We are told that during the construction, important archeological artifacts were discovered and therefore the Federal Government should pay for a visitors center. However, if these artifacts are truly important, funding for them is available through existing grant programs, and earmarked funding for a visitors center is therefore unnecessary.

I guess I should point out that there is a certain irony that some on the majority side are asking for Federal funding for this. But it has been argued also that because the local water district was required to set aside a nature preserve as a species mitigation measure, the use of Federal funds for this visitors center is justified. However, the set-aside was required by law and does not entitle this project to a taxpayer-funded visitors center.

In the view of the minority members of the Committee on Resources, Congress should allocate Federal resources to address the multibillion dollar maintenance and construction backlogs on Federal lands, and non-Federal projects such as this one should receive the bulk of their funding from the States and localities who own and operate them.

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While the minority will not oppose H.R. 4187, we would caution against similar authorization in cases with such limited Federal interests.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON NEED FOR WORLD WAR II MEMORIAL ON THE MALL

Mr. CALVERT. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 145) expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol.

The Clerk read as follows:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103-422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capitol the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capitol, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. Con. Res. 145 expresses the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall on the Nation's capitol. In short, this gives the congressional approval to construct this memorial to the brave men and women who served and gave their lives during World War II at the Rainbow Pool location in the Mall and will, I hope, put this issue to rest.

Madam Speaker, there are two indisputable facts dealing with this memorial. One is the fact that no one can possibly think that memorial does not deserve to be in a place of the utmost prominence in the Mall. World War II was the most important event in this century and over 1 million Americans were either killed or wounded.

The other fact is that all approvals from various commissions have been granted to proceed with the construction of this memorial at this site. However, it is apparent that construction is still mired down, now with misguided lawsuits by a few people who apparently do not believe that this event and the 16 million brave men and women who proudly wore the American uniform deserve recognition.

Enough is enough, Madam Speaker. The process of constructing this memorial has gone on far and long enough, and it is high time we got down to the business and build this deserved memorial which means so much to so many people. Madam Speaker, I strongly urge my colleagues to support S. Con. Res. 145.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, no one can argue with the substance of this concurrent resolution. The Second World War is recognized as the most significant event of the 20th Century. Millions of American men and women served with distinction and honor in that conflict and more than 400,000 made the ultimate sacrifice as part of their service to their Nation. The core principles of this legislation, that it is the sense of Congress that a memorial commemorating the World War II activities should be built within area 1 on the Mall and that it should be built as expeditiously as possible, that is incontrovertible. Of course, we are all aware that there is some remaining controversy, but that controversy has moved to the courts, and Congress really has no further role in resolving that issue.

As the process moves towards what we hope will be a rapid resolution, it is appropriate that Congress re-assert its support for this important project, and as a result, the minority side fully supports the passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. CALVERT. Madam Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. STUMP), the champion for all veterans in our country.

Mr. STUMP. Madam Speaker, I thank the gentleman from California for yielding me this time.

Madam Speaker, the gentlewoman from Ohio (Ms. KAPTUR) first introduced this resolution to create the memorial in 1987 but it was not enacted until 1993.

Since its authorization, this memorial has been through 19 public hearings. It has been completely redesigned in response to concerns raised in this public process. It has been approved by the National Park Service, the Department of Interior and the President, as well as the D.C. Historic Preservation Review Board, the National Capital Planning Commission and the Commission of Fine Arts.

The World War II Memorial is supported by virtually every veterans' organization in this country representing over 10 million veterans. Ground breaking is scheduled for this coming Veterans Day, which is November 11. Unfortunately, Madam Speaker, it has taken three times as long to get from bill introduction to groundbreaking as it did to win the war in the first place.

Yet there are still opponents of this memorial continuing to challenge the design and location on the Mall. They would delay the groundbreaking of this already long overdue tribute to our Nation's triumph over tyranny. Every day that we wait to begin construction, over a thousand more World War II veterans pass on and join their fallen comrades.

Madam Speaker, this World War II memorial will not encroach on other monuments to America's founders and heroes. As Ray Smith, the Commander of the American Legion eloquently stated, and I quote, "This memorial will whisper poignantly of the blood shed and loss that preserved that which the Mall represents, the establishment and endurance of American democracy."

S. Con. Res. 145 was introduced on October 6 by the Chairman of the Senate Committee on Armed Services, Senator WARNER. I introduced the same measure on the same day in the House, along with my colleagues, the gentleman from Illinois (Mr. HYDE), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Texas (Mr. HALL), and others.

It simply reaffirms congressional support for expeditious construction of the World War II memorial at the Rainbow Pool on the National Mall of the Nation's Capitol. I strongly urge my colleagues to support this resolution.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Arizona has given an eloquent and articulate statement of the need for this memorial tribute, and I thank him for that.

Madam Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Madam Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for yielding me the time.

Madam Speaker, today we are considering legislation to expedite the construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol. More than 16 million American men and women served in uniform in the Armed Forces in World War II. More than 400,000 of them gave their lives, and more than 670,000 were wounded.

These Americans, like all of our veterans, knew the meaning of sacrifice, honor, duty, courage under fire and, yes, patriotism. They fought because they were asked to fight. They fought to keep America free and to extend freedom and democracy and liberty outside our Nation's borders so that the future of Americans would not be threatened. They fought because they had the will to stand up to the forces that threaten and destroy freedom and democracy. They fought and they made that ultimate sacrifice.

We have seen the photo of the six American Marines who raised the flags over Iwo Jima. I do not think there is a person alive today who knows about World War II who can look at that photo and not have tears in their eyes. The battle of Iwo Jima was considered vital to the war effort. Following intense air campaign, this ground battle began. It was the largest Marine force ever sent into battle. Casualties were high. It was a very bloody battle, but our Marines did not give up the American spirit.

The bravery shown by the men who fought that battle and who raised that flag at the end is an example of courage under fire. Just as the photo of the brave men at Iwo Jima is in every history book and in the minds of every American during Veterans and Memorial Day, the National World War II Memorial will serve as the same tribute and reminder of the sacrifices made by the members of the greatest generation.

My father, Clifford Shows, was a prisoner of war during World War II. He was captured during the Battle of the Bulge. I grew up hearing stories of those who survived and those who did not. My father is 75 years old and was 69 years old when this was passed in Congress in 1994 and first approved for this location on the National Mall, so that is when we must begin, when these men and women are still alive.

Madam Speaker, I want people like my dad to be able to enjoy the National World War II Memorial and tell their grandchildren and great-grandchildren about it.

Finally, I want to applaud the efforts of another World War II veteran, Senator Bob Dole. Senator Dole is one of the leaders in the effort to raise funding and in bringing the importance of the construction of the National World War II Memorial to legislators and the public alike. He is to be commended for his efforts.

Madam Speaker, I urge my colleagues to join me in supporting the resolution before us today.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just add that the gentleman from Mississippi has spoken eloquently on behalf of those who served, those who supported them and those of us who have followed them.

Mr. GILMAN. Madam Speaker, I rise today in strong support of S. Con. Res. 145. I urge my colleagues to join in supporting this timely legislation.

S. Con. Res. 145 expresses the sense of the Congress on the propriety and need for the expeditious construction on the national World War II memorial at the Rainbow Pool on the National Mall here in Washington.

As a World War II veteran, I have been a strong supporter of the memorial since the inception of this project several years ago. Now that final approval for the design and site has been given, we hope to see the memorial constructed in as expeditious a manner as possible.

Along with many of my fellow World War II veterans, we are looking forward to the groundbreaking ceremony of this memorial on November 11th, and I speak for many of my fellow World War II veterans who wish to be able to visit a completed World War II memorial in Washington in their lifetime.

I accordingly urge my colleagues to support this resolution.

Ms. NORTON. Madam Speaker, I regret that when Senate Concurrent Resolution 145, Expressing a Sense of the Congress on the Propriety and Need for Construction of the National World War II Memorial on the National Mall, came to the floor today I was giving the keynote speech to BusinessLINC, a national group that develops mentoring relationships between large and small businesses. Most members are out of town because there are no votes today, and there was apparently no one present who could give the true story of why there has been opposition to the World War II Memorial here in the District an throughout the country. Instead there were some comments that apparently disparaged the opposition and insulted their motives by indicating that they oppose a memorial to World War II veterans or feel less passionately about it than those who support the memorial. There are real differences, but let the record be clear that there are no differences on the belated honor that should have been made to World War II veterans long ago. The "greatest generation" of veterans, alone among our veterans, have not been honored, perhaps reflecting the extraordinary selflessness with which they have approached the entirety of their generous lives, from saving our country during the Great Depression to saving the free world itself during World War II, and thereafter the rebuilding of our economy in the post-war years.

The controversy surrounding the memorial has nothing to do with the veterans. The controversy has nothing to do with a memorial to the veterans on the Mall. All agree that the memorial to these veterans belongs on the Mall. The controversy arose because of the memorial's placement, obstructing one of the great American vistas. Its placement is largely the work of one man, J. Carter Brown, Chair of the Commission on Fine Arts. The veterans did not choose the particular place on the Mall and had nothing to do with the selection of that site. Another site has been chosen. Brown, however, decided to do what had always been understood to be a violation of virtually sacred national ground, the space between the Washington Monument and the Lincoln Memorial. This space between the memorials to our greatest presidents is the last expansive space left on the Mall and has been left that way for obvious reasons. This breathtaking space calls to mind the sweep of our extraordinary history and the unique role played by Washington and Lincoln in particular. The view that this pristine space should not be interrupted is not held by a few disgruntled Washingtonians or people who look to bring lawsuits when they do not get their way. Some of the opponents are World War II veterans. Some are historic preservationists and others with a deep appreciation of the McMillan Plan for the Mall and the present Mall legacy of green space created by Charles McKim and Frederick Olmstead, Jr. Many others have voiced opposition, and they are as diverse as editorials from the Wall Street Journal to the Los Angeles Times expressing opposition indicate.

Until the end, I had hoped and worked for a compromise, even one that left a memorial at the Rainbow Pool site between the Lincoln Memorial and the Washington Monument—a compromise would have avoided many issues. The memorial, as proposed, has not only been criticized for its size and artistry. It also threatens to do irreparable damage to traffic and congestion. It will take huge areas out of other sections of the Mall to make way for buses and crowds that will destroy the ambiance of the Mall as it has been known for decades.

World War II veterans deserve a national festival to celebrate a memorial in their honor, not lawsuits that have become inevitable. Perhaps citizens would have been willing to join the celebration and forego their lawsuits had a compromise been reached. However, the memorial was put on a track that avoided the usual safeguards, procedures, and public comment, and the necessary disposition toward compromise never emerged.

Although no resolution is necessary for the memorial to proceed, if Congress wishes to go on record supporting the memorial, it should do so without impugning the motives of those who believed that two noble purposes could be served at once: a long overdue memorial on the Mall to the men and women who served our country during the greatest wartime crisis of the 20th century and the preservation of the historic and irreplaceable space between the memorials to our greatest presidents. The failure to serve worthy purposes is a failure for which our generation will have to pay. It is certainly no failure of the veterans of the "greatest generation."

Mr. HOLT. Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Calvert) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 145.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 406) to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payers, and to expand the eligibility under such program to other tribes and tribal organizations.

The Clerk read as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Native and American Indian Direct Reimbursement Act of 1999".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third-party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) Permanent Authorization.—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

"(a) Establishment of Direct Billing Program.—

"(1) In general.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the 'medicare program'), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the 'medicaid program'), or from any other third party payor.

"(2) Application of 100 percent FMAP.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

"(b) Direct Reimbursement.—

"(1) Use of funds.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

"(A) solely for improving the health resources deficiency level of the Indian tribe; and

"(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(2) Audits.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

"(3) Secretarial oversight.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

"(4) No payments from special funds.—Notwithstanding section 1880(c) of the Social

Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

"(c) Requirements for Participation.—

"(1) Application.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

"(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

"(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

"(C) the facility meets the requirements that apply to programs operated directly by the Service; and

"(D) the facility—

"(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

"(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

"(2) Approval.—

"(A) In general.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

"(B) Grandfather of demonstration program participants.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

"(C) Duration.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

"(d) Examination and Implementation of Changes.—

"(1) In general.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

"(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

"(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

"(2) Accounting information.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

"(e) Withdrawal From Program.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.".

(b) Conforming Amendments.—

(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

"(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).".

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

"(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 4. TECHNICAL AMENDMENT.

(a) In General.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) Reports.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Calvert) and the gentleman from New Jersey (Mr. Holt) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Calvert).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 406 amends Section 405 of the Indian Health Care Improvement Act to make permanent the demonstration program at four tribally operated Indian Health Service hospitals that allows for direct billing of Medicare, Medicaid and other third-party payers. It will also extend the direct billing option to other tribes and tribal organizations.

This demonstration program dramatically increases collections for Medicare and Medicaid services, and significantly reduces the turnaround time between billings and receipt of payment for Medicaid and Medicare services. Additionally, it increased the administrative efficiency of the participating health care providers. All the participants, two of which are in Alaska, as well as the Department of Health and Human Services and the Indian Health Service, report that the program is a great success.

S. 406 will make permanent the demonstration program and will end much of the bureaucracy for Indian Health Care Service facilities involved with Medicare and Medicaid reimbursement. The bottom line is that it will mean more Medicaid and Medicare dollars to Indian facilities to use for improving health care for their members.

Madam Speaker, I urge an aye vote on this important bill for American Indians and Alaskan Natives.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in 1988, a dozen years ago, Congress authorized the Indian Health Service to select up to four tribally controlled IHS hospitals to participate in a demonstration project whereby the hospitals could conduct direct billing and receipt of payment for health services to Medicare and Medicaid eligible patients.

Under the current practice, Medicare and Medicaid billings and collections are first sent through the IHS and then redirected to health care providers. Since 1991, the Bristol Bay Health Corporation, the Southeast Alaska Regional Health Corporation, Mississippi Choctaw Health Center, and the Choctaw Tribe of Oklahoma have taken part in the demonstration project.

The participants established in-house administrative operations to perform Medicare and Medicaid billing and collection and have been extremely satisfied with the results. Reports have shown dramatically increased collections which have been turned into additional health services. The demonstration program has resulted in a much shorter turnaround time between billing and receipt of payment, as well as improved accreditation, ratings and an overall higher level of health care quality for patients.

Madam Speaker, S. 406 would make permanent the demonstration program and would authorize additional tribes and tribal organizations to participate in the direct billing. This legislation is supported by the administration. It is good policy, and I urge my colleagues to support its passage.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 406.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

☐ 1330

AUTHORIZING REPAYMENT OF MEDICAL BILLS FOR U.S. PARK POLICE

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAL PAYMENTS.

(a) IN GENERAL.—Subsection (e) of the Policemen and Firemen's Retirement and Disability Act (39 Stat. 718, as amended by 71 Stat. 394) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, in the case of any member of the United States Park Police, payment shall be made by the National Park Service upon a certificate of the Chief, United States Park Police, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary.".

(b) NATIONAL PARK SERVICE REIMBURSEMENT.—Section 6 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (71 Stat. 399) is amended by inserting after the first sentence the following new sentence: "Such sums are authorized to be appropriated to reimburse the National Park Service, on a monthly basis, for medical benefit payments made from funds appropriated to the National Park Service in the case of any member of the United States Park Police.".

SEC. 2. INDEMNIFICATION.

(a) IN GENERAL.—Section 10(c) of the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)), is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

"(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and".

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 10(c) the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)) (as redesignated by subsection (a)(2)), is further amended—

(1) by striking "(5) the" and inserting "The"; and

(2) by moving the text flush and 2 ems to the left.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4404 is a bill that would allow the payment of medical expenses incurred by the United States Park Police to be paid directly by the National Park Service. This bill would also allow the Park Service to enter into mutual aid agreements with adjacent law enforcement agencies in order that Park Police are indemnified from third party civil claims.

Currently, payments are made through the District of Columbia, a process which is very slow. As a result, reimbursement payments to the Park Police have been a hardship to the officers, staff, and their families. This bill would direct the NPS to make direct payments to the Park Police.

The bill would also allow the Park Service to enter into a mutual aid agreement with adjacent law enforcement agencies in order that the Park Police are indemnified from third party claims.

Madam Speaker, this legislation is ready to move forward. I urge my colleagues to support H.R. 4404, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4404, which was introduced at the request of the administration, addresses the payment of medical expenses for the United States Park Police and the indemnification needed for mutual law enforcement agreements.

Evidently, there have been a number of instances where there have been problems with timely medical payments being made to the Park Police officers injured in the performance of their duties. This has resulted in a hardship to some officers, staff, and their families.

Further, the lack of indemnification is a potential barrier to cooperative law enforcement agreements between the Park Police and other police agencies. Such indemnification is needed to hold the assisting agency harmless from claims by third parties dealing with property damage or personal injury.

H.R. 4404 provides the U.S. Park Police with the authority to address these two issues. The Committee on Resources did amend the bill to reflect technical changes to the legislation requested by the National Park Service.

We on the minority side support passage of the bill, as amended.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4404, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, lines 24 and 25, strike out "assessment" and insert "assessment, using the airspace management plan required by section 4(a)".

Page 3, strike out lines 15 through 22 and insert:

(2) DEPOSIT IN SPECIAL ACCOUNT.—(A) The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

(B) The Secretary may not expend funds pursuant to this section until—

(i) the provisions of section 5 of this Act have been completed; and

(ii) a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.

Page 3, strike out all after line 22 over to and including line 2 on page 4 and insert:

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—

Page 4, line 23, strike out "Secretary," and insert "Secretary, prior to the conveyance of the land referred to in section 2(a),".

Page 5, line 18, after "agencies." insert Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. MILLER), as well as the chairman of the subcommittee, the gentleman from Utah (Mr. HANSEN), for their help and guidance on this very important piece of legislation for the State of Nevada.

I would also like to thank the House Members and our colleagues for their previous vote of 420 to 1 in support of H.R. 1695 for Nevada and its future.

The Las Vegas metropolitan area is the fastest growing metropolitan area in the country, growing by over 60,000 people in 1998. McCarran Airport, which currently serves the Las Vegas area, has seen its passenger traffic grow by over 64 percent in the last 10 years.

Because the Bureau of Land Management owns over 90 percent of the land in Clark County, any new airport to serve southern Nevada must be located on land purchased from the Federal government. Realizing that McCarran Airport would reach its full capacity in 2008, the Clark County Aviation Department completed an extensive review of options available for meeting the growing needs of air traffic in southern Nevada.

Because of the restricted airspace of Las Vegas due to military uses, and the existing full precision instrument landing requirements of McCarran Airport, the committee concluded that the Ivanpah Airport site is the only viable option that can accommodate the growing air traffic needs of the region.

H.R. 1695, the Ivanpah Valley Public Land Transfer Act, is of vital importance to the future health of the tourism economy of southern Nevada. Therefore, it authorizes the Secretary of the Interior to convey lands in the Ivanpah Valley to Clark County, Nevada for a second airport.

The legislation also requires that the land be returned to the Department of the Interior should the airport development prove to be infeasible after abiding by all Federal, State, and local environmental rules and regulations.

Passage of H.R. 1695, with the inclusion of Senate amendments, will allow Clark County to proceed with the NEPA analysis and the proposed development of a new airport.

There are those who feared that commercial jets will fly over the Mojave Preserve. To address this very concern, the Federal Aviation Administration will undertake an airspace study to develop an airspace management plan that prohibits flights over the Mohave Preserve in California unless there is a safety reason for doing so.

Clark County will also be required to pay fair market value for the land, and the airport will be publicly owned and operated. The revenues collected by the government for sale will be available for use by the BLM for acquiring inholdings in the Mojave Preserve and to protect archeological sites in Clark County.

H.R. 1695 is supported by the entire bipartisan Nevada congressional delegation, and has been endorsed by business and labor interests from Nevada. The House supports this bill with inclusion of the Senate amendment, and we would be grateful for a concurring vote by this body.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1695 directs the conveyance of a substantial tract of public lands located near the Mojave National Preserve for development of a large commercial airport and related facilities for the Las Vegas area.

As the gentleman from Nevada (Mr. GIBBONS) has presented, this is a rapidly growing area, and adjustments do need to be made for air traffic.

The bill originally passed the House on March 9 of this year. The Senate passed the bill on October 5, and has returned the measure to the House with amendments.

Prior to House consideration in March, H.R. 1695 was a very controversial measure. The bill was opposed by the administration, the environmental community, and many Members because the legislation failed to address adequately the potential environmental impacts, land use conflicts, and administrative problems associated with this large-scale land conveyance.

Fortunately, changes were made by the House to address most of these concerns. A significant improvement was made to the bill by providing joint lead agency status for the Department of the Interior on the environmental impact statement necessary for the planning and construction of the airport facility on the conveyed lands.

The potential environmental impacts of such an airport involve the Mojave National Preserve and other resource responsibilities of the Department of the Interior, so it is only proper that the Department be closely involved.

The Senate amendments are good in that they clarify the requirements of the airspace assessment and the environmental protection analysis, as well as the timing and the use of the proceeds derived from the sale of public lands for airport purposes.

Of particular note, the Senate amendments specifically require the NEPA analysis to address any impacts on the purposes for which the Mojave National Preserve was established, and allow sale proceeds to be used to acquire inholdings in the Mojave National Preserve.

I also want to take this opportunity especially to commend my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who represents Las Vegas, on this and other issues. The gentlewoman from Nevada (Ms. BERKLEY) has shown herself to be a strong advocate for her community and for the environment. She has been a persistent advocate for this legislation.

Madam Speaker, even with the changes made by the Senate the bill is not perfect, but it certainly is an improvement from where the legislation started, and the minority will support this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me say that I agree with my colleague, the gentleman from New Jersey (Mr. HOLT), on the improvements to this bill. I suggest that this much needed piece of legislation will greatly improve the State of Nevada's economy, and help all of us with that.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1695.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LINCOLN HIGHWAY STUDY ACT OF 1999

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2570) to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

The Clerk read as follows:

H.R. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lincoln Highway Study Act of 1999".

SEC. 2. NATIONAL PARK SERVICE STUDY AND REPORT REGARDING THE LINCOLN HIGHWAY.

(a) FINDINGS.—The Congress finds the following:

(1) The Lincoln Highway, established in 1913, comprises more than 3,000 miles of roadways from New York, New York, to San Francisco, California, and encompasses United States Routes 1, 20, 30 (including 30N and 30S), 40, 50, and 530 and Interstate Route 80.

(2) The Lincoln Highway played a historically significant role as the first United States transcontinental highway, providing motorists a paved route and allowing vast portions of the country to be accessible by automobile.

(3) The Lincoln Highway transverses the States of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Utah, Nevada, and California.

(4) Although some parts of the Lincoln Highway have disappeared or have been realigned, the many historic, cultural, and engineering features and characteristics of the route still remain.

(5) Given the interest by organized groups and State governments in the preservation of features associated with the Lincoln Highway, the route's history, and its role in American popular culture, a coordinated evaluation of preservation options should be undertaken.

(b) STUDY REQUIRED.—The Secretary of the Interior, acting through the Director of the National Park Service, shall coordinate a comprehensive study of routes comprising the Lincoln Highway. The study shall include an evaluation of the significance of the Lincoln Highway in American history, options for preservation and use of remaining segments of the Lincoln Highway, and options for the preservation and interpretation of significant features associated with the Lincoln Highway. The study shall also consider private sector preservation alternatives.

(c) COOPERATIVE EFFORT.—The study under subsection (b) shall provide for the participation of representatives from each State traversed by the Lincoln Highway, State historic preservation offices, representatives of associations interested in the preservation of the Lincoln Highway and its features, and persons knowledgeable in American history, historic preservation, and popular culture.

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (b), the Secretary of the Interior shall submit a report to Congress containing the results of the study.

(e) LIMITATION.—Nothing in this section shall be construed to authorize the Secretary of the Interior or the National Park Service to assume responsibility for the maintenance of any of the routes comprising the Lincoln Highway.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of H.R. 2570, the Lincoln Highway Study Act. This legislation will provide for an evaluation of the significance of the Lincoln Highway in American history, options for its preservation, and interpretation of its significant features.

Several years ago, Congress passed similar legislation for Route 66, followed by passage in 1999 of the Route 66 Corridor Act. While Route 66 certainly has historic and cultural significance to the development of the United States, I would suggest that the Lincoln Highway merits equal consideration.

The Lincoln Highway was established in 1914 and comprises more than 3,000 miles of roadway, from New York City to San Francisco. Beginning in Times Square, it transverses the States of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Utah, and Nevada before ending in California.

Many people are surprised to learn that it was America's first coast-to-coast roadway, opening the country to bicoastal motoring. As the first transcontinental highway, it played an historically significant role in providing motorists with the first paved route and allowing vast portions of the country to be accessible by automobile.

Although some parts of the Lincoln Highway have disappeared or have been realigned, the many historic cultural and engineering features and characteristics of the route still remain. These features and cultural attractions along its route have become popular tourist attractions in many areas, and contribute to the economic development of the communities along the highway.

The American Automobile Association now provides the route of the Lincoln Highway on their maps and brochures of the States it crosses. In a letter to Members of Congress, the AAA stated "With renewed interest on the part of tourists to explore and experience our rich cultural heritage, we are missing an opportunity by not fully recognizing the role this highway played in our history."

The National Lincoln Highway Association, located in Illinois, works with the State chapters to sponsor events to commemorate and preserve the highway. Some State governments have already undertaken studies within their States.

Given the interest by organized groups and State governments in the preservation of features associated with the Lincoln Highway, the route's history, and its role in American popular culture, a coordinated evaluation of its historic contributions and preservation options should be undertaken.

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Madam Speaker, I urge my colleagues to support this bill, the Lincoln Highway Study Act.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to begin with a testimonial to the work of the gentleman from Ohio (Mr. REGULA). He not only has introduced this bill, but, as chair of the Subcommittee on Interior of the Committee on Appropriations, has made tremendous contributions this year to environmental protection and to our natural resources. Many of us would like to commend him for that.

Madam Speaker, the Lincoln Highway was begun in 1913 and eventually became the first transcontinental highway in the United States. The highway covered 13 States in its more than 3,000-mile route from New York to San Francisco, and it played an important role in allowing people and goods access to the western United States by automobile.

Eventually, many segments of the highway were abandoned or realigned, but major segments of the highway as well as intense public interest in its history remain.

H.R. 2570 would authorize a study of the routes which made up the Lincoln Highway to evaluate various options for interpretation and preservation.

The bill specifies that representatives from each State traversed by the highway as well as private nonprofit groups with an interest in the highway shall participate in the study. The legislation requires the study be presented to Congress 1 year after funds are made available to carry out this act.

As one who has traveled long stretches of this highway starting as a young boy, I offer my strong support for this study. We on the minority side join the administration in supporting H.R. 2570.

Mr. OXLEY. Madam Speaker, I am privileged to speak today in support of the Lincoln Highway Study Act, introduced by my good friend Mr. REGULA, dean of the Ohio delegation. Chairman REGULA's bill, of which I am a cosponsor, would direct the Secretary of the Interior to undertake a coast-to-coast study of the 3,384-mile Lincoln Highway. As a result of this study, the National Park Service can offer options as to how to preserve the historic nature of the road, the nation's first transcontinental highway.

First established in 1913, the Lincoln Highway connects New York City and San Francisco, running through 13 states. The official proclamation detailed the route through Ohio as following the road known as "Market Route Number Three," passing through Canton, Mansfield, Marion, Kenton, Lima, and Van Wert. In the 15 years that followed, significant revisions were made to that original list, adding and eliminating cities and villages from the planned road. Among the cities added was Bucyrus, where the first brick Lincoln Highway pillars were erected to commemorate the project. Four of these original pillars—with their plaques of red, white, and blue—are still standing today.

Throughout Ohio, the Lincoln Highway generally follows U.S. Route 30, which bisects my congressional district. Several segments of Route 30 in my district are still two-lane roads, yet regrettably carry heavy volumes of semi traffic. My constituents are unanimous in declaring these two-lane segments the most dangerous stretches of highway they have ever traveled. I am proud, therefore, to have helped secure funding in 1998's BESTEA Act to construct a modern, four-lane Route 30. The new road, which is slated for completion within the decade, will divert this heavy traffic from the original Lincoln Highway, aiding in its restoration and preservation. I salute Chairman REGULA and the Ohio Department of Transportation for their work in advancing Route 30 modernization.

Madam Speaker, I would also like to recognize two of my constituents who are actively involved in Lincoln Highway preservation. Mr. Michael Buettner of Lima is the president of the Ohio Lincoln Highway League and author of the History and Road Guide of the Lincoln Highway in Ohio. His work in promoting the highway has made him a sought-after tour guide for Lincoln Highway historians. Also, Mr. Craig Harmon is the founder and director of the Lincoln Highway National Museum and Archives in Galion. Two years ago, Craig traveled the entire Lincoln Highway in a bucket truck, taking some 5,000 photographs along the way as a part of his project "The Lincoln Highway Comes of Age." These two gentlemen have compiled a wealth of information with which to assist in the Park Service's study; I am proud of their hard work.

I thank Mr. REGULA for his leadership on this issue, and urge my colleagues to support the preservation of this important road.

Mr. HOLT. Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CASTLE ROCK RANCH ACQUISITION ACT OF 2000

Mr. SIMPSON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1705) to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The Clerk read as follows:

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Castle Rock Ranch Acquisition Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term "Monument" means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) RANCH.—The term "Ranch" means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the "Castle Rock Ranch".

(3) RESERVE.—The term "Reserve" means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) CONSENT OF LANDOWNER.—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—

(1) FEDERAL AND STATE EXCHANGE.—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) STATE AND PRIVATE LANDOWNER EXCHANGE.—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) CONDITION OF EXCHANGE.—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) ADMINISTRATION.—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) NO EXPANSION OF RESERVE.—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) NO EFFECT ON EASEMENTS.—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1705.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate 1705 authorizes the Secretary of the Interior to acquire the Castle Rock Ranch in the State of Idaho. On completion of the acquisition, the Secretary will convey the Castle Rock Ranch to the State of Idaho in exchange for approximately 500 acres of State land located within the Hagerman Fossil Beds National Monument.

The City of Rocks National Reserve is located in south central Idaho. Most of the reserve is owned by the National Park Service with parts of it being owned by the State of Idaho, the Forest Service, the Bureau of Land Management, and private landowners. The reserve contains distinctive and majestic rock formations. These unique geological rock formations provide world-class rock climbing opportunities, in addition to other recreational opportunities.

Additionally, the site has unique historical significance. The California Trail, one of the major trails for westward expansion, passes through the reserve. The State of Idaho manages the reserve under a cooperative agreement with the National Park Service.

The Castle Rock Ranch, an approximately 1,240 acre ranch, is located near the City of Rocks. The property gets its name from historic rock formations found in the area, in particular, the Castle Rock formation that has already been designated a National Historic Site on the National Historic Registry. These extraordinary rock formations are ideal for rock climbing. In addition, the ranch contains irrigated pasture land.

Once the State acquires the ranch, they will create a new State park, opening up rock formations for rock climbing, and providing camping and hiking opportunities.

Furthermore, the State can then trade irrigated land for dry land inholdings within the national reserve. This will allow local ranchers to acquire irrigated land and allow the State to consolidate inholdings within the reserve.

The Hagerman Fossil Beds National Monument contains important fossil deposits from the Pliocene time period, 3.5 million years ago. Additionally, the fossil beds contain the largest concentration of the Hagerman Horse fossils in North America.

While the State of Idaho owns the actual fossil beds, the National Park Service runs and maintains the facility. The State wants to divest its interest in the fossil beds and acquire the Castle Rock Ranch. Additionally, the National Park Service wants to acquire the fossil beds. Transferring the fossil beds to the National Park Service will make it easier for everybody to protect this important area.

In the end, the National Park Service will consolidate the Hagerman Fossil Beds National Monument, the State of Idaho will create a new State park, and inholdings will be consolidated at the City of Rocks National Reserve, and local ranchers will have access to irrigated pasture land.

This legislation has the support of the National Park Service, the State of Idaho, the Conservation Fund, the Access Fund, local legislators and area residents.

I thank my colleagues for their support and urge their support of Senate 1705.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1705, the Castle Rock Ranch Acquisition Act, would require the Secretary of the Interior to purchase a ranch located near the City of Rocks National Reserve in southern Idaho. The gentleman from Idaho (Mr. SIMPSON) has given fine expression to the importance and the beauty of the Castle Rock area.

Under the terms of the legislation, the Secretary would then trade this ranch to the State of Idaho for lands the State currently owns within the boundaries of the nearby Hagerman Fossil Beds National Monument. The State would then be authorized to exchange pieces of the ranch for private inholdings within the City of Rocks Reserve.

Such a series of exchanges raises several concerns with the minority members of the Committee on Resources. We have seen no appraisals of any of the properties included in these exchanges; and, as a result, we are unable to be certain that the taxpayers are getting a good deal under this bill.

Furthermore, it is unclear why it is in the taxpayers' interest to have the State of Idaho act as a middleman for the exchanges within the City of Rocks.

However, we fully support the goals of the legislation. The state-owned land within the monument, known as the Horse Quarry, contains perhaps the richest fossil deposits anywhere in the monument and would be an important acquisition. Similarly, consolidation of public ownership within the City of Rocks Reserve is an important goal.

Given the value of these acquisitions, we are satisfied that the exchanges here are not unreasonable, and thus the minority will not oppose the bill.

Madam Speaker, I yield back the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if I might just respond. One of the reasons that the State of Idaho must be the middleman in this is because Public Law 100-696, title III, specifically limits the National Park Service acquisition of this State property to only by donation or exchange. Consequently, the purchase of the Castle Rock Ranch being able to exchange that for the land in the Hagerman Falls Fossil Bed is the only way that the Federal Government can then acquire that state-owned endowment land, which is the fossil beds. That is the reason for this Byzantine method of land exchanges which is necessary for this. I appreciate the support of the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, if the gentleman will yield, I thank the gentleman for that clarification.

Mr. SIMPSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the Senate bill, S. 1705.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2917) to settle the land claims of the Pueblo of Santo Domingo.

The Clerk read as follows:

S. 2917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santo Domingo Pueblo Claims Settlement Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board "ignored an express congressional directive" in section 14 of the Pueblo Lands Act, which "contemplated that the Pueblo would retain title to and possession of all overlap land".

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83-1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo

Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) Rule of Construction.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

In this Act:

(1) Federally administered lands.—The term "federally administered lands" means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) Fund.—The term "Fund" means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) Pueblo.—The term "Pueblo" means the Pueblo of Santo Domingo.

(4) Santo domingo pueblo grant.—The term "Santo Domingo Pueblo Grant" means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior unless expressly stated otherwise.

(6) Settlement agreement.—The term "Settlement Agreement" means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) Relinquishment, Extinguishment, and Compromise of Santo Domingo Claims.—

(1) Extinguishment.—

(A) In general.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) Claims.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) Rule of construction.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the "sliver area" and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) Confirmation of determination.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) Transfers prior to enactment.—

(A) In general.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) Effective date.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) Trust Funds; Authorization of Appropriations.—

(1) Establishment.—There is hereby established in the Treasury a trust fund to be known as the "Pueblo of Santo Domingo Land Claims Settlement Fund". Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) Authorization of appropriations.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) Limitation on disbursal.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) Deposits.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) Activities Upon Compromise.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000.

This important bill is a result of decades of negotiations between the Pueblo, Department of the Interior, the Department of Justice, the Department of Agriculture, and the State of New Mexico. The entire New Mexico congressional delegation strongly supports this bill, as does the administration, the Governor of New Mexico, and, most importantly, the Pueblo.

It is not every day that we can resolve a dispute that has lasted over 150 years. I urge my colleagues to support S. 2917.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 2917, the Santo Domingo Pueblo Claims Settlement Act, sponsored by Senators DOMENICI and INOUYE, settles certain outstanding land claims by the Santo Domingo Pueblo, located between Albuquerque and Santa Fe, New Mexico. I am the cosponsor of the House companion, H.R. 5374. As such, I recognize the importance of this legislation for the Pueblo people, the citizens of New Mexico, and the Federal Government.

For years, the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. The claims have been subject to numerous lawsuits, and a certain number of them remain unresolved.

For example, the Pueblo has asserted a claim to 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Land Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law; but, after the United States assumed sovereignty over New Mexico, titles to land, including the Pueblo's title to these lands, were never confirmed by the Federal Government. Many of these lands were later treated as public domain with title being claimed by Federal agencies, the New Mexico Land Commission, other Indian tribes, and numerous private parties. Litigation is currently pending over these issues to resolve the land and trespass claims of the Pueblo of Santo Domingo. Such action would be expected to take many years, with the outcome of such litigation unclear.

The settlement agreement is the result of a little over 4 years of intense negotiations and compromise between all parties involved.

This measure accomplishes three major points. Number one, it removes the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo; the Pueblo claims against the United States and third parties; the land, boundary and trespass claims of the Pueblo. It does this all in a fair, equitable and final manner.

Number two, it provides for the restoration of certain lands within the Pueblo's land claim.

Number three, it ratifies the settlement agreement between the United States and the Pueblo, to include the Pueblo agreeing to relinquish and compromise its land and trespass claims.

Madam Speaker, the Santo Domingo Pueblo Claims Settlement Act serves as an excellent example of how Federal and State governments can come together with Native American nations and individual citizens to resolve disputes in the best interest of all parties.

This bill represents the negotiated settlement, and passage would ratify the agreement to resolve all existing land claims.

I, therefore, urge my colleagues to pass this measure and ratify an agreement that I believe has taken into proper consideration the many interests involved.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 2917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

DESIGNATING SEGMENTS OF MISSOURI RIVER AS WILD AND SCENIC

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5041) to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act.

The Clerk read as follows:

H.R. 5041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF BOUNDARIES OF SEGMENT OF UPPER MISSOURI WILD AND SCENIC RIVER, MONTANA.

(a) IN GENERAL.—For purposes of the Wild and Scenic River Act (16 U.S.C. 1271 et seq.)—

(1) the boundaries and classification of the Missouri River, Montana, segment designated by section 3(a)(14) of that Act (16 U.S.C. 1274(a)(14)) shall be the boundaries and classification published in the Federal Register on January 22, 1980 (45 Fed. Reg. 4474–4478); and

(2) the management plan for such segment shall be as set forth in—

(A) the Upper Missouri Wild and Scenic River Management Plan, dated October 1978, as updated in February 1993; and

(B) the West HiLine RMP/EIS Record of Decision covering the Upper Missouri Wild and Scenic River Corridor, dated January 1992.

(b) REVISION OF BOUNDARIES, CLASSIFICATION, AND MANAGEMENT PLAN.—This section shall not be considered to limit the authority of the Secretary of the Interior to revise the boundaries, classification, or management plan for the Missouri River, Montana, segment referred to in subsection (a) after the date of the enactment of this Act and in accordance with the Wild and Scenic Rivers Act.

(c) EFFECTIVE DATE.—Subsection (a) shall be considered to have become effective on April 21, 1980.

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The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

H.R. 5041, introduced by our colleague, the gentleman from Montana (Mr. HILL), establishes the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act. The boundary and classification of this segment will conform to those published and recommended by the Department of the Interior in 1980. The Bureau of Land Management has been managing the river as wild and scenic since 1980.

In essence, Madam Speaker, this a technical correction to the law enacted in 1980. Apparently, this wild and scenic designation lacked the proper documentation and this bill clears up discrepancy.

I urge my colleagues to support H.R. 5041.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker I yield myself such time as I may consume.

Madam Speaker, H.R. 5041 would establish the boundaries and classification for a segment of the Missouri River in Montana that was designated under the Wild and Scenic Rivers Act in 1976. This is legislation introduced by our colleague, the gentleman from Montana (Mr. HILL).

Madam Speaker, this legislation was introduced in late July, and while the bill was never considered by the Committee on Resources, we at least have the views of the administration on this matter. In a letter dated October 3 of this year, the Department of the Interior indicated their support for H.R. 5041.

Evidently, in the late 1970s, several procedural steps were not followed in establishing the river's boundaries and providing for its classification. By adopting the river's boundaries and classification by statute, H.R. 5041 would remove any doubt that may exist on this matter.

Madam Speaker, we have no objection to this legislation, which we view as a technical housekeeping matter. We urge its passage.

Mr. HILL of Montana. Madam Speaker, I rise today in support of H.R. 5041, a bill to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act. This bill is a technical correction to the 1976 amendment to the Wild and Scenic Rivers Act for the Upper Missouri National Wild and Scenic River. This legislation would ensure that the 149-mile segment, approximately 90,000 acres in size, of the Upper Missouri National Wild and Scenic River remains protected for future generations. This bill has the Administration's support.

On October 12, 1976, Congress amended the Wild and Scenic Rivers Act to include the Upper Missouri National Wild and Scenic River. The amendment required the Department of Interior to establish boundaries and prepare a development plan within one year. This information was to be published in the Federal Register, but would not become effective until 90 days after the documents were forwarded to the President of the Senate and the Speaker of the House of Representatives. When the boundaries of the Wild and Scenic River were challenged some years later, it could not be established whether or not Congress ever received the documents that the Department of Interior prepared on this segment of the Upper Missouri River. It was also discovered that the documents were never published in the Federal Register.

On January 22, 1980, the Department of Interior promulgated regulations at 45 Fed Reg. 4474–4478 that summarized a revised management plan and identified the boundaries and classification for the 149-mile segment of the Upper Missouri National Wild and Scenic River from Fort Benton, Montana, downstream to the Fred Robinson Bridge. H.R. 5041 would adopt these boundaries and classification by statute, removing any doubt over the legitimacy of the boundaries that remains as a result of earlier events.

A similar bill to this one, H.R. 6046 passed the House of Representatives on September 29, 1992, but failed to pass the Senate in the closing days of the 101st Congress.

Mr. HOLT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5041.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDS TO REHABILITATE GOING-TO-THE-SUN ROAD IN GLACIER PARK

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4521) to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The historic significance of the 52-mile Going-to-the-Sun Road is recognized by its listing on the National Register of Historic Places in 1983, designation as a National Historic Engineering Landmark by the American Society of Civil Engineers in 1985, and designation as a National Historic Landmark in 1997.

(2) A contracted engineering study and Federal Highway Administration recommendations in 1997 of the Going-to-the-Sun Road verified significant structural damage to the road that has occurred since it opened in 1932.

(3) Infrastructure at most of the developed areas is inadequate for cold-season (fall, winter, and spring) operation, and maintenance backlog needs exist for normal summer operation.

(4) The Many Glacier Hotel and Lake McDonald Lodge are on the National Register of Historic Places and are National Historic Landmarks. Other accommodations operated by the concessioner with possessory interest and listed on the National Register of Historic Places are the Rising Sun Motor Inn and Swiftcurrent Motel.

(5) The historic hotels in Glacier National Park, operated under concession agreements with the National Park Service, are essential for public use and enjoyment of the Park.

(6) Public consumers deserve safe hotels in Glacier National Park that can meet their basic needs and expectations.

(7) The historic hotels in Glacier National Park are significantly deteriorated and need substantial repair.

(8) Repairs of the hotels in Glacier National Park have been deferred for so long that, absent any changes to Federal law and the availability of historic tax credits, the remodeling costs for the hotels may exceed the capacity of an investor to finance them solely out of hotel revenues.

(9) The current season of operation for hotels is approximately 4 months because the developed areas lack water, sewer, and fire protection systems that can operate in freezing conditions, lack building insulation, and lack heating systems.

(10) The National Park Service Concessions Management Improvement Act of 1998 is based upon sound principles and is achieving its basic purposes, but there appear to be selected instances where the National Park Service may need additional authority to conduct demonstration projects.

(11) A demonstration project is needed for the repair of the historic hotels in Glacier National Park.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Going-to-the-Sun Road Citizens Advisory Committee.

(2) PARK.—The term "Park" means Glacier National Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. GOING-TO-THE-SUN ROAD STUDY.

(a) FEASIBILITY STUDY.—Not later than December 31, 2001, the Secretary, in consultation with Advisory Committee, shall complete a feasibility study for rehabilitation of Going-to-the-Sun Road located in the Park. The study shall include—

(1) alternatives for rehabilitation of Going-to-the-Sun Road and a ranking of the feasibility of each alternative;

(2) an estimate of the length of time necessary to complete each alternative;

(3) a description of what mitigation efforts would be used to preserve resources and minimize adverse economic effects of each alternative;

(4) an analysis of the costs and benefits of each alternative;

(5) an estimate of the cost of each alternative;

(6) an analysis of the economic impact of each alternative;

(7) an analysis of long-term maintenance needs, standards, and schedules for the road, alternatives to accomplish the rehabilitation, maintenance staff needs, and associated cost estimates;

(8) a draft of the environmental impact statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(9) an analysis of improvements to any transportation system relating to the Park that are needed inside or outside the Park.

(b) CONTINUATION MAINTENANCE.—Nothing in this section shall affect the duty of the Secretary to continue the program in effect on the day before the date of the enactment of this Act to preserve, maintain, and address safety concerns related to Going-to-the-Sun Road.

(c) IMPLEMENTATION OF PLAN.—As soon as practicable after completing the study required by subsection (a), the Secretary shall—

(1) consider the recommendations of the Advisory Committee;

(2) choose an alternative for rehabilitation of the Going-to-the-Sun Road from the alternatives included in the study based upon the final environmental impact statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(3) begin implementation of a plan based on that choice.

Implementation actions that are authorized include rehabilitation of Going-to-the-Sun Road and expenditure of funds inside or outside the Park for transportation system improvements related to the Park and impact mitigation if recommended by the study and the Advisory Committee. The Secretary shall also seek funding for the long-term maintenance needs that the study identifies.

(d) REPORT.—Not later than 30 days after completion of the study required under subsection (a), the Secretary shall submit a copy of the study to—

(1) the Committee on Resources and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 to the Secretary to carry out this section, including—

(1) implementation of the plan under subsection (c); and

(2) the cost of any necessary environmental or cultural documentation and monitoring, including the draft environmental impact statement required under subsection (a)(8).

SEC. 4. MAINTENANCE AND UPGRADE OF UTILITY SYSTEMS.

(a) IN GENERAL.—As soon as practicable after funds are made available under this section, the Secretary shall begin the upgrade and continue the maintenance of utility systems which service the Park and facilities related to the Park.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, $20,000,000.

SEC. 5. VISITOR FACILITIES PLAN.

(a) PLAN FOR VISITOR FACILITIES.—Not later than December 31, 2001, the Secretary shall complete a comprehensive plan for visitor facilities in the Park. The comprehensive plan shall include the following:

(1) A completed commercial services plan, as called for in the Park General Management Plan.

(2) A plan for private financing of rehabilitation of lodging facilities and associated property that are listed on the National Register of Historic Places or are part of a district listed on the National Register of Historic Places, which may include historic tax credits, hotel revenue, and other financing alternatives as deemed appropriate by the Secretary, and which may include options such as extending the Park's visitor season, additional visitor facilities, and other options as deemed appropriate by the Secretary in order to recover the rehabilitation costs.

(3) A financial analysis of the plan under paragraph (2).

(4) A plan by the Secretary to provide necessary assistance to appropriate interested entities for the restoration or comparable replacement of tour buses for use in the Park.

(5) A plan for a new visitors center at the west side of the Park, including an appropriate location and design for the center and suitable housing and display facilities for museum objects of the Park as set forth in the Park General Management Plan, including any studies required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(6) A parkwide natural and cultural resources assessment, in accordance with sections 203 and 204 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 112 Stat. 3497), including a comprehensive inventory of resources of the Park.

(7) A description of any additional authority requested by the Secretary to implement the comprehensive plan.

(b) SUBMISSION OF PLAN.—The Secretary shall submit copies of the comprehensive plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION OF PLAN.—As soon as practicable after completion of the comprehensive plan, the Secretary shall implement the comprehensive plan, including construct the visitors center pursuant to the plan required by subsection (a)(5).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 to complete the comprehensive plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

H.R. 4521, as introduced by our colleague, the gentleman from Montana (Mr. HILL), will ensure the future protection of Glacier National Park by laying out a plan to restore the Going-to-the-Sun Road, upgrading utility systems in the park, and the future of the grand lodges in the park. The gentleman from Montana has worked diligently on this legislation and should be commended for his service to Montana and the Congress.

Madam Speaker, this is good legislation that will ensure that future steps taken by Glacier National Park will enhance the ability of the public to access and to enjoy one of America's great parks. I urge my colleagues to support H.R. 4521, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Mr. HOLT. Madam Speaker, H.R. 4521, introduced by our colleague, the gentleman from Montana (Mr. HILL), would direct the Secretary of the Interior to develop and implement a plan, at a cost of up to $200 million, for the rehabilitation of the Going-to-the-Sun Road in Glacier National Park. The bill also authorizes $20 million for maintenance of utility systems.

The third significant provision of this bill deals with the rehabilitation of the Many Glacier Hotel and other structures in the park. When the Subcommittee on National Parks and Public Lands held a hearing on the bill, the administration and others raised a number of concerns with the bill's language. Following the hearing, meetings were held with the staff of our colleague from Montana and the congressional delegation from Montana, the National Park Service, and the committee staff.

While major progress was made in addressing the issues with the bill, significant issues remained. Instead of seeking closure on these remaining issues, the Committee on Resources adopted a new amendment offered by the gentleman from Montana (Mr. HILL) that discarded the progress that had been made in addressing the park hotel rehabilitation and instead proposed new language that had not been discussed yet, let alone agreed to by the parties.

As a result, the bill reported by the committee has substantive and procedural problems. It fails to address the concerns raised by the administration and the historic preservation and environmental community, and it does not reflect the unified position within the Montana congressional delegation. The bill reported from the committee fails to authorize the one authority, historic leasing, that the National Park Service says they need for park hotel rehabilitation. It creates a new responsibility for the National Park Service to provide park road reconstruction impact mitigation assistance.

In addition, the amended bill directs preparation of a new visitor facilities plant. Further, the time frame, December 31 of 2001, for completion of the visitor's facility plan, and also the required concession services plan and natural resource assessment, is too short to do the necessary work and environmental analyses.

Finally, the bill's findings represent a particular point of view and are inconsistent with the authorities contained in the bill.

Madam Speaker, the minority is willing to work with the interested parties to address the concerns with this legislation. Unfortunately, what is being presented to the House today fails to correct the bill's shortcomings.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume only to comment that the condition of the lodge, which I think we all agree at the park is in horrendous condition, and while we have minor differences on how to go about this, the problem is that we may lose that facility forever if we do not work to pass this legislation immediately.

Madam Speaker, I move to pass this good piece of legislation by our colleague, the gentleman from Montana (Mr. HILL), who is retiring from the United States House of Representatives.

Mr. HILL of Montana. Madam Speaker, H.R. 4521 attempts to deal with the serious infrastructure issues that exist in Glacier National Park in northwest Montana, one of the truly heavenly places on earth.

The Going-to-the-Sun Road, which runs through the park and is consistently rated among the top scenic routes in the nation, has degraded severely since it opened in 1932. The utility infrastructure, particularly the sewer system, is badly in need of repair. Recently about 180,000 gallons of raw sewage leaked onto the south shore of Lake McDonald, and the state of Montana is threatening to take action against the park. And the historic hotels of Glacier Park, many of which are listed on the National Register of Historic Places, are quickly becoming safety issues that threaten the visitor experience. Recently the Park imposed corrective measures at Many Glacier Hotel to address fire code violations that are a result of deferred maintenance. The rehabilitation costs at Many Glacier alone are estimated at more than $30 million, with overall costs at around $100 million.

This bill addresses these issues by authorizing funds to repair the park's infrastructure, with the exception of the hotels, and setting a timetable for a specific plan to privately finance the rehabilitation of the park's historic hotels, in which there is currently significant possessory interest. It authorizes funds for the repair of the Going-to-the-Sun Road. The bill also requires that the Secretary work with a Citizen Advisory Committee that has been gathering local input and determining the best possible option for the repairs. The bill also authorizes funds to repair the park's failing utility systems.

These repairs are already authorized under the Park Service's General Authorities Act. However, the situation in Glacier is critical and is near the top of the Park Service's priority list. This bill will put Congress on record regarding the importance of Glacier National Park, as well as move the Park Service in the direction it has said it intends to go.

Some have discussed the issue of cost relating to the Going-to-the-Sun Road. For those who have been privileged to drive this scenic route, it is like no other, at times clinging to a mountainside and ascending the Continental Divide. It is the only route through the park and provides millions of Americans with views of diverse wildlife and great natural beauty. But it is at risk of catastrophic failure, and it will be costly to replace. Repair costs are compounded by a short construction season in this extreme climate, the topography and access issues, as well as the historic stone retaining walls that are built from local materials. Costs will also be partly determined by the construction alternative selected, and the need for appropriations could be significantly mitigated.

A source of greater controversy, however, was how best to finance the rehabilitation of the historic hotels. Originally, the hotel-financing provision was written with significant input from the Park Service and was intended to provide the Secretary with the greatest degree of latitude in achieving private financing for the project. Key to this goal was providing a way to capture historic restoration tax credits of 20 percent which require investment over a 50-year period, realizing that our current concessions law limits contracts to no more than 20 years.

This Park Service's provision came under fire from environmental organizations. Unfortunately, rather than defend the provision, the Park Service quickly back-pedaled and opposed it. This left us in a precarious position. The Park Service then proposed an alternate version that would use historic leasing authority to rehabilitate the hotels. But members of the minority as well as the administration were never able to get on the same page. And we in the majority and others have had concerns with the various proposals that began emerging.

It was disappointing when the support that had been building behind the bill evaporated after interest groups who oppose the idea of private investment in national parks weighed in. The result was proposals that were, at best, financially questionable and, at worst, extinguished the notion of possessory interest in these historic structures altogether. This is a dangerous path to go down, and which represents a serious step backward in the body of law that has been crafted by Congress regarding national parks.

I am disappointed that Democrats and the administration were never able to agree among themselves. I was willing to accommodate these various proposals even though I and others in the business and financial communities had serious questions about them, provided that they be willing to consider other alternatives such as the original financing mechanism. But there was never an inch of latitude given.

The new version of this bill was intended to pull us back from the notion of moving toward a single financing mechanism that ultimately may not work. While the Park Service should be lauded for its creativity in crafting a plan based on historic leasing, there were too many unanswered questions about that proposal that I fear may go unanswered. Specifically, I cannot understand what objections the Park Service would have, if we are going to settle on a single option, to ensuring its option will work financially before we move forward with it. After we have that data, the bill would direct the Secretary to request any additional authority he may require from Congress to complete the plan.

My staff and I numerous times attempted to discuss the committee-approved version of the bill with the minority. Then one legislative day before the full House was originally to consider this bill, a list of new concerns emerged from the minority. One that is particularly intriguing is the contention that the deadline for the visitor facilities plan and other provisions of the bill—December 31, 2000—is too ambitious. It is intriguing because the minority initially argued that the deadline in the bill was a delaying tactic. Which is it, a delaying tactic, or too ambitious? This all leads one to suspect that the goal of some has not been to improve upon this legislation, but rather, to defeat it for the sake of defeat.

This is unacceptable, We must approve this bill and give the Senate a chance to do likewise before we adjourn. Anything less would be dereliction of our duty to protect our public lands, in this case, Glacier National Park.

I'd like to briefly address some of the other criticisms I have heard recently. First, that the bill authorizes economic mitigation for the Going-to-the-Sun reconstruction. I have been willing to compromise on this issue. However, there is significant precedent within the Park Service to mitigate the impacts of its actions on communities around it, most notably the recent redwoods acquisition in California and the compensation of fishermen at Glacier Bay in Alaska. That being said, H.R. 4521 is not prescriptive. It merely authorizes mitigation assistance, it does not mandate it, and it does so within the overall bounds of the authorization of the road itself.

Second, that there were not sufficient efforts to reach agreement in the Montana congressional delegation. My staff and I worked long and hard to find a solution that was pleasing both to the Montana delegation and to the majority and minority in the House. But it became apparent, at least as far as the hotels were concerned, that this would not be possible. No agreement ever existed, even though staff was circulating legislative language for the approval of members. It is unfortunate for those of us in Montana that some would kill this bill over the hotels provision and jeopardize the road and public access to the park.

Despite the difficulties and frustrations in getting to this point, we have worked hard to make this a bipartisan effort, securing 33 cosponsors from a variety of fiscal and ideological viewpoints. The people of Montana and all those who love Glacier National Park are grateful for these efforts. By some estimates, this park alone generates close to $200 million for Montana's economy, which needs tourism dollars now more than ever as forces continue to act to close down Montana's traditional industries. But for many of us, this park is about a whole lot more than money, it is about a unique character and a once-in-a-lifetime experience for those who visit. This legislation is needed to help restore those values.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DESIGNATING CERTAIN LANDS IN VIRGINIA AS WILDERNESS AREAS

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4646) to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled "An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas", approved June 7, 1988 (102 Stat. 584) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) certain lands in the George Washington National Forest, which comprise approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, and which shall be known as the Priest Wilderness Area; and

"(8) certain lands in the George Washington National Forest, which comprise approximately 4,608 acres, as generally depicted on a map entitled 'The Three Ridges Wilderness Study Area', dated June 6, 2000, and which shall be known as the Three Ridges Wilderness Area.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

H.R. 4646 was introduced by the gentleman from Virginia (Mr. GOODE) to designate two areas in the George Washington National Forest in Virginia as wilderness. Both areas were recommended for wilderness studies in the George Washington National Forest plan completed in 1993.

I understand these are steep rugged areas, and that there is some concern that the Forest Service will continue to allow the use of motorized equipment, such as chainsaws or access by vehicles if it is necessary to fight fire or otherwise respond to emergencies. To address this concern, my colleague wisely included language stating the wilderness designation would not prevent firefighting companies or rescue squads from doing what is needed in emergency situations.

While I would prefer to retain this language, at the request of the gentleman from Virginia (Mr. GOODE), I am offering a substitute amendment which removes this clause. He has received assurance from the Forest Service that such access is approved quickly when needed.

With this assurance, I ask support for the Virginia Wilderness Act under suspension of the rules.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4646 adds approximately 10,570 acres to the National Wilderness Preservation System in George Washington National Forest in the State of Virginia. The two additions, the Priest and Three Ridges areas, were recommended for wilderness study in the forest management plan in 1993.

The areas, within easy access of the Appalachian Trail, contain rugged terrain and spectacular mountain scenery. We are pleased to see this addition to the wilderness system.

We are also pleased to see the removal of a provision allowing tree cutting and motorized use by county firefighters and rescue squads in and around wilderness areas. The Wilderness Act allows motorized use in wilderness areas only in the event of emergencies and to control fire, insects and disease. Forest Service policies allow forest supervisors to approve motorized equipment and vegetation cutting in emergencies.

The removal of the provision makes H.R. 4646 consistent with the Wilderness Act. It also makes the bill identical in substance to Senator ROBB's companion measure, S. 2865, which passed the Senate on October 6, 2000. If the House had chosen to take up Senator ROBB's bill, it would have been on its way to the President. By choosing to take up the House version, the House is unnecessarily protracting the process and risking not getting a bill.

While I regret this choice, the bill enjoys administration and widespread public support, and I urge my colleagues to support it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4646, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.".

A motion to reconsider was laid on the table.

FIVE NATIONS CITIZENS LAND REFORM ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5308) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Five Nations Citizens Land Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

Sec. 101. Restrictions on real property.
Sec. 102. Restricted funds.
Sec. 103. Period of restrictions.

Sec. 104. Removal of restrictions.
Sec. 105. Exemptions from prior claims.
Sec. 106. Fractional interests.

TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

Sec. 201. Approval authority for conveyances and leases.
Sec. 202. Approval of conveyances.
Sec. 203. Reimposition of restrictions on conveyances of property to Indian housing authorities.
Sec. 204. Administrative partition.
Sec. 205. Surface leases.
Sec. 206. Mineral leases.
Sec. 207. Management of mineral interests.
Sec. 208. Mortgages.
Sec. 209. Validation of prior conveyances.

TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS

Sec. 301. Actions affecting restricted property.
Sec. 302. Heirship determinations and probates.
Sec. 303. Actions to cure title defects.
Sec. 304. Involuntary partitions.
Sec. 305. Requirements for actions to cure title defects and involuntary partitions.
Sec. 306. Pending State proceedings.

TITLE IV—MISCELLANEOUS

Sec. 401. Regulations.
Sec. 402. Repeals.
Sec. 403. Statutory construction.
Sec. 404. Representation by attorneys for the Department of the Interior.

TITLE V—WATER BASIN COMMISSION

Sec. 501. Water basin commission.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has focused on Indian self-determination and economic self-sufficiency. The exercise of Federal instrumentality jurisdiction by the Oklahoma State courts over the Indian property that is subject to Federal restrictions against alienation belonging to members of the Five Nations is inconsistent with that policy.

(2) It is a goal of Congress to recognize the Indian land base as an integral part of the culture and heritage of Indian citizens.

(3) The exercise of Federal instrumentality jurisdiction by the courts of the State of Oklahoma over conveyances and inheritance of restricted property belonging to Indian citizens of the Five Nations—

(A) is costly, confusing, and cumbersome, and effectively prevents any meaningful Indian estate planning, and unduly complicates the probating of Indian estates and other legal proceedings relating to Indian citizens and their lands; and

(B) has impeded the self-determination and economic self-sufficiency of Indian citizens within the exterior boundaries of the Five Nations.

SEC. 3. PURPOSE.

(a) IN GENERAL.—It is the purpose of this Act to—

(1) correct the disparate Federal treatment of individual allotted lands of Indian citizens of the Five Nations that resulted from prior Federal legislation by equalizing the Federal legislative treatment of restricted and trust lands;

(2) eliminate unnecessary legal and bureaucratic obstacles that impede the highest and best use of restricted property belonging to Indian citizens of the Five Nations;

(3) provide for an efficient process for the administrative review and approval of conveyances, voluntary partitions, and leases, and to provide for Federal administrative proceedings in testate and intestate probate and other cases that involve the restricted property of Indian citizens, which concern the rights of Indian citizens to hold and acquire such property in restricted and trust status; and

(4) transfer to the Secretary the Federal instrumentality jurisdiction of the Oklahoma State courts together with other authority currently exercised by such courts over the conveyance, devise, inheritance, lease, encumbrance, and partition under certain circumstances of restricted property belonging to Indian citizens of the Five Nations.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens under other Federal laws relating to the acquisition and status of trust property, including without limitation, the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the Indian Reorganization Act), the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act), the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and regulations relating to the Secretary's authority to acquire lands in trust for Indians and Indian tribes.

SEC. 4. DEFINITIONS.

In this Act:

(1) FIVE NATIONS.—The term "Five Nations" means the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Seminole Nation of Oklahoma, and the Muscogee (Creek) Nation, collectively, which are historically referred to as the "Five Civilized Tribes".

(2) INDIAN CITIZEN.—The term "Indian citizen" means a member or citizen of one of the individual Five Nations referred to in paragraph (1), or an individual who is determined by the Secretary to be a lineal descendent by blood of an Indian ancestor enrolled on the final Indian rolls of the Five Civilized Tribes closed in 1906.

(3) INDIAN COUNTRY.—The term "Indian country" has the meaning given that term in section 1151 of title 18, United States Code, which includes restricted property and trust property (as such terms are defined in this Act).

(4) INDIAN NATION.—The term "Indian Nation" means one of the individual Five Nations referred to in paragraph (1).

(5) REGIONAL OFFICE.—The term "Regional Office" means the Eastern Oklahoma Regional Office of the Bureau of Indian Affairs, or any successor office within the Department of Interior.

(6) RESTRICTED PROPERTY.—The term "restricted property" means any right, title or interest in real property owned by an Indian citizen that is subject to a restriction against alienation, lease, mortgage, and other encumbrances imposed by this Act and other laws of the United States expressly applicable to the property of enrollees and lineal descendants of enrollees on the final Indian rolls of the Five Civilized Tribes in 1906, and includes those interests in property that were subject to a restriction against alienation imposed by the United States on the ownership of an Indian citizen who died prior to the effective date of this Act (subject to valid existing rights) but whose interest had not, as of the effective date of this Act, been the subject of a final order determining heirs by a State district court or a United States District Court, or been conveyed by putative heirs by deed approved in State district court, except that such term shall not include Indian trust allotments made pursuant to the General Allotment Act (25 U.S.C. 331 et seq.) or any other trust property.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) TRUST PROPERTY.—The term "trust property" means Indian property, title to which is held in trust by the United States for the benefit of an Indian citizen or an Indian Nation.

TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

SEC. 101. RESTRICTIONS ON REAL PROPERTY.

(a) APPLICATION.—Beginning on the effective date of this Act, all restricted property shall be subject to restrictions against alienation, lease, mortgage, and other encumbrances, regardless of the degree of Indian blood of the Indian citizen who owns such property.

(b) CONTINUATION.—The restrictions made applicable under subsection (a) shall continue with respect to restricted property upon the acquisition of such property by an Indian citizen by inheritance, devise, gift, exchange, election to take at partition, or by purchase.

SEC. 102. RESTRICTED FUNDS.

(a) IN GENERAL.—All funds and securities held or supervised by the Secretary derived from restricted property or individual Indian trust property on or after the effective date of this Act are declared to be restricted and shall remain subject to the jurisdiction of the Secretary until or unless otherwise provided for by Federal law.

(b) USE OF FUNDS.—Funds, securities, and proceeds described in subsection (a) may be released or expended by the Secretary for the use and benefit of the Indian citizens to whom such funds, securities, and proceeds belong, as provided for by Federal law.

SEC. 103. PERIOD OF RESTRICTIONS.

Subject to the provisions of this Act that permit restrictions to be removed, the period of restriction against alienation, lease, mortgage, or other encumbrance of restricted property and funds belonging to Indian citizens, is hereby extended until an Act of Congress determines otherwise.

SEC. 104. REMOVAL OF RESTRICTIONS.

(a) PROCEDURE.—

(1) APPLICATION.—An Indian citizen who owns restricted property, or the legal guardian of a minor Indian citizen or an Indian citizen who has been determined to be legally incompetent by a court of competent jurisdiction (including a tribal court), may apply to the Secretary for an order removing restrictions on any interest in restricted property held by such Indian citizen.

(2) CONSIDERATION OF APPLICATION.—An application under paragraph (1) shall be considered by the Secretary only as to the tract, tracts, or severed mineral or surface interest described in the application. Not later than 90 days after the date on which an application is submitted, the Secretary shall either issue the removal order or disapprove of the application.

(3) DISAPPROVAL.—The Secretary shall disapprove an application under paragraph (1) if—

(A) in the Secretary's judgment, the applicant has been subjected to fraud, undue influence or duress by a third party; or

(B) the Secretary determines it is otherwise not in the Indian citizen owner's best interest.

(b) REMOVAL OF RESTRICTIONS.—When an order to remove restrictions becomes effective under subsection (a), the Secretary shall issue a certificate describing the property and stating that the Federal restrictions have been removed.

(c) SUBMISSION OF LIST.—Prior to or on April 1 of each year, the Secretary shall cause to be filed with the county treasurer of each county in the State of Oklahoma where restricted property is situated, a list of restricted property that has lost its restricted status during the preceding calendar year through acquisition of ownership by an individual or entity who is not an Indian citizen or by removal of restrictions pursuant to this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) abrogate valid existing rights to property that is subject to an order to remove restrictions under this section; and

(2) remove restrictions on any other restricted property owned by the applicant.

SEC. 105. EXEMPTIONS FROM PRIOR CLAIMS.

Sections 4 and 5 of the Act of May 27, 1908 (35 Stat. 312, chapter 199) shall apply to all restricted property.

SEC. 106. FRACTIONAL INTERESTS.

Upon application by an Indian citizen owner of an undivided unrestricted interest in property of which a portion of the interests in such property are restricted as of the effective date of this Act, the Secretary is authorized to convert that unrestricted interest into restricted status if all of the interests in the property are owned by Indian citizens as tenants in common as of the date of the application under this section.

TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS

SEC. 201. APPROVAL AUTHORITY FOR CONVEYANCES AND LEASES.

The Secretary shall have exclusive jurisdiction to approve conveyances and leases of restricted property by an Indian citizen or by any guardian or conservator of any Indian citizen who is a ward in any guardianship or conservatorship proceeding pending in any court of competent jurisdiction, except that petitions for such approvals that are filed in Oklahoma district courts prior to the effective date of this Act may be heard and approved by such courts pursuant to the procedures described in section 1 of the Act of August 4, 1947 (61 Stat. 731, chapter 458), as in effect on the day before the effective date of this Act, if the Indian citizen does not revoke in writing his or her consent to the conveyance or lease prior to final court approval.

SEC. 202. APPROVAL OF CONVEYANCES.

(a) PROCEDURE.—

(1) IN GENERAL.—Except as provided in subsection (b), restricted property may be conveyed by an Indian citizen pursuant to the procedures described in this subsection.

(2) REQUIREMENTS.—An Indian citizen may only convey restricted property—

(A) after the property is appraised;

(B) for an amount that is not less than 90 percent of the appraised value of the property;

(C) to the highest bidder through the submission to the Secretary of closed, silent bids or negotiated bids; and

(D) upon the approval of the Secretary.

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), an Indian citizen may convey his or her restricted property, or any portion thereof, to any of the individuals or entities described in paragraph (2) without soliciting bids, providing notice, or for consideration which is less than the appraised value of the property, if the Secretary determines that the conveyance is not contrary to the best interests of the Indian citizen and that the Indian citizen has been duly informed of and understands the fair market appraisal, and is not being coerced into the conveyance.

(2) INDIVIDUALS AND ENTITIES.—An individual or entity described in this paragraph is—

(A) the Indian citizen's spouse (if he or she is and Indian citizen), father, mother, son, daughter, brother or sister, or other lineal descendent, aunt or uncle, cousin, niece or nephew, or Indian co-owner; or

(B) the Indian Nation whose last treaty boundaries encompassed the restricted property involved so long as the appraisal of the property was conducted by an independent appraiser not subject to the Indian Nation's control.

(c) STATUS.—Restricted property that is acquired by an Indian Nation whose last treaty boundaries encompassed the restricted property shall continue to be Indian country. Upon application by the Indian Nation, the Secretary shall accept title to such property in trust by the United States for the benefit of the Indian Nation, except that the Secretary may first require elimination of any existing liens or other encumbrances in order to comply with applicable Federal title standards. The Secretary shall accept title to the property in trust for the Indian Nation only if, after conducting a survey for hazardous substances, he determines that there is no evidence of such substances on the property.

SEC. 203. REIMPOSITION OF RESTRICTIONS ON CONVEYANCES OF PROPERTY TO INDIAN HOUSING AUTHORITIES.

(a) IN GENERAL.—In any case where the restrictions have been removed from restricted property for the purpose of allowing conveyances of the property to Indian housing authorities to enable such authorities to build homes for individual owners or relatives of owners of restricted property, the Secretary shall issue a Certificate of Restricted Status describing the property and imposing restrictions thereon upon written request by the Indian citizen homebuyer or a successor Indian citizen homebuyer. Such request shall include evidence satisfactory to the Secretary that the homebuyer's contract has been paid in full and be delivered to the Regional Office not later than 3 years after the housing authority conveys such property back to the original Indian citizen homebuyer or a successor Indian citizen homebuyer who is a citizen of the Nation whose last treaty boundaries encompass the property where the home is located.

(b) EXISTING LIENS.—Prior to issuing a certificate under subsection (a) with respect to property, the Secretary may require the elimination of any existing liens or other encumbrances which would substantially interfere with the use of the property.

(c) APPLICATION TO CERTAIN HOMEBUYERS.—Indian citizen homebuyers described in subsection (a) who acquired ownership of property prior to the effective date of this Act shall have 3 years from such effective date to request that the Secretary issue a certificate under such subsection.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens described in this section under other Federal laws and regulations relating to the acquisition and status of trust property.

SEC. 204. ADMINISTRATIVE PARTITION.

(a) JURISDICTION.—Except as provided in section 304, the Secretary shall have exclusive jurisdiction to approve the partition of property located within the last treaty boundaries of 1 or more of the Five Nations, all of which is held in common, in trust or in restricted status, by more than 1 Indian citizen owner, if the requirements of this section are complied with. The Secretary may approve the voluntary partition of property consisting of both restricted and unrestricted undivided interests if all owners of the unrestricted interests consent to such approval in writing.

(b) PARTITION WITHOUT APPLICATION.—If the Secretary determines that any property described in subsection (a) is capable of partition in kind to the advantage of the owners, the Secretary may initiate partition of the property by—

(1) notifying the owners of such determination;

(2) providing the owners with a partition plan for such property; and

(3) affording the owners a reasonable time to respond, object, or consent to the proposal, in accordance with subsection (d).

(c) APPLICATION FOR PARTITION.—

(1) IN GENERAL.—An owner or owners of an undivided interest in any property described in subsection (a) may make written application, on a form approved by the Secretary, for the partition of their trust or restricted property.

(2) DETERMINATION.—If, based on an application submitted under paragraph (1), the Secretary determines that the property involved is susceptible to partition in kind, the Secretary shall initiate partition of the property by—

(A) notifying the owners of such determination;

(B) providing the owners with a partition plan; and

(C) affording the owners a reasonable time to respond, object or consent in accordance with subsection (d).

(d) PARTITION PROCEDURES.—

(1) PROPOSED LAND DIVISION PLAN.—The Secretary shall give applicants under subsection (c) and nonpetitioning owners of property subject to partition under this section with a reasonable opportunity to negotiate a proposed land division plan for the purpose of securing ownership of a tract on the property equivalent to their respective interests in the undivided estate, prior to taking any action related to partition of the property under this section.

(2) APPROVAL.—If a plan under paragraph (1) is approved by—

(A) Indian citizen owners of more than 50 percent of the property which is entirely in trust status (as distinguished from restricted status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary shall issue an order partitioning the trust property in kind; or

(B) the Indian citizens who own more than 50 percent of the undivided interests which are held in restricted status (as distinguished from trust status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary may attempt to negotiate for partition in kind or for sale of all or a portion of the property, and secure deeds from all interest owners, subject to the Secretary's approval.

(3) LIMITATION.—No partition under paragraph (2)(B) shall be effected unless all of the owners have consented to the plan in writing.

SEC. 205. SURFACE LEASES.

The surface of restricted property may be leased by an Indian citizen pursuant to the Act of August 9, 1955 (25 U.S.C. 415 et seq.), except that the Secretary may approve any agricultural lease or permit with respect to restricted property in accordance with the provisions of section 105 of the American Indian Agricultural Resource Management Act (25 U.S.C. 3715).

SEC. 206. MINERAL LEASES.

(a) Approval.—

(1) General rule.—No mineral lease or agreement purporting to convey or create any interest in restricted or trust property that is entered into or reentered into after the effective date of this Act shall be valid unless approved by the Secretary.

(2) Requirements.—The Secretary may approve a mineral lease or agreement described in paragraph (1) only if—

(A) the owners of a majority of the undivided interest in the restricted or trust mineral estate that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under subsection (c)) consent to the lease or agreement;

(B) the Secretary determines that approving the lease or agreement is in the best interest of the Indian citizen owners of the restricted or trust mineral interests; and

(C) the Secretary has accepted the highest bid for such lease or agreement after a competitive bidding process has been conducted by the Secretary, unless the Secretary has determined that it is in the best interest of the Indian citizen to award a lease made by negotiation, and the Indian citizen so consents.

(b) Effect of Approval.—Upon the approval of a mineral lease or agreement by the Secretary under subsection (a), the lease or agreement shall be binding upon all owners of the restricted or trust undivided interests subject to the lease or agreement (including any interest owned by an Indian tribe) and all other parties to the lease or agreement, to the same extent as if all of the Indian citizen owners of the restricted or trust mineral interests involved had consented to the lease or agreement.

(c) Execution of Lease or Agreement by Secretary.—The Secretary may execute a mineral lease or agreement that affects restricted or trust property interests on behalf of an Indian citizen owner if that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined, or if the heirs or devisees have been determined but one or more of the heirs or devisees cannot be located.

(d) Distribution of Proceeds.—The proceeds derived from a mineral lease or agreement approved by the Secretary under subsection (a) shall be distributed in accordance with the interest held by each owner pursuant to such rules and regulations as may be promulgated by the Secretary.

(e) Communitization Agreements.—No unleased restricted or trust property located within a spacing and drilling unit approved by the Oklahoma Corporation Commission may be drained of any oil or gas by a well within such unit without a communitization agreement prepared and approved by the Secretary, except that in the event of any such drainage without a communitization agreement approved by the Secretary, 100 percent of all revenues derived from the production from any such restricted or trust property shall be paid to the Indian citizen owner free of all lifting and other production costs.

SEC. 207. MANAGEMENT OF MINERAL INTERESTS.

(a) Oil and Gas Conservation Laws.—

(1) In general.—The oil and gas conservation laws of the State of Oklahoma shall apply to restricted property.

(2) Enforcement.—The Oklahoma Corporation Commission shall have the authority to perform ministerial functions related to the enforcement of the laws referred to in paragraph (1), including enforcement actions against well operators, except that no order of the Corporation Commission affecting restricted Indian property shall be valid as to such property until such order is submitted to and approved by the Secretary.

(3) Rule of construction.—Nothing in this subsection shall be construed to limit the authority of the Indian Nations to protect the environment and natural resources of restricted property.

(b) Implementation of Federal Oil and Gas Royalty Management Act.—Beginning on the effective date of this Act, the Regional Office shall assume all the duties and responsibilities of the Secretary under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702 et seq.) with respect to an oil and gas lease where—

(1) the Secretary has approved the oil and gas lease pursuant to section 206(a);

(2) the Secretary has, prior to the effective date of this Act, approved the oil and gas lease pursuant to the Act of May 27, 1908 (35 Stat. 312, chapter 199); or

(3) the Secretary has, before the effective date of this Act, approved an oil and gas lease of lands of any of the Five Nations pursuant to the Act of May 11, 1938 (25 U.S.C. 396a et seq.).

SEC. 208. MORTGAGES.

An Indian citizen may mortgage restricted property only in accordance with and under the authority of the Act of March 29, 1956 (25 U.S.C. 483a), or other Federal laws applicable to the mortgaging of individual Indian trust property or restricted property.

SEC. 209. VALIDATION OF PRIOR CONVEYANCES.

All conveyances, including oil and gas or mineral leases, of restricted property and trust property made after the effective date of the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act) and prior to the effective date of this Act, that were approved by a county or district court in Oklahoma are hereby validated and confirmed, unless such conveyance is determined by a court of competent jurisdiction to be invalid upon grounds other than authority to approve, sufficiency of approval, or lack of approval thereof.

TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS

SEC. 301. ACTIONS AFFECTING RESTRICTED PROPERTY.

The courts of the State of Oklahoma shall not have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property except as authorized by this Act or by other Federal laws applicable to trust property or restricted property.

SEC. 302. HEIRSHIP DETERMINATIONS AND PROBATES.

(a) Jurisdiction.—Except as provided in section 306, the Secretary shall have exclusive jurisdiction, acting through an Administrative Law Judge or other official designated by the Secretary, to probate wills or otherwise determine heirs of deceased Indian citizens and to adjudicate all such estate actions to the extent that they involve individual trust property, restricted property, or restricted or trust funds or securities held or supervised by the Secretary derived from such property.

(b) Governing Laws.—Notwithstanding any other provision of law, the Administrative Law Judge or other official designated by the Secretary shall exercise the Secretary's jurisdiction and authority under this section in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) and such rules and regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, determination of heirs, and distribution of property in estates of Indian decedents, subject to the following requirements:

(1) Law applicable to estates of Indian citizen decedents who died prior to effective date.—The Administrative Law Judge or other official designated by the Secretary shall apply the laws of descent and distribution of the State of Oklahoma contained in title 84 of the Oklahoma Statutes, chapter 4, to all restricted property, trust property, and all restricted or trust funds or securities derived from such property in the estates of deceased Indian citizens who died intestate prior to the effective date of this Act.

(2) Law applicable to wills executed prior to effective date.—The Administrative Law Judge or other official designated by the Secretary shall determine the validity and effect of wills as to estates containing trust property or restricted property when such wills were executed by Indian citizens prior to the effective date of this Act, in accordance with the laws of the State of Oklahoma governing the validity and effect of wills, provided that the will of a full-blood Indian citizen which disinherits the parent, wife, spouse, or children of such citizen shall not be valid with respect to the disposition of restricted property unless the requirements of section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876), as in effect on the day before the effective date of this Act, are met.

(3) Law applicable to wills executed after effective date.—

(A) In general.—Any Indian citizen who has attained age 18 and owns restricted property or trust property shall have the right to dispose of such property by will, executed on or after the effective date of this Act in accordance with regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, provided—

(i) no will so executed shall be valid or have any force or effect unless and until such will has been approved by the Secretary; and

(ii) that the Secretary may approve or disapprove such will either before or after the death of the Indian citizen testator.

(B) Fraud.—In any case where a will has been approved by the Secretary under subparagraph (A) and it is subsequently discovered that there was fraud in connection with the execution or procurement of the will, the Secretary is authorized, within 1 year after the death of the testator, to cancel approval of the will. If an approval is canceled in accordance with the preceding sentence, the property purported to be disposed of in the will shall descend or be distributed in accordance with the Secretary's rules and regulations applicable to estates of Indian decedents who die intestate.

(4) Federal law controls.—Notwithstanding any other provision of this section, Federal law governing personal claims against a deceased Indian citizen or against trust property or restricted property, including the restrictions imposed by this Act or other applicable Federal law against the alienation, lease, mortgage, or other encumbrance of trust property or restricted property shall apply to all such property contained in the estate of the deceased Indian citizen.

SEC. 303. ACTIONS TO CURE TITLE DEFECTS.

(a) JURISDICTION.—Except as provided in subsections (b) and (c), the United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions seeking to cure defects affecting the marketability of title to restricted property, except that all such actions shall be subject to the requirements of section 305.

(b) ADVERSE POSSESSION.—No cause of action may be brought to claim title to or an interest in restricted property by adverse possession or the doctrine of laches on or after the effective date of this Act, except that—

(1) all such causes that are pending on the effective date of this Act in accordance with the provisions of section 3 of the Act of April 12, 1926 (44 Stat. 239, chapter 115) shall be subject to section 306; and

(2) an action to quiet title to an interest in restricted property on the basis of adverse possession may be filed in the courts of the State of Oklahoma not later than 2 years after the effective date of this Act if the 15-year period for acquiring title by adverse possession has run in full prior to the effective date of this Act and the procedures set forth in section 305 shall be followed.

(c) HEIRSHIP DETERMINATIONS AND DISPOSITIONS.—Nothing in this section shall be construed to authorize a determination of heirs in a quiet title action in Federal or State court in derogation of the Secretary's exclusive jurisdiction to probate wills or otherwise determine heirs of the deceased Indian citizens owning restricted property and to adjudicate all such estate actions involving restricted property pursuant to section 302, or in derogation of the Secretary's exclusive jurisdiction over the disposition of restricted property under this Act.

SEC. 304. INVOLUNTARY PARTITIONS.

(a) JURISDICTION.—The United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions for the involuntary partition of property consisting entirely or partially of undivided restricted interests, subject to the provisions of subsections (b) through (e) and the requirements in section 306.

(b) APPLICABLE LAW.—The laws of the State of Oklahoma governing the partition of property shall be applicable to all actions for involuntary partition under this section, except to the extent that any such laws are in conflict with any provisions of this Act.

(c) PETITION: CONSENT OF OWNERS OF MAJORITY OF UNDIVIDED INTERESTS.—Any person who owns an undivided interest in a tract of property described in subsection (a) may file an action in the district court of the State of Oklahoma for the county wherein the tract is located for the involuntary partition of such tract. The court shall not grant the petition unless the owner or owners of more than 50 percent of the tract consent to the partition in the verified petition or verified answer filed in the action.

(d) PAYMENT TO NONCONSENTING OWNERS OF RESTRICTED INTERESTS.—Nonconsenting owners of undivided restricted interests shall receive for the sale of such interests their proportionate share of the greater of—

(1) the proceeds paid at the partition sale; or

(2) an amount equal to 100 percent of the appraised value of the tract.

(e) COSTS.—The petitioning party in an action under this section shall pay the filing fees and all other costs of the action, including the cost of an appraisal, advertisement, and sale.

SEC. 305. REQUIREMENTS FOR ACTIONS TO CURE TITLE DEFECTS AND INVOLUNTARY PARTITIONS.

(a) IN GENERAL.—All actions authorized by sections 303 and 304 shall be conducted in accordance with the requirements and procedures described in this section.

(b) PARTIES.—

(1) UNITED STATES.—The United States shall not be a necessary and indispensable party to an action authorized under section 303 or 304. The Secretary may participate as a party in any such action.

(2) PARTICIPATION OF SECRETARY.—If the Secretary elects to participate in an action as provided for under paragraph (1), the responsive pleading of the Secretary shall be made not later than 20 days after the Secretary receives the notice required under subsection (c), or within such extended time as the trial court in its discretion may permit.

(3) JUDGMENT BINDING.—After the appearance of the Secretary in any action described in paragraph (1), or after the expiration of the time in which the Secretary is authorized to respond under paragraph (2), the proceedings and judgment in such action shall be binding on the United States and the parties upon whom service has been made and shall affect the title to the restricted property which is the subject of the action, in the same manner and extent as though nonrestricted property were involved.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to waive the requirement of service of summons in accordance with applicable Federal or State law upon the individual Indian citizen landowners, who shall be necessary and indispensable parties to all actions authorized by sections 303 and 304.

(c) NOTICE.—

(1) IN GENERAL.—The plaintiff in any action authorized by sections 303 and 304 shall serve written notice of the filing of such action and of a petition or complaint, or any amended petition or complaint which substantially changes the nature of the action or includes a new cause of action, upon the Director of the Regional Office not later than 10 days after the filing of any such petition or complaint or any such amended petition or complaint.

(2) FILING WITH CLERK.—A duplicate original of any notice served under paragraph (1) shall be filed with the clerk of the court in which the action is pending.

(3) REQUIREMENTS.—The notice required under paragraph (1) shall—

(A) be accompanied by a certified copy of all pleadings on file in the action at the time of the filing of the duplicate original notice with the clerk under paragraph (2);

(B) be signed by the plaintiff to the action or his or her counsel of record; and

(C) be served by certified mail, return receipt requested, and due return of service made thereon, showing date of receipt and service of notice.

(4) FAILURE TO SERVE.—If the notice required under paragraph (1) is not served within the time required under such paragraph, or if return of service thereof is not made within the time permitted by law for the return of service of summons, alias notices may be provided until service and return of notice is made, except that in the event that service of the notice required under such paragraph is not made within 60 days following the filing of the petition or complaint or amendments thereof, the action shall be dismissed without prejudice.

(5) LIMITATION.—In no event shall the United States or the parties named in a notice filed under paragraph (1) be bound, or title to the restricted property be affected, unless written notice is served upon the Director as required under this subsection.

(d) REMOVAL.—

(1) IN GENERAL.—The United States shall have the right to remove any action to which this section applies that is pending in a State court to the United States district court by filing with the State court, not later than 20 days after the service of any notice with respect to such action under subsection (c), or within such extended period of time as the trial court in its discretion may permit, a notice of the removal of such action to such United States district court, together with the certified copy of the pleadings in such action as served on the Director of the Regional Office under subsection (c).

(2) DUTY OF STATE COURT.—It shall be the duty of a State court to accept a notice filed under paragraph (1) and cease all proceedings with respect to such action.

(3) PLEADINGS.—Not later than 20 days after the filing of a notice under paragraph (1), the copy of the pleading involved (as provided under such paragraph) shall be entered in the district court of the United States and the defendants and interveners in such action shall, not later than 20 days after the pleadings are so entered, file a responsive pleading to the complaint in such action.

(4) PROCEEDINGS.—Upon the submission of the filings required under paragraph (3), the action shall proceed in the same manner as if it had been originally commenced in the district court, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the action had been originally brought in such district court.

SEC. 306. PENDING STATE PROCEEDINGS.

The courts of the State of Oklahoma shall continue to exercise authority as a Federal instrumentality over all heirship, probate, partition, and other actions involving restricted property that are pending on the effective date of this Act until the issuance of a final judgment and exhaustion of all appeal rights in any such action, or until the petitioner, personal representative, or the State court dismisses the action in accordance with State law.

TITLE IV—MISCELLANEOUS

SEC. 401. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act, except that failure to promulgate such regulations shall not limit or delay the effect of this Act.

SEC. 402. REPEALS.

(a) IN GENERAL.—The following provisions are repealed:

(1) The Act of August 11, 1955 (69 Stat. 666, chapter 786).

(2) Section 2 of the Act of August 12, 1953 (67 Stat. 558, chapter 409).

(3) Sections 1 through 5 and 7 through 13 of the Act of August 4, 1947 (61 Stat. 731, chapter 458).

(4) The Act of February 11, 1936 (25 U.S.C. 393a).

(5) The Act of January 27, 1933 (47 Stat. 777, chapter 23).

(6) Sections 1, 2, 4, and 5 of the Act of May 10, 1928 (45 Stat. 495, chapter 517).

(7) The Act of April 12, 1926 (44 Stat. 239, chapter 115).

(8) Sections 1 and 2 of the Act of June 14, 1918 (25 U.S.C. 375 and 355).

(9) Sections 1 through 3 and 6 through 12 of the Act of May 27, 1908 (35 Stat. 312, chapter 199).

(10) Section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876).

(b) OTHER ACTS.—

(1) IN GENERAL.—Not later than 6 months after the effective date of this Act, the Secretary shall prepare and submit to Congress a list of other provisions of law that—

(A) expressly reference property of the Five Nations or of Five Nations' citizens and that are in conflict with the provisions of this Act; or

(B) are of general applicability with respect to the property of Indian tribes and of individual Indians and that are in conflict with this Act.

(2) TECHNICAL AMENDMENTS.—

(A) Section 28 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876) is amended—

(i) by striking the first proviso; and

(ii) by striking "*Provided further*" and inserting "*Provided*".

(B) Section 6(c) of the Act of August 4, 1947 (61 Stat. 733, chapter 458) is amended in the first sentence by striking "of one-half or more Indian blood".

SEC. 403. STATUTORY CONSTRUCTION.

(a) SECRETARIAL TRUST RESPONSIBILITY.—Nothing in this Act shall be construed to waive, modify, or diminish in any way the trust responsibility of the United States over restricted property.

(b) NO EFFECT ON TRIBAL RELATIONSHIPS.—

(1) IN GENERAL.—Nothing in titles I through IV of this Act is intended to or shall be construed to in any way affect the authority that any federally recognized Indian tribe may or may not have over—

(A) any other federally recognized Indian tribe;

(B) the members of any other federally recognized Indian tribe; or

(C) any land in which any other federally recognized Indian tribe or any member of any other federally recognized Indian tribe has or is determined by the Secretary or a court of competent jurisdiction to have any interest.

SEC. 404. REPRESENTATION BY ATTORNEYS FOR THE DEPARTMENT OF THE INTERIOR.

Attorneys of the Department of the Interior may—

(1) represent the Secretary in any actions filed in the State courts of Oklahoma involving restricted property;

(2) when acting as counsel for the Secretary, provide information to all Indian citizens owning restricted property (and to private counsel for such citizens, if any) regarding their legal rights with respect to the restricted property owned by such citizens;

(3) at the request of any Indian citizen owning restricted property, take such action as may be necessary to cancel or annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Federal law, and take such action as may be necessary to assist such Indian citizen in obtaining clear title, acquiring possession, and retaining possession of restricted property; and

(4) in carrying out paragraph (3), refer proposed actions to be filed in the name of the United States in a district court of the United States to the United States Attorney for that district, and provide assistance in an of-counsel capacity in those actions that the United States Attorney elects to prosecute.

TITLE V—WATER BASIN COMMISSION

SEC. 501. WATER BASIN COMMISSION.

A compact among the State of Oklahoma, the Choctaw Nation of Oklahoma, and the Chickasaw Nation, shall establish a State-tribal commission composed of an equal number of representatives from the tribes and nontribal residents of the respective water basin, for the purpose of administering and distributing any benefits and net revenues from the sale of water within the respective basin to the Choctaw Nation of Oklahoma, the Chickasaw Nation, and local public entities. Any sale of water to entities outside the water basin must be consistent with the compact and by the State-tribal commission for the respective water basin within the boundaries of the Choctaw Nation of Oklahoma and the Chickasaw Nation. One of the tribal representatives of the State-tribal commission shall be appointed by the Bureau of Indian Affairs regional office in Muskogee, Oklahoma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume, and I rise today in support of a very important bill to the Five Civilized Tribes of Oklahoma.

The Five Nations Citizens Land Reform Act of 2000, would transfer from Oklahoma State courts to the Federal Government, jurisdiction over the conveyance, the devise, inheritance, lease, encumbrance, and partition of restricted property, allotment lands, belonging to the members of the Cherokee Nation, Chickasaw Nation, Choctaw Nation, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation.

Unlike other federally recognized Indian tribes whose jurisdiction over their lands lies with the Secretary of the Interior, jurisdiction over the lands of these five tribes was placed in various Oklahoma district courts many years ago. H.R. 5308 would have probate proceedings and management and disposition of Indian lands proceed through the Department of the Interior rather than through the multiple State courts. Thus, the restricted lands of the five tribes would be treated like the federally protected allotments of land of other federally recognized tribes.

H.R. 5308 would also allow for simplification of the law applicable to allotted Indian lands, would simplify the process for leasing allotted lands, would simplify the Indian land probate and heirship determination process, and would assist in the prevention of the fractionation of Indian lands.

Nothing in H.R. 5308 would diminish the trust responsibility of the United States over restricted lands. The five tribes and the Oklahoma State Bar Association, the governor of Oklahoma, and members of the Oklahoma delegation have spent years working on this legislation.

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Now that everybody has agreed, it is time to pass H.R. 5308.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first let me thank the gentleman from Michigan (Mr. KILDEE) for all his hard work on this bill.

Madam Speaker, the Five Nations Citizens Land Reform Act of 2000 is a significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Nations in eastern Oklahoma.

This legislation would bring equity and fairness to the Indian people who own allotted lands of the Five Great Indian Nations in eastern Oklahoma.

For much of the 20th century, these people have been the subject of special laws applicable only to their lands that are unlike any other Federal laws on Indian lands. Many of these laws have provided much less protection to the Indian lands in Oklahoma than is afforded in the rest of the country.

Under current Federal law, the allotted lands of the Five Civilized Tribes are subject to the State law of adverse possession, the result of which has been loss of land owned by many individual Indians. This legislation would bring law affecting the Oklahoma lands in line with land owned by tribes living in the rest of the States.

State courts of Oklahoma currently have jurisdiction over probating, partitioning, and transferring restricted lands and the leasing of restricted mineral interests owned by members of the five tribes. This often places a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated, and landownership is becoming increasingly fractionated.

Elsewhere in the United States, the Department of the Interior is responsible for probating estates, partitioning lands, and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes.

I want to thank the sponsor, the gentleman from Oklahoma (Mr. WATKINS), for working with the Committee on Resources to assure that this bill does not adversely affect any other tribes in Oklahoma. I know that that was not his intent, and I feel that this bill is now clear on that matter.

I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I am happy to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), who so ably represents my forefathers in Oklahoma.

Mr. WATKINS. Madam Speaker, I would first like to thank the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) for their kindness and effort to bring this legislation up to date. I also want to thank the gentleman from Michigan (Mr. KILDEE), who is cochair of the Congressional Native American Caucus, for his bipartisan support and help with this important legislation.

I also would like to thank my colleague, the gentleman from Oklahoma (Mr. COBURN), for his help in ensuring the legislation benefits everyone involved.

Today, I offer a bill that would bring fairness and equity, as the gentleman from New Mexico (Mr. UDALL) said, to an injustice that has occurred and that will have a significant impact in helping the members of the Choctaw, Chicasaw, Cherokee, Creek, and Seminole Nations, historically referred to as the Five Civilized Tribes, who still own individual Indian restricted land in eastern Oklahoma.

Unlike all other federally recognized Indian tribes, whose jurisdiction over their trust lands is with the Secretary of the Interior, jurisdiction of probating, partitioning, and transferring interest in restricted land of the Five Civilized Tribes was placed in Oklahoma district courts by the Stigler Act of 1947, or the 1947 Act, as it is known.

The 1947 Act provides the eastern courts in eastern Oklahoma, acting as Federal instrumentalities, with jurisdiction over nearly all significant transactions involving individual Indian lands that are subject to Federal restrictions against alienation, or restricted property.

Another act that had an impact on the Five Civilized Tribes restricted land was the Act of June 1918. The 1918 act subjects restricted property to the State statutes of limitation. And this has had a very negative impact on losing a lot of the land over the years.

H.R. 5308 will provide for probate proceedings and management and disposition of Indian land to proceed through one central point, the Department of the Interior, rather than through multiple State courts, which is the current practice. This would treat the restricted lands of the Five Civilized Tribes like federally protected allotments of land of all other federally recognized tribes.

Madam Speaker, another issue that H.R. 5308 addresses will be to assure that the benefits and net revenues from the sale of water shall go to the tribes and residents of the respective water basin area within the boundaries of the Choctaw and Chickasaw Nations.

Madam Speaker, I urge that my colleagues support the legislation.

Mr. KILDEE. Madam Speaker, I rise today in strong support of H.R. 5308, the Five Nations Citizens Land Reform Act of 2000. This legislation is by far the most significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw and Chickasaw nations in eastern Oklahoma. I want to thank my colleague, Representative WES WATKINS of Oklahoma, for sponsoring this legislation. I am proud to be a cosponsor of this bill.

The legislation would bring equity and fairness to the Indian people who own allotted lands of the five great Indian nations in Eastern Oklahoma. For much of the 20th century, these people have been the object of special laws applicable only to their lands that are unlike any other Federal laws of Indian land tenure—laws that have afforded these lands much less protection than is afforded to trust allotments elsewhere in the United States.

Under current Federal law, the allotted lands of the five civilized tribes are made subject to the State law of adverse possession, which has contributed to the unfair loss of land owned by many individual Indians in eastern Oklahoma. Allotments in other parts of Oklahoma and the rest of the country cannot be taken by adverse possession. This legislation would bring an end to the loss of these Indian lands by adverse possession.

Current Federal law also gives the State courts of Oklahoma jurisdiction over probating, partitioning and transferring restricted lands and the leasing of restricted mineral interests owned or inherited by members of the Five Tribes, often placing a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated and land ownership has become increasingly fractionated. Elsewhere in the United States, the Department of Interior is responsible for probating estates, partitioning lands and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes, and in general it would give these allotments the same protection and treatment given allotted Indian lands in the rest of the United States.

I urge my colleagues to support this legislation.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5308, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDS FOR ILLINOIS/MICHIGAN CANAL COMMISSION

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3926) to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission.

The Clerk read as follows:

H.R. 3926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED TO THE ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

Section 116(a)(1)(A) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (98 Stat. 1467) is amended by striking "$250,000" and inserting "$1,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3926, introduced by the gentleman from Illinois (Mr. WELLER), amends the Illinois and Michigan National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission from $250,000 to $1 million.

The Illinois and Michigan Canal Heritage Corridor was established in 1984 to protect the resources associated with the canal. The canal was built in the mid-1800s and rapidly transformed Chicago into a critical Mid-Western transportation and business center. The Heritage Corridor currently contains many significant historical and cultural resources along with a much-used recreational trail.

The commission has been instrumental in making the Heritage Corridor a success. This bill would authorize appropriations to match the levels currently enjoyed by other Heritage Corridors and areas. This is a small but important bill.

I urge my colleagues to support H.R. 3926.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3926 would increase the amount authorized to be appropriated annually to the Illinois and Michigan Canal National Heritage Corridor Commission from $250,000 to $1 million.

H.R. 3926 is being brought to the floor under unusual circumstances by way of a discharge from the Committee on Resources. We have had no hearings or markup of the legislation in the committee despite the fact that this bill has been pending before the committee since March. We have not heard testimony from the commission, nor do we know the views of the administration on this legislation.

While H.R. 3926 may well be a noncontroversial measure, we know very little about it. Members may have questions on the legislation, but the procedure being used today leaves very little opportunity to review the matter.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 3926 and as a proud cosponsor of this legislation to increase the authorization of the Illinois and Michigan Canal National Heritage Corridor Commission.

I want to commend my colleague, the gentleman from Illinois (Mr. WELLER), for introducing this legislation, which affects my district as well as many others.

Congress first recognized the national significance of the I&M Canal in 1984 when it passed legislation that created the country's first National Heritage Corridor. Since that time, the I&M Canal National Heritage Corridor Commission has worked energetically with local individuals, organizations and communities to preserve, enhance, and celebrate this monument to American engineering and ingenuity.

When the Canal first opened in 1848, it created a vital commercial link between the Great Lakes and the Illinois and Mississippi Rivers. Soon after its opening, the Chicago River became lined with grain elevators, warehouses and industry. A trip that took 3 weeks before the canal was built took only 1 day on a boat towed by mules after the canal opened.

The I&M Canal made Chicago the Nation's largest inland port and fueled an unprecedented wave of settlement and growth in all of northeastern Illinois. Even more importantly, the canal was the final link in a new national trade route between the Eastern Seaboard and the Gulf of Mexico.

But the canal is more than a physical link between communities. It is now a link to our area's historically and culturally rich past. Individuals and communities along the canal recognize the historical importance of the canal and celebrate its contribution to local identity and progress with festivals, fairs, and other community events.

Last year, in fact, I submitted one of these festivals for the Library of Congress' "Local Legacies" project, which celebrated the Library's bicentennial by documenting America's grass-roots heritage.

Started in 1972, Old Canal Days is a community-wide festival that celebrates the heritage of the Illinois and Michigan Canal and the city of Lockport. It is a living history festival that includes reenactment of 19th century life along the canal.

As a result of festivals like Old Canal Days and the work of the Canal Commission, this corridor has become a living history museum of American enterprise, technological invention, ethnic diversity, and cultural creativity linked by parks and trails. Local teachers use the canal as a unique teaching tool for lessons on history, geography, and science.

The additional funding provided by this bill will allow the Canal Commission, the Canal Corridor Association, and Canal communities like Lemont and Lockport in my district to build on this success.

I urge my colleagues to support this bill. We must preserve the canal. These additional funds are essential to shore up aging infrastructure, enhance historic programs, and increase the canal's recreational value.

I urge support of this legislation.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WATKINS). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 3926.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TIMBISHA SHOSHONE HOMELAND ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

The Clerk read as follows:

S. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timbisha Shoshone Homeland Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term "tribal" means of or pertaining to the Tribe.

(4) TRIBE.—The term "Tribe" means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term "trust lands" means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection

(b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) Park Lands and Bureau of Land Management Lands Described.—

(1) In general.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled "Death Valley Junction, California", numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled "Centennial, California", numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled "Scotty's Junction, Nevada", numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled "Lida, Nevada, Community Parcel", numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) Water rights.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) Limitations on Furnace Creek area development.—

(A) Development.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) Exception.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) Right-of-way.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) Limitations on impact on mining claims.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) Legal Descriptions.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) Additional Trust Resources.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) Special Use Areas.—

(1) In general.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) Recognition of the history and culture of the tribe.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) Resource use by the tribe.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) Specific areas.—The following areas are designated special use areas pursuant to paragraph (1):

(A) Mesquite use area.—The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) Buffer area.—An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) Timbisha Shoshone natural and cultural preservation area.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Timbisha Shoshone Tribe has been living in portions of California and Nevada for hundreds of years. At the present time, the majority of the tribe's ancestral homeland is located within Death Valley National Park, which is ably represented by our colleague, the gentleman from California (Mr. LEWIS), and other areas currently under the Bureau of Land Management Control.

S. 2102 provides the Timbisha Shoshone Tribe with a land base within its aboriginal homeland on which the tribe can live permanently and govern its own affairs.

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The legislation would also form a partnership between the National Park Service and the tribe to ensure that the resources of the park are protected and enhanced. It would formally recognize the contribution the tribe has made in the history and culture of the area, authorize the Secretary of Interior to purchase additional lands and water rights for the tribe's use, as well as help for further clarification of rights and obligations on these lands.

Madam Speaker, the interests of both the Timbisha Shoshone Tribe and the United States would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses. This is a good piece of legislation, and I urge my colleagues to support S. 2102.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this important legislation is the product of years of negotiations among the Timbisha Shoshone Tribe of California, Federal and State land managers, private landowners and many others. It will provide the tribe with a permanent land base within their aboriginal homelands. The tribe is in great need of access to lands for housing, health care, education and other governmental functions. Since 1850, this tribe has been without a permanent land base and this bill will finally right that wrong.

Madam Speaker, I urge my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), who represents the area in question with this legislation.

Mr. LEWIS of California. Madam Speaker, first let me express my appreciation to the gentleman from California (Mr. CALVERT) for his yielding me this time and further express my appreciation to the gentleman from Alaska (Mr. YOUNG); the gentleman from Utah (Mr. HANSEN); and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for allowing this bill to move forward today.

The Timbisha Shoshone Tribe has lived in the harsh environment around Death Valley National Park for thousands of years. S. 2102 provides for the transfer of approximately 7,754 acres of land in trust for the Timbisha Shoshone Tribe. This land will allow the tribe to live permanently and govern its affairs in a modern community. In the past, the tribe has tried unsuccessfully to obtain trust land within its aboriginal homeland area. After 5 years of intense consultation and negotiations, a study report was completed in late 1999 that set forth recommendations for this legislation implementing a comprehensive integrated plan for a permanent homeland for the tribe.

S. 2102 also formally recognizes the tribe's contributions to the history, culture and ecology of the Death Valley National Park and surrounding areas. S. 2102 ensures that the resources within the park are protected and enhanced by cooperative activities within the tribe's ancestral homeland and by partnerships between the tribe and the National Park Service and the Bureau of Land Management.

Madam Speaker, I express my appreciation to the committee for its fine work.

Madam Speaker, I am pleased today to rise in support of S. 2102, the Timbisha Shoshone Homeland Act.

The Timbisha Shoshone Tribe has lived in the harsh environment in and around Death Valley National Park for thousands of years. This bill provides approximately 7,754 acres of land in trust for the Timbisha Shoshone Tribe. The tribe will be able to use this land to live permanently and govern its affairs in a modern community within their ancestral homelands in the Mojave Desert. This legislation is consistent with the draft report prepared by the Secretary of the interior as required by section 705(b) of the California Desert Protection Act of 1994 (P.L. 103–433).

When the California Desert Protection Act was enacted in 1994, I included a provision that specifically directed the Secretary of the Interior, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, to conduct a study to identify lands suitable for reservation for the tribe that are located within the tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and Death Valley National Park and file a report with Congress.

Madam Speaker, the Timbisha Shoshone Tribe is a small tribe of about 300 Indians whose ancestral home is located within the boundaries of Death Valley National Park. Their aboriginal use areas extended beyond the boundaries of the park to territories nearby, including lands within both California and Nevada. Their current tribal headquarters is at Furnace Creek where the park headquarters is also located.

In the early 1930s the President of the United States signed an Executive order establishing a National Monument at Death Valley, California. By doing this, he placed the lands encompassed in the order under the administrative jurisdiction of the National Park Service.

In the 1980s, the tribe was given formal recognition as a federally recognized tribe entitled to all the services and protections that are given to all federally recognized Indian tribes. What was not provided or granted by BIA or the Park Service was a reservation or permanent tribal home land base. This has created innumerable problems for this tribe ranging from housing, schools, health care facilities, ineligibility for grants and contracts, deprivation from, access to, or gathering of customary natural resources, and a total lack of economic development possibilities.

S. 2102 is the product of an intense consultation and negotiation process that has taken place between the Timbisha Shoshone Tribe and the U.S. Park Service and Bureau of Land Management as required by section 705(b) of the California Desert Protection Act. There have been a number of public hearings in the local communities in California and Nevada. The Tribe and the Department of the Interior have worked closely with the National Parks Conservation Association; the Sierra Club; and the Wilderness Society to address their concerns.

This bill enjoys the strong support of the department of Interior, the National Park Service and the Timbisha Shoshone Tribe. In addition, the tribe has received supporting resolutions from the three counties where the tribe's lands would be located—Inyo County, CA, and Nye and Esmeralda Counties in Nevada; the Town Board of Pahrump, NV; the Mojave-Southern Great Basin Resource Area Council; and a number of Indian tribes and tribal organizations located in both states and nationally.

This is a good bill and I urge my colleagues to support this much-needed legislation.

Mr. UDALL of New Mexico. Madam Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. I just wanted to also recognize the ranking member, the gentleman from California (Mr. GEORGE MILLER) and Senators FEINSTEIN and BOXER for their hard work on this bill.

Mr. CALVERT. Madam Speaker, this is an excellent piece of legislation. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 2102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

UPPER HOUSATONIC NATIONAL HERITAGE AREA STUDY ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4312) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

The Clerk read as follows:

H.R. 4312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Housatonic National Heritage Area Study Act of 2000".

SEC. 2. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior ("the Secretary") shall conduct a study of the Upper Housatonic National Heritage Area ("Study Area"). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State Governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 3. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $300,000 to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4312 introduced by the gentlewoman from Connecticut (Mrs. JOHNSON) directs the Secretary of Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts. The Housatonic River and associated valley lie in the southwestern corner of Massachusetts and the northwestern corner of Connecticut. The river flows approximately 148 miles eventually emptying into Long Island Sound. The proposed study area would consist of a 60-mile segment of the Housatonic River's watershed extending from Lanesboro, Massachusetts south to Kent, Connecticut.

H.R. 4312 authorizes the Secretary of the Interior to conduct a study to determine whether the area has an assemblage of resources that represent distinctive assets of American heritage, reflects traditions and customs that are valuable national history, provides conservation and recreational opportunities, and contains important resources important to the identity of the area.

The study would include demonstrated local support for the heritage area, identifies a lead management entity and has a conceptual boundary map supported by the public. This is a bipartisan bill. I urge my colleagues to support H.R. 4312.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4312 sponsored by the gentlewoman from Connecticut (Mrs. JOHNSON) directs the Secretary of the Interior to conduct a study to determine the feasibility and suitability of creating the Upper Housatonic National Heritage Area.. The study would cover a 60-mile stretch of the Upper Housatonic River's watershed, including 9 towns in Connecticut and 18 towns in Massachusetts, as the gentleman from California (Mr. CALVERT) has laid out.

While no statutory standards exist for national heritage areas, the National Park Service has developed a list of resources all NHAs should exhibit, and H.R. 4312 includes each of the MPS requirements as a component of the study. As one who has canoed portions of the Housatonic, I personally support this legislation and we in the minority also urge passage of this study legislation.

It should be noted that the companion legislation, S. 2421 sponsored by Senator LIEBERMAN of Connecticut passed the Senate in July and is currently pending in the House. Had we approved that bill today, we could be sending completed legislation to the President rather than sending this House companion over to the Senate so late in the session, but I will accept the assurances of my colleagues on the majority side that politics played no part in setting aside Senator LIEBERMAN's bill and advancing this particular bill.

We regret the decision, but we certainly support H.R. 4312 on its merits.

Mrs. JOHNSON of Connecticut. Madam Speaker, I would like to thank Chairman JAMES HANSEN and Chairman DON YOUNG for their support of my proposal and for bringing it before the House for consideration. H.R. 4312 will authorize a feasibility study to determine if part of my district, and our colleague JOHN OLVER's district, qualify for designation as a National Heritage Area.

The Park Service defines a National Heritage Area as an area in which natural, cultural, historic and scenic resources combine to form a distinctive, national landscape and reflect patterns of human activity shaped by geography. These areas present our national experience through physical features and the traditions they birthed, demonstrating the deep tie between natural history and cultural history.

The people of my district believe this small section of New England is more than qualified to be a National Heritage Area. It is an area rich in history and environmental significance consisting largely of the watershed of the Housatonic. From the 1730s to the 1920s, it was home to many of the nation's earliest iron industries. The first blast furnace was built in 1862 by Ethan Allen and supplied the iron for the cannons that helped George Washington's army to win the American Revolutionary War. The Beckley Furnace in Canaan, Connecticut has been designated an official project by the Millennium Committee to Save America's Treasures.

Among the other historic sites in the area is the Sloane-Stanley Museum of Early American Tools. As you may know, Stanley Tools is one of the few remaining manufacturers in Connecticut and is one of the nation's oldest tool makers. Further, the Norman Rockwell Museum, the Mount (home of Edith Wharton) and Arrowhead (the home of Herman Melville) are all in what would be the Upper Housatonic Valley National Heritage Area. It is also home to over 30 sites on the National Register of Historic Places. The iron furnaces, pre-revolution farms and its many historic structures reflect the deep historical tie between natural resources, culture and American's history, epitomizing some of our earliest and most enduring accomplishments.

The Housatonic Valley is also rich with environmental and recreational treasures. The Housatonic River, just below Falls Village, Connecticut, is one of the prized fly-fishing centers in the Northeast and is enjoyed by fishermen from not only Connecticut and Massachusetts but the entire eastern seaboard. Olympic rowers have trained in this river as children have learned to swim, boat and fish and value its ecosystem.

New England often brings to mind grand colonial farmhouses scattered between small towns which still revolve around the local town hall and the annual town meeting on the budget. While much of the farmland and open space are now lost to development, elected and volunteer land trusts are working hard to preserve the scenic and historic resources that are so much a part of Connecticut's and our country's heritage.

However, a coordinated and strong investment is essential to enable this preservation effort to succeed. A National Heritage Designation will enable us to save remaining farmhouses, furnaces and historic and natural wonders and advance the states' aggressive new initiative to preserve these historic open spaces. I believe the Park Service will find this area to be the embodiment of what Congress intended when it created the National Heritage Area. This small region of New England is deserving of at least a feasibility study.

Mr. HOLT. Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4312.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, as amended.

The Clerk read as follows:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Pine Nursery Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) STATE.—The term "State" means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled "Bend Pine Nursery Administrative Site, May 13, 1999".

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled "Shelter Cove Resort, November 3, 1997".

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled "Deschutes National Forest Isolated Parcels, January 1, 2000".

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled "Alsea Administrative Site, May 14, 1999".

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled "Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964".

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled "Dale Compound, February 1999".

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled "Crescent Butte Communication Site, January 1, 2000".

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1936 was introduced by Senator RON WYDEN. It would allow the Forest Service to sell the Bend Pine Nursery in the State of Oregon and use the proceeds to purchase other lands in that State. The gentleman from Oregon (Mr. WALDEN) has introduced the House companion bill for this measure, H.R. 4774, and he should be commended for his work on behalf of the State of Oregon.

S. 1936 passed the full committee on September 20 of this year by a voice vote; and I would urge support for the passage of S. 1936, as amended, under suspension of the rules.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Mr. UDALL of New Mexico. Madam Speaker, S. 1936 authorizes the Secretary of Agriculture to sell or exchange seven administrative sites and facilities on approximately 1,325 acres on the Deschutes National Forest in Oregon. The bill provides that the City of Bend, Oregon, will be given the right of first refusal to purchase one particular site, the 210-acre Bend Pine Nursery, for the potential use as a park. Funds from the sale of these Federal assets will be used to construct new Forest Service administrative facilities for the Deschutes and Umatilla National Forests. The estimated value of the land to be conveyed is between $3 million and $4 million. The administration supports this legislation, and we do not object to it.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I want to thank the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) for their help in this legislation. Certainly my colleague from Oregon, Senator WYDEN, who with Senator SMITH and I, have teamed up on this legislation to make it a bipartisan effort to transfer this land, allow it to be transferred, to surplus property over to the City of Bend who will have the first right of refusal on the Bend Pine Nursery.

The city in turn will turn this wonderful open space, an extraordinary piece of land, into something for all time for parks and ball fields for children and for families. So it is an excellent conveyance. It follows all the rules and all the laws of the Federal Government, and in addition it is a bonus for the taxpayers because the Deschutes National Forest now pays something on the order of $750,000 a year in leases for their current buildings; and a new headquarters will be built out of the proceeds of these funds so the taxpayers will save this lease payment every year. So it is a win for the taxpayers. It is a win for the children and families of Bend, and it is certainly a win for the Federal Government.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 1936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

The Clerk read as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Delaware Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and

the National Park Service prepared a river management plan for the study area entitled "Lower Delaware River Management Plan" and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

"(161) Lower Delaware River and Associated Tributaries, New Jersey and Pennsylvania.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

"(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

"(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

"(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

"(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

"(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

"(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

"(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

"(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

"(B) Administration.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.".

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(a) Management of Segments.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled "Lower Delaware River Management Plan" and dated August 1997 (referred to as the "management plan"), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) Satisfaction of Requirements for Plan.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) Federal Role.—

(1) Restrictions on water resource projects.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall consider the extent to which the project is consistent with the management plan.

(2) Cooperative agreements.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) Support for implementation.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) Land Management.—

(1) In general.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) Plan requirements.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) Additional Segments.—

(1) In general.—In this paragraph, the term "additional segment" means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) Finding.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) Designation.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) Criteria for local support.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Delaware River is the last free-flowing river in the eastern United States. Approximately 330 miles in length, the river flows along four State boundaries and provides water to nearly 10 percent of the Nation's population. The upper and middle Delaware River regions have already received wild and scenic designation; and in 1992, Congress authorized a study of the lower Delaware region to determine its viability for the wild and scenic designation.

The study concluded that 14 segments were eligible for the wild and scenic classification. S. 1296 would designate eight of these segments as wild and scenic. According to S. 1296, the Secretary of Interior will continue working with the local river municipalities and within 3 years of the enactment of this bill may designate any of the remaining segments in the management plan as wild and scenic.

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Madam Speaker, I urge support for S. 1296.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to offer my strong support for S. 1296, the Lower Delaware Wild and Scenic Rivers Act, introduced by New Jersey Senator FRANK LAUTENBERG.

As one of the Members who represents the Delaware River region, I am proud to be a cosponsor of the House companion legislation to S. 1296, along with my colleagues, the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Pennsylvania (Mr. TOOMEY), and the gentlewoman from New Jersey (Mrs. ROUKEMA). This Delaware designation is truly a bipartisan effort, and I am pleased that it is now moving toward passage.

In 1978, Congress included two sections of the Upper Delaware River in the National Wild and Scenic River System, protecting 110 miles of outstanding recreational and natural resources. S. 1296 would add the portion of the Delaware River that extends from the Delaware Water Gap to Washington Crossing, a span of about 65 miles, and would add it to the Wild and Scenic River System. The passage of this will add one more glittering accomplishment to the legacy of our colleague, FRANK LAUTENBERG, who is retiring in January from the other body on the other side of the Capitol.

As my colleague has said, the Delaware River is the longest free-flowing river in the eastern United States, spanning from its headwaters in the Catskills of New York to the mouth of the Delaware Bay. Its watershed includes 12,765 square miles in portions of four States.

Over 6 million people make their home in the Delaware River's watershed, and almost 10 percent of the Nation's population relies on these waters for drinking, recreational and industrial use. The Delaware River is among the country's most scenic, and thousands of species of plants and animals thrive in its waters and along its banks. The river can boast of a proud and prominent place in our Nation's history and now sustains a thriving center of economic development and tourism.

The 65 miles of river that would be protected as a result of this legislation are rich in natural and historic resources. It includes eight national historic landmarks and 29 national historic districts.

To underscore the cultural importance of the Delaware, I would like to read a passage from the frontispiece of the book on the Delaware by Bruce Stutz, a piece by Walt Whitman:

> "As I was crossing the Delaware today, saw a large flock of wild geese, right overhead, not very high up, ranging in V-shape, in relief against the noon clouds of light smoke-color. Had a capital, though momentary view of them, and then of their course on and on southeast, till gradually fading . . . the waters below—the rapid flight of the birds, appearing just for a minute—flashing to me such a hint of the whole spread of Nature with her eternal unsophisticated freshness, her never-visited recesses of sea, sky, shore—and then disappearing into the distance."

What Walt Whitman described I think highlights the importance of this area; but unmanaged development and inappropriate use of the river's resources threaten its health, the quality of its waters, natural habitats, scenic beauty, and historical sites. This legislation will protect the river from dangerous and unplanned development and from federally licensed dams, diversion projects, and channelization that could destroy the nature of the watershed and threaten the populations that depend on it.

In addition, the bill, S. 1296, encourages local control through a management plan that will, one, protect riparian landowner rights; two, maintain and improve water quality; three, preserve natural and historical resources; four, encourage recreational use and eco-tourism; five, preserve open space; six, minimize the adverse effects of development; and, seven, involve the public in educational programs that recognize the value of this resource and ways to protect it.

Our citizens along the river who are environmentally wise can use this designation as a scenic river to carry further the improvements that have been made. By the mid-1950s, the popular fish, the shad, had disappeared. Now the shad are back in large numbers, and Lambertville's Shad Fest is a grand occasion every year.

The quality of water has a direct relationship to the Nation's economy, including the number of tourists, shoppers, and recreation enthusiasts who visit the area. The river has provided a vital link to neighboring communities in Pennsylvania, New York, and Delaware.

S. 1296 is needed to ensure that this sense of community that had developed around the river continues to be nurtured. S. 1296 is needed to ensure that the future environment and the economic benefits of the Lower Delaware River are protected.

The Wild and Scenic River designation would encourage natural and historic resource preservation and would help preserve the future of ecologically sensitive recreation areas.

This legislation has garnered the support of a wide variety of groups and citizens. Over 100 community and advisory groups have worked on this campaign, including the Heritage Conservancy, the Delaware Greenway Commission, the Nature Conservancy, the Delaware River Keeper, the Delaware River Basin Commission, State parks, chambers of commerce, power and water companies, and other local businesses. In addition, 24 of the 30 municipalities along the eligible section of the river have passed resolutions supporting its designation.

In 1992, Congress authorized a study of the Lower Delaware for potential inclusion in the Wild and Scenic River Systems. The National Park Service studies have been completed, and local municipalities have reviewed and supported the draft legislation and the management plan. It is incumbent on us to do our part to support the affected communities by passing this legislation before concluding this session of Congress. In fact, the legislation is overdue.

Quite simply, the communities in the Delaware River watershed understand the importance of the river and the need to protect it. S. 1296 would further aid these communities by providing comprehensive planning and financial and technical assistance to allow local municipalities to sustain the protection of the river.

Referring back to Walt Whitman, Langston Hughes wrote:

Old Walt Whitman
Went finding and seeking,
Finding less than sought
Seeking more than found,
Every detail minding
Of the seeking or the finding.
Pleasured equally
In seeking as in finding,
Each detail minding,
Old Walt went seeking
And finding.

Langston Hughes also talks about the historical cultural importance of this important river, the longest free-flowing river in the eastern United States. I hope my colleagues will recognize the importance of protecting this valuable natural resource, and I strongly urge all Members to support S. 1296, the Lower Delaware Wild and Scenic Rivers Act.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, all I can say after listening to the great passages of our former literary giants, is I ask the House to pass this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 1296.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ALLOWING LEASE OR TRANSFER OF LAND OWNED BY COUSHATTA TRIBE OF LOUISIANA

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5398) to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States.

The Clerk read as follows:

H.R. 5398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5398, legislation which will allow the Coushatta Tribe of Louisiana to sell, lease, or otherwise transfer its interest in any real property which is not held in trust by the United States. This bill is necessary because Federal law limits a tribe's authority to sell land which it owns, even though that land is not held in trust.

I urge support for this bill.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first let me thank the gentleman from Louisiana (Mr. JOHN) for his dedication and leadership on this legislation.

This legislation would enable the Coushatta Tribe of Louisiana to transfer, sell, or lease fee lands without further approval of the United States. In addition to trust land held by the United States for the benefit of the tribe, the tribe also owns land outside the reservation system. This land, owned in fee status, is subject to State and local laws and taxes. Recently, however, there has been confusion with regard to the authority of the Coushatta Tribe in using these fee lands.

H.R. 5398 would help by alleviating this confusion over the tribe's authority regarding fee lands. This bill would not apply to lands held in trust by the United States, but would allow the tribe to pursue future economic development activities as it determines.

This legislation is good, just policy; and I urge my colleagues to support it.

Mr. JOHN. Madam Speaker, I rise today in support of H.R. 5398, which would provide that land, which is owned in fee by the Coushatta Indian Community in Louisiana and not held in trust by the United States, may be leased or transferred without further approval by the United States.

Existing federal law provides that Indian tribes may not lease, sell or otherwise convey land which they may have title to unless the conveyances are approved by Congress. This prohibition, enacted into law in 1834 to prevent the unfair or improper disposition of Indian-owned land, has been interpreted by the courts to apply even though the land was purchased by the tribes with their own money and even though the land is not held in trust by the federal government.

In 1834, this process made perfect sense. Today, however, this process has proven to be a major detriment to economic development for the Coushatta Tribe. It puts the tribe at a distinct disadvantage, because the tribe finds that it cannot develop or use land which it has acquired to its full advantage. H.R. 5398 will allow the Coushatta Tribe to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

In addition to the land owned by the tribe and held in trust by the U.S. Department of Interior, the Coushatta Tribe owns the fee land which is not held in trust. This fee land, while owned by the tribe, is subject to state and local laws and the tribe does not have the authority to conduct gaming activities on this land. As the Coushatta Tribe continues to work toward establishing long-term financial security for its members, they are finding it necessary to have the ability to establish business agreements with non-Indian partners using the fee land to pursue future economic development activities, including the development of golf courses, business parks, and recreation and convention centers.

On February 29 of this year, this body granted the Lower Sioux Indian Community in Minnesota these same rights that I am seeking for the Coushatta Indian Community. Companion legislation, S. 2792, has been introduced in the U.S. Senate by Senator JOHN BREAUX of Louisiana. Locally, this legislation is supported by the Town of Elton and the Allen Parish Assessor.

The Coushatta Tribe has made significant progress in recent years to eliminate poverty and reduce reliance on government programs. By passing H.R. 5398, this Congress will further empower the Coushatta Tribe to empower themselves.

Madam Speaker, I thank the leadership for bringing this legislation to the floor today, and I encourage my colleagues to support H.R. 5398.

Mr. UDALL of New Mexico. Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5398.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1444, FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444.

The Clerk read as follows:

H. RES. 630

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 1444, with the Senate amendments thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: "A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.".

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Restoration and Irrigation Mitigation Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term "Pacific Ocean drainage area" means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term "Program" means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;

(ii) fish passage devices; and

(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House originally passed H.R. 1444 by a voice vote on November 9, 1999. The bill authorized the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries related to irrigation system water diversions by local government entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

On April 13, 2000, the Senate amended H.R. 1444 by substituting H.R. 1444 with the text of S. 1723 and passed the bill by unanimous consent. The substance of S. 1723 is virtually identical to H.R. 1444. However, there are some technical changes which are being made today to clarify that fishery restoration is a priority.

In the Northwest, valuable salmon populations travel through various river basins as juvenile and adult fish. It has been demonstrated that fish screens and passages are an effective way to protect migrating fish from the deadly effects of water diversion projects. H.R. 1444 will encourage the construction of these fish-saving devices.

I compliment the authors, especially our colleague, the gentleman from Oregon (Mr. WALDEN), for their leadership in this matter. This is a sound conservation bill, and I urge Members to vote aye.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to recognize the leadership and foresight of the gentleman from Oregon (Mr. DEFAZIO) on this bill. He played an instrumental role in this legislation.

H.R. 1444 establishes a fish screen construction program for irrigation projects in Idaho, Washington, Montana, and Oregon. The purpose of this legislation is to protect endangered fish species in the Pacific Northwest. Construction of fish screens authorized by this bill will help decrease fish mortality rates by preventing juvenile salmon from straying into water diversion projects. Participation in the program is voluntary, and a local share of

35 percent of the cost of the project is required.

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Under this amended version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the new fish screen program, in consultation with other Federal agencies.

The Fish and Wildlife Service was chosen as the lead agency in recognition that the Fish and Wildlife Service has the experience, the expertise and on-the-ground capability to most effectively administer the fish screen program. However, other Federal agencies have an interest in this program; and, in fact, the water project construction agency, such as the Corps of Engineering and the Bureau of Reclamation are usually responsible for funding the mitigation of adverse environmental impacts caused by project construction and operation.

The bill requires consultation with such agencies. In addition to a consultive role, we expect these other agencies to actively participate in fish screen projects and also to contribute funds, when appropriate, for projects developed under the authority of this legislation.

Madam Speaker, I urge my colleagues to support H.R. 1444.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) for whatever comments he may have.

Mr. WALDEN of Oregon. Madam Speaker, I want to thank the gentleman from California for yielding me the time.

Madam Speaker, this is, indeed, another example of getting things done, getting things done for fish, getting things done for farmers in the Northwest. As my colleagues know, our salmon runs face tremendous challenges there, the wild salmon runs do, and our farmers are under incredible pressure.

This is one of those bills that is a win-win for both sides, because we are going to be installing fish screens that will help divert the salmon around these irrigation projects and help them on their way out to sea. We are going to help our farmers improve their water flows and protect their way of life as well.

H.R. 1444 is to encourage irrigators to protect the Northwest endangered fish species. The bill aims to decrease fish mortality rates by constructing fish screens to prevent the juvenile salmon from swimming into water diversion projects. There is a local share that has to be involved here. Participation in the program is voluntary, and a local share of 35 percent of the costs of the project is required.

This is one of those pieces of legislation that is actually a helping hand from the Federal Government in a true partnership with the local irrigation districts. The Department of Interior, Fish and Wildlife Service in consultation with the Army Corps and the Bureau of Reclamation will be responsible for administering the program. And the legislation is supported by many conservation recreation and water user groups, including the Oregon Water Resources Congress; Save Our Wild Salmon, a coalition of sport and fishing groups, fishing businesses and conservation organizations; along with the Oregon Department of Fish and Wildlife.

Madam Speaker, I would like to thank my colleagues Senator SMITH and Senator WYDEN and certainly the gentleman from Oregon (Mr. DEFAZIO) for his leadership in getting this legislation to this point, and the committee and the staff and the leadership for scheduling for a vote today.

Madam Speaker, this will do good things for fish. This will do good things for farmers. I am delighted that, in the bipartisan spirit of this body, we are going to get in passed into law.

Mr. DEFAZIO. Madam Speaker, I rise in strong support of H.R. 1444, the "Fisheries Restoration and Irrigation Mitigation Act," legislation to establish a fish screen construction program for irrigation projects in Idaho, Washington, Montana and Oregon.

H.R. 1444 is needed to assist in the effort to protect the Northwest's endangered fish species. The bill aims to decrease fish mortality rates by aiding in the construction of fish screens to prevent juvenile salmon from straying into water diversion projects.

Many farms in the Northwest are irrigated by water diverted from streams and rivers. Water is transported to farms via irrigation canals connecting to streams and rivers. The irrigation canals pose a major risk to juvenile salmon, called smolts, migrating downstream to the ocean. Smolts die when they are diverted from the rivers and streams into irrigation ditches. Fish screens placed at entrances to irrigation diversions will prevent smolts from swimming into irrigation ditches and decrease mortality rates for fish stocks in the Northwest. H.R. 1444 sets up a federal program to assist in the construction of fish screens. Under the legislation, participation in the program will be voluntary and a local share of 35 percent of the cost of each project is required.

During negotiations over the legislation, there was some debate over which agency will have responsibility for administering the fish screen program. The original House bill put the Army Corps of Engineers in charge of the program while the Senate bill gave the responsibility to the Department of Interior. It was the Senate sponsor's hope that the Bureau of Reclamation, would be responsible for administering the program within the Department of Interior.

Under this final version of H.R. 1444, the U.S. Fish and Wildlife Service will have responsibility for administering the program. The Fish and Wildlife was chosen as the lead agency because it has the expertise to most effectively administer the fish screen program. However, I would like to make it clear there are other federal agencies with expertise, capability and an interest in reducing fish mortality at irrigation diversions. Recognizing this, the bill directs the Fish and Wildlife Service to consult with other agencies when implementing the program. I also believe that, in addition to a consultative role, other agencies may contribute funds for programs developed under the authority of the act. I see the contribution of funds from federal agencies other than the Fish and Wildlife Services as especially appropriate from agencies involved in water management in the region and in the operations of the Federal Columbia River Power System, including the Bureau of Reclamation, the Army Corps of Engineers, and the Bonneville Power Administration to contribute the funds for the fish screen construction program.

In fact, it is my understanding that the draft Biological Opinion for the Federal Columbia River Power System issued in July calls for offsite mitigation by these agencies. Such mitigation under the draft Biological Opinion can include construction and installation of fish screens at irrigation diversions. I am hopeful that contributions of funds to develop programs under the authority of this act could be credited as offsite mitigation under the finalized Biological Opinion.

As a member of the House Transportation and Infrastructure Committee as well as the House Resources Committee, I want to acknowledge the interest that Transportation Committee maintains in the bill and the projects developed under the bill's authority. The Transportation Committee should receive any reports prepared for Congress on the program. The Committee should particularly be included if projects relate to compliance with the Clean Water Act. In addition, the Corps of Engineers and EPA should be consulted on projects developed for compliance with the Clean Water Act.

The legislation is supported by numerous conservation, recreation and water user groups including the Oregon Water Resources Congress and Save Our Wild Salmon, a coalition of sport and commercial fishing groups, fishing businesses and conservation organizations. The bill is also supported by the Oregon Department of Fish and Wildlife.

The bill has bipartisan support in the House and Senate. The bill was approved by the House of Representatives on November 9th of last year. A similar measure was introduced in the Senate by Senator RON WYDEN (D–Ore.) and Senator GORDON SMITH (R–Ore.) and was approved by the full Senate on April 13, 2000. I urge my colleagues to vote in favor of this important legislation.

I also want to thank my colleagues who helped with this bill, including Mr. WALDEN of Oregon. Resources Committee Chairman DON YOUNG and Ranking Member GEORGE MILLER, and Senators RON WYDEN and GORDON SMITH. I'd also like to acknowledge the many congressional staff members who worked on this bill including: Kathie Eastman of my personal staff, Lindsay Slater and Troy Tidwell of Mr. WALDEN's staff; Steve Lanich, Bob Faber and Doug Yoder of the House of Resources

Committee; Ben Grumbles and Art Chan of the House Transportation and Infrastructure Committee; Joshua Sheinkman, and Eileen McLellan of Senator WYDEN's staff; Valerie West of Senator SMITH's staff; and former staffers Cynthia Suchman and Martin Kodis.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, House Resolution 630.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4187; S. Con. Res. 145; S. 406; H.R. 4404, as amended; H.R. 1695; H.R. 2570; S. 1705; S. 2917; H.R. 5041; H.R. 4521, as amended; H.R. 5308, as amended; H.R. 4646, as amended; H.R. 3926; H.R. 4312; S. 2102; S. 1936, as amended; S. 1296; H.R. 5398; and H. Res. 630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FEDERAL FIREFIGHTER RETIREMENT AGE CORRECTION ACT

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 460) to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

The Clerk read as follows:

H.R. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer"; and

(B) by inserting ", firefighter," after "that officer".

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8425(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer"; and

(B) by inserting ", firefighter," after "that officer".

(2) CONFORMING AMENDMENT.—Section 8425(b) of title 5, United States Code, is amended by striking the first sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 460.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider H.R. 460, important legislation introduced by the gentleman from California (Mr. GALLEGLY). This bipartisan legislation amends Federal civil service law relating to the Civil Service Retirement System and the Federal Employees' Retirement System to provide the same mandatory separation age for Federal firefighters and Federal law enforcement officers who have 20 years of service.

Currently, the mandatory separation age is 55 for firefighters and 57 for law enforcement officers. In both cases, an agency head may allow the employees to work until age 60 if that is required by the public interests.

The Subcommittee on Civil Service has examined the legislative history of these mandatory separation ages and the committee determined that there is no rationale for continuing to maintain the discrepancy that currently exists. If enacted, H.R. 460 will bolster our firefighting capabilities allowing these brave men and women the option of continuing their careers for an additional 2 years and will make it easier to maintain more experienced firefighters in the field and in senior management positions.

Madam Speaker, I encourage all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as of early September, more than 6.5 million acres, more than two times the 10-year national average, have burned. Federal manpower resources were spread thin. More than 29,000 people were involved in firefighting efforts, including approximately 2,500 Army soldiers and Marines and fire managers from Canada, Australia, Mexico, and New Zealand. In addition, 1,200 fire engines, 240 helicopters and 50 airtankers were in use this season.

If nothing else, this fire season has taught us that we must take steps to recruit and retain more Federal firefighters. H.R. 460 is a step in that direction.

From the start of the Civil Service Retirement System in 1920 until 1978, all Federal workers were required to retire at age 70, if, at that age, they had completed at least 15 years of service. In 1978, mandatory retirement was repealed for most Federal workers; although, it continues to apply to special occupational groups whose duties pertain to public safety.

Under current law, Federal law enforcement officers must retire at age 57 or as soon after that age as they complete 20 years of service. The agency head may grant exemptions up to age 60. Federal firefighters must retire at age 55 or as soon thereafter as they complete 20 years of service.

H.R. 460 would raise the mandatory retirement age for firefighters to mirror that of Federal law enforcement officers. It would raise the mandatory retirement age of Federal firefighters to that of age 57.

In June, The Washington Post reported a 5.8 percent reduction in the number of firefighters nationwide. H.R. 460 will help stem the declining firefighting population and will help the Federal Government retain some of its most experienced firefighters.

In addition to supporting this legislation, I urge my colleagues to support a bill I introduced last year that will be of equal benefit to the Federal public safety community. In May of last year, I introduced H.R. 1769, the Federal Employees Benefits Equity Act of 1999. This bill works to eliminate a number of inequities found in the computation of benefits for public safety employees under the Federal Employees Retirement System and the Civil Service Retirement System.

Although H.R. 1769, like the bill before us, H.R. 460, would be of tremendous benefit to the firefighter and law enforcement communities and their families, it is yet to be scheduled for floor action.

I look forward to working with the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service, and the author of H.R. 460, the gentleman from California (Mr. GALLEGLY), to bring H.R. 1769 to the floor of the House before the end of session.

Madam Speaker, I would be more than remiss if I did not acknowledge the hard work of the gentlewoman from California (Mrs. CAPPS) who worked so diligently with the gentleman from California (Mr. GALLEGLY) to bring H.R. 460 to this floor today.

I thank the gentlewoman and I thank the members of the Committee on Government Reform. I thank the members of the Subcommittee on Civil Service; and I join with my colleagues, with the gentlewoman from California (Mrs. CAPPS) and the gentleman from California (Mr. GALLEGLY) and ask that my colleagues give this bill your support.

Madam Speaker, I yield back the balance of my time.

Mr. OSE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend the gentleman from California (Mr. GALLEGLY) for introducing this important bill and for his efforts to bring it to the floor. I also want to thank the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member, for cosponsoring the bill and for his continued work and cooperation on it.

I would also like to extend heartfelt thanks to the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service; the gentleman from California (Mr. WAXMAN), the ranking member, for their support.

The Congressional Budget Office estimates that the bill will actually save the government $4 million in direct spending over the next 5 years. The Office of Personnel Management, which administers civil service retirement, believes that it is appropriate to apply the same mandatory separation age to firefighters and law enforcement officers. I urge Members to lend their support.

Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Speaker, I want to thank my colleagues on both sides of the aisle for this important legislation and the gentleman from California (Mr. GALLEGLY) for his work in this effort.

I want to relate to my colleagues that since I have been in Congress for the past 14 years, the support for our fire and EMS people has been one of my top priorities, partly because I was a volunteer firefighter and a fire chief before coming here.

I have traveled to all 50 States and spoken to all their national and Statewide associations. This has, without any doubt, been the most responsive Congress in the history of this institution in support of the Nation's fire and EMS community.

We passed, earlier this year, a $2.9 billion appropriation for the forest fire problem in America, including replenishing funds that were used up with the forest fires of this year.

We passed a $100 million add-on to the supplemental bill, which the leadership has committed will be in the final act signed by the President next week.

We passed as part of our defense bill, not only a $500 million authorization initiative that I was able to get included, but we increased the availability for Federal surplus property for fire and EMS departments.

We commissioned a special panel to look at the radio frequency spectrum issue to make more radio frequency spectrum available.

We established a seven-member advisory board in the Pentagon of the fire and EMS groups to look at technology that can benefit firefighters and paramedics around the country, and we have taken a whole new effort to revitalize support for the rural firefighters of America. In fact, a new multiyear grant program that we established under FEMA will, in fact, give fire departments across the country the opportunity to provide matching funds to buy equipment, turn out gear, breathing apparatus and all those other tools that are so necessary.

This bill adds one more dimension to what we have done in this Congress for the Nation's fire and EMS community. They are our domestic defenders. They are the people who respond to every disaster that we have in America, from hurricane and fire to flood and tornado they are there, they have been there longer than the country has been a country, 100 of them are killed each year in the course of doing their duty, even though 85 percent of them are volunteers.

This legislation specifically pays attention to the retirement status of firefighters. It is significant legislation, because it brings them in line with law enforcement and other personnel.

Madam Speaker, I want to applaud our membership and leadership on both sides of the aisle, my colleagues who have done a great job; and I just say to our colleagues they can go home with a great deal of pride and let the fire and EMS community know we are on their side.

In fact, just within the next hour, I will be meeting with the representative of AmeriCorps. Now I have never supported the AmeriCorps program; and I never supported it because it is a half a billion dollar program to create volunteers, but the volunteer fire service has never been eligible for the program.

□ 1515

Amazing. It is not politically correct to volunteer to fight fires or to be ambulance or paramedic attendants. They want to come in now because AmeriCorps wants to support America's emergency response personnel who are volunteers. To our colleagues, this has been a fantastic situation.

I would just add, not one of these initiatives was proposed by the White House. Every one of these initiatives came from our colleagues on both sides of the aisle who have worked together to bring additional support for America's domestic defenders.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with the gentleman from Pennsylvania (Mr. WELDON) in this light, that the committee has been very responsive to firefighters. We understand clearly the job that they do. We understand the dangers. We also understand that we owe them a great debt of gratitude.

We have seen the fires in the West, and we realize that so often when those fire fighters go into the woods and go to put out those forest fires, and other kinds of fires, of course, they do not know whether they are coming home.

So because of that, I think our committee has been very, very sensitive. I want to thank the gentleman from California (Mr. OSE) for all of his hard work on our subcommittee, and all the other members of the subcommittee, because it was a bipartisan effort.

Mr. TURNER. Madam Speaker, I rise to honor the efforts of thousands of firefighters who have struggled against one of the worst fire seasons in decades. In Texas we saw over 31,000 fires destroy almost 600,000 acres of forests, grasslands, homes, and businesses.

The wildfires that swept across East Texas this summer were part of a nation-wide fire season that burned almost 7 million acres, equal to the entire state of Maryland.

It is difficult to imagine the destruction we would have witnessed if it were not for the thousands of brave men and women who fought the fires that threatened their homes and their communities. Without the work of these firefighters, many more acres would have been reduced to charred fields and skeletal homes. Many more forests would have been left smoldering, and many more lives would have been put in grave danger.

I offer my heartfelt gratitude to every person who took part in the dangerous fight to combat these devastating fires. Their work in protecting our lives, our families, our property, and our environment is deeply appreciated by all East Texans.

Fighting fires is trying and exhausting work. Hot, smoke-filled air and ash clog the lungs, and East Texas summer temperatures often climb well over 100 degrees. In addition to directly attacking the fires, our firefighters spent their time cutting fire lines, burning out dangerous areas, and mopping up after fires so that they do not flare up again. They walk fire lines for miles and spend hours scrapping, chopping, and digging while wearing stifling protective equipment.

Sleep is infrequent, uncomfortable, and rarely uninterrupted. There's no 9 to 5 shift on the fire line; crews work around the clock, pushing themselves past the point of exhaustion. Blistered feet and bloodshot eyes are universal, while heat exhaustion and serious injuries are common. Occasionally, a brave firefighter will lose his life.

Entire communities have banded together fighting the fires. Fire support teams have volunteers working as drivers, equipment managers, and assistant paramedics. It is a mental and physical challenge, and our firefighters have shown commitment, strength and determination that make us all proud.

As children, our parents told us stories of all types of heros. From David fighting Goliath to knights in shining armor, from Greek warriors to great patriots like George Washington, Sam Houston, and Davy Crockett we strive to reach their level of courage, bravery, determination and faith. We admire them for protecting their families, their lands, and their communities.

This summer, the firefighters of East Texas have given us new stories to tell our children. Their sacrifices saved countless lives, buildings, and acres of natural resources.

We owed them a great debt. I hope that our children will listen closely to the stories we tell. When they grow up, we can only hope that they will follow the example set by these heros. Our firefighters represent the highest standards of public service.

Mr. GALLEGLY. Madam Speaker, I would first like to thank Chairman BURTON, Subcommittee Chairman SCARBOROUGH, Mr. CAMP and Ms. CAPPS for their help in bringing this bill to the floor. I would also like to thank my constituent, retired Captain Mike Hair of the federal firefighting unit at Point Mugu Naval Air Station, for first bringing this important issue to my attention.

Madam Speaker, H.R. 460 is a bill I first introduced in 1995 to stop the forced early retirement of our federal firefighters. The bill raises the mandatory retirement age for federal firefighters from 55 to 57, allowing federal firefighters the option of continuing their careers for an additional two years. The bill has gained over 92 bipartisan cosponsors, and the endorsement of the International Association of Fire Chiefs.

Several years ago, Congress passed legislation which raised the mandatory retirement age for "federal law enforcement officers" from 55 to 57. However, Congress neglected to raise the retirement age for federal firefighters. The net result has been that capable firefighters are being denied the opportunity to work simply because they turn 55. I introduced H.R. 460 to correct this omission in the law.

Madam Speaker, when this year's fire season reached its height, communities around the nation endured a dangerous shortage of experienced firefighters. I represent most of Ventura County, California, which has faced two major brush fires since the beginning of the fire season in mid-May. These fires have consumed thousands of acres. The latest of the fires struck dry grass in Piru, injuring five firefighters and scorching hundreds of acres near an underground oil pipeline.

Firefighters from the U.S. Forest Service and California Department of Forestry joined hundreds of firefighters form Ventura and Los Angeles counties to battle the flames.

Despite an increase in the overall fire budget nationally, federal fire management officers in California and the rest of the West faced a shortage of experienced personnel. With a declining firefighting population nationwide, Governors in some cases had to call upon Army National Guard units and volunteers with much less experience and training to fight the fires. In addition, CBS News reported that even retired fire managers were being called up to oversee and manage these fires. In the aftermath, firefighting officials are now looking for ways to help prevent a repeat of this year's devastation, which claimed more than 6 million acres.

According to the Washington Post, 57 percent of the U.S. Forest Service firefighters are 45 or older. According to the Brookings Institute, most new hires are 35 and older and training for senior management positions can take 12 to 17 years. As a result, we are losing our best and most experienced firefighters to forced early retirement.

If enacted, this bill will bolster our firefighting capabilities by maintaining more experienced firefighters in the field and in senior management positions by allowing these brave men and women the option of continuing their careers for an additional two years. As an added bonus, Madam Speaker, the CBO estimates that the bill will actually save the government $4 million over the next 5 years.

We must act now to ensure we have the experienced personnel needed to fight our nation's fires during next year's fire season.

Mrs. CAPPS. Madam Speaker, I rise today in support of H.R. 460, a bill to raise the mandatory retirement age for federal firefighters from 55 to 57. As the lead cosponsor, I am proud that the House has passed this timely legislation.

As the recent wildfires which ravaged much of the West have shown, firefighters, are in great demand. Many of our Nation's firefighters are quickly approaching retirement age, highlighting the growing shortage of well-trained, quality firefighters. In my District, federal firefighters have been part of the team of courageous men and women battling the Harris fire and the smoldering peat bog on Vandenberg Air Force Base during the past several weeks. These heroes deserve our strongest support, and I'm proud to have played a role in securing this victory. This important legislation will allow more firefighters to remain on the front lines in the battle against devastating fires in my District and across the country.

Several years ago, Congress raised the mandatory retirement age for federal law enforcement officers from 55 to 57. H.R. 460 would correct this oversight and adjust the federal firefighters' retirement age so that it is equal to that of federal law enforcement officers. This legislation has bipartisan support and the endorsement of the International Association of Fire Chiefs (IAFC).

Currently, over 2,500 federal firefighters are based in California—the largest percentage of federal firefighters in the country. A recent report issued by the General Accounting Office (GAO) stated that because of an aging work force there will be a shortage of qualified firefighters in the U.S. Forest Service and the Bureau of Land Management, and that the situation could have a direct impact on firefighters' safety. In fact, as reported recently in the Washington Post, 57 percent of Forest Service firefighters are 45 years of older (8/11/00). Because it takes 17–22 years of experience to become eligible for firefighters leadership positions, an extra two years of service would be of critical importance to a qualified and effective fire fighting operation.

Madam Speaker, I thank you for the opportunity to bring this important legislation to the Floor for a vote and I commend the dauntless efforts of the firefighters in my District and across the nation.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

Mr. OSE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4635) "An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUYE, to be the conferees on the part of the Senate.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. OSE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 415) expressing the sense of the Congress that there should be established a National Children's Memorial Day.

The Clerk read as follows:

H. CON. RES. 415

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that there should be established a National Children's Memorial Day; and

(2) the Congress requests that the President issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults in the United States who have died.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider House Concurrent Resolution 415, introduced by my colleague, the gentleman from Michigan (Mr. KNOLLENBERG).

This legislation expresses the sense of Congress that a National Children's Memorial Day should be established. Additionally, it asks the President to issue a proclamation calling upon the people of the United States to observe such a day, with appropriate ceremonies and activities, in remembrance of the many infants, children, teenagers, and young adults in the United States who have died.

Madam Speaker, the death of a child at any age is a shattering experience for any family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor, and help to bring comfort to the hearts of their bereaved families.

For the past 2 years, the Senate has recognized the second Sunday in December as National Children's Memorial Day. Last year, the House passed a resolution similar to what we are considering here today.

As a husband, and father of two young girls, I can think of nothing more terrifying than losing one of mine. They are my daily source of joy and inspiration. Yet, approximately 80,000 infants, children, teenagers, and young adults die each year from any number of reasons.

After losing a child, parents and siblings are left with a void in their life. Questions are left unanswered. So many things are left unsaid. Those of us who have not experienced such loss are unable to adequately communicate our sympathy, and fail in our task to comfort the bereaved.

To this end, a support network can be of great assistance. The Children's Memorial Day provides an opportunity for these families to collectively express their pain and to form these support networks.

For example, on December 10, starting in New Zealand, candles will be lit for 1 hour, beginning at 7 p.m. local times, creating a 24-hour observance around the globe. This simple act goes a long way to help those who have lost a child, a grandchild, a sibling, or a friend, particularly during the December holiday season, when the loss is the most difficult to bear.

This simple and easy resolution may not seem like much to many, but I can assure the Members that to those families who have lost loved ones, the support that we show here today will go a long way in helping them cope with that loss.

It is important for families who have suffered such a loss to know they are not alone. Please help us in passing this resolution. I ask Members to express their support for this worthy and noble cause by voting aye. We carry the responsibility to honor and remember those who have died before their time. As compassionate concerned citizens, one of the best actions we can take is to support those who are left behind.

Madam Speaker, I encourage all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with the gentleman from California (Mr. OSE), this is a very, very important resolution. I think when one looks at it on its face we may not fully understand its significance, but it is so important.

Yesterday, hundreds of families journeyed to Washington, D.C. to celebrate the importance of family and to examine the vital role that families play in maintaining stable and prosperous communities. In years past, we have had the Million Man March, the Million Moms March, but this time our children were encouraged to participate. Many thousands of children did attend the march, and some even addressed the crowds about issues that were of particular concern to them.

The Nation took special note of our children yesterday in a positive and inspirational way. We adults were compelled to contemplate the world we have made for them, full of good times and bad, hope and despair, life and death.

Yesterday in the Middle East, Madam Speaker, during the ongoing violence involving the Palestinians and the Israelis, a child was left brain dead from a gunshot wound to the head. The loss of a child, no matter what the circumstances and no matter where, causes tremendous personal grief for the family and friends. It causes some of us to stop and reflect on the loss, and sometimes consider, could or should we have done something to prevent it. It also makes us think about all the unmet and unfulfilled dreams of those children and their families.

It is devastating to me when young lives are cut short. Those affected by such a tragedy often need assistance and support to get through the experience. I am glad to know that help is available. The Compassionate Friends, Incorporated, also known as TCF, is a group whose mission is to assist families in the positive resolution of grief following the death of a child.

TCF conceived and nurtured the worldwide candlelighting. In its fourth year, the candlelighting is held in the second Sunday in December. Participants around the globe light candles for 1 hour to honor children who have died. The candles are lit at 7 p.m. local time starting in New Zealand. As candles burn down in each time zone, they are then lit in the next. This creates a virtual 24-hour wave of light as the observance continues around the world.

In the United States, approximately 228,000 children and young adults die every year. Nineteen percent of the adult population has experienced the death of a child, and 22 percent the death of a sibling. Taking into account people who have lost a child and sibling, 36 percent of the adult population has suffered the death of a child, a sibling, or both.

Madam Speaker, just yesterday in my district I spoke at the West Baltimore Middle School to 37 eighth graders. I asked them a very simple question, but the answer was very telling. I asked them how many of them had had a loved one, a friend, a young person to die by gun violence. Out of those 37 children living in the inner city of Baltimore, 35 raised their hands. That is here in America. That happens in our cities and even in our rural areas. We certainly grieve for those families.

House Concurrent Resolution 415 expresses, therefore, the sense of Congress that a National Children's Memorial Day should be established to remember the infants, children, teenagers, and young adults in the United States who have died.

As we remember America's children, let us also remember those who grieve for them. Whether it be from gun violence, an airplane or car crash, a miscarriage, or a terminal illness, the loss of a child is something no parent, no parent, should have to experience, but many do. Children's Memorial Day is a time when we as individuals and as a nation can show our compassion to those who have suffered such a loss.

Madam Speaker, I have often said that our children are the living messages we send to a future we will never see. It is sad to think that so often our children die before their parents, so we have no message to send to the future. Hopefully, on this Memorial Day, when we think about our children who have died, we will also think about ways that we can prevent them from dying so that they can experience this wonderful journey called life.

Many organizations and support groups, such as the Compassionate Friends, exist to help bereaved parents deal with their grief. Yet, only 46 percent of parents are aware of them. Let us join TCF in observing December 10 as Children's Memorial Day, and let it serve as an opportunity for grief support organizations and churches to increase awareness of their services and programs.

Madam Speaker, I urge our Members to vote in favor of this very important and wonderful legislation that has been sponsored by the gentleman from Michigan (Mr. KNOLLENBERG), and I reserve the balance of my time.

Mr. OSE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to also commend the gentleman from Michigan (Mr. KNOLLENBERG) for introducing this important bill, and for his efforts to bring it to the floor. I would like to thank the distinguished gentleman from Maryland (Mr. CUMMINGS), the ranking member, for cosponsoring this bill, and for his continued work on this subject.

Again, I would like to thank the full committee chairman, the gentleman from Indiana (Mr. BURTON), the chairman of the subcommittee, the gentleman from Florida (Mr. SCARBOROUGH), and the ranking member, the gentleman from California (Mr. WAXMAN), for their support.

If passed, Madam Speaker, this will be the third consecutive year we will have designated the second Sunday in December as Children's Memorial Day. I urge Members to lend their support.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would urge that all Members support this legislation. I would thank the gentleman from California (Mr. OSE) for his leadership with regard to Children's issues.

As he talked about his daughters, I could not help but think about the little prayer, Madam Speaker, that we say so often with our children: "Now I lay me down to sleep. I pray the Lord my soul to keep. If I should die before I wake, I pray the Lord my soul to take."

Anyone who has knelt over a child and said that prayer, they cannot help but feel tingles and sometimes a tear at just the thought of that child not rising, just the thought of that child not being able to live out the full potential that God has given to them.

Madam Speaker, I urge our membership to support this very important resolution, but in supporting this, I hope that when December 10 comes that we will also, as a Congress and as a body and as a country and as a world, do everything in our power to make sure that every one of our children, no matter where they are, no matter who they are, are able to rise up to be all that they can be, and be the best that they can be.

□ 1530

Madam Speaker, I yield back the balance of my time.

Mr. OSE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OSE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3218) to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

The Clerk read as follows:

H.R. 3218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Number Confidentiality Act of 1999".

SEC. 2. OPEN DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS ON THE FACE OF GOVERNMENT CHECK MAILINGS PROHIBITED.

Section 3327 of title 31 of the United States Code (relating to general authority to issue checks and other drafts) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of the Treasury shall take such actions as are necessary to ensure that Social Security account numbers (including derivatives of such numbers) are not visible on or through unopened mailings of checks or other drafts described in subsection (a) of this section.".

SEC. 3. EFFECTIVE DATE AND TRANSITIONAL RULE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to all mailings of checks or other drafts issued on or after the date which is 3 years after the date of the enactment of this Act.

(b) PHASE-IN OF AMENDMENTS.—Effective on the date of the enactment of this Act, the Secretary of the Treasury shall commence procedures to gradually implement the amendments made by this Act in advance of the effective date described in subsection (a). Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the next two years, the Secretary shall transmit to each House of the Congress a report describing the manner and extent to which the requirements of the preceding sentence have been carried out.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise as the author of H.R. 3218, the Social Security Number Confidentiality Act of 1999.

First, though, I would like to thank the leadership for bringing the problem of personal privacy into the national arena, especially the gentleman from Florida (Mr. SHAW), chairman of the Subcommittee on Social Security of the Committee on Ways and Means, who presently has a more comprehensive bill before the House, for his longtime advocacy of personal information privacy.

H.R. 3218 is only a small step toward protecting all Americans from identity theft, and I look forward to working with the gentleman from Florida (Chairman SHAW) next year.

H.R. 3218 stops the Federal Government from making identity theft any easier for con artists. How? My bill prohibits the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued by the Treasury Department.

This problem was brought to my attention by senior citizens in my district who revealed that their Social Security numbers appeared in the windowed part of their Social Security checks, making them easy targets to scam artists. Just remember the credit card scam that victimized military officers whose names, addresses, and Social Security numbers were printed in the CONGRESSIONAL RECORD.

Congress has since halted this practice. Is it not time that we take steps to ensure the safety and privacy for our senior citizens?

Just last month, the Treasury Department confirmed that Social Security numbers would no longer be visible through the windows of benefits checks, such as Social Security checks.

However, the need for this legislation still exists. Any future administration could, for the sake of time or efficiency, return to the practice of using Social Security numbers for positive identification. The banking industry's concern over efficiency has been addressed in my bill by leaving Social Security numbers on the benefit checks, just not in a place where it can be seen in a windowed envelope.

H.R. 3218 ensures that seniors are never again put at risk of having their Social Security numbers displayed in plain view where they are available for criminals and fraud. It will protect the privacy and confidentiality of our Social Security numbers.

Again, I would like to thank the leadership and the gentleman from Florida (Chairman SHAW) for bringing this bill to the floor for consideration.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bipartisan legislation, H.R. 3218, the Social Security Number Confidentiality Act, which amends the law to direct the Secretary of the Treasury to make necessary changes to ensure that Social Security numbers are not visible through the unopened mailings of government checks or other drafts.

I appreciate the gentleman from California (Mr. CALVERT) for bringing this legislation forward, and I also commend the Department of the Treasury which also noted that this change needed to be made.

In fact, in August of this year, the Treasury Department announced that Social Security numbers would no longer be visible through the envelope window of checks mailed to Social Security recipients.

This past September, the Treasury Department began using the check numbers rather than the Social Security numbers to identify and to retrieve payments that are ineligible for delivery. This was a welcome and a necessary change.

I commend the gentleman from California (Mr. CALVERT) and the Department of the Treasury both for noting that this important change needed to be made on the mailings of our Nation's Social Security checks.

It is interesting to note that there are a number of House Members who also have privacy bills that are pending who are anxious to have this House act on their legislation. The gentleman from Wisconsin (Mr. KLECZKA) has H.R. 1450; the gentleman from Florida (Mr. SHAW) has H.R. 4857; the gentlewoman from Oregon (Ms. HOOLEY) has H.R. 4311; the gentleman from Massachusetts (Mr. MARKEY) has H.R. 4611. All of these bills are worthy of consideration by this Congress.

Unfortunately, time seems to be running out on these important measures that are designed, as the bill of the gentleman from California (Mr. CALVERT) is designed, to protect the privacy of American citizens.

Again, clearly, our citizens do not deserve to have their Social Security numbers displayed to the public on the envelopes in which they receive their Social Security checks.

Madam Speaker, I urge all Members to join in adopting this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. OSE. Madam Speaker, I also urge adoption of this bill. Having no other requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 3218.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OSE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GEORGE ATLEE GOODLING POST OFFICE BUILDING

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5210) to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building".

The Clerk read as follows:

H.R. 5210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE ATLEE GOODLING POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, shall be known and designated as the "George Atlee Goodling Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the George Atlee Goodling Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5210.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am pleased to have the opportunity to speak on behalf of my legislation, H.R. 5210, which would designate the United States postal facility at 200 South George Street in York, Pennsylvania, as the George Atlee Goodling Post Office. I would like to note that this legislation is cosponsored by all of the Members of the Pennsylvania delegation.

Madam Speaker, my father was a man who dedicated his life to public service and to agriculture. He was quite a local athlete, playing football, basketball, baseball, both in prep school and in Pennsylvania State University until he broke his leg. I can remember as an elementary child seeing him continue to play first base on the Loganville baseball team.

My brothers and sisters were not lectured on public service. We were not lectured that we must give back. We learned by example because both Mother and Dad were volunteers in most everything there was in our community.

Dad was the fire chief in Loganville for as long as I can remember. He was the chief cook and bottle washer at all fire company suppers as long as I can remember. He served on the school board for 28 years. He served in the State House of Representatives for 14 years and then came to the U.S. House of Representatives for 12 years.

After serving in the Navy in World War I, he completed his studies at Pennsylvania State University and began coaching and teaching in the State of Delaware.

He then returned to Loganville to begin what became the Goodling Orchard and Truck farming business, which is still continued today.

He used his education to teach vocational agriculture and was, again, the executive secretary for the Pennsylvania Horticulture Association for as long as I can remember.

He used his knowledge both in the State legislature from the education he received and in the Congress to further conservation and agriculture.

As a State representative, he wrote the first Pennsylvania soil conservation legislation and introduced legislation to regulate the marketing of insecticides.

When he came to the Congress, he was assigned to the Committees on Agriculture and Merchant Marine and

Fisheries where he could continue his work on behalf of the farmer and conservation. He was known here as the "Farmer Congressman" by his colleagues and worked hard to ensure that the interests of Eastern farmers was carried equally as important as those of the Midwest.

During his tenure in the Congress, he worked to provide funds to the States for hunter education programs and to provide additional funds for wildlife restoration.

Upon his retirement from the Congress of the United States, he returned to Loganville and continued his work on the family farm and family orchards. I am pleased to introduce this legislation and have it come to the floor, and I ask that it would be passed.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is with a great deal of pleasure that I rise in support of H.R. 5210, which names a postal facility after George Atlee Goodling, the father of the gentleman from Pennsylvania (Mr. GOODLING), who has served with such distinction, himself, in this House.

I suppose there is no greater occasion than when we have the opportunity to pay tribute to our fathers. I know it is with a great deal of pride and satisfaction that the gentleman from Pennsylvania (Mr. GOODLING) can stand today before this House and pay tribute to his father in this way.

Clearly, both Goodlings served with distinction in this House and served the people of Pennsylvania very, very well. So I take a great deal of pride and satisfaction personally in being able to be a part of joining in support of H.R. 5210, to name this postal facility after George Atlee Goodling.

Madam Speaker, I yield back the balance of my time.

Mr. OSE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 5210.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1545

APPOINTMENT OF CONFEREES ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, Mrs. NORTHUP, Messrs. SUNUNU, GOODE, YOUNG of Florida, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER and Mr. OBEY.

There was no objection.

J.T. WEEKER SERVICE CENTER

Mr. OSE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5016) to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center," as amended.

The Clerk read as follows:

H.R. 5016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J.T. WEEKER SERVICE CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, and known as the Chicago International/Military Service Center, shall be known and designated as the "J.T. Weeker Service Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the J.T. Weeker Service Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5016, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Madam Speaker, I reserve the balance of my time.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

H.R. 5016, Madam Speaker, names a postal facility after J.T. Weeker. The legislation was introduced by my friend and committee colleague, the gentleman from Illinois (Mr. BLAGOJEVICH), on July 27 of this year.

Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS) representing the great City of Chicago.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman for yielding me this time. I could not let this moment go by without expressing some comments relative to John Thomas Weeker, J.T., as we all called him, especially those who knew him.

He was area vice president of operations for the United States Postal Service; and, unfortunately, he passed away at an early age. It was very interesting to me that as J.T. did his work in the Midwest area, how much he was revered by the individuals who worked with and for him.

As a matter of fact, I had the occasion to attend his funeral services, and he had asked that one of his employees give the eulogy. That was a fellow that he had supervised, Rufus Porter, who is the lead executive for the Chicago post office. It was also interesting that he had asked that the Chicago Postal Choir would perform at his services. Even though he was not from the Midwest, he was not from Chicago, he had grown up on the East Coast, he had adopted the area as his home and decided that that is where he wanted to have the last comments made for him.

It is also interesting that employees of the Postal Service made the request to have this facility named for their leader. It was Rufus Porter who was the first person who suggested that there ought to be some lasting way of remembering the tremendous service that J.T. had provided to the Postal Service, and especially to the Midwest region. And so, Madam Speaker, I am pleased to join with my colleagues in bestowing this honor upon a tremendous executive who gave not only of himself, in terms of providing leadership to postal operations, but who was an integral part of his community.

A little phrase he had about moving the mail that he sometimes would like to say, when talking about a letter, clean hands gentle touch; surely we owe a letter that much. And that is how J.T. felt about the work that he did in the Postal Service.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume to join the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. BLAGOJEVICH) in urging the House to adopt this resolution naming this postal facility after an outstanding public servant who worked every day to be sure that the mail arrived on time.

All too often, I think, we fail to acknowledge the contributions that are made every day by the fine employees of our Federal Government. So, Madam Speaker, I urge adoption of H.R. 5016.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OSE. Madam Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 5016, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the 'J.T. Weeker Service Center'.".

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2412) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

The Clerk read as follows:

S. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Amendments Act of 2000".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

"§1101. Definitions

"Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.".

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

"(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.".

(b) DEPOSIT OF AMOUNTS.—

(1) Section 1113(b)(2) is amended—

(A) by inserting "as offsetting collections" after "to be credited"; and

(B) by adding after "Board." the following: "The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.".

(2) Section 1114(a) is amended—

(A) by inserting "(1)" before "Except"; and

(B) by adding at the end thereof the following:

"(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.".

(3) Section 1115(d) is amended by striking "of the 'National Transportation Safety Board, Salaries and Expenses'" and inserting "of the Board".

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

"(g) OVERTIME PAY.—

"(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

"(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

"(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

"(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

"(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).".

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) by striking "VOICE" in the subsection heading;

(2) by striking "cockpit voice recorder" in paragraphs (1) and (2) and inserting "cockpit voice or video recorder"; and

(3) by inserting "or any written depiction of visual information" after "transcript" in the second sentence of paragraph (1).

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

"(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

"(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

"(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.".

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking "and (e)" and inserting "(d), and (f)".

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

"§1154. Discovery and use of cockpit and surface vehicle recordings and transcripts;

(B) by striking "cockpit voice recorder" each place it appears in subsection (a) and inserting "cockpit or surface vehicle recorder";

(C) by striking "section 1114(c)" each place it appears in subsection (a) and inserting "section 1114(c) or 1114(d)"; and

(D) by adding at the end the following:

"(6) In this subsection:

"(A) RECORDER.—The term 'recorder' means a voice or video recorder.

"(B) TRANSCRIPT.—The term 'transcript' includes any written depiction of visual information obtained from a video recorder.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

"1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.".

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking "(2) An investigation" and inserting:

"(2)(A) Subject to the requirements of this paragraph, an investigation"; and

(2) by adding at the end the following:

"(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

"(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.".

(b) Revision of 1977 Agreement.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking "1134(b)(2)" and inserting "1134 (a), (b), (d), and (f)".

SEC. 8. MEMORANDUM OF UNDERSTANDING.

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

SEC. 9. TRAVEL BUDGETS.

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

SEC. 10. CHIEF FINANCIAL OFFICER.

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) Chief Financial Officer.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

"(1) report directly to the Chairman on financial management and budget execution;

"(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

"(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.".

SEC. 11. IMPROVED AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) In General.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

"§ 1137. Authority of the Inspector General

"(a) In General.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

"(b) Duties.—In carrying out this section, the Inspector General shall—

"(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

"(2) issue findings and recommendations for actions to address such problems; and

"(3) report periodically to Congress on any progress made in implementing actions to address such problems.

"(c) Access to Information.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(d) Reimbursement.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.".

(b) Conforming Amendment.—The subchapter analysis for such subchapter is amended by adding at the end the following:

"1137. Authority of the Inspector General.".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 1118 is amended to read as follows:

"§ 1118. Authorization of appropriations

"(a) In General.—There are authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002, such sums to remain available until expended.

"(b) Emergency Fund.—The Board has an emergency fund of $2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.".

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking "46302, 46303," and inserting "46301(b), 46302, 46303, 46318,".

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA-00-7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) In General.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

"(D) Continuation of prices.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code."; and

(3) by adding at the end of subsection (g) the following:

(5) Crediting amounts received.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(b) Effective Date.—The amendments made by subsection (a) take effect on October 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume and I simply want to summarize by saying that while NTSB is a small agency, it is a highly respected agency for the quality of its accident investigations. It has also taken on the responsibility for assisting families of airline accident victims, a responsibility that we assigned to them in 1996.

The authorization for the agency expired last year, and this bill before us now will rectify that problem.

The reauthorization bill before you now adopts several changes to the Board's underlying statute. These changes should improve the operations of the NTSB. Many of these changes were requested by the agency itself.

The bill authorizes an increase in funding for the agency; not as much as the agency wanted, but still enough to ensure the Board's efficiency and technical competence.

The bill also—

Allows accident investigators out in the field to get full time-and-a-half overtime when they have to work nights and weekends trying to discover the cause of a crash;

Ensures that voice and video recorders in planes, trains, and trucks will only be used in accident investigations and will not be released to the media for sensational purposes;

Makes clear that NTSB accident investigations take priority over other investigations except in very limited cases where procedures are established for the FBI to take over; and

For the first time, the DOT Inspector General is given responsibility to review the financial and property management of the NTSB to ensure there is no waste, fraud, or abuse.

This is a Senate bill but it is very similar to the NTSB reauthorization bill that the House passed last year.

That bill is more fully described in House Report 106–335.

I urge the House to approve this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the subcommittee who has been so deeply involved in moving this legislation forward.

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Pennsylvania, our very distinguished chairman, for yielding me this time. First of all, I want to start out by saying that being allowed to be chairman of the House Subcommittee on Aviation has really been the highlight of my congressional career; and that would not have been possible without the support of the chairman, the gentleman from Pennsylvania (Mr. SHUSTER). I am very proud to have served with a man of his character. He has served with great honor and distinction in this House, and I appreciate very much his support for me in this position.

Madam Speaker, this bill is very similar to a bill, H.R. 2910, that passed the House by a vote of 420 to 4 on September 30 of last year. This bill reauthorizes the National Transportation Safety Board for 3 years and provides funding of $57 million, $65 million, and $72 million over those 3 years.

The safety board is the agency responsible for investigating transportation accidents and promoting transportation safety. The board investigates accidents, conducts safety studies, and coordinates all Federal assistance for families of victims of catastrophic transportation accidents. It also reviews appeals of certificate and civil penalty actions against airmen and certificate actions against seamen. Most importantly, the NTSB makes safety recommendations.

Based on its investigations, Federal, State, and local government agencies and the transportation industry take actions that will prevent similar accidents in the future. The aviation safety record is remarkably good, and the safety board deserves a lot of the credit for that.

Nonaviation people are amazed when I speak to them and tell them that, unfortunately, we have more people killed in 4½ months on the Nation's highways than have been killed in all U.S. aviation accidents combined since the Wright Brothers' flight in 1903. Much of that great aviation safety record has been aided by the work of the NTSB.

This legislation makes some changes to the agency's governing statute that should help make the board even more effective. I will list those changes in the statement that I will provide for the RECORD.

The bill also includes several technical changes that were not in either the House or Senate bills. These changes would ensure that the FAA can assess penalties against unruly passengers or passengers who tamper with laboratory smoke detectors. It would ensure that the FAA can issue its overflight fee rule as an interim final rule, and ensures that the FAA can keep the money it makes from the sale of aeronautical charts.

I would also like to make special mention of the provision in the bill on law enforcement flight time. Currently, pilots who fly for police or for sheriff departments cannot count their flight time toward the requirements of a civil air license. This bill would change that. It would direct the FAA to count the time a pilot flies a law enforcement aircraft. This is similar to consideration given to military pilots. I know it will be very helpful to the sheriff departments in Tennessee, but it will also benefit our hardworking law enforcement pilots all over the country.

Madam Speaker, the NTSB has conducted a lengthy and thorough investigation of the TWA 800 crash. I personally do not believe that Chairman Hall, or any of the many good people at the NTSB, would be a party to any type of cover-up about this or any other crash, but I have a few comments that I would like to make about that.

I also recognize that there are many good, sincere, honest, intelligent people across this country who do not agree with or believe the NTSB conclusions about the TWA 800 crash. I want to assure everyone that neither I nor any member of our subcommittee or staff would ever have participated in or aided in any knowing way in any type of cover-up.

□ 1600

In addition to our public hearings, I personally went to New York with staff to view that wreckage. We had private briefings by the FBI and others. I met with some of the eyewitnesses and people investigating this wreck. I met with Commander Donaldson after one of our hearings.

The gentleman from Ohio (Mr. TRAFICANT) called one day and asked if he could conduct his own personal investigation. I gave him my approval for that.

I asked one of my constituents, Mike Coffield, the Continental Airlines pilot, to investigate this crash. We heard from family members of victims of this terrible tragedy.

Reed Irvine, a man for whom I have very great respect, recently came to my office at my request so that we could discuss this further because of ads and other activities by him and his group.

I doubt that we will ever be able to answer all the questions surrounding this crash to everyone's satisfaction. I personally find it almost impossible to believe that a U.S. Navy ship shot a missile that hit this plane either accidentally or intentionally.

I know very little about ships and missiles, but I do not believe that just one person could shoot off one without someone knowing about it. If several people were involved, someone would have talked to his wife or somebody, in my opinion.

I told Mr. Irvine this, if some terrorist group shot this plane down, they probably would have claimed credit. Yet I am still willing to read any report or listen to anyone about this.

Our government should not have stopped (Mr. SANDERS) or anyone else from investigating this crash. If anyone can come up with the final, definite, conclusive answer on this, more power to them.

I am most concerned, however, about the family members of the victims of this crash. I believe closure is an overused, misused word because I do not believe a family member ever gets closure on something like this, particularly if they lost a child. But I certainly do not want to do anything to prolong the agony of any TWA 800 family member. They have suffered too much already.

I will say that, if any family member of victims of this crash wants me to look into this further, I certainly will do so. Absent that type of request, I will simply commend all those at the NTSB and all those private citizens, Mr. Irvine, Commander Donaldson, the many eyewitnesses and many, many others who have tried so hard to seek the causes of and/or solve the puzzle or answer the questions raised by the crash of TWA 800.

I also would like to commend Mr. Jim Hall, who I think has done an outstanding job as chairman of the NTSB during his tenure on that board.

Finally, Mr. Speaker, I would like to say that I am completing 6 years as chairman of the Subcommittee on Aviation. I have already thanked the gentleman from Pennsylvania (Chairman SHUSTER), who is the man mainly responsible for my having been allowed to be chairman. But I would also like to say that it has been a great honor and privilege to work with the gentleman from Minnesota (Mr. OBERSTAR), who preceded me as chairman of the Subcommittee on Aviation.

I do not believe a person could have had a better ranking member than the gentleman from Illinois (Mr. LIPINSKI). Our working relationship has been 100 percent friendly and cordial. I am proud that the Committee on Transportation and Infrastructure is considered to be probably the most bipartisan committee or nonpartisan committee in this entire Congress.

I want, finally, to say a personal thank you to a wonderful staff: David Schaffer of the Republican staff, who has been head of that staff for so many years and is such a professional person and on whom I have relied so much, Adam Tsao, Jim Coon, Donna McLean, Ron Chamberlin, David Balloff, John Glaser, Felicia Goss, Diane Rogers, and Amanda Wind on our staff; and on the Democratic staff: Stacie Soumbeniotis, Tricia Loveland, Amy Denicore, Paul Feldman, David Traynham, Mary Walsh, Colleen Corr, Rachel Carr, and Michelle Mihin. All of them have been so helpful and I am very, very grateful to them.

I apologize for taking so much time. I urge passage of this bill.

The bill reauthorizes the agency for 3 years and provides modest increases in its authorized funding levels;

It makes clear that the NTSB has priority over other agencies in the investigation of transportation accidents;

However, the legislation does provide a procedure whereby the Safety Board would turn an investigation over to the FBI when a criminal act may be involved;

The bill allows the Safety Board to enter into agreements with foreign governments, after consultation with the Department of State;

The bill also provides overtime pay to NTSB investigators who have to work at the scene of an accident during nights and weekends.

However, this overtime is capped at one and a half percent of the agency's appropriation to ensure that overtime is not abused.

Also, the bill ensures that information on surface vehicle recorders and cockpit video recorders will not be disclosed. This is the same protection now provided for cockpit voice recordings. At our Subcommittee hearing last April, airline pilots expressed concern about the public release of cockpit video recordings for purely sensationalistic purposes. This bill protects them from that.

Another important provision in this bill is the section that provides authority to the Department of Transportation's Inspector General to oversee the business and financial management of the Board. Indeed, there are several provisions in this bill that ensure continued sound financial management at the Safety Board. These include restrictions on nonemergency travel and the implementation of internal audit controls.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2412, the National Transportation Safety Board Amendments Act of 2000.

S. 2412 reauthorizes the NTSB for 3 years so it can continue in playing a critical role in ensuring the safety of the United States transportation system.

Since 1997, the board has investigated more than 7,000 accidents, issued over 60 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and proffered more than 1,100 safety recommendations.

The NTSB currently has a workforce of approximately 400 full-time employees, many of whom are charged with investigating thousands of complex aviation accidents both in the U.S. and abroad. It is, therefore, important to ensure that the NTSB has the funds needed to continue its preeminent role in investigating such accidents.

Accordingly, S. 2412 increases NTSB's funding steadily over the next 3 years: $57 million in FY 2000, $65 million in FY 2001, and $72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce.

In addition to increased funding, S. 2412 strengthens oversight of financial matters at the agency by requiring NTSB to hire a chief financial officer and improving its internal audit procedures. S. 2412 also vests the DOT Inspector General with the authority to review the NTSB's financial management and business operations. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, S. 2412 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on an accident scene to give these professionals parity with other Federal agency investigators who are paid for extra hours worked.

S. 2412 also reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene, but such relinquishment would not in any way interfere with the board's authority to continue its probable cause investigation.

This is important because accident scenes can often be chaotic with many local, State, and Federal investigative agencies on scene, especially where accidents are not only being investigated for probable cause, but also when criminal activity is suspected.

S. 2412 ensures that the proper coordination between various investigative agencies will take place during a complex accident investigation.

S. 2412 will ensure that the NTSB workforce is well funded and well trained to meet its future challenges.

I urge my colleagues to support this critical piece of legislation.

I compliment the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for their efforts.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2412, the National Transportation Safety Board Amendments Act of 2000. S. 2412 reauthorizes the National Transportation Safety Board (NTSB) for three years to ensure that it continues to play a critical role in maintaining and improving the safety of the United States transportation system.

This agency's roots stem from as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigate aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress re-established the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American traveling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued more than 60 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, measures to prevent runway incursions, and countermeasures against operator fatigue in all modes of transportation. The NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents. In addition, the NTSB recently held a General Aviation Accident Prevention Symposium, which brought together all sectors of the growing general aviation community to proactively address safety issues gleaned from GA accident investigations. In 1999 alone, there were 691 aviation-related fatalities—628 of which occurred in general aviation. Last night's news of the tragic crash that took the life of Missouri Governor Mel Carnahan, his son, and a campaign aide underscores the importance of the NTSB's work, both in investigating and preventing accidents.

Despite a small workforce of approximately 400 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations of foreign flag carriers—such as Egypt Air Flight 990, and in accident investigations in foreign countries. The demands upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. S. 2412 ensures that NTSB has the necessary resources by increasing funding steadily and sensibly over the next three years: $57 million in FY 2000; $65 million in FY2001; and $72 million in FY2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce, as was recommended in a recent study by the RAND Corporation. Dramatic changes in technology, such as glass cockpits in aviation, demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. S. 2412 requires the NTSB to hire a Chief Financial Officer and to improve its internal audit procedures. In addition, S. 2412 vests the DOT Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, S. 2412 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida Everglades or the chilly waters off the Atlantic Ocean—side-by-side with other federal agency investigators who are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. S. 2412 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB Chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene, but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American traveling public. I compliment Chairman SHUSTER, Subcommittee Chairman DUNCAN, and Subcommittee Ranking Member LIPINSKI for their efforts on this bill.

I urge my colleagues to support this critical piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2412.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GEORGE E. BROWN, JR. UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5110) to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse".

The Clerk read as follows:

H.R. 5110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 3470 12th Street in Riverside, California, shall be known and designated as the "George E. Brown, Jr. United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "George E. Brown, Jr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, George Brown is one of the most highly regarded Members of this Congress. And for so many years and while on the other side of the aisle, I don't know of a single instance in which he put partisan politics ahead of what he believed to be best for this country. And so it is with a great sense of opportunity that I lay before us today the opportunity to recognize a very distinguished American.

Mr. Speaker, H.R. 5110 designates the United States courthouse in Riverside, California as the "George E. Brown Jr. United States Courthouse." George Edward Brown Jr. was born in Holtville, California on March 6, 1920. He attended public schools in Holtville and graduated from El Centro Junior College and the University of California at Los Angeles.

Congressman Brown spent a lifetime in public service working for the betterment of this country. His life work started in the 1930's fighting color barriers and integrating housing at UCLA, and continued through the 1990's when he was working toward improving the environment and expanding economic opportunity for all citizens.

Although he first registered as a conscientious objector to the war, Congressman Brown went on to serve as a Second Lieutenant in the Army during World War II. He returned from the war and began his career with the civil service department of the City of Los Angeles. In 1954 he was elected mayor of Monterey Park an LA suburb, in 1958 he was elected to the California State Assembly and served in the assembly until 1962. While in the assembly he introduced a bill to ban the use of lead in gasoline.

In 1962 he was elected to the United States House of Representatives. He served for four terms and was an ardent fighter for civil rights legislation in 1964. In 1970 he ran for the U.S. Senate and was defeated. He returned to the House with a successful election in 1972 and served in the House for the next 13 succeeding Congresses.

Having his degree in Industrial Physics, Congressman Brown was a strong advocate for the advancement of sound science and technology. policy. He was the Chairman of the Science Committee for the 102nd and 103rd Congresses. He also worked on policies for energy and resource conservation, sustainable agriculture, national information systems, and the integration of technology in education.

Congressman Brown died in his 18th term at the age of 79, on July 14, 1999. This is a fitting tribute to a dedicated public servant. I support this measure, and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5110, a bill to designate the United States Courthouse located at 3470, 12th Street, Riverside, California, as the "George E. Brown, Jr. Courthouse."

Mr. Brown was born on March 6, 1920, in Holtville, California. He attended the University of California at Los Angeles, where he helped create some of the first cooperative student housing units. While attending the university, he worked tirelessly to break racial barriers by organizing the first integrated campus housing in the late 1930s.

After graduation in 1940, Brown began his public service in the civil service department of the City of Los Angeles. When World War II began, he publicly opposed incarceration of Japanese Americans, a position that later blocked his career path.

During the war, he served as a second lieutenant in the Army. After the war, he returned to Los Angeles and resumed his career with the city and began to organize city workers and veterans' housing projects.

In 1954, Brown won his first election to the Los Angeles City Council; and in 1955, he was elected mayor. From 1958 to 1962, he served in the California Assembly. In 1962, he was elected to Congress.

While in Congress, George Brown was a champion of the landmark 1964 civil rights legislation. Brown was an outspoken critic of the Vietnam War and voted against every defense-spending bill during the Vietnam era.

In 1970, Congressman Brown made a run for the U.S. Senate against the more moderate Congressman, John Tunney. Although he lost the primary race, the current California political party is replete with people who worked on Brown's primary campaign.

In 1972, George Brown returned to the House and represented the 42nd district until the time of his death. As the chairman of the Committee on Science, he became recognized as the architect in forming the institutional framework for science and technology in the Federal Government. He vigorously supported the National Science Foundation, and he was instrumental in forming the permanent science advisory committee in the Executive Office of the President.

George Brown led the early warnings on the dangers of burning fossil fuels and the dangerous effects of freon.

He worked hard for his 42nd district, ensuring his local schools had the benefit of new educational technology and scientific advances. He was instrumental in the Norton Air Base conversion in San Bernardino.

George Brown truly believed in the powers of persuasion to settle differences and developed a polite and courtly style of argument. He was a gentleman with impeccable manners and was always known as a straight shooter. He was the longest serving Member from California.

It is both fitting and proper to honor the great, significant contributions of our former colleague, George E. Brown, with this designation. I urge support for H.R. 5110.

I thank the gentleman from California (Mr. CALVERT) for introducing this legislation. I also would like to recognize the gentleman from California (Mr. BACA) for his steadfast support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. CALVERT), the driving force behind this legislation.

Mr. CALVERT. Mr. Speaker, I rise to offer H.R. 5110 that would designate the United States courthouse located in Riverside, California, as the "George E. Brown, Jr. United States Courthouse."

I was happy to sponsor this bill along with the gentleman from California (Mr. JERRY LEWIS), the gentleman from California (Mr. PACKARD), the gentlewoman from California (Mrs. BONO), the gentleman from California (Mr. GARY MILLER), and the gentleman from California (Mr. BACA).

I could not have brought this bill forward as quickly as we have without the help of the gentleman from Pennsylvania (Chairman SHUSTER), and I certainly appreciate his help and consideration in this matter and certainly the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for working to help our former colleague, Mr. George Brown, in his memory today.

I met George Brown with my father when I was 12 years old. From the start and throughout his career in Congress, George was really known as one of the last honest liberals, always voting his convictions and conscious.

In the House of Representatives, George served 18 terms as an unselfish public servant. He was the longest serving Member of the House or Senate in the history of California. I should know, he was my member of Congress when I was in high school.

Although George and I have may have disagreed on some things, on differing political philosophies and governing philosophy, my respects and admiration, as I know everyone here, ran deep. George was someone that really had strong convictions and was very certain to let us know what those convictions were. On many occasions he would do exactly that. We worked very closely together on issues that affected our area, the Inland Empire of California, which now is populated by over 3 million people; and George did that very ably.

So renaming this courthouse in my district, once in George's district by the way, he represented it for many years as he represented many years in the State of California as his district was moved around California, is more than deserving.

It is a small recognition for his leadership and his lifetime quest for social justice in our society. It will ensure that George will be remembered in the community that he loved and he worked for for so long.

So I know his widow, Marta, I am sure will be watching today and is grateful that this recognition is taking place. I am certainly grateful to my colleagues. And I know that my colleagues throughout the House today will stand with me in honor and remember George's work for the Inland Empire of California and the whole Nation.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it says as much about the gentleman from California (Mr. CALVERT) as it does about the gentleman we honor today that this bill comes forward to the House floor. It is an extraordinary reaching across the political aisles and across the generations for the gentleman to not only sponsor this legislation but actually vigorously advocate for it and to ensure that it made its way through the committee process and to the House floor, and of course to the chairman of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), who has been very forthright and vigorous in urging us to move this legislation forward.

□ 1615

As I look back over the Members of this body that I have known over the years I have served as staff and as a Member, George Brown is one of my favorites. Avuncular comes to mind, a kindly, gentle smile, thoughtful, quizzical look on his face at times; withholding words until just the right ones came forward to fit the situation, whether he was speaking on the floor or in our Democratic Caucus; and principled also comes to mind to characterize George Brown. Whether it was as a young person in the 1930s on housing and fighting segregation or as a Member of Congress supporting the Civil Rights Act, opposing the Vietnam War, standing up for the space flight program, which he thought was important not only for the future of America but for the future of basic science research, he was a true advocate for the science community and for that which is so difficult to do in this body: to invest in basic research, which does not have an immediate outlet. We do not see its results today; but if we do not do the research today, a decade from now we will be in deficit.

George understood that and was an advocate for it, and that advocacy characterizes his whole service in this body. He has done all of us a great service. We honor his memory, perpetrate his integrity, his honesty, his vision, his love of public service and his view that public service should do some good for all people when we designate this courthouse.

I would also like to take this opportunity, while the gentleman from Tennessee (Mr. DUNCAN) is still on the floor, to offer my tribute and great appreciation for the work that the gentleman from Tennessee (Mr. DUNCAN) has done as chair of the Subcommittee on Aviation.

When the organizational work was underway for the 104th Congress, and it was clear the majority had shifted, the gentleman from Tennessee (Mr. DUNCAN) and I had a very long breakfast session, about 2½ hours, to discuss aviation. It was his intention to bid for the chairmanship of that subcommittee. I was impressed by the student in the gentleman from Tennessee (Mr. DUNCAN) asking good questions, taking notes, making mental notes, wanting to do the best thing and the right thing, asking questions, what are the tough policy issues; and he has addressed those issues during his tenure.

There are many subcommittees on the Committee on Transportation and Infrastructure, but I confess to loving aviation a little more than the others. For that, I have true affection, as well as great professional respect and admiration, for the gentleman from Tennessee (Mr. DUNCAN), for keeping the aviation agenda on a very high note of integrity, professionalism, looking to the future, dealing with the present, addressing the fundamental issues of aviation, assuring always that we do the right thing for America's leadership in the world in the field of aviation.

The tenure of the gentleman from Tennessee (Mr. DUNCAN) will long stand as a tribute to aviation, a tribute to his judicial bearing, to his equanimity, his fairness and his concern for safety, security, sound investment, airport expansion, international trade in passengers and cargo, and for keeping America the leader that it is in aviation. That will be his mark of service as chair of the Subcommittee on Aviation.

Mr. SHOWS. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5110.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

The Clerk read as follows:

Senate amendments:

Page 5, line 11, strike out "Capitol" and insert "Capital".

Page 5, line 21, after "trator" insert, ", in consultation with the National Capital Planning Commission".

Page 7, line 1, strike out "Environment and Public Works" and insert "Governmental Affairs".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Southeast Federal Center Public-Private Development Act of 2000 authorizes the administrator of GSA to enter into agreements with regard to that activity. The original legislation was reported out of the Committee on Transportation and Infrastructure on March 23 of this year, passed the House on May 8. The Senate Committee on Government Affairs reported theirs and passed the Senate with amendments on October 11. Their amendments are technical in nature and have the support of both sides of the aisle.

This action will simply concur with those amendments, clear the measure to be sent to the President. I support the measure and encourage my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON), the sponsor of this bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. SHOWS) for yielding time to me.

Mr. Speaker, I recognize the bill is here for the second time only because of technical amendments that occurred in the Senate. I wanted to come to the floor to express my deep appreciation, however, for the bipartisan leadership this bill has received, especially from the chair of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), as well as from our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and from our subcommittee chair, the gentleman from New Jersey (Mr. FRANKS), and the ranking member, the gentleman from West Virginia (Mr. WISE).

The bill is unique. It is the first time that private development will occur on Federal land. In doing so, of course, we make use of land for which the government was receiving no revenue, and at no cost to the government. The bill represents an extraordinary breakthrough of bipartisan work. Precisely because it is unique, the bill typifies the out-of-the-box, nonstereotypic, nonbureaucratic thinking that is typical of the members of this subcommittee.

It took extraordinary collaboration and cooperation for this bill to pass both Houses because we had to think of a way to get some use out of land that had been lying there, very valuable land, for decades, producing no revenue for the Federal Government, even though we are talking about 55 acres of prime land, and some of the most valuable land on the East Coast.

I must say I am also grateful for the quality of leadership the bill received in the Senate, especially from Chairman FRED THOMPSON; from ranking member, JOSEPH LIEBERMAN; from subcommittee chairman, GEORGE VOINOVICH; and from ranking member, RICHARD DURBIN, the subcommittee chairman of the District Committee and the full committee chairman of the Government Affairs Committee.

The magnitude of the waste in not developing these 55 acres for decades is incalculable. Now we have found a way not only to develop it but to develop it at no cost; to get productive use out of it with revenue for the Federal Government and some revenue may even go to District taxpayers for whatever private development occurs.

The land had been a terribly large brownfield that had produced slums in everything it touched surrounding it, it is so huge. The reason that it had not been developed is because it turned out not to be, in today's economy, developable as a traditional government-owned site, and we had limited tools to make use of it. It took legislation. This legislation is applicable to this parcel alone. The land was too valuable to sell and indeed we do not sell Federal land. We have so little of it in the District of Columbia, we had to think of something to do with it.

Working together, we have thought of something that is unique to do with it but in keeping with public-private partnerships of the type this Congress has long endorsed and with the reinventing government and public-private ideas of the administration. For that reason, I am virtually certain that the President will sign this bill.

I wanted to express my profound appreciation, especially since I knew that the chairman and the ranking member, who are so central to this bill, would be on the floor today.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi (Mr. SHOWS) for yielding me this time.

Mr. Speaker, as the gentlewoman from the District of Columbia (Ms. NORTON) has already expressed, this is a very unique initiative we undertake here. The gentleman from New Jersey (Mr. FRANKS), the Chair of the subcommittee, and the gentlewoman from the District of Columbia (Ms. NORTON) have joined forces to craft an effective approach combining the best principles of private sector real estate practice with the benefits of public-private partnerships and have, in this fashion, generated bipartisan support with a notion that already has long-standing bipartisan support, that of public-private partnerships.

The piece of property in question here is 55 acres of prime land along the Anacostia River, less than a mile from our Nation's Capitol. This property has been undeveloped for the last 3 decades. The Office of Management and Budget has tried various schemes to figure out how to pay for its development. Meanwhile, the area surrounding it has deteriorated.

The partnership that has finally been worked out here and, again, great tribute to the gentlewoman from the District of Columbia (Ms. NORTON), who really does dig in to the issues of the District and works with neighborhood groups and with the city council and the mayor and with several committees of the Congress concerned with the affairs of the District, has done a superb job in pulling the business community together with the District government, the Federal Government, to bring together a partnership that will combine a government real estate asset with private sector financial assets.

In this case, the government indeed does have an asset in land but has limited financial resources to develop that asset. The private sector, on the other hand, is searching for sound investment opportunities. At the end of the term of this agreed-upon arrangement, the government will have an enhanced asset. The private sector will have had an opportunity to achieve some profit. Both will benefit. Several Federal agencies have authority to enter into some form of public-private partnerships. The Veterans Administration, for example, has enhanced leasing authority. The National Park Service can enter into public-private arrangements to construct facilities on park lands. This legislation extends to GSA, the agency that primarily has responsibility for overall Federal real estate management, the same type of authority to develop this Southeast Federal Center property.

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The goal will be to enhance the Federal inventory, generate revenue from the use of the asset, revenue that will go into the Federal Buildings Fund. This approach is consistent with private sector practices. It encourages GSA to enter into private partnerships to bring this asset into the Federal Government portfolio as a producing facility, rather than one that simply drains revenue from the Federal Buildings Fund. But in the long run, the larger purpose, the larger benefit, I think, will be to the southeast community surrounding this piece of property.

I hope that there will be some very significant Federal structures established in this piece of property. I am hoping that we will have at least one major anchor, Federal Government activity, that will serve as a magnet to attract other government, as well as private sector, activities to revitalize the whole surrounding neighborhood, create more jobs, enhance property values, and, in the process, generate revenue into the Federal Buildings Fund.

This is a very innovative approach, a constructive approach. It is one that is long overdue, and one that benefits both the Federal Government and the private sector. I urge an aye vote.

Mr. SHOWS. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3069.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5302) to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

The Clerk read as follows:

H.R. 5302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, shall be known and designated as the "William Kenzo Nakamura United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "William Kenzo Nakamura United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation to name the courthouse in Seattle, Washington, the William Kenzo Nakamura United States Courthouse.

Private Nakamura volunteered for the 442nd Regimental Combat Team during World War II. On July 4th, 1944, in Italy, Private First Class Nakamura's actions of heroism freed his platoon's position from gunfire twice. He first advanced an enemy's machine gun nest and allowed his platoon to move forward with minimal casualties. Later that day, Private Nakamura provided cover against machine gun fire to slow the enemy, which allowed his platoon to retreat to safety. Private First Class Nakamura suffered fatal gunshot wounds to the head while the platoon was able to return to safety. More than 100 Members of the 442nd, including Nakamura, received the Distinguished Service Cross, and 55 years later Private First Class Nakamura rightfully received the Congressional Medal of Honor.

This Courthouse naming him is supported by the entire Washington State delegation, I am told, and many, many other prominent patriotic groups; and I strongly urge support for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5302, a bill to designate the courthouse located at 1010 Fifth Avenue, Seattle, Washington, as the William Kenzo Nakamura Courthouse. The bill has the support of the entire Washington delegation, and I congratulate the gentleman from Washington (Mr. McDERMOTT) for his tireless efforts on behalf of this bill.

The story of William Nakamura is a story of an American hero. He was born and raised in Seattle. As a young man, in 1942, he and his family were forcibly relocated to a Federal internment camp. While at Minidoka Relocation Center in Iowa, William and his brothers then enlisted in the U.S. Army. In their minds, their loyalty to the United States was unquestionable.

He was assigned to the 442nd Regimental Combat Team. It is now well documented that this unit was one of World War II's bravest fighting units and was one of the most decorated units in the history of our Nation's military.

On the 4th of July, 1944, William Nakamura distinguished himself with astonishing bravery and remarkable heroism in a raging battle outside of Castellina, Italy. While his entire platoon was pinned down by enemy machine gun fire, he crawled within 15 feet of the enemy bunker and destroyed the machine gun nest with four hand grenades. Later in the battle he provided extraordinary cover for his platoon as they returned to safety. Tragically, Private Nakamura lost his life to sniper fire in the process.

Although he was nominated for the Medal of Honor, the racial environment at the time prevented him and many other soldiers of color from receiving the honors to which they were due and entitled. In the spring of 2000, over 50 years after Private Nakamura made the ultimate sacrifice for his country, he was posthumously awarded the Congressional Medal of Honor.

Mr. Speaker, it is truly fitting and proper that William Kenzo Nakamura be honored with this designation in his hometown of Seattle, Washington. I support this legislation, and urge my colleagues to join me in honoring a true American hero.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, the Committee on Transportation and Infrastructure might also have a subtitle, the Committee on Commendation of Great Americans. There are few opportunities for us in this body to memorialize Americans who have made great contributions to their country, sacrifice in many ways including, as in this case, sacrifice of their very lives.

It is our good fortune to have jurisdiction over Federal buildings to the extent even of naming those Federal buildings; and we have on this committee, on a bipartisan basis, reserved that responsibility for very special cases. We carefully review the many bills introduced to name structures for figures important locally or statewide or nationally; and in the end, our judgment on a bipartisan basis has been to reserve the naming of a building for someone who has truly made an extraordinary contribution.

This afternoon we have had at least one example of that with the naming of the George Brown building. Here, with the naming of the William Kenzo Nakamura United States Courthouse in Seattle, we have an opportunity to acknowledge, pay tribute to and memorialize for time everlasting, or at least as long as this structure will last, a true American hero, William Kenzo Nakamura.

One of our colleagues on the Committee on Transportation and Infrastructure who came to Congress with me in the same class, the 94th Congress, and later was chairman of the Committee on Public Works and Transportation, as it was known then, Mr. Minetta, was, like Private Nakamura, with his family, taken off to an internment camp in the American desert, simply because he was Japanese and because of the very powerful outpouring of feeling after the bombing of Pearl Harbor.

But Mr. Nakamura and his brothers, and while, of course, I cannot speak for their sentiments, but I know from Mr. Minetta, they were bewildered, they were resentful, they could not understand why their loyalty was being questioned. Americans of German ancestry were not hustled off to camps and sequestered from the rest of the country.

Mr. Nakamura and his brothers felt that they were unquestionably loyal to the United States, and they enlisted in the United States Army. The story of Mr. Nakamura's service in World War II with the 442nd Regimental Combat Team has already been told by the chairman and by the gentleman from Mississippi (Mr. SHOWS).

What an extraordinary account. What an extraordinary life. To not hold it against your country or your fellow countrymen for discriminating against you or your family, but, indeed, to offer your service, including your very life, for your country, one of the greatest acts of patriotism, meriting the Congressional Medal of Honor, along with other honors.

But today we take an opportunity to stop, reflect and make things right in the long run for Private Nakamura, for his family, and for all Americans of Japanese ancestry who were so unfairly treated in World War II, but, in this case, who rose above discrimination to become a true American patriot.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment my good friend, and while I do not want to withdraw my compliment, I certainly want to let that stand, I will withdraw anything else I might say because I see the gentleman who we have been waiting for with bated breath has now arrived, so this filibuster, at least on this side, now can end.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Seattle, Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I should start first by thanking the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for delaying this process, or extending it. Whatever you want to say, the delaying action was in.

Mr. Speaker, it is a particularly important moment for Seattle, because in 1941, at the time of the height of the Second World War, the United States chose to send to concentration camps all over the West Japanese Americans. One of them was Private First Class Nakamura.

His story is largely unknown, really was unknown in Seattle, and designating this courthouse in his name is really a fitting way to acknowledge not only his memory as a true American hero, but also to acknowledge a blot on our political situation that many of us have tried hard to remove over the years. Naming this courthouse after him will certainly begin or continue that process.

Bill Nakamura was born and raised in an area of Seattle called Japan Town. In 1942, while attending the University of Washington, he and his family and 110,000 other Japanese Americans were forcibly relocated to Federal internment camps. While living at the Minidoko Relocation Camp in Idaho, Nakamura and his brothers enlisted in the United States Army.

□ 1645

They were assigned to what was to become the most decorated unit in the United States military, the 442nd Regimental Combat Team. The courageous service of this unit is matched by no other unit in our history. Mr. Nakamura distinguished himself by extraordinary heroism and action on the 4th of July, 1944 near Castellina, Italy.

His platoon approached the city; and as it did, it came under heavy fire. Acting on his own initiative, PFC Nakamura crawled within 15 yards of an enemy machine gun nest, used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Nakamura's company was later ordered to withdraw from the crest of the hill, but rather than retreat with his platoon, PFC Nakamura took a position to cover the platoon's withdrawal. As the platoon moved towards safety, they suddenly became pinned down once again by machine gun fire.

PFC Nakamura crawled toward the enemy position and accurately fired upon the machine gunners, allowing his platoon to return to safety. It was during this heroic stand that PFC Nakamura lost his life, an enemy sniper got him. He was immediately nominated by his commanding officer for a Medal of Honor, but the racial climate in 1944, 1945 prevented him and other soldiers of color from receiving the Nation's highest honor. This year, 56 years later, after he made the ultimate sacrifice for his country, he was awarded the Congressional Medal of Honor as the part of the process by which a number of soldiers records were reviewed. Naming the courthouse in his honor will put really an exclamation point on how we treated him and other Japanese Americans and how they repaid us, how they fought to protect the country that had done them not so well.

Mr. Speaker, I do not want to take all the credit here, Steve Finely, one of the people in my district came up with the idea, the gentlewoman from Washington (Ms. DUNN) has worked very hard in getting the gentleman from Pennsylvania (Chairman SHUSTER) to bring this bill through. This bill has not been on the docket for more than about 3 weeks. So this is a rather rapid transit through this House, and I want to thank again the gentleman from Pennsylvania (Chairman SHUSTER) and his staffer, Matt Wallen, for their efforts, as well as the gentleman from Minnesota (Mr. OBERSTAR). There are a whole list of organizations in Washington that participated in making this possible, one person I think that needs to be recognized is June Oshima, who is Mr. Nakamura's sister. She was part of the group that asked and persuaded the Department of Defense to look at these men who had served bravely and had not been recognized.

Mr. Speaker, this is a very important thing, not a big thing in the history of the world, but it is important that people who are willing to do the right thing, even when other people have not done the right thing to them, they need to be recognized. For that reason, I urge the passage of the bill.

Mr. Speaker, I rise today in support of H.R. 5302, legislation which designates the United States courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

This legislation has the strong support of the entire Washington State delegation, Robert Matsui, Representative PATSY MINK, and Representative DAVID WU and locally elected officials in the Pacific Northwest. The legislation is broadly supported by veterans groups including the Nisei Veterans Committee, Northwest Chapter of the Military Intelligence Service, Mercer Island VFW Post 5760, Lake Washington VFW Post 2995, Renton VFW Post 1263, The Seattle Chapter of the Association of the U.S. Army.

Pfc. Nakamura's story is largely unknown; designating the U.S. Courthouse in his name is a fitting way to acknowledge the memory of a true American hero, who for so many years was denied the honor he so justly deserved.

William Kenzo Nakamura was born and raised in an area of Seattle that used to be known as "Japantown." In 1942, while attending the University of Washington, William Kenzo Nakamura, his family, and 110,000 other Japanese Americans were forcibly relocated to federal internment camps. While living at the Minidoka Relocation Center in Idaho, Nakamura and his brothers enlisted in the United States Army. William Kenzo Nakamura was assigned to serve with the 442nd Regimental Combat Team. The courageous service of this unit during World War II made it one of the most decorated in the history of our nation's military.

William Kenzo Nakamura distinguished himself by extraordinary heroism in action on July 4, 1944, near Castellina, Italy. As Pfc. Nakamura's platoon approached Castellina, it came under heavy enemy fire. Acting on his own initiative, Pfc. Nakamura crawled within 15 yards of the enemy's machine gun nest and used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Pfc. Nakamura's company was later ordered to withdraw from the crest of a hill. Rather than retreat with his platoon, Pfc. Nakamura took a position to cover the platoon's withdrawal. As his platoon moved toward safety they suddenly became pinned down by machine gun fire. Pfc. Nakamura crawled toward the enemy's position and accurately fired upon the machine gunners, allowing his platoon time to withdraw to safety. It was during this heroic stand that Pfc. Nakamura lost his life to enemy sniper fire.

Pfc. Nakamura's commanding officer nominated him for the Medal of Honor but the racial climate of the time prevented him, and other soldiers of color, from receiving the nation's highest honor. This year, fifty-six years after he made the ultimate sacrifice for his country, William Kenzo Nakamura was awarded the Congressional Medal of Honor.

I would like to acknowledge June Oshima, Pfc. Nakamura's sister. This legislation confirms what she and the Nakamura family have long known, William Kenzo Nakamura is an American hero. William Kenzo Nakamura embodies the American spirit—an individual who faced enormous inequity imparted on him by his country, yet nobly volunteered to protect it paying the ultimate sacrifice. The "William K. Nakamura Courthouse" will stand to remind us all of his and other Japanese-American's contributions and sacrifices for this country. Naming the Courthouse in his honor of William Kenzo Nakamura would be a fitting honor for him and other Japanese Americans.

Mr. SHOWS. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5302.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5110, H.R. 5302, and H.R. 3069.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4965) to amend the Perishable Agricultural Commodities Act, 1930, to extend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York.

The Clerk read as follows:

H.R. 4965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930.

Section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, a person that desires to file a complaint under this section involving the allegation of false inspection certificates prepared by graders of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint until January 1, 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the bill, H.R. 4965, a bill to extend the time period to file a complaint arising from the incident at the Hunts Point Terminal Market.

I thank the gentleman from California (Mr. CONDIT) for introducing this legislation. I also would like to thank the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture for holding a hearing on the Hunts Point matter on July 27. I thank my colleague, the gentleman from Texas (Mr. STENHOLM) for his assistance in bringing this bill to the floor.

On October 27, 1999, eight USDA produce inspectors and individuals from 13 wholesale firms were arrested at the Hunts Point Terminal Market and charged with bribery. These arrests were the result of a 3-year investigation by the USDA's Office of Inspector General. All total, Federal prosecutors were able to obtain convictions for nine USDA inspectors involved in this illegal activity, in addition to the charges filed against 14 wholesale firms.

The AMS inspectors were charged with accepting cash bribes in exchange for reducing the grade of the produce they inspected, which then allowed the wholesale company to purchase produce more cheaply at the expense of the farmer.

The Perishable Agriculture Commodities Act, PACA, enacted in 1930, governs the fair trade of fresh and frozen fruits and vegetables. PACA guidelines provide a mechanism to resolve commercial disputes that arise in the produce trade. PACA also establishes a code of business practices and enables USDA to penalize violations of these practices.

Mr. Speaker, all who believe they suffered from the financial damages as a result of the fraudulent inspection at the Hunts Point Market may seek to recover these damages by filing a PACA complaint. However, PACA guidelines require all claims be filed within 9 months of the incident. In this case, any party seeking damages from the Hunts Point incident would have had to file a claim by July 27, 2000.

Mr. Speaker, it is my understanding that the earliest any producer received a copy of the fraudulent inspection certificates was March 21 and some did not receive theirs until June 23. These certificates, along with other records, are necessary to establish the amount of damages. As my colleagues can see, many did not have adequate time to assemble the required documentation to file a claim by the deadline. H.R. 4965 extends the deadline for filing the PACA claim resulting from the Hunts Point incident to January 1, 2001.

This will provide farmers and others with a claim to gather the information they need to present a claim for compensation resulting from illegal inspection activities.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4965, and I think the gentleman from California (Mr. CALVERT) has done a good job of laying out the situation. This bill is basically technical in nature.

Mr. Speaker, I am the ranking member on the Subcommittee on Livestock and Horticulture and I sat through the hearings regarding this Hunts Point situation and it is and was quite a mess, to say the least. What we are trying to accomplish here is merely a technical change to give these folks enough time so they can file these claims, as was indicated by the gentleman from California (Mr. CALVERT).

Under the way the process works, they only had until July 27, some of them did not get notified until June, so this just merely extends it to January 1, 2001, which is appropriate. Basically, this is a technical bill, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Minnesota (Mr. PETERSON) for his assistance, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4965.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4788, GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 632) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000.

The Clerk read as follows:

H. RES. 632

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4788, with the amendment of the Senate thereto, and to have concurred in the Senate amendment with the following amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

SEC. 311. COTTON FUTURES.

Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: "A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.".

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled "Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices", GAO/RCED-00-242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

"SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

"Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) assesses the general economic state of the cattle and hog industries;

"(2) describes changing business practices in those industries; and

"(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.".

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

"SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

"(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

"(A) This Act.

"(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

"(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

"(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

"(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

"(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

"(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

"(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

"(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

"(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

"(B) society can realize the full benefits of the rehabilitation investment.

"(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

"(d) PROHIBITED USE.—

"(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

"(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

"(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

"(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

"(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

"(1) $5,000,000 for fiscal year 2001;

"(2) $10,000,000 for fiscal year 2002;

"(3) $15,000,000 for fiscal year 2003;

"(4) $25,000,000 for fiscal year 2004; and

"(5) $35,000,000 for fiscal year 2005.

"(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

"(j) RECORDKEEPING AND REPORTS.—

"(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

"(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.".

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161–DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161–DI, entitled "Boundary Survey for South Carolina Forestry Commission", dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225–HI, entitled "South Carolina Forestry Commission Boardman Land Exchange", dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

"(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.".

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds available to carry out section 32 of the Act of August 24, 1935 (Public Law 320; 7 U.S.C. 612c) to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise today to suspend the rules and pass H. Res. 632 and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. The House passed a clean bill on October 10, and we now take up the bill with the Senate amendment.

The reauthorization will provide the Grain Inspection Packers and Stockyards Administration with essential authority to continue the inspection of grain utilized in both domestic and international markets and extends the authority of the Secretary of Agriculture to collect fees to cover the costs of services performed under the act until the year 2005.

On September 30, 2000, Mr. Speaker, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired; and the latest figures show that approximately 75 percent of the grain inspection budget is funded through the collection of fees, and only 25 percent funded through appropriations. Therefore, it is imperative that Congress act now to renew this expired authority.

H. Res. 632 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with the uniform regulatory system to govern the operation of federally licensed warehouses involved in storing agricultural products. Currently, warehouse licenses may be issued for the storage of major commodities and cottonseed. According to the USDA, 45.5 percent of the U.S. off-farm grain and rice storage capacity and 49.5 percent of the total cotton storage capacity is licensed under the Warehouse Act.

The revisions to the Warehouse Act will make this program more relevant to today's agricultural marketing system. The legislation would do such things as, number one, authorize and standardize electronic documents to allow their transfer from buyer to seller across State and international boundaries; number two, authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and, finally, to protect the integrity of State warehouse laws and regulations from Federal preemption.

In 1992, Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for the cotton industry; and since then, participation in the electronic-based program has grown to more than 90 percent of the U.S. cotton crop.

This legislation would extend the electronic warehouse receipts program to include all agricultural commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the U.S. Department of Agriculture and relevant industries.

Another important part of H. Res. 632, Mr. Speaker, addresses food aid to poverty-stricken countries. Many of the groups in the U.S. that assist in feeding the hungry around the world, are faith-based, nonprofit organizations that simply donate their services.

For years, these groups who want to contribute food aid to victims of international disasters have been prevented from fully participating in these efforts.

This legislation would authorize the administrator of the U.S. Agency for International Development to provide grants to private, non-profit and private, voluntary organizations for the stockpiling and rapid distribution, delivery of shelf-stable, prepackaged foods to needy individuals in foreign countries.

In summary, Mr. Speaker, this legislation will bring grain inspection, and the use of warehouse facilities into the 21st century. At the same time, this bill will assist poverty-stricken countries, as they continue to accept the assistance of the United States nutrition programs. I certainly urge my colleagues to support this timely and very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 4788, as amended, which contains the reauthorization of the U.S. Grain Standards Act and an update of the U.S. Warehouse Act that was passed in this House last week, as well as several other new provisions which I will go over.

Given today's world market, it is important that our farmers and commodity merchants have the best technical support possible to help them compete in that marketplace. This legislation helps continue the tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers, and Stockyards Administration, GIPSA, as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

H.R. 4788 as amended by the Senate now also contains the following provisions:

An amendment to the Perishable Agriculture Commodities Act to extend the time period during which persons may file a complaint, which is, I think, identical to the bill we just passed previously, so we are going to do it twice to make sure that it does not slip by us;

A provision authorizing the Agriculture Marketing Service, AMS, to collect fees for contracted mediation and arbitration services provided by the tri-national Dispute Resolution Corporation, which has been formed by Canada, Mexico, and the United States.

AMS currently provides similar mediation and arbitration services to resolve contract disputes for fruit and vegetable businesses in the U.S. Since these services would be provided on a user-fee basis, the estimated net budgetary effect of this provision would be zero.

Several rural development provisions to further enhance the eligibility of rural areas suffering from severe unemployment and outmigration for a rural development program have been added.

A provision was added entitled "International Food Relief Partnership Act," which will provide incentives to further test the use of prepackaged, shelf-stable food. In addition, it will also provide limited authority to test the concept of pre-positioning commodities overseas for use in emergencies.

It would also extend and update the State mediation grant program, an important tool, given the difficult times facing farmers and ranchers today.

H.R. 4788, as amended by the Senate, has been further modified to include the following new provisions on our side: that is, Title I of the H.R. 728, the Small Watershed Rehabilitation Amendments of 2000. This is a bill that passed the House by voice vote in July.

A provision for the exchange of private land involving the South Carolina Forestry Commission and the U.S. Forest Service. This exchange will be of equal value, and therefore of no cost to the government;

And a provision directing the Secretary to implement the recommendations of the September 21 General Accounting Office study of the enforcement of the Packers and Stockyards Act. It is hoped these changes will help make USDA more efficient and effective in protecting our Nation's livestock producers from any unfair market activities.

Mr. Speaker, I urge my colleagues to support the routine update of these two statutes and other provisions that were included in H.R. 4788.

Mr. Speaker, I would like to say that this may be the last time that we see the gentleman from Nebraska (Chairman BARRETT) in this position on the floor. He has, unfortunately, chosen to leave the House.

I just want to say he has been an outstanding Member of the Committee on Agriculture, an outstanding chairman of the Subcommittee on General Farm Commodities, Resource Conservation and Credit. I have gotten to know the gentleman from Nebraska quite well. He is one of the nicest people, the most bipartisan chairman that we have. He is going to be very much missed.

All I can say is that I know that his family, his grandkids, are going to appreciate having him around a little more. He is maybe going to get a chance to fly his airplane like he used to do before he got so busy.

Most importantly, he and I are both musicians. He is going to go back and start playing the upright base again in his band. He is going to have a lot of fun, I know. We are going to miss the gentleman. He has done a great job. I know I speak for all of us in saying the best of luck to him, and have fun on the other side.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly thank my distinguished colleague, the gentleman from Minnesota, for those kind words.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nebraska (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AMENDING INSPECTOR GENERAL ACT

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1707) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

The Clerk read as follows:

S. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2) by striking "the Tennessee Valley Authority,"; and

(2) in section 11—

(A) in paragraph (1) by striking "or the Commissioner of Social Security, Social Security Administration;" and inserting "the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;"; and

(B) in paragraph (2) by striking "or the Social Security Administration;" and inserting "the Social Security Administration, or the Tennessee Valley Authority;".

(c) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

"Inspector General, Tennessee Valley Authority.".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

(B) shall be subject to section 8G (c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) INSPECTORS GENERAL FORENSIC LABORATORY.—

(1) ESTABLISHMENT.—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspector General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1707.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1707 would make the position of Inspector General of the Tennessee Valley Authority a presidential appointment. The bill would also authorize a Criminal Investigator Academy and Forensic Laboratory for the Inspector General community.

Offices of Inspector General are independent, nonpartisan, and objective units that exist in nearly 60 Federal departments and agencies, including all Cabinet departments, major executive branch agencies, and many smaller boards, commissions, corporations, and foundations.

The primary distinction between the offices of Inspector General in the larger Federal agencies and those in smaller government entities is the method by which the Inspector General is appointed. Inspectors General at larger agencies are appointed by the President, with the advice and consent of the Senate. Inspectors General at smaller Federal entities are appointed, and can be removed from office by the head of the agency.

Regardless of the process, however, the mission of all Inspectors General is the same: to conduct audits and investigations of agency programs in order to promote an economic and efficient operation, and to combat any waste, fraud, or misuse of public money.

The Tennessee Valley Authority's board of directors currently appoints and can remove its Inspector General. S. 1707 would turn that responsibility over to the President.

With an annual budget of more than $7 million and a staff of more than 80 full-time equivalent employees, the Tennessee Valley Authority is larger than some government entities whose Inspectors General are appointed by the President. S. 1707 would elevate the status of the Tennessee Valley Authority's Inspector General, and would further enhance the independence of this important office.

S. 1707 would also establish a Criminal Investigator Academy and General Forensic Laboratory for all Federal Inspectors General. These facilities would be housed in the Department of the Treasury and would provide high caliber investigative training and forensic services for Inspectors General at all departments, agencies, and government entities, regardless of size.

Mr. Speaker, I urge adoption of this measure, and I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1707, as has been mentioned, is intended to enhance the independence of the Inspector General of the Tennessee Valley Authority by making the position presidentially-appointed. Under current law, the Inspector General of the TVA is appointed by the agency head.

As all of us understand, the Inspectors General in all of our agencies perform a very important watchdog function. In order to be able to carry that out effectively, they need to be independent. Therefore, this bill would make the Inspector General of this agency similar to all agencies of the Federal government and require that the President appoint the Inspector General, rather than the agency head.

In addition, this bill authorizes such funds as are necessary to establish a criminal investigator academy and a forensic laboratory for the Inspector General community. It is clear that the Inspectors General need to have adequate and continuous criminal investigative training, and this academy will provide such training.

Also, the Inspectors General have a need for forensic lab capability, which this bill authorizes.

Mr. Speaker, I support the bill, and I commend Senator THOMPSON and Senator LIEBERMAN for their bipartisan work on the matter. I believe the bill will enhance the Inspector General of the TVA and promote economy, effectiveness, and efficiency within that important Federal agency, and I urge adoption of the measure.

Mr. Speaker, I yield back the balance of my time.

Mr. OSE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I want to first of all thank the gentleman from California (Mr. OSE) for yielding me this time and for his support of this legislation.

Mr. Speaker, I rise in support of this bill, which I think can fairly be described as noncontroversial, commonsense legislation. S. 1707 is a bill that was introduced by my colleague from Tennessee, Senator FRED THOMPSON, and I want to salute him for his work on this legislation.

This bill, S. 1707, is the companion to a bill that I originally introduced in the House, H.R. 2013. Simply put, S. 1707 will require that the Inspector General for the Tennessee Valley Authority be appointed by the President and confirmed by the Senate.

Currently, the Inspector General for the TVA is appointed by the TVA board, the very board which it is expected to oversee. This legislation will guarantee that this Inspector General is guaranteed independence, so that any waste, fraud, and abuse can be fully and adequately and properly investigated. Almost everyone agrees that Inspectors General can do much better jobs if they are not controlled by the agency or department which they are expected to oversee.

The bill which was originally introduced would apply to all 33 Federal agencies where the Inspectors General are not truly independent and are presently appointed by the department or agency which they are expected to investigate and oversee. While S. 1707 applies only to TVA, I certainly think it is a step in the right direction, and it is a very significant first step toward my goal of making all 33 of these agency Inspectors General truly independent.

I am also pleased that this bill has provisions that the gentleman from California (Mr. OSE) just mentioned to establish an academy for Inspectors General that all Inspectors General can attend, so that this bill will start a process that will have ramifications far beyond TVA.

This proposal has bipartisan support, and it has been endorsed by the Tennessee Valley Authority board of directors. It has already passed the other body by unanimous consent. In addition, the Knoxville News Sentinel, which is published in the city where TVA's headquarters are located, has recommended passage of this legislation.

Finally, I would like to thank the gentleman from Indiana (Mr. BURTON) and his staff for their hard work on this bill, and for helping me bring this bill to the floor today. Mr. Speaker, I will say that this is a modest proposal which will certainly help improve the oversight of the Tennessee Valley Authority. I urge passage of S. 1707.

Mr. CLEMENT. Mr. Speaker, I rise today to voice my support for S. 1707, legislation that requires the TVA Inspector General to be nominated by the President and confirmed by the Senate, as is the practice at other large federal agencies. S. 1707 also provides that the President has the authority to remove the TVA IG.

As a cosponsor of similar legislation in the House introduced by Representative JIMMY DUNCAN, I am very pleased that Congress is moving to pass this legislation before we adjourn for the year. S. 1707, like H.R. 2013, amends the Inspector General Act of 1978 to provide for the Presidential appointment of and Senate confirmation of the Inspector General for TVA.

As a former member of TVA's Board of Directors and a former chairman of the TVA Caucus in Congress, I believe this bill will greatly help assure the independence between the IG's office and TVA management. It is critically important to reaffirm the independence of the TVA IG, and thus Congress should amend the Inspector General Act. Most will agree that making TVA's IG a Presidential appointee will strengthen the IG's office. I applaud Senator THOMPSON and Representative DUNCAN for their leadership on this legislation. It is my hope the President will act promptly and sign this bill into law.

Mr. OSE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the Senate bill, S. 1707.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ICCVAM AUTHORIZATION ACT OF 2000

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4281) to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness, as amended.

The Clerk read as follows:

H.R. 4281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ICCVAM Authorization Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) ALTERNATIVE TEST METHOD.—The term "alternative test method" means a test method that—

(A) includes any new or revised test method; and

(B)(i) reduces the number of animals required;

(ii) refines procedures to lessen or eliminate pain or distress to animals, or enhances animal well-being; or

(iii) replaces animals with non-animal systems or 1 animal species with a phylogenetically lower animal species, such as replacing a mammal with an invertebrate.

(2) ICCVAM TEST RECOMMENDATION.—The term "ICCVAM test recommendation" means a summary report prepared by the ICCVAM characterizing the results of a scientific expert peer review of a test method.

SEC. 3. INTERAGENCY COORDINATING COMMITTEE ON THE VALIDATION OF ALTERNATIVE METHODS.

(a) IN GENERAL.—With respect to the interagency coordinating committee that is known as the Interagency Coordinating Committee on the Validation of Alternative Methods (referred to in this Act as "ICCVAM") and that was established by the Director of the National Institute of Environmental Health Sciences for purposes of section 463A(b) of the Public Health Service Act, the Director of the Institute shall designate such committee as a permanent interagency coordinating committee of the Institute under the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods. This Act may not be construed as affecting the authorities of such Director regarding ICCVAM that were in effect on the day before the date of the enactment of this Act, except to the extent inconsistent with this Act.

(b) PURPOSES.—The purposes of the ICCVAM shall be to—

(1) increase the efficiency and effectiveness of Federal agency test method review;

(2) eliminate unnecessary duplicative efforts and share experiences between Federal regulatory agencies;

(3) optimize utilization of scientific expertise outside the Federal Government;

(4) ensure that new and revised test methods are validated to meet the needs of Federal agencies; and

(5) reduce, refine, or replace the use of animals in testing, where feasible.

(c) COMPOSITION.—The ICCVAM shall be composed of the heads of the following Federal agencies (or their designees):

(1) Agency for Toxic Substances and Disease Registry.

(2) Consumer Product Safety Commission.

(3) Department of Agriculture.

(4) Department of Defense.

(5) Department of Energy.

(6) Department of the Interior.

(7) Department of Transportation.

(8) Environmental Protection Agency.

(9) Food and Drug Administration.

(10) National Institute for Occupational Safety and Health.

(11) National Institutes of Health.

(12) National Cancer Institute.

(13) National Institute of Environmental Health Sciences.

(14) National Library of Medicine.

(15) Occupational Safety and Health Administration.

(16) Any other agency that develops, or employs tests or test data using animals, or regulates on the basis of the use of animals in toxicity testing.

(d) SCIENTIFIC ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director of the National Institute of Environmental Health Sciences shall establish a Scientific Advisory Committee (referred to in this Act as the "SAC") to advise ICCVAM and the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods regarding ICCVAM activities. The activities of the SAC shall be subject to provisions of the Federal Advisory Committee Act.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The SAC shall be composed of the following voting members:

(i) At least 1 knowledgeable representative having a history of expertise, development, or evaluation of new or revised or alternative test methods from each of—

(I) the personal care, pharmaceutical, industrial chemicals, or agriculture industry;

(II) any other industry that is regulated by the Federal agencies specified in subsection (c); and

(III) a national animal protection organization established under section 501(c)(3) of the Internal Revenue Code of 1986.

(ii) Representatives (selected by the Director of the National Institute of Environmental Health Sciences) from an academic institution, a State government agency, an international regulatory body, or any corporation developing or marketing new or revised or alternative test methodologies, including contract laboratories.

(B) NONVOTING EX OFFICIO MEMBERS.—The membership of the SAC shall, in addition to voting members under subparagraph (A), include as nonvoting ex officio members the agency heads specified in subsection (c) (or their designees).

(e) DUTIES.—The ICCVAM shall, consistent with the purposes described in subsection (b), carry out the following functions:

(1) Review and evaluate new or revised or alternative test methods, including batteries of tests and test screens, that may be acceptable for specific regulatory uses, including the coordination of technical reviews of proposed new or revised or alternative test methods of interagency interest.

(2) Facilitate appropriate interagency and international harmonization of acute or chronic toxicological test protocols that encourage the reduction, refinement, or replacement of animal test methods.

(3) Facilitate and provide guidance on the development of validation criteria, validation studies and processes for new or revised or alternative test methods and help facilitate the acceptance of such scientifically valid test methods and awareness of accepted test methods by Federal agencies and other stakeholders.

(4) Submit ICCVAM test recommendations for the test method reviewed by the ICCVAM, through expeditious transmittal by the Secretary of Health and Human Services (or the designee of the Secretary), to each appropriate Federal agency, along with the identification of specific agency guidelines, recommendations, or regulations for a test method, including batteries of tests and test screens, for chemicals or class of chemicals within a regulatory framework that may be appropriate for scientific improvement, while seeking to reduce, refine, or replace animal test methods.

(5) Consider for review and evaluation, petitions received from the public that—

(A) identify a specific regulation, recommendation, or guideline regarding a regulatory mandate; and

(B) recommend new or revised or alternative test methods and provide valid scientific evidence of the potential of the test method.

(6) Make available to the public final ICCVAM test recommendations to appropriate Federal agencies and the responses from the agencies regarding such recommendations.

(7) Prepare reports to be made available to the public on its progress under this Act. The first report shall be completed not later than 12 months after the date of the enactment of this Act, and subsequent reports shall be completed biennially thereafter.

SEC. 4. FEDERAL AGENCY ACTION.

(a) IDENTIFICATION OF TESTS.—With respect to each Federal agency carrying out a program that requires or recommends acute or chronic toxicological testing, such agency shall, not later than 180 days after receiving an ICCVAM test recommendation, identify and forward to the ICCVAM any relevant test method specified in a regulation or industry-wide guideline which specifically, or in practice requires, recommends, or encourages the use of an animal acute or chronic toxicological test method for which the ICCVAM test recommendation may be added or substituted.

(b) ALTERNATIVES.—Each Federal agency carrying out a program described in subsection (a) shall promote and encourage the development and use of alternatives to animal test methods (including batteries of tests and test screens), where appropriate, for the purpose of complying with Federal statutes, regulations, guidelines, or recommendations (in each instance, and for each chemical class) if such test methods are found to be effective for generating data, in an amount and of a scientific value that is at least equivalent to the data generated from existing tests, for hazard identification, dose-response assessment, or risk assessment purposes.

(c) TEST METHOD VALIDATION.—Each Federal agency carrying out a program described in subsection (a) shall ensure that any new or revised acute or chronic toxicity test method, including animal test methods and alternatives, is determined to be valid for its proposed use prior to requiring, recommending, or encouraging the application of such test method.

(d) REVIEW.—Not later than 180 days after receipt of an ICCVAM test recommendation, a Federal agency carrying out a program described in subsection (a) shall review such recommendation and notify the ICCVAM in writing of its findings.

(e) RECOMMENDATION ADOPTION.—Each Federal agency carrying out a program described in subsection (a), or its specific regulatory unit or units, shall adopt the ICCVAM test recommendation unless such Federal agency determines that—

(1) the ICCVAM test recommendation is not adequate in terms of biological relevance for the regulatory goal authorized by that agency, or mandated by Congress;

(2) the ICCVAM test recommendation does not generate data, in an amount and of a scientific value that is at least equivalent to the data generated prior to such recommendation, for the appropriate hazard identification, dose-response assessment, or risk assessment purposes as the current test method recommended or required by that agency;

(3) the agency does not employ, recommend, or require testing for that class of chemical or for the recommended test endpoint; or

(4) the ICCVAM test recommendation is unacceptable for satisfactorily fulfilling the test needs for that particular agency and its respective congressional mandate.

SEC. 5. APPLICATION.

(a) APPLICATION.—This Act shall not apply to research, including research performed using biotechnology techniques, or research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases or impairments of humans or animals.

(b) USE OF TEST METHODS.—Nothing in this Act shall prevent a Federal agency from retaining final authority for incorporating the test methods recommended by the ICCVAM in the manner determined to be appropriate by such Federal agency or regulatory body.

(c) LIMITATION.—Nothing in this Act shall be construed to require a manufacturer that is currently not required to perform animal testing to perform such tests. Nothing in this Act shall be construed to require a manufacturer to perform redundant endpoint specific testing.

(d) SUBMISSION OF TESTS AND DATA.—Nothing in this Act precludes a party from submitting a test method or scientific data directly to a Federal agency for use in a regulatory program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

□ 1715

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 4281, as amended.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of H.R. 4281, the ICCVAM Authorization Act that will provide statutory authority for an ad hoc interagency coordinating committee that was set up over at the National Institute of Environmental Health Sciences in 1994.

On October 5, 2000, the full Committee on Commerce considered H.R. 4281. At that time, the committee negotiated with the committee's ranking member and reached agreement on a substitute, and today I am pleased that we will be able to call up H.R. 4281 as reported from the Committee on Commerce with my full support.

This bill is a win-win for business and animal protection organizations. The legislation provides product makers, who must adequately test their products for safety before bringing them to market, with a one-stop forum to ensure that new, revised and alternative test methods are scientifically valid and acceptable for regulatory use before they spend huge amounts of money to conduct the extensive tests necessary for government approval.

For animal rights groups, the legislation offers an improved forum in which alternatives to animal tests that may reduce, refine, or replace the use of animals can be scientifically validated for regulatory use.

H.R. 4281 does not create a new Federal bureaucracy. Rather, it improves upon an existing interagency committee that is already in operation, and more clearly identifies its responsibilities and duties.

The legislation further instructs Federal programs that require relevant product testing to ensure that the accepted test methods employ sound, objective and peer reviewed science. At the same time, the legislation does not block any party from taking any new or existing test method, test or test data directly to any agency, nor does it prevent any agency from considering any test method or test data that meets its statutory objectives.

That is why so many business groups and animal rights groups alike have written to Congress in support of this legislation. These include Procter and Gamble, Colgate-Palmolive, The Gillette Company, the American Chemistry Council, the Chemical Specialties Manufacturers Association, the Soap and Detergent Association, the American Crop Protection Association, the Synthetic Organic Chemical Manufacturers Association, as well as the Doris Day Animal League, the American Humane Society, the Humane Society of the United States, and the Massachusetts Society for the Prevention of Cruelty to Animals.

I am pleased to join 32 Republican and 41 Democrat cosponsors in support of this legislation. I congratulate the gentleman from California (Mr. CALVERT) for his efforts to bring this legislation forward, and I thank the gentleman from Michigan (Mr. DINGELL), the Committee's ranking member, for his efforts to work with us to achieve bipartisan agreement on the bill under consideration today.

I urge passage of H.R. 4281.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4281, the ICCVAM Authorization Act of 2000. ICCVAM, or the Interagency Coordinating Committee on Validation of Alternative Methods, was established by the director of the National Institute of Environmental Health Sciences in 1994 in response to a directive in the NIH Revitalization Act of 1993 instructing the National Institute to establish criteria and processes for validation and regulatory acceptance of toxicological test methods.

H.R. 4281, which was introduced by the gentleman from California (Mr. CALVERT) with the gentleman from Ohio (Mr. BROWN) and the gentlewoman from California (Mrs. CAPPS), has broad bipartisan support, as well as endorsements from the administration, the animal rights community and the stakeholder industries. It provides statute authority for ICCVAM to continue its work of establishing, as feasible, guidelines and recommendations that promote the regulatory acceptance of scientifically valid new or revised or alternative test methods. It was reported unanimously by the Committee on Commerce.

H.R. 4281 clearly delineates the purposes, duties, and responsibilities of ICCVAM. It also establishes how ICCVAM's scientific recommendations will be transmitted to Federal agencies involved in toxicology testing and how agencies are expected to respond.

These steps recognize the important role of ICCVAM in maintaining an open, collaborative, scientific review process for validating new and existing testing methods and perpetuating the promotion of alternatives to the use of animals in the critically important field of toxicology testing.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member, for his leadership on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the prime cosponsor of this bill.

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the committee, for helping us bring this bill as rapidly as possible to the floor; and certainly it has been a pleasure working with him these last 8 years. I wish him well in his retirement.

I also want to say that this bill has been carefully crafted through the tireless work and effort of many individuals. This bill, H.R. 4281, the ICCVAM Authorization Act, enjoys support from an overwhelming coalition of companies and groups that span the political spectrum.

We have animal groups, chemical and pharmaceutical companies, industry associations, and the current administration among the bill's supporters. We have Republicans, Democrats that agree on the bill. Many people have worked and worked to ensure that this bill would receive a consensus agreement, and I am proud to say that we have a document here that has achieved that goal.

This legislation is a testament to what can be done when different groups come together for an important cause. This legislation reaches an important outcome, reducing the number of needless animal deaths and so much more. The legislation will save the American taxpayers money by ensuring a streamline approach to approval of toxicological test methods. It will save chemical and pharmaceutical companies thousands of dollars by eliminating duplicative, time-consuming and costly test method validation at several government agencies. Everyone wins with this bill.

Mr. Speaker, I would like to close by thanking the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, once again; the gentleman from Michigan (Mr. DINGELL), the ranking member; the gentleman from Florida (Mr. BILIRAKIS), the chair of the Subcommittee on Health; and of course the gentleman from California (Mr. LANTOS), who has also worked with me very hard from the beginning to make sure this bill becomes a reality today.

I encourage all of my colleagues to join in this effort and overwhelmingly pass H.R. 4281.

Mr. LARSON. Mr. Speaker, I rise today in support of H.R. 4281, the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) Authorization Act of 2000, which will create statutory authority for the ICCVAM, a consortium of 17 federal departments and agencies cooperating on the validation of new test methods.

In recent years product manufacturers have been attempting to move away from traditional animal tests in order to respond to public concerns about animal welfare, but have been hampered by Federal regulations slowing down the validation of alternative methods. Strengthening the ICCVAM will create a vital framework to streamline government/industry partnerships in developing and regulating new test methods.

This legislation has three objectives. First, it will establish a centralize clearinghouse for test method information. Second, it will expedite the approval of new technology and test methods with higher accuracy than animal-based test methods. Finally, it will reduce the number of test animals used in laboratories when reliable alternatives are available. This bipartisan bill is supported by a coalition of industry and animal protection organizations.

As a member of the Science Subcommittee on Basic Research I support this bill's effort to coordinate the validation and national harmonization of toxicological test methods. In 1999 the Environmental Protection Agency (EPA) maintained its position that it will continue to do everything it can to limit the amount of animal tests and the number of animals used in the tests. Also, the National Institute of Environmental Health and Sciences, the National Toxicology Program, and the EPA have committed as much as $5 million over the next two years to develop and validate non-animal test methods.

I cannot emphasize enough how important it is to increase testing efficiency and reduce redundant animal testing by coordinating interagency test validation efforts. The ICCVAM will not only conserve research funding but also drastically reduce the number of animals needlessly killed by scientific testing. As someone who received a 100% rating on my voting record from the Humane Society of the United States, I believe it is vital that Congress act on these issues and pass this legislation.

Therefore, I urge my colleagues to join me in supporting the ICCVAM Authorization Act.

Mr. HORN. Mr. Speaker, I rise today in support of H.R. 4281, The Interagency Coordinating Committee on the Validation of Alternative Methods Authorization Act of 2000, known as ICCVAM, of which I am an original co-sponsor.

Mr. Speaker, this bipartisan legislation seeks to insure that the lives of millions of test animals are not taken needlessly. This legislation will reduce testing costs and reduce liability in product safety testing while increasing the accuracy of results and improving research data. This is accomplished by creating statutory authority for the existing federal Interagency Coordinating Committee on the Validation of Alternative Methods to establish guidelines for the acceptance of new and revised product safety tests.

The Interagency Coordinating Committee on the Validation of Alternative Methods, ICCVAM, is a consortium of several federal departments and agencies cooperating on the validation of new safety methods. The committee reviews alternative test methods and recommends to the various agencies where the tests could be used. This legislation simply grants ICCVAM statutory authority while requiring no additional budget expenditures.

The commonsense approach to animal testing in this measure has allowed it to gain support from a unique alliance of animal protection groups as well as consumer product industry giants. I am pleased that this legislation is being considered by the House today and I urge my colleagues to support this measure.

Mr. CALVERT. Mr. Speaker, I rise to present legislation that has been carefully crafted through the tireless work and effort of many individuals. This bill, H.R. 4281, the ICCVAM Authorization Act, enjoys support from an overwhelming coalition of companies and groups that span the political spectrum.

We have animal rights groups, chemical and pharmaceutical companies, industry associations and the current administration among the bill's supporters. We even have Republican and Democrats that agree on this bill. Many people have worked and worked to ensure that this bill would receive a consensus agreement, and I am proud to say, that we have a document here that has achieved this goal.

This legislation is a testament to what can be done when different groups come together for an important cause. This legislation reaches an important outcome; reducing the number of needless animal deaths and so much more. This legislation will save the American taxpayers money by ensuring a streamlined approach to the approval of toxicological test methods. It will save chemical and pharmaceutical companies millions of dollars by eliminating duplicative, time-consuming and costly test method validation at several government agencies. Everyone wins with this bill.

Mr. Speaker, I would like to close by thanking the Chairman of the Commerce Committee, Mr. BLILEY, the Ranking Member Mr. DINGELL, Health Subcommittee Chair Mr. BILIRAKIS and of course Mr. LANTOS who have worked with me from the beginning to ensure this bill's passage.

I encourage all of my colleagues to join in this effort and overwhelmingly pass H.R. 4281.

Mr. SHAYS. Mr. Speaker, as an original cosponsor of H.R. 4281, the ICCVAM Authorization Act, I rise in strong support of its passage today.

I commend my colleague from California, KEN CALVERT, for his work on this important issue and for bringing the bill to the floor. I would also like to recognize the dedication and tireless work of my good friend and colleague, TOM LANTOS, who introduced the bill in the 105th Congress and has been a champion of this issue.

H.R. 4281 permanently establishes ICCVAM under the National Institute of Environmental Health Sciences. Under the legislation, federal agencies would be required to review and identify all regulations that require animal use for toxicity tests.

The purposes of ICCVAM are to increase the efficiency and effectiveness of federal agency test method review, eliminate unnecessary duplicative efforts and share expertise between federal regulatory agencies, optimize the utilization of scientific expertise outside the federal government, ensure that new and revised test methods are validated to meet the needs of federal agencies, and reduce, refine, or replace the use of animals in testing, where feasible.

The bill takes important steps to encourage the use of alternative testing procedures that are of equal value as toxicity indicators and less costly—both in terms of dollars and animal lives.

Alternative tests such as the Eytex system, cloned human cells and computer models have been developed, and more alternative tests are expected to be available in the future. Unfortunately, the federal government has stymied the use and development of these technologically advanced procedures by failing to update its regulations and guidelines for testing. Under current procedures, manufacturers find it is easier to have new products approved by relying on outdated testing than through the use of new alternatives.

As a Co-chair of the Congressional Friends of Animals Caucus, I urge my colleagues on both sides of the aisle to support this taxpayer and animal friendly piece of legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4281, the ICCVAM Authorization Act of 2000. This is a good bill, which enjoys broad bipartisan support, as well as endorsements from the Administration, the animal rights community, and industry.

H.R. 4281 provides statutory authority for the permanent continuation of the 6-year-old ICCVAM, or Interagency Coordinating Committee on the Validation of Alternative Methods. ICCVAM establishes guidelines and recommendations that promote regulatory acceptance of new and alternative toxicological test methods for use by Federal agencies and departments. ICCVAM's history goes back to the NIH Revitalization Act of 1993, when the National Institute of Environmental Health Sciences (NIEHS) was directed to establish and publish criteria and processes for validation and regulatory acceptance of toxicological test methods. It has continued to function under the National Toxicology Program Interagency Center for Evaluation of Alternative Toxicological Methods, within NIEHS ever since. All relevant Federal regulatory and scientific agencies are currently represented on ICCVAM, which receives advice from a scientific advisory committee.

H.R. 4281 emphasizes ICCVAM's priority to review and recommend alternative test methods that will reduce, refine or replace the use of animals in toxicology testing, where appropriate. As stated by the Administration, "the use of these alternative test methods will be contingent upon their effectiveness in generating data in the amount and of a scientific value that is at least equivalent to the data generated by the existing text methods they are meant to replace." ICCVAM provides a forum for this scientific review, and derives its strength by facilitating dialogue across scientific disciplines, Federal agencies and with the public.

The composition and principle duties of ICCVAM and the Scientific Advisory Committee are delineated by this legislation. The legislation also establishes the relationship between ICCVAM and the Federal agencies that are required to conduct toxicological testing. The Administration has called ICCVAM a success and pledges to provide the necessary resources to sustain it.

I support this legislation, and trust that my colleagues will do likewise.

Mr. LANTOS. Mr. Speaker, I welcome House consideration of H.R. 4281, the

ICCVAM Authorization Act of 2000, and I want to take this opportunity to commend my colleague from California, Mr. CALVERT, for his work on this important issue and for bringing this bill to the floor.

Mr. Speaker, on March 27, 1996, I introduced H.R. 3173, the Consumer Products Safe Testing Act. This legislation was introduced to promote more humane business practices, increase the efficiency of the Federal Government, encourage scientific innovation and, most importantly, ensure continued consumer safety while eliminating unnecessary and inhumane product safety testing on animals. Today, H.R. 4281, the ICCVAM Authorization Act of 2000—legislation that is the successor to the bill I originally introduced in early 1996—represents the culmination of efforts which began over 5 years ago.

Mr. Speaker, H.R. 4281 is a non-partisan, non-controversial bill that emphasizes the protection of both human health and animal welfare by facilitating the development, acceptance and implementation of non-animal product safety tests.

This bill comes to the floor with an impressive marriage of diverse interests working together to support it. Distinguished Members from both political parties, industry leaders and animal welfare organizations have joined forces to produce a common-sense piece of legislation that safeguards both human and animal well-being. I am honored and delighted that H.R. 4281 is supported by the Procter & Gamble Company, the Gillette Company, the Colgate-Palmolive Company, the American Chemistry Council, the American Humane Association, the Humane Society of the United States, the Doris Day Animal League, and millions of Americans who have demanded safe and reliable alternatives to product safety testing on animals.

Mr. Speaker, for over fifty years, federal regulators have conducted product safety tests on animals. In the last decade, however, biotechnology companies have researched, developed, and manufactured alternative testing procedures that have proved to be just as safe, reliable, and in many cases, much more cost effective. Yet, these innovative technologies have never had an established protocol for receiving approval by federal agencies. In addition, industries desiring to implement alternative testing methods have endured a frustrating and confusing federal process for alternative test method review and approval, despite the fact that many industries have committed themselves to ensuring human safety while eliminating unnecessary, inhumane animal test methods.

Now, for the first time, this legislation which we are considering here on the floor of the House today will enable industries to cut through bureaucratic red-tape and speed the implementation of safe and reliable non-animal test methods. While functioning solely on an ad-hoc basis, the Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) has established sound criteria for the validation and acceptance of alternative methods to product safety testing on animals and it will require federal agencies to consider the ICCVAM's recommendations on alternative test methods. More importantly, H.R. 4281 eliminates the incentive for industries to prefer status quo animal tests by giving the ICCVAM the authority to make an otherwise fragmented regulatory process coherent, cost effective, and more readily accessible.

Mr. Speaker, the adoption of H.R. 4281 will demonstrate a commitment to increasing the health and environmental safety of all Americans by simplifying the process by which industries implement more technologically advanced methods of research into their product safety testing protocols. We must ensure that as we enter the 21st century the Federal Government is working efficiently to incorporate scientific progress into product safety tests and not solely relying on antiquated and inhumane animal tests to safeguard human health. With this in mind, Mr. Speaker, I strongly urge my colleagues to join me by supporting H.R. 4281.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness."

A motion to reconsider was laid on the table.

RICHMOND NATIONAL BATTLEFIELD PARK ACT OF 2000

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5225) to revise the boundaries of the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service and to encourage cooperative management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond Virginia, as amended.

The Clerk read as follows:

H.R. 5225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Richmond National Battlefield Park Act of 2000".

(b) DEFINITIONS.—In this Act:

(1) BATTLEFIELD PARK.—The term "battlefield park" means the Richmond National Battlefield Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j) Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the city of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.-

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the city of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the city of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the city of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the city of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this Act—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the city of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

SEC. 3. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the city of Richmond, Virginia, there is established the

Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled "Richmond National Battlefield Park Boundary Revision", numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9(c)).

SEC. 4. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this Act only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the city of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the city of Richmond for use as a visitor center for the battlefield park.

SEC. 5. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et. seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et. seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the city of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 7. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (Chapter 113; 16 U.S.C. 423j-423*l*) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5225, introduced by the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, revises the boundaries of the Richmond National Battlefield Park. These revisions are based on the findings of the Civil War Sites Advisory Committee and the National Park Service. The bill also encourages cooperative management, protection and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

The boundary revision would establish the Richmond National Battlefield Park to include approximately 7,300 acres. The bill authorizes the Secretary of the Interior to acquire land within the boundaries of the new park, but only from willing sellers. This bill also specifies that, to the extent practicable, the Secretary will purchase permanent conservation easements in lieu of outright land acquisitions.

H.R. 5225 also directs the Secretary to provide for the establishment of a suitable monument or memorial to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights.

Mr. Speaker, this is an important piece of legislation, and I urge my colleagues to support H.R. 5225 with an amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5225 would revise the boundaries of the Richmond National Battlefield Park in Virginia to include important resources related to the Civil War battles in and around the city of Richmond, Virginia.

The park was established in 1936 to preserve and commemorate several Civil War battles that took place as part of the capture of the Confederate capital. However, several important sites and resources are not currently within the park boundaries. H.R. 5225 would correct the situation and provides a means to protect and interpret additional Civil War resources. In addition, the bill provides recognition for the New Market Heights Battlefield where 14 Medals of Honor were awarded to African Americans. This is a fitting tribute to the extraordinary bravery that was exhibited there.

Mr. Speaker, H.R. 5225 has the support of the administration and the local community. We support it as well and urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), who represents the great city of Richmond, Virginia, the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 5225, the Richmond National Battlefield Park Act of 2000. This legislation, as has been pointed out, has the support of the National Park Service; it has the support of the local boards of supervisors and the Henrico County NAACP.

As the proud holder of the congressional district with the most Civil War battlefields, I am particularly sensitive to the role these sites play in our Nation's history.

Driving through the Seventh Congressional District of Virginia is, quite literally, a tour of the land which contained the bloodiest fighting during the most tumultuous time in our Nation's history.

As I travel the seventh district, I pass Brandy Station, the site of the largest cavalry battle of the war; Cold Harbor and the Wilderness, which held some of the most ferocious fighting; and the Tredegar Iron Works, which served as the arsenal of the Confederacy.

Not surprisingly, with these important sites so close to privately owned land, there is a great deal of tension between those wanting to preserve these important sites and those wanting to use their own land as they see fit.

Today, with the passage of this legislation, we take a great step towards protecting the rights of the landowners and preserving these Civil War sites for future generations.

For many years, citizens in and around the city of Richmond have lived in the shadow of the Richmond Battlefield Park. Since 1936, when the battlefield park was created, the boundary of the park has encompassed 225,000 acres, including a good portion of the city of Richmond.

Property owners inside the park boundary have lived with the knowledge that the National Park Service possesses condemnation authority over their land, though I must say they have never used it. At any time, the National Park Service might purchase land without the consent of the property owners. Today, we put an end to the landowners' fears that the Park Service may take their land for use by the Richmond National Battlefield Park.

First and foremost, this legislation accomplishes the long-time goal of repealing the National Park Service's condemnation authority within the park. Landowners no longer have to worry about losing their property to the Federal Government.

The bill also allows the use of Federal funds to buy battlefield land for the park from willing sellers. Only those wanting to sell their product to the National Park Service may do so.

Landowners also have the option of allowing the National Park Service easements on their property for use in historic interpretation instead of the outright sale of land. This is a win for private landowners, the Park Service, and preservationists.

Next, the legislation restricts the acreage the battlefield park can acquire to specific, more limited tracts of land. This legislation limits the battlefield park to approximately 7,300 acres, which includes only the most significant and historic land.

The Richmond National Battlefield Park Act also addresses two very important historic landmarks, the Tredegar Ironworks and the New Market Heights Battlefield.

The act authorizes the use of the Tredegar Ironworks as the park's main visitor center. The Tredegar Ironworks, located on the bank of the James River, was the only page foundry and rolling mill in the South.

The legislation authorizes the Park Service to use this facility to help visitors better understand the battlefields around Richmond and their impact on the Civil War.

Lastly, this legislation emphasizes the importance of the Battle of New Market Heights as a premier landmark in black military history. Many African American soldiers fought bravely and selflessly during the Civil War. However, very few were officially recognized for valor during that war. Indeed, black soldiers received only 16 Medals of Honor during the Civil War. Fourteen of those were awarded for valor at New Market Heights.

The importance of New Market Heights should not be underestimated, and this legislation reflects upon the importance of the battle.

The act also directs the Secretary of the Interior to provide for the establishment of a monument to honor the 14 black Medal of Honor winners at New Market Heights. While this legislation does not specifically state that this monument be located at New Market Heights, it is the intent of Congress that this monument be located there.

□ 1730

It is appropriate for Congress to take this action. While it has taken a long time, the bravery and sacrifice of these soldiers must be honored.

In closing, Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Utah (Mr. HANSEN) for their help with this legislation. Four years ago we came very close to passing similar legislation. Always a man of his word, in 1996 the gentleman from Alaska (Mr. YOUNG) promised me that he would revisit the issue, and I am grateful for his help today.

Lastly, I would like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), and his staff for their hard work on this legislation. This is bipartisan common sense legislation which will have a positive impact on Richmond. My colleague, the gentleman from Virginia (Mr. SCOTT), shares a great deal of the credit for the passage of this legislation.

Mr. Speaker, I urge support of this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), who also has worked with the Committee on Resources and played a key role on this legislation.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I join with my colleague, the gentleman from Virginia (Mr. BLILEY), in support of this important measure which reauthorizes the boundaries for the Richmond National Battlefield Park and establishes a memorial to honor the 14 black Union soldiers who were awarded the Medal of Honor for their valor during the battle of New Market Heights.

Let me share with my colleagues just for a moment the story behind the battle of New Market Heights. During the Civil War, on September 29, 1864, near Richmond, Virginia, Union forces attacked an important and heavily fortified Confederate position on a low ridge overlooking flat open terrain. It was on this particular day at New Market Heights that history would be made.

Soldiers then referred to as U.S. colored troops would assault the Confederate position, suffer extreme losses, and have 14 of their members receive Medals of Honor for their bravery in action. It is significant that only two more army medals were awarded to African Americans during the balance of the Civil War, and no other battle in the entire war generated 14 Medal of Honor designees.

Until recently, the story of these valiant 14 African-American soldiers was scarcely remembered or retold, even though some have described this battle to be one of the Nation's most forgotten historic sites. With the assistance of my colleague, the gentleman from Virginia (Mr. BLILEY), this legislation will provide appropriate recognition of these 14 men and will ensure that the battle of New Market Heights will be recognized for its historic significance.

This legislation is also important because it responds to the concerns of nearby landowners who have worried about the possibility of having their land taken by the Richmond National Battlefield Park. For too long the park has had the ability to use the power of eminent domain to take property without the consent of landowners. This bill recognizes those concerns and removes the cloud of uncertainty and concern of residents near the battlefield by prohibiting the acquisition of land without the consent of landowners.

Furthermore, the bill responds to other concerns that the technical boundaries of the park cover a lot more land than is necessary. The bill significantly reduces the area designated for potential use by the park to cover only that land which has been determined to have historic significance.

Mr. Speaker, H.R. 5225 responds to the concerns of landowners in Henrico County, Virginia, and focuses the resources of the National Park Service on the truly historically significant sites, and it gives proper recognition to the valiant African-American soldiers at New Market Heights. I, therefore, join my colleague from Virginia, with whom I have worked in a bipartisan manner on this bill, in support of the bill, and I urge its immediate passage.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume just to say that it is altogether fitting and proper that this legislation today is offered by the gentleman from Richmond, Virginia (Mr. BLILEY), and this is certainly worthwhile and I urge its unanimous passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5225, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5225, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RENAMING NATIONAL MUSEUM OF AMERICAN ART

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3201) to rename the National Museum of American Art.

The Clerk read as follows:

S. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

(a) IN GENERAL.—The National Museum of American Art, as designated under section 1 of Public Law 96-441 (20 U.S.C. 71 note), shall be known as the "Smithsonian American Art Museum".

(b) REFERENCES IN LAW.—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

SEC. 2. EFFECTIVE DATE.

Section 1 shall take effect on the day after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume, and I do want to thank my colleague and friend, the gentleman from Virginia (Mr. SCOTT), for his willingness to assist us in moving these pieces of legislation.

Mr. Speaker, Senate bill 3201 has its House counterpart authored by the gentleman from Ohio (Mr. REGULA). This is an interesting bill. It is "what is in a name." We currently have the National Museum of American Art, and we are going to rename that National Museum of American Art not for the first time.

In 1906, this Museum of American Art was called the National Gallery of Art. But in 1937, they built a building, which most of us now know is separate, and that name was given to that separate building, the National Gallery of Art.

The National Museum of American Art is confused with a number of other museums because of the national museum connotation. So this piece of legislation will once again rename this museum so that it will never be mistaken again. The new name is the Smithsonian American Art Museum.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, to state that we have no objection to this legislation and I urge its passage.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the author of this piece of legislation on the House side.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, myself, along with the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI), serve as members of the Board of Regents of the Smithsonian Institution. We have, together, sponsored the legislation that is the House bill, and, of course, it parallels the Senate bill which we are working on today. This legislation is introduced as a result of the approval of the name change for the museum at the September meeting of the Board of Regents.

The regents believe this name change makes a clarification in the minds of many Americans who visit Washington, who are enthusiasts of American art, that the museum is part of the Smithsonian Institution. With this name clarification and the true connection in people's minds with the Smithsonian, the regents believe that more visitors will want to explore the treasures of the museum. We further hope that both attendance and private support for the museum will increase with this change.

Mr. Speaker, I urge the Members to adopt the Senate bill.

Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 5214, offered by my good friend and colleague on the Smithsonian Board of Regents, Mr. REGULA.

H.R. 5214 simply redesignates the current National Museum of American Art as the Smithsonian American Art Museum. This name change has been unanimously approved by the Smithsonian Board of Regents, but requires legislative approval to become official.

The renaming directed in this legislation has become necessary to allieviate confusion that has arisen between the current National Museum of American Art, which is a Smithsonian museum, and the many other museums titled "National Museum" most of which are not Smithsonian museums.

This will be the third name change for this museum, which was first established in 1908 as the "National Gallery of Art." When Congress founded the current National Art Gallery, in 1937, the Smithsonian changed its gallery's name to "National Collection of Fine Arts." Most recently, in 1980, Congress renamed it to its current title to more accurately reflect its collections.

Mr. Speaker, this legislation, while non-controversial, is an important formality for the Smithsonian Institution. The name "Smithsonian" is instantly recognized worldwide, and the Smithsonian American Art Museum will be the beneficiary of that international reputation.

I want to thank Mr. THOMAS, the chairman of the House Administration Committee, and Mr. HOYER, its ranking Member for their support in moving this legislation, and I urge its adoption.

Mr. HOYER. Mr. Speaker, I urge support for the motion.

This bill renames the wonderful National Museum of American Art as the "Smithsonian American Art Museum". This museum is dedicated to the arts and artists of the United States, and its collections enable the public to enjoy America's visual arts both at the museum and on-line.

The museum, part of the Smithsonian Institution, shares the historic Patent Building with the National Portrait Gallery.

Known first as the National Gallery of Art, and later as the National Collection of Fine Arts, Congress in 1980 gave the museum its present name, at the Smithsonian's request, to reflect its mission and to conform to the style of the other Smithsonian "national" museums.

However, since 1980, dozens of other museums have assumed the designation "national" in their names, thus weakening the Smithsonian's distinction as America's primary museum of works by American artists. Visitors to Washington are doubly confused by the presence on the Mall of the current National Gallery of Art, which is not part of the Smithsonian Institution.

This change will clarify the museum's mission and status, and it is hoped, increase visitation numbers as museumgoers better understand and discover the contents and location of this important part of the Smithsonian. This non-controversial legislation has the support of the Smithsonian's Secretary and Board of Regents, and passed the Senate without dissent. I urge its passage by this House.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the Senate bill, S. 3201.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3201, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING CONSTRUCTION OF SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2498) to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

The Clerk read as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

In 1989, the Smithsonian, as part of its various programs, began an astrophysical observatory located on the island of Hawaii on the volcano Mauna Kea. There are a number of other observatories located there as well.

This bill is to provide funds, as was indicated, to design, construct and equip laboratory and administrative support space. This space had been given free by other institutions, but they now require the utilization of that space, and this bill will provide, over the fiscal years 2001 and 2002, sufficient money to provide the support facilities for the astrophysical observatory.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and state that we have no objection to this legislation and join the gentleman from California in urging its passage.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of S. 2498, which authorizes the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations in Hilo, Hawaii, for the Smithsonian Astrophysical Observatory Submillimeter Array on Mauna Kea.

The Smithsonian Astrophysical Observatory Submillimeter Array is a state-of-the-art radio telescope that allows scientists to investigate the universe using high resolution and high frequencies to produce detailed images 50 times sharper than current telescopes. Located on Mauna Kea, the world's premier site for astronomical observations, the telescope array will be used to study a variety of astronomical objects and phenomena emitting in the submillimeter range, the narrow band of radiation between radio and infrared waves, a portion of the electromagnetic spectrum largely unexplored from the ground.

Due to the 14,000 foot elevation and difficult working conditions at the summit of Mauna Kea, support staff for the array must be located at a base facility closer to sea level. Repairs and many of the operations will be done from the base facility with only a small day crew traveling to the summit on any given day. At present the staff is using inadequate, temporary leased space. Approval of this bill will allow the Smithsonian to begin plans for construction of a base facility that will ensure that the full potential for discovery offered by the Submillimeter Array is realized. I urge my colleagues to support S. 2498.

Mr. MATSUI. Mr. Speaker, I want to add my strong support of S. 2498. This legislation was introduced by Senator MOYNIHAN, a member of the Smithsonian Board of Regents, and passed by unanimous consent in the Senate on June 14th, earlier this year.

S. 2498 authorizes $4.5 million to design and build a new base camp facility for the Smithsonian Astrophysical Observatory (SAO) Submillimeter Array Operation, on Mauna Kea in Hilo, Hawaii. The base camp facility will be constructed at the base of Mauna Kea, at sea level, and will provide necessary space to enable staff to conduct repairs, operations, and scientific analysis of the information gained from the submillimeter telescope array, which is located at the top of Mauna Kea.

As many of my colleagues may be aware, Mauna Kea, an inactive volcano, is home to many telescopic observatories due to its ideal climate and atmosphere. Smithsonian's submillimeter array program, when fully implemented, will consist of eight antennae whose signals will be combined to produce finely detailed images of distant objects.

The need for the Smithsonian's new base camp facility arises from two developments. First, the facilities currently being used by Smithsonian submillimeter array operation staff is in shared space occupied many observatories on the island. As technologies, equipment and staff have expanded, the existing aging shared facilities have become overcrowded. Second, a plan by the Smithsonian to lease space in a building that was to be developed by GSA at the University of Hawaii fell through when GSA canceled the project. A new base camp is the only alternative for the Smithsonian.

Mr. Speaker, the Interior Appropriations legislation signed into law last week, contains $2 million for this as-yet unauthorized project. The inclusion of those funds was due to the efforts of Chairman RALPH REGULA, another colleague of mine from the Smithsonian's Board of Regents, and I want to thank him for ensuring that this important project does not fall behind schedule.

I also want to thank Mr. THOMAS, the Chair of the House Administration Committee, and the Ranking Democrat, Mr. HOYER, for allowing this bill to be brought to the floor for immediate consideration. Finally, I want to thank my colleagues from Hawaii, Mrs. MINK and Mr. ABERCROMBIE for their support and cosponsorship, along with Mr. HOYER, of H.R. 4729, the House companion to the legislation before us today. I urge adoption of this legislation.

Mr. HOYER. Mr. Speaker, I rise in support of S. 2498, to authorize $2.0 million in fiscal 2001 and $2.5 million in fiscal 2002 to construct a new sea-level base camp for the Smithsonian Submillimeter Array at Mauna Kea on the Island of Hawaii.

The array is a state-of-the art radio telescope located at the 14,000 foot elevation which uses high resolution and high frequencies to produce images 50 times sharper than current telescopes.

This observation site, one of the finest and most important in the world, greatly enhances the ability of scientists to understand, study and track the birth of stars, quasars, and other phenomena.

S. 2498, sponsored by Senator MOYNIHAN, passed the Senate unanimously on June 14, 2000 and was referred to the committee on House Administration. The identical House measure, H.R. 4729, was introduced by Representative MATSUI of California, who is a regent of the Smithsonian Institution. It was cosponsored by Representatives MINK and ABERCROMBIE and myself. Passage of S. 2498 by the House today will clear this measure for the President.

Funding for the base-camp project, which is expected to be completed in 2002, has been included in the interior appropriations bill for fiscal 2001, so passage of this authorization bill will complete the legislative process.

Mr. Speaker, this support facility is needed because, due to the altitude, harsh weather and working conditions at the summit, array operations and staff must be located at sea level with only a small staff traveling to the array on any given day. Economical leasing space is not available in the Hilo area, and construction of the base facility will obviate the need for expensive commercial space in that city. According to the Smithsonian, estimated rental costs for the 30-year life cycle of the array would be more than double that of the base facility being authorized here. The project will provide 16,000 square feet of electronics laboratories, offices and support space for maintenance of the array, under the direction of the Smithsonian Institution Astrophysical Observatory. Like other organizations basing observations at Mauna Kea, the support structure will be built on land donated by the University of Hawaii at Hilo Science Park for $1 a year.

Mr. Speaker, we live in an age of exploration, and there are few things which so stir the imagination as the exploration of space.

In recent years we have discovered planets orbiting distant stars, gained new understanding of the age of the universe, and discovered phenomena which have forced us to reexamine our understanding of the laws of physics and the underpinnings of the natural world.

The Smithsonian Institution has played a leading role in the advancement of mankind's understanding of the physical world we can see and touch, as well as of the distant universe, and the world of the imagination which projects like the submillimeter array make real to us.

I strongly support this legislation and I complement Representative MATSUI and the Smithsonian regents from the House, Representatives REGULA and SAM JOHNSON of Texas, for their initiative in bringing it before us.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the Senate bill, S. 2498.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2498, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5410) to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Fiscal Operations Improvement Act of 2000".

TITLE I—LIBRARY OF CONGRESS REVOLVING FUNDS

SEC. 101. REVOLVING FUND FOR AUDIO AND VIDEO DUPLICATION SERVICES ASSOCIATED WITH AUDIOVISUAL CONSERVATION CENTER.

(a) Establishment.—There is hereby established in the Treasury a revolving fund for audio and video duplication and delivery services provided by the Librarian of Congress (hereafter in this Act referred to as the "Librarian") which are associated with the national audiovisual conservation center established under the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes", approved December 15, 1997 (Public Law 105–144; 2 U.S.C. 141 note).

(b) Fees for Services.—The Librarian may charge a fee for providing services described in subsection (a), and shall deposit any such fees charged into the revolving fund under this section.

(c) Contents of Fund.—

(1) In general.—The revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (b).

(B) Any other amounts received by the Librarian which are attributable to the services described in subsection (a).

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition.—The Librarian shall transfer to the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the services described in subsection (a).

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such services; and

(ii) the total value of the liabilities attributable to such services.

(d) Use of Amounts in Fund.—Amounts in the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the services described in subsection (a).

SEC. 102. REVOLVING FUND FOR GIFT SHOP, DECIMAL CLASSIFICATION, PHOTO DUPLICATION, AND RELATED SERVICES.

(a) Establishment.—There is hereby established in the Treasury a revolving fund for the following programs and activities of the Librarian:

(1) Decimal classification development.

(2) The operation of a gift shop or other sales of items associated with collections, exhibits, performances, and special events of the Library of Congress.

(3) Document reproduction and microfilming services.

(b) Individual Accounting Requirement.—A separate account shall be maintained in the revolving fund under this section with respect to the programs and activities described in each of the paragraphs of subsection (a).

(c) Fees for Services.—The Librarian may charge a fee for services under any of the programs and activities described in subsection (a), and shall deposit any such fees charged into the account of the revolving fund under this section for such program or activity.

(d) Contents of Accounts in Fund.—

(1) In general.—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the programs and activities covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition.—The Librarian shall transfer to each account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the programs and activities covered by such account.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such programs and activities; and

(ii) the total value of the liabilities attributable to such programs and activities.

(e) Use of Amounts.—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

SEC. 103. REVOLVING FUND FOR FEDLINK PROGRAM AND FEDERAL RESEARCH PROGRAM.

(a) Establishment.—There is hereby established in the Treasury a revolving fund for the Federal Library and Information Network program (hereafter in this Act referred to as the "FEDLINK program") of the Library of Congress (as described in subsection (f)(1)) and the Federal Research program of the Library of Congress (as described in subsection (f)(2)).

(b) Individual Accounting Requirement.—A separate account shall be maintained in the revolving fund under this section with respect to the programs described in subsection (a).

(c) Fees for Services.—

(1) In general.—The Librarian may charge a fee for services under the FEDLINK program and the Federal Research program, and shall deposit any such fees charged into the account of the revolving fund under this section for such program.

(2) Advances of funds.—Participants in the FEDLINK program and the Federal Research program shall pay for products and services of the program by advance of funds—

(A) if the Librarian determines that amounts in the Revolving Fund are otherwise insufficient to cover the costs of providing such products and services; or

(B) upon agreement between participants and the Librarian.

(d) Contents of Fund.—

(1) In general.—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the program covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition.—Notwithstanding section 1535(d) of title 31, United States Code, the Librarian shall transfer to the appropriate account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the FEDLINK program or the Federal Research program.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such program; and

(ii) the total value of the liabilities attributable to such program.

(e) USE OF AMOUNTS IN FUND.—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the program covered by each such account.

(f) PROGRAMS DESCRIBED.—

(1) FEDLINK.—In this section, the "FEDLINK program" is the program of the Library of Congress under which the Librarian provides the following services on behalf of participating Federal libraries, Federal information centers, other entities of the Federal government, and the District of Columbia:

(A) The procurement of commercial information services, publications in any format, and library support services.

(B) Related accounting services.

(C) Related education, information, and support services.

(2) FEDERAL RESEARCH PROGRAM.—In this section, the "Federal Research program" is the program of the Library of Congress under which the Librarian provides research reports, translations, and analytical studies for entities of the Federal Government and the District of Columbia (other than any program of the Congressional Research Service).

SEC. 104. AUDITS BY COMPTROLLER GENERAL.

Each of the revolving funds established under this title shall be subject to audit by the Comptroller General at the Comptroller General's discretion.

SEC. 105. EFFECTIVE DATE.

The provisions of this title shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

TITLE II—LIBRARY OF CONGRESS TRUST FUND BOARD

SEC. 201. REVISIONS TO MEMBERSHIP AND OPERATION OF LIBRARY OF CONGRESS TRUST FUND BOARD.

(a) ADDITION OF VICE CHAIR OF JOINT COMMITTEE ON THE LIBRARY AS BOARD MEMBER.—Section 1 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 154), is amended in the first sentence of the first paragraph by inserting "and the vice chair" after "chairman".

(b) QUORUM REQUIREMENT.—Section 1 of such Act (2 U.S.C. 154) is amended in the second sentence of the first paragraph by striking "Nine" and inserting "Seven".

(c) TEMPORARY EXTENSION OF BOARD MEMBER TERM.—Section 1 of such Act (2 U.S.C. 154) is amended in the first paragraph by inserting after the first sentence the following: "Upon request of the chair of the Board, any member whose term has expired may continue to serve on the Trust Fund Board until the earlier of the date on which such member's successor is appointed or the expiration of the 1-year period which begins on the date such member's term expires.".

SEC. 202. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5410 is a bill to allow the Library of Congress to create three revolving funds so that the monies garnered from various activities could be retained by the library to be reinvested in those areas.

One of the revolving funds is a gift shop fund, the other is a Federal library and information network program for products and services yielded under that structure.

I would tell the gentleman from Virginia that, because of the recent locating of the audio-video conservation center in Culpeper, Virginia, a major acquisition for the Library of Congress in a facility designed for other purposes but perfect for protecting films and audio, that any funds derived from audio-video duplicating will be allowed to be placed in a revolving fund based upon this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would state that we have no objection to the passage of the legislation. We would particularly encourage the gentleman from California to locate other Federal facilities in the Commonwealth of Virginia, and we urge the passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume just to note that I did thank the gentleman from Virginia for his assistance, and I will gladly and laudatorily praise him for his assistance, but he will have to work to get additional facilities.

The one that we have is an excellent one and it is going to serve the Nation well in preserving the very volatile audio and video treasures of this country.

Mr. HOYER. Mr. Speaker, I urge support for the motion.

This bill resembles one that I introduced in April. It will resolve the sole remaining issue raised in the annual audit of Library financial operations by giving the Library statutory authority to operate its gift revolving funds.

The bill creates three revolving funds, one to support the Library's audio-visual duplication and delivery services; a second to support its gift shop, decimal cataloging and photo duplication services; and a third to support "FEDLINK," the program that acquires library materials for other agencies, and the Federal Research Division, which conducts research for other agencies.

Enactment of this measure will result in significant savings to the Library and its customers by improving financial management of these programs. The Library estimates that FEDLINK's agency customers will collectively save over $1.3 million annually through administrative efficiencies and increased vendor discounts.

In addition, the bill adds the vice-chair of the Joint Committee on the Library to the trust fund board, to ensure representation from both Houses. Finally, to facilitate the work of the Library's trust fund board, the bill adjusts its quorum requirement. It also permits the board chairman to request that members whose terms have expired continue to serve for up to a year, or until their successors are qualified, whichever comes first.

Mr. Speaker, this is a good-housekeeping bill that will save money for the Library and its customers while resolving auditors' concerns. I urge an "aye" vote.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5410, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5410, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–984) on the resolution (H. Res. 633) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4656, LAKE TAHOE BASIN LAND CONVEYANCE

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–985) on the resolution (H. Res. 634) providing for consideration of the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, which was referred to the House Calendar and ordered to be printed.

FISH AND WILDLIFE PROGRAMS IMPROVEMENT AND NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those acts, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 101. Short titles.

Subtitle A—Wildlife Restoration

Sec. 111. Expenses for administration.
Sec. 112. Firearm and bow hunter education and safety program grants.
Sec. 113. Multistate conservation grant program.
Sec. 114. Miscellaneous provision.

Subtitle B—Sport Fish Restoration

Sec. 121. Expenses for administration.
Sec. 122. Multistate conservation grant program.
Sec. 123. Funding of the Coastal Wetlands Planning, Protection and Restoration Act.
Sec. 124. Period of availability.
Sec. 125. Miscellaneous provision.
Sec. 126. Conforming amendment.

Subtitle C—Wildlife and Sport Fish Restoration Programs

Sec. 131. Designation of programs.
Sec. 132. Assistant Director for Wildlife and Sport Fish Restoration Programs.
Sec. 133. Reports and certifications.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Board of Directors of the Foundation.
Sec. 204. Rights and obligations of the Foundation.
Sec. 205. Annual reporting of grant details.
Sec. 206. Notice to Members of Congress.
Sec. 207. Authorization of appropriations.
Sec. 208. Limitation on authority.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. National Wildlife Refuge System Centennial Commission.
Sec. 304. Long-term planning and annual reporting requirements regarding the operation and maintenance backlog.
Sec. 305. Year of the National Wildlife Refuge.
Sec. 306. Authorization of appropriations.
Sec. 307. Effective date.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 101. SHORT TITLES.

(a) This Title.—This title may be cited as the "Wildlife and Sport Fish Restoration Programs Improvement Act of 2000".

(b) Pittman-Robertson Wildlife Restoration Act.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

"SEC. 13. SHORT TITLE.

"This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.".

(c) Dingell-Johnson Sport Fish Restoration Act.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

"SEC. 15. SHORT TITLE.

"This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.".

Subtitle A—Wildlife Restoration

SEC. 111. EXPENSES FOR ADMINISTRATION.

(a) Set-Aside for Expenses for Administration of the Pittman-Robertson Wildlife Restoration Act.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking "Sec. 4." and all that follows through the end of the first sentence of subsection (a) and inserting the following:

"SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

"(a) Set-Aside for Expenses for Administration of the Pittman-Robertson Wildlife Restoration Act.—

"(1) In General.—

"(A) Set-Aside.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) Available Amounts.—The available amount referred to in subparagraph (A) is—

"(i) for each of fiscal years 2001 and 2002, $9,000,000;

"(ii) for fiscal year 2003, $8,212,000; and

"(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) Period of Availability; Apportionment of Unobligated Amounts.—

"(A) Period of Availability.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) Apportionment of Unobligated Amounts.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

"(b) Apportionment to States.—";

(3) in subsection (b) (as designated by paragraph (2)), by striking "after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section," and inserting "after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion"; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (1)), by inserting "Puerto Rico," after "American Samoa,".

(b) Requirements and Restrictions Concerning Use of Amounts for Expenses for Administration.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

"(a) Authorized Expenses for Administration.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6, 10, or 11;

"(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of

this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6, 10, and 11.

"(b) Reporting of Other Uses.—

"(1) In general.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

"(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

"(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

"(2) Maximum amount.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

"(c) Restriction on Use To Supplement General Appropriations.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) Audit Requirement.—

"(1) In general.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

"(2) Auditor.—

"(A) In general.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

"(B) Supervision of auditor.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) Report to congress.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

"(A) a report on the results of each audit under this subsection; and

"(B) a copy of each audit under this subsection.".

(c) Conforming Amendment.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking "section 4(b) of this Act" and inserting "section 4(c)".

SEC. 112. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

"SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

"(a) In General.—

"(1) Grants.—Of the revenues covered into the fund, $7,500,000 for each of fiscal years 2001 and 2002, and $8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

"(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

"(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

"(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

"(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

"(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

"(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

"(2) Limitation on use.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

"(b) Cost Sharing.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

"(c) Period of Availability; Reapportionment.—

"(1) Period of availability.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

"(2) Reapportionment.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.".

SEC. 113. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 112) is amended by inserting after section 10 the following:

"SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) In General.—

"(1) Amount for grants.—Not more than $3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

"(2) Period of availability; apportionment.—

"(A) Period of availability.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

"(B) Apportionment.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

"(b) Selection of Projects.—

"(1) States or entities to be benefited.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) Use of submitted priority list of projects.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

"(3) Priority list of projects.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

"(4) Publication.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) Eligible Grantees.—

"(1) In general.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) Nongovernmental organizations.—

"(A) In general.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and

"(ii) will use the grant funds in compliance with subsection (d).

"(B) Penalties for certain activities.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

"(d) Use of Grants.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

"(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.".

SEC. 114. MISCELLANEOUS PROVISION.

Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended in the first sentence—

(1) by inserting ", at the time at which a deduction or apportionment is made," after "certify"; and

(2) by striking "and executing".

Subtitle B—Sport Fish Restoration

SEC. 121. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

"(d) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

"(1) IN GENERAL.—

"(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

"(i) for each of fiscal years 2001 and 2002, $9,000,000;

"(ii) for fiscal year 2003, $8,212,000; and

"(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

"(I) the available amount for the preceding fiscal year; and

"(II) the amount determined by multiplying—

"(aa) the available amount for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

"(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

"(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.".

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

"(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

"(1) personnel costs of employees who directly administer this Act on a full-time basis;

"(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

"(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

"(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

"(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

"(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

"(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

"(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

"(7) costs of audits under subsection (d);

"(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

"(9) costs of travel to States, territories, and Canada by personnel who—

"(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

"(B) administer grants under section 6 or 14;

"(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

"(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

"(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6 and 14.

"(b) REPORTING OF OTHER USES.—

"(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(d)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

"(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

"(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

"(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

"(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

"(d) AUDIT REQUIREMENT.—

"(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

"(2) AUDITOR.—

"(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

"(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

"(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

"(A) a report on the results of each audit under this subsection; and

"(B) a copy of each audit under this subsection.".

(c) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by adding at the end the following:

"(g) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—

"(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under section 3, the Secretary of the Interior shall use only funds authorized for use under subsections (a), (b)(3)(A), (b)(3)(B), and (c) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections, respectively.

"(2) MAXIMUM AMOUNT.—For each fiscal year, the Secretary of the Interior may use not more than $900,000 in accordance with paragraph (1).".

SEC. 122. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

"SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

"(a) IN GENERAL.—

"(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,000,000 shall be available to the Secretary of the Interior for making *multistate conservation project grants in accordance with this section.*

"(2) Period of Availability; Apportionment.—

"(A) Period of Availability.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

"(B) Apportionment.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

"(b) Selection of Projects.—

"(1) States or Entities To Be Benefited.—A project shall not be eligible for a grant under this section unless the project will benefit—

"(A) at least 26 States;

"(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

"(C) a regional association of State fish and game departments.

"(2) Use of Submitted Priority List of Projects.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

"(3) Priority List of Projects.—A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

"(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

"(i) nongovernmental organizations that represent conservation organizations;

"(ii) sportsmen organizations; and

"(iii) industries that fund the sport fish restoration programs under this Act;

"(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

"(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

"(4) Publication.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

"(c) Eligible Grantees.—

"(1) In General.—The Secretary of the Interior may make a grant under this section only to—

"(A) a State or group of States;

"(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

"(C) subject to paragraph (2), a nongovernmental organization.

"(2) Nongovernmental Organizations.—

"(A) In General.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

"(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

"(ii) will use the grant funds in compliance with subsection (d).

"(B) Penalties for Certain Activities.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

"(d) Use of Grants.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

"(e) Funding for Other Activities.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—

"(1) $200,000 shall be made available for each of—

"(A) the Atlantic States Marine Fisheries Commission;

"(B) the Gulf States Marine Fisheries Commission;

"(C) the Pacific States Marine Fisheries Commission; and

"(D) the Great Lakes Fisheries Commission; and

"(2) $400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

"(f) Nonapplicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section."; and

(2) by moving that section to appear after the section 13 relating to State use of contributions (16 U.S.C. 777l).

(b) Conforming Amendment.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting "and after deducting amounts used for grants under section 14," after "respectively,".

SEC. 123. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking "2000" and inserting "2009".

SEC. 124. PERIOD OF AVAILABILITY.

Section 4(f) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(f)) is amended in the first sentence by striking ", and if" and all that follows through "recreation".

SEC. 125. MISCELLANEOUS PROVISION.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by inserting ", at the time at which a deduction or apportionment is made," after "certify"; and

(2) by striking "and executing".

SEC. 126. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on the date of the enactment of the TEA 21 Restoration Act)" and inserting "(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)".

Subtitle C—Wildlife and Sport Fish Restoration Programs

SEC. 131. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the "Federal Assistance Program for State Wildlife and Sport Fish Restoration".

SEC. 132. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) Establishment.—There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) Superior.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) Responsibilities.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

SEC. 133. REPORTS AND CERTIFICATIONS.

(a) Implementation Report.—

(1) In General.—At the time at which the President submits to Congress a budget request for the Department of the Interior for fiscal year 2002, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this title and the amendments made by this title.

(2) Contents.—The report under paragraph (1) shall describe—

(A) the extent to which compliance with this title and the amendments made by this title has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this title or the amendments made by this title that would be desirable in order for the Secretary of the Interior to adequately administer the Program and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this title and the amendments made by this title that the Secretary of the Interior considers appropriate.

(b) Projected Spending Report.—At the time at which the President submits a budget request for the Department of the Interior for fiscal year 2002 and each fiscal year thereafter, the Secretary of the Interior shall report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the amounts, broken down by category, that are intended to be used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)).

(c) Spending Certification and Report.—Not later than 60 days after the end of each fiscal year, the Secretary of the Interior shall certify and report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) the amounts, broken down by category, that were used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1));

(2) the amounts apportioned to States for the fiscal year under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(3) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(4) that all amounts used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)) were

necessary for expenses for administration incurred in implementation of those Acts;

(5) that all amounts used for the fiscal year to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(6) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under those Acts.

(d) CERTIFICATIONS BY STATES.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, each State that received amounts apportioned under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for the fiscal year shall certify to the Secretary of the Interior in writing that the amounts were expended by the State in accordance with each of those Acts.

(2) TRANSMISSION TO CONGRESS.—Not later than December 31 of a fiscal year, the Secretary of the Interior shall transmit all certifications under paragraph (1) for the previous fiscal year to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (c) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendments of 2000".

SEC. 202. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

"(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;".

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT AND MEMBERSHIP.—

"(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

"(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

"(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.".

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

"(b) APPOINTMENT AND TERMS.—

"(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

"(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

"(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

"(i) at least 6 shall be educated or experienced in fish, wildlife, or other natural resource conservation;

"(ii) at least 4 shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

"(iii) at least 4 shall be educated or experienced in ocean and coastal resource conservation.

"(B) TRANSITION PROVISION.—

"(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

"(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint 8 new Directors.

"(3) TERMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

"(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, 3 Directors for a term of 6 years.

"(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

"(i) 2 Directors for a term of 2 years; and

"(ii) 3 Directors for a term of 4 years.

"(4) VACANCIES.—

"(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board.

"(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

"(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

"(6) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Secretary of the Interior a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

"(7) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Secretary of the Interior shall consult with the Secretary of Commerce.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking "Directors of the Board" and inserting "Directors of the Foundation".

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking "Secretary" and inserting "Secretary of the Interior or the Secretary of Commerce"; and

(B) by inserting "or the Department of Commerce" after "Department of the Interior".

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after "the District of Columbia" the following: "or in a county in the State of Maryland or Virginia that borders on the District of Columbia".

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

"(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

"(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

"(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;".

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.".

(d) REPEAL.—Section 304 of Public Law 102-440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.".

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

"(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

"(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

"(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.".

(g) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

"(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.".

SEC. 205. ANNUAL REPORTING OF GRANT DETAILS.

Section 7(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706(b)) is amended—

(1) by striking "Congress" and inserting "the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate"; and

(2) by adding at the end the following: "The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.".

SEC. 206. NOTICE TO MEMBERS OF CONGRESS.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by section 204(g)) is amended by adding at the end the following:

"(i) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of funds unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.".

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2001 through 2003—

"(A) $20,000,000 to the Department of the Interior; and

"(B) $5,000,000 to the Department of Commerce.

"(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

"(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

"(b) ADDITIONAL AUTHORIZATION.—

"(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

"(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

"(1) any expense related to litigation; or

"(2) any activity the purpose of which is to influence legislation pending before Congress.".

SEC. 208. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 11. LIMITATION ON AUTHORITY.

"Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).".

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

SEC. 301. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Centennial Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105–242), and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

(8) as of the date of enactment of this Act, the System has an unacceptable backlog of critical operation and maintenance needs; and

(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

(b) PURPOSES.—The purposes of this title are—

(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

(3) to require an annual report on the needs of the System prepared in the context of—

(A) the budget submission of the Department of the Interior to the President; and

(B) the President's budget request to Congress; and

(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the "Commission").

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) the Director of the United States Fish and Wildlife Service;

(B) up to 10 individuals appointed by the Secretary of the Interior;

(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

(2) APPOINTMENTS.—

(A) DEADLINE.—The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

(B) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—The members of the Commission appointed by the Secretary of the Interior under paragraph (1)(B)—

(I) shall not be officers or employees of the Federal Government; and

(II) shall, in the judgment of the Secretary—

(aa) represent the diverse beneficiaries of the System; and

(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

(ii) REPRESENTATION OF VIEWS.—In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

(3) VACANCIES.—Any vacancy in the Commission—

(A) shall not affect the power or duties of the Commission; and

(B) shall be expeditiously filled in the same manner as the original appointment was made.

(c) CHAIRPERSON.—The Secretary of the Interior shall appoint 1 of the members as the Chairperson of the Commission.

(d) COMPENSATION.—The members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—

(1) LEGISLATIVE BRANCH MEMBERS.—The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE BRANCH MEMBERS.—The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance

with section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OTHER MEMBERS AND STAFF.—The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) DUTIES.—The Commission shall—

(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

(2) coordinate the activities of the partners under the plan; and

(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

(g) STAFF.—Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

(h) DONATIONS.—

(1) IN GENERAL.—The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

(2) CRITERIA.—The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

(i) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission—

(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

(k) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

(2) DISPOSITION OF MATERIALS.—Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may—

(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

(ii) otherwise dispose of such materials; and

(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

(ii) treat such property as excess property.

SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

(a) UNIFIED LONG-TERM PLAN.—Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including—

(1) priority staffing needs of the System; and

(2) operation, maintenance, and construction needs as identified in—

(A) the Refuge Operating Needs System;

(B) the Maintenance Management System;

(C) the 5-year deferred maintenance list;

(D) the 5-year construction list;

(E) the United States Fish and Wildlife Service report entitled "Fulfilling the Promise of America's National Wildlife Refuge System"; and

(F) individual refuge comprehensive conservation plans.

(b) ANNUAL SUBMISSION.—Beginning with the submission to Congress of the budget for fiscal year 2003, the Secretary of the Interior shall prepare and submit to Congress, in the context of each annual budget submission, a report that contains—

(1) an assessment of expenditures in the prior, current, and upcoming fiscal years to meet the operation and maintenance backlog as identified in the long-term plan under subsection (a); and

(2) a specification of transition costs, in the prior, current, and upcoming fiscal years, as identified in the analysis of newly acquired refuge land prepared by the Department of the Interior, and a description of the method used to determine the priority status of the transition costs.

SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

(a) FINDING.—Congress finds that designation of the year 2003 as the "Year of the National Wildlife Refuge" would promote the goal of increasing public appreciation of the importance of the National Wildlife Refuge System.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to accomplish the goal of such a year.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this title—

(1) $100,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2004.

SEC. 307. EFFECTIVE DATE.

This title takes effect on January 20, 2001.

Amend the title so as to read: "An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

☐ 1745

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3671, which reforms the administration of the Pittman-Robertson and the Dingell-Johnson Acts. These acts established trust funds, paid for by sportsmen and women through taxes on guns, ammunition, archery equipment and fishing equipment for State fish and game departments to use for wildlife and sport fish restoration projects. Administration of these acts is the responsibility of the Fish and Wildlife Service.

Oversight conducted by the committee, which I chair, the Committee on Resources, uncovered waste, fraud, and abuse of the administration funds by the Fish and Wildlife Service. The House overwhelmingly passed H.R. 3671 on April 5 by a vote of 423–2.

H.R. 3671 puts in place reforms that will prevent abuse and misuse of administration funds in the future. It caps the amount of funds for administration, provides clear direction as to how these funds will be spent, establishes audits, reporting and certification requirements, and establishes an assistant director to oversee the administration of these programs.

The legislation also establishes a grant program for firearm and bow hunter safety and a grant program for multiple-state conservation projects that will enable States to work collectively on wildlife and sport fish restoration projects that cross State lines.

The Senate has suggested some modifications to H.R. 3671, and I have agreed to those changes. The Senate slightly increased funding for the administration. They also increased funding for the Firearm and Bow Hunter Educational Grant Program and a Multi-State Conservation Grant Program.

By stopping waste, fraud, and abuse and by cutting bureaucracy, the reforms in H.R. 3671 provide more dollars to State fishing and game departments on on-the-ground projects. They will ensure that the money paid into the trust fund by the sportsmen and the sportswomen in their district goes where it belongs, to State wildlife and sport fish restoration. Let us pass H.R. 3671 and safeguard the taxes paid by the hunters and anglers and guarantee continued wildlife and sports fish restoration as intended under the Pittman-Robertson and Dingell-Johnson Act.

H.R. 3671, the Wildlife and Sport Fish Restoration Improvement Act overwhelmingly passed the House 423 to 2 on April 5th. This reform bill amends the Pittman-Robertson and Dingell-Johnson Acts. It provides clear direction to the United States Fish and Wildlife Service on how to administer the wildlife and sport fish programs established under the Acts. Our oversight found that administration funds from the Pittman-Robertson and Dingell-Johnson programs were being used in ways not consistent with either Act. For example we found that administration funds were used to pay for expenses for the rest of the Fish and Wildlife Service and they were used to create grant programs that were not statutorily authorized under the Acts. This is clearly not how the administration funds are to be spent. We did not want to leave any ambiguity as to how the funds can or cannot be spent. When there is ambiguity, the United States Fish and Wildlife Service "interprets" what the law says, and the Pittman-Robertson and Dingell-Johnson programs suffer the consequences.

MANAGEMENT STUDY

On April 5th, Representative DINGELL and I engaged in a colloquy about the United States Fish and Wildlife Service and how they should undertake an independent, outside, top-to-bottom review to determine how many people are needed to administer the programs and what mixture of skills they should have. My only concern at the time was that any review be truly independent of undue influence. For that reason, I agreed with Representative DINGELL that the study should be conducted provided the United States Fish and Wildlife Service and the reviewer consult with the House Committee on Resources prior to and during the review, the Committee must agree with the parameters of the review and the Committee must be advised of the process of the review.

I am disappointed to report that the United States Fish and Wildlife Service did not listen to what Representative DINGELL and I said on April 5th. The United States Fish and Wildlife Service initiated and completed the management study without ever consulting with the Committee. In addition, the United States Fish and Wildlife Service instructed the consultant, The Center for Organizational Excellence (COE), to complete the project so that it could be used to impact this legislation. This sounds to me like lobbying legislation pending before Congress with Federal funds. It was not my intent, nor the intent of Representative DINGELL, that the Fish and Wildlife Service use administration funds to lobby Congress on the reform legislation. The management study was not to be used by the United States Fish and Wildlife Service to preserve the status quo, it was to be used to assist the United States Fish and Wildlife Service in deciding how best to restructure the staffing with individuals with the necessary skills to meet the true administration needs of the programs and the letter of the law.

I am further disappointed to report that the conclusions reached by COE on funding needs were not based on correct information. Information provided by the Fish and Wildlife Service to COE was inaccurate. Based on inaccurate information, COE reached the following conclusion regarding funding for administration:

> Although H.R. 3671 states that Federal Aid should continue conducting many of its current activities (such as training of States, travel to projects in-progress, consultation to States, etc.), the budget granted to Federal Aid under H.R. 3671 will not allow Federal Aid to continue all of these activities. This assessment is based on the data collected and analyzed by COE to date, including current workload and staffing levels and assessments provided by both Federal Aid and the IAFWA. (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 5–2)

COE reported to Committee staff that the United States Fish and Wildlife Service did not provide them with the spending levels that were in H.R. 3671 when it passed the House. In addition, it seems that the United States Fish and Wildlife Service did not explain to COE that the current workload includes tasks that are not considered administration under H.R. 3671. COE was unable to accurately assess the funding needs since the data they were given does not reflect the new parameters for administration established in H.R. 3671.

COE was able to reach conclusions regarding how the programs were being administered by the Fish and Wildlife Service, and the conclusions they reached about the current administration of the programs is troubling. The management report confirms what we found during our oversight—the United States Fish and Wildlife Service is not properly administering the programs. Regarding the issue of how administration funds are used, the report stated:

> Resources are not allocated the Regions and functions based on any systematic framework. This relates to the lack of strategic planning described earlier. It is not apparent that Federal Aid currently deploys resources to a particular area on any basis other than that is where resources were deployed last year. There is no evidence that customer requirements, organizational priorities, or other issues are taken into account. (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 4–9)

Regarding the grade of employees who are currently employed in the Regional Offices, the report stated:

"Our investigation of work processes revealed variations in how the core processes are performed and by whom, driven at least in part, by the different types of staff present in each Regional Office. For example, Region 2 and 6 have no staff in the grade range of GS 2–6. This raises the possibility that as all Regional Offices are performing the same core processes, Region 2 and 6 have core tasks performed by staff at too high a grade level (which leads to excessive payroll costs)." (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 3–1)

Regarding how the Regional Offices have decided what types of positions need to be in each Region:

"Over the years, Regional Offices have added staff in an ad-hoc fashion, based on their interpretation of how best to meet their States' requirements and interests. There was no centralized methodology for determining what types of jobs or at what level are required to perform the workload of the Regional Offices. This may have been the best approach at the time, as the Regional Offices sought to provide the desired level and type of systematic staffing patterns among Regions, with little clear relationship to the workload of the Regional Office. Most importantly, staffing per Region has not been examined strategically and systematically, to ensure that Regional Offices are staffed to meet the mission of Federal Aid." (Federal Aid Division Resource Requirements Analysis, The Center for Organizational Excellence, September 29, 2000, page 3–1)

The report shows us once again how much these reforms are needed. We suggest that the United States Fish and Wildlife Service provide accurate information to the COE and that the management study be continued and completed. In addition, that the management study be prepared for and issued to the House Committee on Resources and the Senate Committee on Environment and Public Works. Prior to continuation of the management study, and regularly thereafter, COE shall consult with the Committees on the information used for, the parameters of, and progress made in the study and management analysis.

FUNDS FOR ADMINISTRATION OF THE ACTS

It was very important to set out in this legislation exactly how the United States Fish and Wildlife Service can spend administration funds. For an expense to be considered an administration expense available for funding under this Act, the expense will have to directly support the implementation of the Act and also consist of one of the twelve categories outlined in the Act. This will ensure the sportsmen that the administration dollars are being spent only on administration of the Acts.

When we wrote this legislation we carefully thought out how administration funds should be spent and established twelve categories of allowable expenses. The United States Fish and Wildlife Service came back to us concerned that there could be another category that we had not thought of. Even though they could not come up with that "other category" or any additional expense, they expressed a need for spending flexibility for unforeseen expenses. We granted this flexibility up to a point. The United States Fish and Wildlife Service will be allowed to spend up to $25,000 of administration funds under each Act a year for an unforeseen expense, provided that they first inform the House Committee on Resources and the Senate Committee on Environment and Public Works with an explanation of how much of the $25,000 they are going to spend and on what they are going to spend it. The House and the Senate Committees will have 30 days to get back to the Fish and Wildlife Service with their concurrence of the expenditures. It is not the intention of this Act that the funds for unforeseen expenses become a source of income for the Fish and Wildlife Service.

The amount of funds available for administration of each Act will allow the Fish and Wildlife Service to maintain their current level of 120 employees and to ramp-down to 110 employees in FY 2003. It is apparent that the programs have not used a systematic or logical approach to meet the staffing needs of the programs. It is important that the United States Fish and Wildlife Service has the ability to change staffing and skills to meet the needs of the programs. This will allow the United States Fish and Wildlife Service to determine how many individuals are needed in the Washington Office and each Region to efficiently and successfully implement the Wildlife and Sport Fish Restoration Program. Starting in 2004, the funds available for administration will increase according to the change in the Consumer Price Index for All Urban Consumers, allowing the United States Fish and Wildlife Service to keep pace with inflation and cost of living increases.

FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS

H.R. 3671 establishes Firearm and Bow Hunter Education and Safety Program Grants for the States. These funds are meant to be an enhancement of the Pittman-Robertson funds the States already spend on hunter education. For fiscal years 2001 and 2002, $7,500,000 will be available and in 2003 and every year thereafter, $8,000,000 will be available. This will enable states who can demonstrate that they have used the maximum amount of funds for hunter education under the formula in the law to have access to additional funds for hunter education and safety or for other uses authorized under the Act. The United States Fish and Wildlife Service shall continue to track how much States are spending for Hunter Education purposes. States who use the maximum amount of funds available under Section 4(c) of the law will have access to these funds. At the end of the year, any unexpected funds will be apportioned to the States who have used all of the funds available to them under Section 4(c) of the law. This program is meant to encourage States to fund hunter education and safety programs, construct or update shooting ranges and archery ranges and to enhance interstate coordination and development of hunter education and shooting range programs. The future of the shooting sports depends on the States taking a more active roll in hunter safety and education, providing shooting and archery ranges for the public and working with each other to accomplish these initiatives.

MULTI-STATE CONSERVATION GRANT PROGRAM

H.R. 3671 also establishes a Multi-State Conservation Grant Program that will allow States to work collectively on projects that cross state boundaries. These grants will be available to States, groups of States and Non-Governmental Organizations. The grants are only allowed to be used to fund projects that do not oppose the regulated hunting or trapping of wildlife or the regulated taking of fish. It is important that a "firewall" be kept between the grant fund awarded under the Multi-State Conservation Grant Program and all other funds of the organization. The grant funds are not meant to supplement any other activity of the organization. They are only to be used for the explicit purpose of the grant. Organizations who apply for the grants may not use the grant funds to support activities that in any way oppose the regulated hunting or trapping of wildlife or the regulated taking of fish. If an organization is found to use the grant funds inappropriately, the funds will have to be returned and the organization will be subject to any applicable penalties under law.

Under the Multi-State Conservation Grant Program, The United States Fish and Wildlife Service will be allowed to compete for the grants awarded to conduct the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. This is the only project the United States Fish and Wildlife Service can compete for. By allowing the United States Fish and Wildlife Service to compete for this grant, we do not intend that the Fish and Wildlife Service will automatically be awarded this grant. They will have to compete with others for this grant. We heard from many in the hunting, trapping and fishing community and the States that this survey wasn't the "best product," but it was all they had. This bill will allow the States to have the opportunity to explore if another organization will be able to conduct the survey more efficiently and according to the parameters of the stakeholders. It is our intent that this legislation will put into the State's hands the control for this and all other Multi-State Conservation Grant Projects. And that when evaluating the merits of the United States Fish and Wildlife Service's proposal, as with all other proposals for this project and other projects, the Non-governmental organizations that represent conservation organizations, sportsmen organizations and industries that fund the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs will be consulted.

ADMINISTRATION COSTS FOR DINGELL-JOHNSON SMALL GRANT PROGRAMS

H.R. 3671 establishes that the administration costs of the Dingell-Johnson small grant programs (Clean Vessel Act pumpouts, Coastal Program Conservation Grants, Boating Infrastructure and the National Outreach and Communications Program) will be paid out of the funds for those programs. The administration costs of the small grant programs will not be funded through the administration funds for the Dingell-Johnson Sport Fish Restoration Act. A total of $900,000 is available for the administration of these programs.

ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

H.R. 3671 establishes within the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs. The funds collected from the excise taxes paid by sportsmen account for more than one-third of the whole budget of the Fish and Wildlife Service—in FY 2001 the amount to be collected is $528.7 million. Yet, these programs have had no presence at the Directorate level. In their Fiscal Year 2001 budget, the United States Fish and Wildlife Service budget requests for the following programs were:

Migratory Birds & State Programs—$22.8 million.

Fisheries & Habitat Conservation—$82.6 million.

Endangered Species & Marine Mammals—$199.1 million.

All of these programs have Assistant Directors and they each have responsibility for much smaller budgets than the Federal Assistance Program for State Wildlife and Sport Fish Programs. It is time that the Wildlife and Sport Fish Restoration Programs are elevated in the United States Fish and Wildlife Service and represented by an Assistant Director.

We also found that the managers of the Wildlife and Sport Fish Restoration programs lacked control over their own resources. Decisions on how to use personnel and administration funds were being made by individuals who did not have the best interests of the Wildlife and Sport Fish Restoration Programs in mind. The creation of the Assistant Director position will alleviate this problem. The Assistant Director is very important to the success of these programs. The Assistant Director will be necessary to guide the Wildlife and Sport Fish Restoration Programs under the new direction of this legislation. There will be important changes to how administration will be handled in the future. It will be crucial for this program, in order to establish a level of trust with the sportsmen who are paying the taxes, to show that the Fish and Wildlife Service truly wants the program to be run efficiently and according to the law.

We need to assure the sportsmen and women, who pay the excise taxes that provide the millions of dollars for State wildlife and sport fish restoration programs, that their money will be used as it is intended under the law. The trust needs to be restored between the sportsmen and women who fund the programs and the United States Fish and Wildlife Service. I urge you to pass H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act, and put into place these much needed reforms of the Pittman-Robertson and Dingell-Johnson Acts.

The bill incorporates the text of H.R. 4442, the National Wildlife Refuge Centennial Act that overwhelmingly passed the House on July 11th. This legislation recognizes a great achievement in conservation—100 years of the National Wildlife Refuge System. While this is an important milestone, this measure recognizes that we still have work ahead of us to reduce the maintenance and operations backlog within the Refuge System.

It establishes a Commission to plan activities to commemorate the 100th Anniversary of the System. The bill also requires the Secretary to submit a comprehensive plan for addressing the maintenance and operations backlog within the Refuge System. The American people deserve the finest Refuge System in the world.

The bill also reauthorizes the National Fish and Wildlife Foundation. Since the Foundation was enacted into law in 1984, more than 3,850 conservation grants worth more than $490 million have been funded. These grants have been awarded to some 36 Federal agencies, 125 State and local municipalities, 92 colleges and institutions, and 852 different conservation groups.

I have received letters in support of reauthorizing the Foundation from the California Cattlemen's Association, Ducks Unlimited, the Foundation for North American Wild Sheep, the International Association of Fish and Wildlife Agencies, the National Rifle Association, the National Trappers Association, Quail Unlimited, the Rocky Mountain Elk Foundation, and the Wildlife Legislative Fund of America.

While there was no specific testimony on S. 1653, the Resources Committee did conduct several comprehensive oversight hearings on the operation of the Foundation.

Under the terms of this bill, the Foundation's Board of Directors would increase from 15 to

25 members; every dollar of Federal funding would be matched with a corresponding amount of non-Federal money; $20 million would be authorized for the U.S. Fish and Wildlife Service and $5 million for NOAA; an annual report would be required detailing each conservation grant; affected Members of Congress would be given a 30-day notice when a project is proposed within their district; and statutory language has been included stipulating that no grant money can be used by the Foundation or its grantees for lobbying or litigation activities.

This is a good bill that will allow the Foundation to continue to undertake a variety of valuable conservation projects throughout the United States.

It is important to reiterate that lands acquired with Pittman Robertson funds are used for an array of wildlife dependent recreation activities such as fishing, trapping, and hunting. This use properly includes field trials with dogs. We expect that these activities will continue on acquired lands subject to reasonable restrictions supported by evidence to conserve wildlife and related habitat. Any guidelines issued by the Fish and Wildlife Service regarding such uses must be reasonable, recognize the value of these activities, and be developed cooperatively with the states as well as affected user groups. Some elements within the Service appear to believe that intensive on-the-ground management actions are inconsistent with the purpose of Pittman Robertson Act conservation programs. The Committee strongly disagrees with any such conclusion. We remind the agency that intensive management is often the key to assuring that multiplicity of wildlife dependent recreation activities can coexist on wildlife lands and can occur with conservation objectives and purposes. This is the case with field trials. So I want no one to mistake that field trials are quite compatible on lands acquired using Pittman Robertson funds. The lands are for hunting and field trials facilitate hunting.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for years, and most recently during our CARA deliberations, we have heard about the success and the proven track record of Pittman-Robertson and the Dingell-Johnson Sport Fish and Wildlife Restoration Programs administered by the Fish and Wildlife Service.

It was the prospect of CARA contributing an additional $350 million a year in outer continental shelf oil revenues to Pittman-Robertson that first spurred the request of the gentleman from Alaska (Chairman YOUNG) of December 1999 for a General Accounting Office review of the Federal Aid Program. This in turn led to the gentleman from Alaska (Chairman YOUNG) initiating the majority's own investigation into the financial conduct of the program.

As it turned out, these investigations did identify problems concerning how the Fish and Wildlife Service administers and executes these programs, some considerable, several recurrent, but none criminal or even illegal. Nonetheless, I am convinced that the Federal Aid Program was long overdue for an administrative and financial overhaul. I believe all members of this committee share that view.

I think it is also important to note that the Fish and Wildlife Service has recognized and admitted that substantial errors have been made in the enforcement of financial policies and procedures. Serious reforms initiated by Fish and Wildlife Service Director Jamie Clark, including the termination of discretionary grant programs, the hiring of a new Federal aid expert to closely oversee the Federal Aid Office, and the establishment of strict new policies for travel and expenses indicate to me that the service is aggressively moving on reform.

The other body has improved this legislation. I am especially pleased that it will now provide approximately an increase of $4 million for administration, ensure some flexibility for unexpected administrative costs up to $25,000, streamline the reporting and certification requirements so that they are less cumbersome and tied into the annual budget process.

I am also pleased that additional provisions were accepted in the conference. Those provisions would require States to file annual certifications that they have spent their grant funds in accordance to the law, allow Puerto Rico to be eligible to receive hunter education funding. And finally, I support the additional changes made by the other body to attach to this legislation a clean reauthorization for the National Fish and Wildlife Foundation and a clean bill to establish a Centennial Commission for the National Wildlife Refuge System.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a long process, and I agree with the gentleman from New Mexico (Mr. UDALL) that this was really instigated by the beginning of CARA legislation when it put in those millions of dollars in the Fish and Wildlife Service. That is why I instigated the investigation.

I want to thank my staff, Duane Gibson, who has worked very hard on this measure, and especially Christina Delmont-Small. For the record, she is now a Small instead of Delmont. She is on her honeymoon today and she cannot be here to actually enjoy the success of 2 years.

But this issue is one, and I said after the hearings that the GAO reported to us, that this is not about who is present and what happened because of those people involved, not individually, but because the agency itself, beginning in 1990, and the acceleration of the expenditures of monies. We believe there was a tremendous amount of money that was spent very frankly illegally. Of those people that voluntarily established the Dingell-Johnson and the Pittman-Robertson fund that voluntarily putting into that every day thinking as they buy a fishing rod or a package of ammunition or a firearm or a bow, that it was going into reestablishing State programs on the State level so that they could have fish and wildlife not only to view but to hunt and fish, and we find that the money is being misspent.

So what we are trying to do through this legislation, and even with the Senate provisions in it, is we have tried to say, okay, forget who has done it. Let us make sure it does not happen in the future. And we believe this has been done in this legislation, and we are strongly supportive of it. I urge all of my colleagues to support this legislation with a good aye vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3671.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL of New Mexico. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4148) to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Contract Support Cost Technical Amendments of 2000".

SEC. 2. AMENDMENT DETAILING CALCULATION AND PAYMENT OF CONTRACT SUPPORT COSTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding after section 106 the following new section:

"SEC. 106A. CONTRACT SUPPORT COSTS.

"(a) OTHER FEDERAL AGENCIES.—Except as otherwise provided by statute, an Indian tribe or tribal organization administering a contract or compact under this Act shall be entitled to recover its full indirect costs associated with any other Federal funding received by such tribe or tribal organization (other than funds paid under this Act), consistent with the tribe's or tribal organization's indirect cost rate agreement with its cognizant Federal agency. This subsection shall not independently entitle such tribe or tribal organization to be paid additional amounts associated with such other Federal funding.

"(b) ALLOWABLE USES OF FUNDS.—Notwithstanding any other provision of law (including regulation or circular), an Indian tribe or tribal organization (1) administering a contract or compact under this Act, and (2) employing an indirect cost pool that includes both funds paid under this Act and other Federal funds, shall be entitled to use or expend all Federal funds in such tribe's or tribal organization's indirect cost pool in the same manner as permitted in section 106(j) (relating to allowable uses of funds without approval of the Secretary), and for such purposes only the term 'Secretary' means the Secretary of any Federal agency providing funds to such tribe or tribal organization.

"(c) NEGOTIATION OF CONTRACT SUPPORT COST AMOUNTS.—Within the Indian Health Service of the Department of Health and Human Services, tribal contract support cost entitlements shall be the responsibility of the Office of Tribal Programs, subject to the tribe's or tribal organization's indirect cost rate agreement with the tribe's or tribal organization's cognizant Federal agency.

"(d) DIRECT CONTRACT SUPPORT COSTS AND FEDERAL EMPLOYEES.—The contract support costs that are eligible costs for the purposes of receiving funding under this Act shall include direct contract support costs associated with all Federal employees employed in connection with the program, service, function, or activity that is the subject of the contract, including all Federal employees paid with funds generated from third-party collections.".

SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT COST ENTITLEMENT.

Section 106(a)(5) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j1(a)(5)) is amended by adding at the end thereof the following flush sentence: "Notwithstanding any other provision of law, the Secretary shall fully pay preaward and startup costs without regard to the year in which such costs were incurred or will be incurred, including such costs payable to tribes and tribal organizations identified by the Indian Health Service as 'ISD Queue Tribes' in its September 17, 1999, report entitled 'FY 1999 IHS CSC Shortfall Data'.".

SEC. 4. AMENDMENTS REGARDING JUDICIAL REMEDIES.

Section 110(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(c)) is amended by inserting after "administrative appeals" the following: ", and section 2412(d)(2)(A) of title 28, United States Code, shall apply to appeals filed with administrative appeals boards, in appeals".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4148 makes technical changes in the Indian Health Self-Determination Education Assistance Act, and particularly to the contract support costs for the Indian Health Service and Bureau of Indian Affairs programs previously administered by the two departments.

This bill is technical in nature to ensure that tribal contractors recover their full and direct costs associated with these Federal programs, to receive funding for all Federal employees previously under the employment of IHS and BIA, and to direct the Secretaries of Health and Human Services to fully pay preaward and start-up costs without regard to the year in which such cost occurred.

Many tribal contractors have paid their preaward and start-up costs out of their own funds and have not been reimbursed for these programs by IHS and BIA. This corrects this inequity and prevents tribes from using their own program funds to pay for these administrative costs.

In a recent presentation at the Indian National Self-Governance conference in Nashville, Tennessee, Dr. Trujillio of the Indian Health Service reportedly told tribal representatives that the IHS supports enactment of H.R. 4148, as amended.

Again, Mr. Speaker, this bill is technical in nature and has been supported by all tribal contractors. I urge an aye vote for this important bill for American Indians and Alaskan Natives.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are bringing up this evening is vastly different from the bill we reported from the Committee on Resources a few weeks back. The funding problems that Indian tribes face when assuming responsibility for Federal programs is serious and complex.

Congress has time and again reiterated its support for Indian tribes to take over and run Federal programs that have previously been run by the Bureau of Indian Affairs and the Indian Health Service. We have found that tribes are able to run these programs more innovatively and often provide better services to their tribal members.

Unfortunately, not all start-up and costs are covered in these funds provided tribes for these programs. This bill was introduced and designed to address those shortfalls. But in its current form, I am not sure that it meets the honorable goal of its author, the gentleman from Alaska (Chairman YOUNG).

The administration has informed us they oppose the bill. And while I would like to pass contract support cost assistance, I will ask for a de novo vote so we will have an additional day to work on this bill.

I would also like to ask the gentleman from Alaska (Chairman YOUNG) if the cost of this bill has been worked out based on the new structure here.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman I hope would support this legislation. He has a large native contingency in his district that strongly supports this legislation; and if he does not support it, I am sure they will be aware of it. If not, I will let them know about it.

The main thing is that the reason the bill is different is the way it was scored. And I believe it was $11 billion. And as much as I believe there is justification there, we could not get it to pass the muster of other parts of this House nor the administration.

What we are trying to do is make sure that any tribal group that enters into a forwarding of money to set up a program, which they have been guaranteed, that they are being paid retroactively if they are owed money and in fact will be paid in the future. I think that is only fair. Because what has happened many times is they entered into a contract and then the agency, BIA or IHS, do not pay the forwarded monies and in consequence they have to swallow it themselves, and that takes away from the health programs, very frankly, of the Native American people.

I do hope that the gentleman will recognize the importance of this legislation; and although he may ask for a vote, I do not really put much truck in this administration. Although he is one of the opposite parties, I hope he does not either when it comes to Indian affairs.

They have abused, misused, and misled the American Indians in the last 8 years. They have used them in the vote. They have used them for the money that they should have gotten and that they spent in other areas and very frankly that they are using now. There is over $2.5 billion that we cannot find that we know is there and the investigation shows it there. In fact, the Supreme Court has subpoenaed and filed in contempt Secretary Babbitt and I belief Secretary Rubin and the Treasury Department.

So anytime anybody talks about the Indians getting too much or not enough, I am saying, look at the facts. I think it is very inappropriate, very frankly, to have the administration even think about a veto of this.

Mr. UDALL of New Mexico. Mr. Speaker, reclaiming my time, I would like to ask the chairman the question again. I am unclear what the cost of the bill is now.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, it is between $80 million and $100 million from $11 billion. That is what we call the striking or the marking of the CBO.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4148, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL of New Mexico. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes, as amended.

The Clerk read as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the "Comptroller General") determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) Purposes.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) Tribe.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) Tribal council.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) Cheyenne River Sioux Tribal Recovery Trust Fund.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) Funding.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) Investment of Trust Fund.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Tribe.—

(1) Withdrawal of interest.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) Payments to tribe.—

(A) In general.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) Use of payments by tribe.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) Plan.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

(2) Contents of plan.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) Plan review and revision.—

(A) In general.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) Updating of plan.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Bosque Redondo Memorial Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the "Long Walk";

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term "Memorial" means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities; and

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

SEC. 301. SENSE OF THE CONGRESS.

(a) Findings.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are Federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7000 memorials in 50 States.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

TITLE IV—CEMETERY SITES AND HISTORIC PLACES

SEC. 401. FINDINGS; DEFINITIONS.

(a) Findings.—The Congress finds the following:

(1) Pursuant to section 14(h)(1) of ANCSA, the Secretary has the authority to withdraw and convey to the appropriate regional corporation fee title to existing cemetery sites and historical places.

(2) Pursuant to section 14(h)(7) of ANCSA, lands located within a National Forest may be conveyed for the purposes set forth in section 14(h)(1) of ANCSA.

(3) Chugach Alaska Corporation, the Alaska Native Regional Corporation for the Chugach Region, applied to the Secretary for the conveyance of cemetery sites and historical places pursuant to section 14(h)(1) of ANCSA in accordance with the regulations promulgated by the Secretary.

(4) Among the applications filed were applications for historical places at Miners Lake (AA-41487), Coghill Point (AA-41488), College Fjord (AA-41489), Point Pakenham (AA-41490), College Point (AA-41491), Egg Island (AA-41492), and Wingham Island (AA-41494), which applications were substantively processed for 13 years and then rejected as having been untimely filed.

(5) In addition, as part of the Exxon Valdez Oil Spill Restoration Program, the Federal Government has acquired from a private party land comprising a portion of Kiniklik Village, 1 of 4 major historical Chugach villages, which land Chugach had applied for under section 14(h)(1) of ANCSA.

(6) The fulfillment of the intent, purpose, and promise of ANCSA requires that applications substantively processed for 13 years should be accepted as timely, subject only to a determination that such lands and applications meet the eligibility criteria for historical places or cemetery sites, as appropriate, set forth in the Secretary's regulations.

(b) Definitions.—For the purposes of this Act, the following definitions apply:

(1) ANCSA.—The term "ANCSA" means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(2) Federal Government.—The term "Federal Government" means any Federal agency of the United States.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 402. WITHDRAWAL OF LANDS.

Notwithstanding any other provision of law, the Secretary shall withdraw from all forms of appropriation all public lands described in the applications identified in section 401(a)(4) of this title.

SEC. 403. APPLICATION FOR CONVEYANCE OF WITHDRAWN LANDS.

With respect to lands withdrawn pursuant to section 402 of this title, the applications identified in section 401(a)(4) of this title are deemed to have been timely filed. In processing these applications on the merits, the Secretary shall incorporate and use any work done on these applications during the processing of these applications since 1980.

SEC. 404. AMENDMENTS.

Chugach Alaska Corporation may amend any application under section 403 of this title in accordance with the rules and regulations generally applicable to amending applications under section 14(h)(1) of ANCSA.

SEC. 405. PROCEDURE FOR EVALUATING APPLICATIONS.

All applications under section 403 of this title shall be evaluated in accordance with the criteria and procedures set forth in the regulations promulgated by the Secretary as of the date of the enactment of this title. To the extent that such criteria and procedures conflict with any provision of this title, the provisions of this title shall control.

SEC. 406. CONVEYANCE OF KINIKLIK VILLAGE.

Notwithstanding any other provision of law, within 1 year of enactment of this title, the Secretary shall sell to Chugach Alaska Corporation, for fair market value, all right, title, and interest of the United States in and to the following tract of land: All that portion of the property identified in United States Survey Number 628, Tract A containing 0.34 acres and Tract B containing 0.63 acres, located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628.

SEC. 407. APPLICABILITY.

(a) Effect on ANCSA Provisions.—Notwithstanding any other provision of law or of this title, any conveyance of land to Chugach Alaska Corporation pursuant to this title shall be charged to and deducted from the entitlement of Chugach Alaska Corporation under section 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)), and no conveyance made pursuant to this title shall affect the distribution of lands to or the entitlement to land of any Regional Corporation other than Chugach Alaska Corporation under section 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)).

(b) No Enlargement of Entitlement.—Nothing herein shall be deemed to enlarge Chugach Alaska Corporation's entitlement to subsurface estate under otherwise applicable law.

TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

SEC. 501. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This title may be cited as the "Richmond National Battlefield Park Act of 2000".

(b) Definitions.—In this title:

(1) Battlefield park.—The term "battlefield park" means the Richmond National Battlefield Park.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 502. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the city of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the city of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the city of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the city of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the city

of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the city of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia.

SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the city of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled "Richmond National Battlefield Park Boundary Revision", numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the city of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the city of Richmond for use as a visitor center for the battlefield park.

SEC. 505. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et. seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et. seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the city of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 507. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (Chapter 113; 16 U.S.C. 423j–423l) is repealed.

TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM

SEC. 601. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 602. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act, addresses a number of specific Indian and public land problems that will assist thousands of Americans.

Title 1 of this bill will establish a Development Trust Fund in the Treasury of the United States for the Cheyenne River Sioux Tribe as compensation for the taking by condemnation proceedings by the United States of 104,492 acres of tribal lands.

□ 1800

The Comptroller General has determined that the appropriate amount of compensation to pay the tribe would be $290,723,000 for this taking.

Pursuant to S. 964, that amount and certain interest would be deposited by the Secretary of the Treasury into the Cheyenne River Sioux Tribal Recovery Trust Fund on the first day of the 11th fiscal year that begins after the date of enactment of S. 964.

Annual payments will be made to the tribe consisting of the income generated from the investment of the corpus of the trust fund by the Secretary of the Treasury in interest-bearing obligations to the United States.

Recovery funds have been created by Congress for four other Missouri River tribes which were impacted by the Pick-Sloan Missouri River Basin program.

Title II of S. 964, the Bosque Redondo Memorial Act, authorizes the establishment of a Bosque Redondo Memorial in New Mexico to pay tribute to the 9,000 Navajo Indians forced in the 1800s to walk 350 miles to Bosque Redondo where they were incarcerated for 5 years.

Title III expresses the sense of the Congress that public memorials commemorating military conflicts should be maintained in good condition; and to this end, the Secretary of the Interior should coordinate with Federal, State, and local officials to catalog these memorials and use the resulting information to promote and maintain them. This is based on a concurrent resolution sponsored by our colleague, the gentleman from California (Mr. ROGAN).

Title IV requires the sale of a small historic site to the Chugach Alaska Natives and is noncontroversial.

Title V incorporates the provisions of legislation sponsored by the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY). It adjusts the boundaries of the Richmond National Battlefield Park, expanding and completing the existing battlefield to include historically significant areas relating to the campaigns against, and in defense of, Richmond, Virginia.

Title VI consists of two important sections addressing the needs of southeast Alaska and the Navajo Nation, respectively.

Section 601 authorizes Southeast Alaskan Intertie system, a project critical to the future of southeast Alaska communities. Construction of an intertie will give southeast Alaska access to cheap, plentiful energy afforded through a power grid linking present and future hydroelectric sites. The Southeast Conference and the U.S. Forest Service have conducted a thorough environmental and economic analysis of this project. This section authorizes such sums that may be necessary for construction of the intertie on an 80/20 Federal-local cost-share basis.

The other section establishes a program to assist the Navajo Nation. The problem here is not lack of cheap electricity. It is lack of any electricity in 18,000 structures. In this modern era, it is inconceivable that electricity is unavailable for any Americans. The Federal Government has a responsibility to ensure the welfare of Indians, and to this end the grant program established in Title VI is key to the future well-being of the Navajo Nation.

This is a solid bill. It has been worked out with Senator DASCHLE. It is his bill. It has been worked out with everybody involved, and I believe it is a bill that should be passed and sent to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill S. 964 as passed by the Senate. However, without notice to Members, a number of other bills and language have been added to this text. Some of these may have merit; others are controversial and expensive. One matter involves an issue that is within the jurisdiction of the Committee on Commerce, not the Committee on Resources. This is not the right approach. It is not the way to do business. I do not think it is fair to Members; nor is it fair to the public.

Mr. Speaker, I would ask the chairman, and yield him time to answer this question, of how much notice have Members had to study this bill and know what is coming up in these additional titles that have been added.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Unfortunately, the gentleman has not been here that long to recognize one thing: we try to notify everybody. Every one of the bills have had direct notification to the persons involved. The Committee on Commerce, the chairman signed off on this legislation. It directly affects his district.

Everybody that is in this bill that affects someone's district has signed off. If the gentleman believes in a representative form of government, that is the criteria. To my information, there has been nobody who has objected to these. We have been in contact with the White House. We have been in contact with Senator DASCHLE on a daily basis. We have been in contact with every Member dealing with a provision in this bill.

Now, if some staff do not like this, just keep in mind this is about representation of those people elected. It is about nothing else. This is getting into the waning hours, and if the gentleman does not want to pass this legislation, fine. It does not bother me a bit, but I have been trying to work with Senator DASCHLE, and if the gentleman does not want to vote for this bill talk to Senator DASCHLE. He asked me to do this. I am doing it for him. I am doing it for those people involved in this bill, and that is what a chairman is supposed to do.

This is not a process that we go through that takes a long period of time. One tries to get it done; notify those people who are affected; ask them whether they like it or not. If they like it, it works well, nobody objects to it, including the administration, then we do it.

Mr. UDALL of New Mexico. Mr. Speaker, I would ask the gentleman from Alaska (Mr. YOUNG) if it is his understanding that Senator DASCHLE supports this bill in its entirety.

Mr. YOUNG of Alaska. In its entirety, he supports this bill. If he does not, I will not move it. I talked to him last week. He has been talked to every day; and if he does not support the bill, let me know now and I will bring the bill down right now.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for that answer. I appreciate very much his response.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 964, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL of New Mexico. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4148 and S. 964, the bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

REAPPOINTMENT AS MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Chair announces the Speaker's reappointment of the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Mr. Gordon A. Martin, Roxbury, Massachusetts, to a 2-year term.

There was no objection.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1999, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 17, 2000.*

SCIENCE SHOWS IT IS NOT SAFE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, this Wednesday, scientists will present a research paper on Alloy 22, the material the Department of Energy has proposed to be used for the disposal canister for spent nuclear fuel and high-level waste at Yucca Mountain, Nevada.

The DOE has based the safety of storing high-level waste at Yucca Mountain almost solely on the performance of these waste canisters, since the existing conditions at Yucca Mountain are so poor.

However, this latest research shows that the safety of the canister itself proves to be just as poor.

In fact, scientists induced significant corrosion on the Alloy 22 within only 15 days, raising serious questions whether the material would survive even the first 1,000 years in Yucca Mountain, let alone the 10,000 years needed for safe storage.

It seems that yet again that science is proving that storing high-level nuclear waste at Yucca Mountain would be a disastrous and deadly decision.

I yield back this administration's nuclear storage plan, which is obviously based on trying to put a square peg in a round hole.

Madam Speaker, I include the following advisory for the RECORD:

OFFICE OF THE GOVERNOR,
AGENCY FOR NUCLEAR PROJECTS,
Carson City, NV.

ADVISORY

Scientists working for the State of Nevada will present the results of preliminary research on Alloy 22, the material the Department of Energy (DOE) has proposed to be used for the disposal canister for spent nuclear fuel and high level waste in the proposed repository at Yucca Mountain, Nevada. The presentation will be made to the U.S. Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste at their 122nd meeting Wednesday, October 18, 2000 at Two White Flint North, Room 2B3 11545, Rockville Pike, Maryland.

The Department of Energy has assigned more than 95% of the performance of Yucca Mountain to the waste packages because the existing conditions at the Yucca Mountain Site are so poor. In preliminary tests, scientists working for the State of Nevada have, within 15 days, induced significant corrosion on the Alloy 22 which raises questions whether the material will survive even the first 1,000 years in the Yucca Mountain environment. The Department of Energy has conceded that Yucca Mountain itself cannot contain the wastes and that if the metal containers fail rapidly in the Mountain's environment, DOE will be back to square one in their attempts to make Yucca Mountain work as a repository for high level waste and spent nuclear fuel.

If you would like additional information concerning the Advisory Committee meeting or the Alloy 22 research, please contact the State of Nevada Governor's Agency for Nuclear Projects at the above phone number or address.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Alaska) to revise and extend their remarks and include extraneous material:)

Mr. CANADY of Florida, for 5 minutes, October 18 and 19.

Mr. SHAYS, for 5 minutes, October 18.

Ms. PRYCE of Ohio, for 5 minutes, October 19.

Mrs. MORELLA, for 5 minutes, October 18.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1848. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Resources.

S. 2195. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; to the Committee on Resources.

S. 2301. An act to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Resources.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the design, planning, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Resources.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Resources.

S. 2688. An act to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes; to the Committee on Education and the Workforce.

S. 2877. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; to the Committee on Resources.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes; to the Committee on Resources.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River, to the Committee on Resources.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On October 13, 2000:

H.J. Res. 111. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 18, 2000, at 4 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James T. Walsh	8/25	8/27	France	1,168	594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland	248.12	281.00		(3)				281.00
Committee total					2,273.00						2,273.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JAMES T. WALSH, Chairman, Sept. 7, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Oct. 4, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Whaley	7/2	7/7	Australia		815.42		7,661.35				8,476.77
David Jansen	7/2	7/7	Australia		995.00		7,999.05				8,994.05
Committee total					1,810.42		15,660.40				17,470.82

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Oct. 7, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tony P. Hall	4/15	4/22	Jordan/Iraq		1,378.00		5,268.03		1,465.33		8,111.36
Hon. John Linder	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		815.00						815.00
Vincent Randazzo	2/21	2/22	England		381.00						381.00
	2/22	2/24	Switzerland		500.32						500.32
	2/25	2/26	Germany		166.00						166.00
Committee total					6,038.32		5,268.03		1,465.33		12,771.68

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, Oct. 4, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Oct. 10, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the canlendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Oct. 4, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10593. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zinc phosphide; Extension of Tolerances for Emergency Exemptions [OPP-301065; FRL-6748-1] (RIN: 2070-AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10594. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Extension of Tolerances for Emergency Exemptions [OPP-301070; FRL-6749-5] (RIN: 2070-AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10595. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Norflurazon; Extension of Tolerances for Emergency Exemptions [OPP-301066; FRL-6748-2] (RIN: 2070-AB78) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10596. A letter from the Acting Under Secretary of the Navy, Department of Defense, transmitting a report on a decision to award a contract for Navy Marine Corps Intranet services; to the Committee on Armed Services.

10597. A letter from the Director, Office for Equal Opportunity, Department of the Interior, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10598. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township [MO 114-1114a; FRL-6885-6] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10599. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program [MD 096-3053a; FRL-6878-4] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10600. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories [CO-001-0041a, CO-001-0042a, UT-001-0032a; FRL-6889-2] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10601. A letter from the Deputy Associate Administrator, Environmental Protection Agnecy, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Removal of TSP Ambient Air Quality Standards [VA109-5050; FRL-6887-7] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10602. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10603. A letter from the Senior Benefits Programs Planning Analyst, AgAmerica Western Farm Credit Bank, transmitting a report on the Eleventh Farm Credit District Employees' Retirement Plan for the Plan Year Ending December 31, 1999, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

10604. A letter from the Interim Director, Court Services and Offender Supervision Agency, The District of Columbia, transmitting a report on the District of Columbia Pretrial Services Agency's Strategic Plan for 2000-2005; to the Committee on Government Reform.

10605. A letter from the Interim Director, Court Services and Offender Supervision Agency, The District of Columbia, transmitting a report on the Court Services and Offender Supervision Agency's Summary Strategic Plan 2000-2005; to the Committee on Government Reform.

10606. A letter from the Assistant for Congressional and Intergovernmental Affairs, Department of Energy, transmitting a report on the Strategic Plan "Strength Through Science Powering the 21st Century"; to the Committee on Government Reform.

10607. A letter from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report on the Commission's FY 2000 Commercial Activities Inventory; to the Committee on Government Reform.

10608. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2000 through September 30, 2000 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106-301); to the Committee on House Administration and ordered to be printed.

10609. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher (RIN: 1018-AF32) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10610. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 to Revise the Chinook Salmon Savings Area [Docket No. 991210329-0273-02; I.D. 102699B] (RIN: 0648-AM63) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2121. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; with an amendment (Rept. 106–981). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4548. A bill to establish a pilot program creating a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers, to amend the Immigration and Nationality Act to streamline procedures for the temporary admission and extension of stay of nonimmigrant agricultural workers under the pilot program, and for other purposes; with an amendment (Rept. 106–982, Pt. 1). Ordered to be printed.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4209. A bill to amend the Federal Reserve Act to require the payment of interest on reserves maintained at Federal Reserve banks by insured depository institutions, and for other purposes; with amendments (Rept. 106–983). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 633. Resolution providing for consideration of motions to suspend the rules (Rept. 106–984). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 634. Resolution providing for consideration of the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site (Rept. 106–985). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 20, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MINK of Hawaii:

H.R. 5474. A bill to amend title 38, United States Code, to revise the effective date for an award of disability compensation by the Secretary of Veterans Affairs under section 1151 of such title for persons disabled by treatment or vocational rehabilitation; to the Committee on Veterans' Affairs.

By Ms. BALDWIN:

H.R. 5475. A bill to extend for 18 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. Klink, and Mr. Upton):

H.R. 5476. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance consumer protection in the purchase of prescription drugs from interstate Internet sellers; to the Committee on Commerce.

By Mr. HUNTER (for himself, Mr. Cunningham, and Mr. Filner):

H.R. 5477. A bill to provide that gaming shall not be allowed on certain Indian trust lands in California that were purchased with certain Federal grant funds; to the Committee on Resources.

By Mr. RANGEL:

H.R. 5478. A bill to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. Capps, and Mr. Filner):

H.R. 5479. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H. Res. 630. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444; considered and agreed to.

By Mr. SPENCE (for himself and Mr. Skelton):

H. Res. 631. A resolution honoring the members of the crew of the guided missile destroyer U.S.S. COLE (DDG–67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the House of Representatives to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship; to the Committee on Armed Services.

By Mr. BARRETT of Nebraska:

H. Res. 632. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000; considered and agreed to.

By Mr. MOLLOHAN (for himself, Mr. Quinn, Mr. Wise, Mr. Ney, Mr. Klink, Mr. Regula, Mr. Holt, Mr. Sherwood, Mr. Evans, Mr. LoBiondo, Mr. Hoeffel, Mr. Lazio, Mr. Maloney of Connecticut, Mr. McHugh, Mr. Murtha, Mr. English, Mr. Visclosky, Mr. Buyer, Ms. Carson, Mr. Smith of New Jersey, Mr. Abercrombie, Mr. Ackerman, Mr. Aderholt, Mr. Barcia, Mr. Barrett of Wisconsin, Mr. Becerra, Ms. Berkley, Mr. Berry, Mr. Bilirakis, Mr. Bishop, Mr. Blagojevich, Mr. Bonior, Mr. Borski, Mr. Boswell, Mr. Boucher, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Callahan, Mr. Cannon, Mr. Capuano, Mr. Cardin, Mr. Clay, Mr. Clyburn, Mr. Costello, Mr. Coyne, Mr. Cramer, Mr. Crowley, Mr. Cummings, Ms. Danner, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeLauro, Mr. Delahunt, Mr. Dingell, Mr. Dixon, Mr. Doyle, Mr. Edwards, Mr. Ehrlich, Mrs. Emerson, Mr. Everett, Mr. Farr of California, Mr. Fattah, Mr. Forbes, Mr. Ford, Mr. Gekas, Mr. Gephardt, Mr. Gilchrest, Mr. Gordon, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Greenwood, Mr. Gutierrez, Mr. Hall of Texas, Mr. Hastings of Florida, Mr. Hill of Indiana, Mr. Hilliard, Mr. Hinchey, Mr. Hobson, Mr. Holden, Mr. Horn, Mr. Hostettler, Mr. Hoyer, Mr. Hunter, Mr. Inslee, Mr. Jackson of Illinois, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kildee, Ms. Kilpatrick, Mr. Kleczka, Mr. Kucinich, Mr. LaFalce, Mr. Larson, Mr. LaTourette, Mr. Leach, Mr. Levin, Mr. Lipinski, Mr. Lucas of Kentucky, Mr. Markey, Mr. Mascara, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McGovern, Mr. McIntosh, Mr. McIntyre, Ms. McKinney, Mr. McNulty, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. Gary Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Moore, Mrs. Myrick, Mr. Nadler, Ms. Norton, Mr. Norwood, Mr. Oberstar, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Peterson of Pennsylvania, Mr. Phelps, Mr. Pitts, Mr. Pomeroy, Mr. Rahall, Mr. Reyes, Mr. Riley, Ms. Rivers, Mr. Rodriguez, Mr. Roemer, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Mr. Sanders, Mr. Sandlin, Mr. Saxton, Mr. Sawyer, Ms. Schakowsky, Mr. Shows, Mr. Skeen, Ms. Slaughter, Mr. Souder, Ms. Stabenow, Mr. Stenholm, Mr. Strickland, Mr. Stupak, Mr. Sweeney, Mrs. Thurman, Mr. Tierney, Mr. Thompson of California, Mr. Traficant, Mr. Turner, Mr. Udall of New Mexico, Mr. Walsh, Mr. Weldon of Pennsylvania, Mr. Wexler, Mr. Weygand, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H. Res. 635. A resolution calling on the President to take all appropriate action within his power to provide relief from injury caused by steel imports and to immediately request the United States International Trade Commission to commence an expedited investigation for positive adjustment under section 201 of the Trade Act of 1974 of those steel imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 5480. A bill for the relief of Michael and Julie Schindler; to the Committee on the Judiciary.

By Mr. COX:

H.R. 5481. A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad; to the Committee on the Judiciary.

By Mr. COX:

H. Res. 636. A resolution referring the bill (H.R. 5481), entitled "A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad", to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. Thomas.

H.R. 220: Mr. Filner.

H.R. 742: Mr. Gekas.

H.R. 860: Mr. Weller.

H.R. 920: Mr. Farr of California.

H.R. 1591: Ms. Carson, Mr. Rangel, and Mrs. Lowey.

H.R. 1657: Mrs. Napolitano and Ms. Velázquez.

H.R. 2000: Ms. Carson.

H.R. 2273: Ms. Velázquez.

H.R. 2308: Mr. Ortiz.

H.R. 2362: Mr. McKeon.

H.R. 2457: Mr. KUYKENDALL and Mr. RUSH.

H.R. 2620: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2741: Mr. SERRANO.

H.R. 3321: Ms. BERKLEY.

H.R. 3463: Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ENGEL, and Mr. ACKERMAN.

H.R. 3514: Mr. CLYBURN and Mr. DEAL of Georgia.

H.R. 3650: Mr. MCGOVERN.

H.R. 3677: Mr. GUTKNECHT.

H.R. 3700: Ms. PRYCE of Ohio and Mr. LAZIO.

H.R. 4333: Mr. JEFFERSON.

H.R. 4428: Mr. RUSH.

H.R. 4431: Mrs. THURMAN and Mr. WEXLER.

H.R. 4481: Mr. NADLER.

H.R. 4488: Mr. LATOURETTE.

H.R. 4634: Ms. CARSON.

H.R. 4707: Ms. CARSON, Mr. RANGEL, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. LAFALCE, and Ms. MCKINNEY.

H.R. 4728: Mr. DIXON, Mr. BAKER, Mr. OLVER, and Mr. BAIRD.

H.R. 4740: Mr. WATT of North Carolina and Ms. BERKLEY.

H.R. 4778: Mr. CARDIN, Mr. CALVERT, and Ms. CARSON.

H.R. 4949: Mr. MCGOVERN.

H.R. 4950: Ms. DANNER and Ms. CARSON.

H.R. 4966: Mr. BLAGOJEVICH.

H.R. 5151: Mr. HILLIARD.

H.R. 5179: Ms. CARSON and Mr. DELAHUNT.

H.R. 5219: Mr. MCDERMOTT.

H.R. 5291: Mr. WHITFIELD, Mrs. CAPPS, Ms. DEGETTE, Mr. DEUTSCH, Mr. GREEN OF TEXAS, Mr. RUSH, Mr. SAWYER, and Mr. STRICKLAND.

H.R. 5309: Mr. BOYD, Mrs. FOWLER, Mr. STEARNS, Mr. MICA, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. GOSS, Mr. FOLEY, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. DIAZ-BALART, and Mr. HASTINGS of Florida.

H.R. 5345: Mr. FROST and Ms. ESHOO.

H.R. 5385: Mr. WELDON of Florida and Mr. MCINTOSH.

H.R. 5472: Mr. MCDERMOTT.

H.J. Res. 48: Mr. BONIOR.

H.J. Res. 55: Mr. FILNER.

H.J. Res. 64: Mr. THOMPSON of California.

H. Con. Res. 159: Mr. SAXTON.

H. Con. Res. 177: Mr. CAMPBELL.

H. Con. Res. 338: Ms. WOOLSEY.

H. Con. Res. 341: Mr. WEXLER.

H. Con. Res. 398: Mrs. LOWEY.

H. Con. Res. 412: Mrs. LOWEY.

H. Con. Res. 418: Mrs. NORTHUP.

H. Con. Res. 426: Mr. BILBRAY, Mr. BORSKI, Mr. MATSUI, Mr. VISCLOSKY, Ms. WOOLSEY, Mr. WATTS of Oklahoma, Mr. SAXTON, Mr. CALVERT, Mr. EWING, Ms. BALDWIN, Mr. MEEHAN, Mr. HOLDEN, Mr. TAUZIN, Mr. TANCREDO, Mr. BRAYANT, Mr. BLILEY, Mr. COYNE, Mr. RAMSTAD, Mr. HANSEN, Mr. MCNULTY, Mr. BLAGOJEVICH, Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. LOBIONDO, Mr. SWEENEY, Mr. SMITH of Washington, Mr. SHAYS, Mr. MCDERMOTT, Mrs. TAUSCHER, Mr. VITTER, Mr. FORD, Mr. WALDEN of Oregon, Mr. HORN, Mr. GREENWOOD, Mr. SHIMKUS, Mr. KING, and Mr. BENTSEN.

H. Res. 605: Mr. GREEN of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2796

OFFERED BY: MR. SHUSTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small project for bank stabilization.
Sec. 104. Small projects for navigation.
Sec. 105. Small project for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small project for shoreline protection.
Sec. 108. Small project for snagging and sediment removal.
Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.
Sec. 202. Harbor cost sharing.
Sec. 203. Nonprofit entities.
Sec. 204. Rehabilitation of Federal flood control levees.
Sec. 205 Flood mitigation and riverine restoration program.
Sec. 206. Tribal partnership program.
Sec. 207. Native American reburial and transfer authority.
Sec. 208. Ability to pay.
Sec. 209. Interagency and international support authority.
Sec. 210. Property protection program.
Sec. 211. Engineering consulting services.
Sec. 212. Beach recreation.
Sec. 213. Performance of specialized or technical services.
Sec. 214. Design-build contracting.
Sec. 215. Independent review pilot program.
Sec. 216. Enhanced public participation.
Sec. 217. Monitoring.
Sec. 218. Reconnaissance studies.
Sec. 219. Fish and wildlife mitigation.
Sec. 220. Wetlands mitigation.
Sec. 221. Credit toward non-Federal share of navigation projects.
Sec. 222. Maximum program expenditures for small flood control projects.
Sec. 223. Feasibility studies and planning, engineering, and design.
Sec. 224. Administrative costs of land conveyances.
Sec. 225. Dam safety.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.
Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Cache Creek basin, California.
Sec. 306. Larkspur Ferry Channel, Larkspur, California.
Sec. 307. Norco Bluffs, Riverside County, California.
Sec. 308. Sacramento deep water ship channel, California.
Sec. 309. Sacramento River, Glenn-Colusa, California.
Sec. 310. Upper Guadalupe River, California.
Sec. 311. Brevard County, Florida.
Sec. 312. Fernandina Harbor, Florida.
Sec. 313. Tampa Harbor, Florida.
Sec. 314. East Saint Louis and vicinity, Illinois.
Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
Sec. 316. Waukegan Harbor, Illinois.
Sec. 317. Cumberland, Kentucky.
Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.
Sec. 319. Saint Joseph River, South Bend, Indiana.
Sec. 320. Mayfield Creek and tributaries, Kentucky.
Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
Sec. 324. Red River Waterway, Louisiana.
Sec. 325. Thomaston Harbor, Georges River, Maine.
Sec. 326. Breckenridge, Minnesota.
Sec. 327. Duluth Harbor, Minnesota.
Sec. 328. Little Falls, Minnesota.
Sec. 329. Poplar Island, Maryland.
Sec. 330. Green Brook Sub-Basin, Raritan River basin, New Jersey.
Sec. 331. New York Harbor and adjacent channels, Port Jersey, New Jersey.
Sec. 332. Passaic River basin flood management, New Jersey.
Sec. 333. Times Beach nature preserve, Buffalo, New York.
Sec. 334. Garrison Dam, North Dakota.
Sec. 335. Duck Creek, Ohio.
Sec. 336. Astoria, Columbia River, Oregon.
Sec. 337. Nonconnah Creek, Tennessee and Mississippi.
Sec. 338. Bowie County levee, Texas.
Sec. 339. San Antonio Channel, San Antonio, Texas.
Sec. 340. Buchanan and Dickenson Counties, Virginia.
Sec. 341. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 342. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 343. Wallops Island, Virginia.
Sec. 344. Columbia River, Washington.
Sec. 345. Mount St. Helens sediment control, Washington.
Sec. 346. Renton, Washington.
Sec. 347. Greenbrier Basin, West Virginia.
Sec. 348. Lower Mud River, Milton, West Virginia.
Sec. 349. Water quality projects.
Sec. 350. Project reauthorizations.
Sec. 351. Continuation of project authorizations.
Sec. 352. Declaration of nonnavigability for Lake Erie, New York.
Sec. 353. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Watershed and river basin assessments.
Sec. 403. Lower Mississippi River resource assessment.
Sec. 404. Upper Mississippi River basin sediment and nutrient study.
Sec. 405. Upper Mississippi River comprehensive plan.
Sec. 406. Ohio River System.
Sec. 407. Eastern Arkansas.
Sec. 408. Russell, Arkansas.
Sec. 409. Estudillo Canal, San Leandro, California.
Sec. 410. Laguna Creek, Fremont, California.
Sec. 411. Lake Merritt, Oakland, California.
Sec. 412. Lancaster, California.
Sec. 413. Napa County, California.
Sec. 414. Oceanside, California.
Sec. 415. Suisun Marsh, California.
Sec. 416. Lake Allatoona Watershed, Georgia.

Sec. 417. Chicago River, Chicago, Illinois.
Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 419. Long Lake, Indiana.
Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 421. Coastal areas of Louisiana.
Sec. 422. Iberia Port, Louisiana.
Sec. 423. Lake Pontchartrain seawall, Louisiana.
Sec. 424. Lower Atchafalaya basin, Louisiana.
Sec. 425. St. John the Baptist Parish, Louisiana.
Sec. 426. Las Vegas Valley, Nevada.
Sec. 427. Southwest Valley, Albuquerque, New Mexico.
Sec. 428. Buffalo Harbor, Buffalo, New York.
Sec. 429. Hudson River, Manhattan, New York.
Sec. 430. Jamesville Reservoir, Onondaga County, New York.
Sec. 431. Steubenviille, Ohio.
Sec. 432. Grand Lake, Oklahoma.
Sec. 433. Columbia Slough, Oregon.
Sec. 434. Reedy River, Greenville, South Carolina.
Sec. 435. Germantown, Tennessee.
Sec. 436. Houston ship channel, Galveston, Texas.
Sec. 437. Park City, Utah.
Sec. 438. Milwaukee, Wisconsin.
Sec. 439. Upper Des Plaines River and tributaries, Illinois and Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.
Sec. 502. Duck River, Cullman, Alabama.
Sec. 503. Seward, Alaska.
Sec. 504. Augusta and Devalls Bluff, Arkansas.
Sec. 505. Beaver Lake, Arkansas.
Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. 507. Calfed Bay Delta program assistance, California.
Sec. 508. Clear Lake basin, California.
Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 510. Huntington Beach, California.
Sec. 511. Mallard Slough, Pittsburg, California.
Sec. 512. Penn Mine, Calaveras County, California.
Sec. 513. Port of San Francisco, California.
Sec. 514. San Gabriel basin, California.
Sec. 515. Stockton, California.
Sec. 516. Port Everglades, Florida.
Sec. 517. Florida Keys water quality improvements.
Sec. 518. Ballard's Island, La Salle County, Illinois.
Sec. 519. Lake Michigan Diversion, Illinois.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. Campbellsville Lake, Kentucky.
Sec. 522. West View Shores, Cecil County, Maryland.
Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.
Sec. 524. Muddy River, Brookline and Boston, Massachusetts.
Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. St. Louis County, Minnesota.
Sec. 529. Wild Rice River, Minnesota.
Sec. 530. Coastal Mississippi wetlands restoration projects.
Sec. 531. Missouri River Valley improvements.
Sec. 532. New Madrid County, Missouri.
Sec. 533. Pemiscot County, Missouri.
Sec. 534. Las Vegas, Nevada.
Sec. 535. Newark, New Jersey.
Sec. 536. Urbanized peak flood management research, New Jersey.
Sec. 537. Black Rock Canal, Buffalo, New York.
Sec. 538. Hamburg, New York.
Sec. 539. Nepperhan River, Yonkers, New York.
Sec. 540. Rochester, New York.
Sec. 541. Upper Mohawk River basin, New York.
Sec. 542. Eastern North Carolina flood protection.
Sec. 543. Cuyahoga River, Ohio.
Sec. 544. Crowder Point, Crowder, Oklahoma.
Sec. 545. Oklahoma-tribal commission.
Sec. 546. Columbia River, Oregon and Washington.
Sec. 547. John Day Pool, Oregon and Washington.
Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.
Sec. 549. Skinner Butte Park, Eugene, Oregon.
Sec. 550. Willamette River basin, Oregon.
Sec. 551. Lackawanna River, Pennsylvania.
Sec. 552. Philadelphia, Pennsylvania.
Sec. 553. Access improvements, Raystown Lake, Pennsylvania.
Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.
Sec. 556. Joe Pool Lake, Texas.
Sec. 557. Benson Beach, Fort Canby State Park, Washington.
Sec. 558. Puget Sound and adjacent waters restoration, Washington.
Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.
Sec. 560. Wynoochee Lake, Wynoochee River, Washington.
Sec. 561. Snohomish River, Washington.
Sec. 562. Bluestone, West Virginia.
Sec. 563. Lesage/Greenbottom Swamp, West Virginia.
Sec. 564. Tug Fork River, West Virginia.
Sec. 565. Virginia Point Riverfront Park, West Virginia.
Sec. 566. Southern West Virginia.
Sec. 567. Fox River system, Wisconsin.
Sec. 568. Surfside/Sunset and Newport Beach, California.
Sec. 569. Illinois River basin restoration.
Sec. 570. Great Lakes.
Sec. 571. Great Lakes remedial action plans and sediment remediation.
Sec. 572. Great Lakes dredging levels adjustment.
Sec. 573. Dredged material recyling.
Sec. 574. Watershed management, restoration, and development.
Sec. 575. Maintenance of navigation channels.
Sec. 576. Support of Army civil works program.
Sec. 577. National recreation reservation service.
Sec. 578. Hydrographic survey.
Sec. 579. Lakes program.
Sec. 580. Perchlorate.
Sec. 581. Abandoned and inactive noncoal mine restoration.
Sec. 582. Release of use restriction.
Sec. 583. Comprehensive environmental resources protection.
Sec. 584. Modification of authorizations for environmental projects.
Sec. 585. Land transfers.
Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.
Sec. 702. Missouri River Trust.
Sec. 703. Missouri River Task Force.
Sec. 704. Administration.
Sec. 705. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project ecosystem restoration, Tres Rios, Arizona, at a

total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(8) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(9) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(13) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

(23) WOLF RIVER, TENNESSEE.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(16) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(17) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(18) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).".

SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking "45 feet" each place it appears and inserting "53 feet".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

“(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

“(25) Lower Hudson River and tributaries, New York;

“(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

“(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.”.

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) CONSULTATION AND COORDINATION.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) CREDITS.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) INDIAN TRIBE DEFINED.—In this section, the term “Indian tribe” means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) DEFINITIONS.—In this section, the terms “Indian tribe” and “Native American” have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

“(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3).”; and

(2) in paragraph (3)—

(A) by inserting “and” after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: “There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.”.

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) IN GENERAL.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) IN GENERAL.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) SUPPORTING MATERIALS.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) CONTENTS.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term “design-build” means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

“SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

“(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

“(b) ESTABLISHMENT OF PANELS.—

“(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

"(2) Membership.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

"(3) Limitation on appointments.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

"(4) Consultation.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

"(5) Compensation.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) Duties of Panels.—A panel of experts established for a project under this section shall—

"(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

"(2) receive written and oral comments of a technical nature concerning the project from the public; and

"(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

"(d) Duration of Project Reviews.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

"(e) Recommendations of Panel.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

"(1) consider any recommendations contained in the evaluation;

"(2) make the evaluation available for public review; and

"(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

"(f) Costs.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

"(g) Report.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

"(h) Eligible Project Defined.—In this section, the term 'eligible project' means—

"(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

"(2) a water resources project—

"(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

"(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

"(ii) to which an affected State objects.".

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) In General.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

"(e) Enhanced Public Participation.—

"(1) In general.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

"(2) Membership.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

"(3) Limitation.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).".

SEC. 217. MONITORING.

(a) In General.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) Duration.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) Reports.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) Eligible Water Resources Project Defined.—In this section, the term "eligible project" means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) Costs.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after "environmental impacts" the following: "(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)"; and

(2) by inserting after the second sentence the following: "The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.".

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) Design of Mitigation Projects.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking "(1)" and inserting "(A)"; and

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(d) After the date" and inserting the following:

"(d) Mitigation Plans as Part of Project Proposals.—

"(1) In general.—After the date";

(4) by adding at the end the following:

"(2) Design of mitigation projects.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

"(3) Recommendation of projects.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated."; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) Concurrent Mitigation.—

(1) Investigation.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking "paragraph (3) and" and inserting "paragraph (3),"; and

(2) by striking "paragraph (4)" and inserting "paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements".

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "$40,000,000" and inserting "$50,000,000".

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking "Not more than ½ of the" and inserting "The".

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) SPECIFIC CONVEYANCE.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) EXCLUSION.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking "LAKE" and inserting "VISITOR CENTER"; and

(2) in paragraph (1) by striking "at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas" and inserting "on property provided by the city of Fort Smith, Arkansas, in such city".

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking "$8,600,000" and all that follows through "$2,150,000" and inserting "$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000".

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting "shoreline associated with the" after "damage to the".

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat.

186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term "stabilize and renovate" includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking "TOTAL" and inserting "FEDERAL"; and

(2) by striking "total" and inserting "Federal".

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.

The project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to direct the Secretary to prepare a limited reevaluation report to determine the feasibility of carrying out a nonstructural flood damage reduction project at the Green Brook Sub-Basin. If the Secretary determines that the nonstructural project is feasible, the Secretary may carry out the nonstructural project.

SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of

1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:

"(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(g) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 334. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 335. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 336. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 337. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 338. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the

Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 343. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking "$8,000,000" and inserting "$20,000,000".

SEC. 344. COLUMBIA RIVER, WASHINGTON.

(a) In General.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) Allocation.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 345. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", printed as House Document number 99–135.

SEC. 346. RENTON, WASHINGTON.

(a) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) Revision of Project Cooperation Agreement.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) Reimbursement.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking "$12,000,000" and inserting "$73,000,000".

SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project substantially in accordance with the plans, and subject to the conditions, described in the watershed plan prepared by the Natural Resources Conservation Service for the project, dated 1992.

SEC. 349. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

SEC. 350. PROJECT REAUTHORIZATIONS.

(a) In General.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) Narraguagus river, milbridge, maine.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) Cedar bayou, texas.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) Redesignation.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) Limitation.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) Area To Be Declared Nonnavigable; Public Interest.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) Boundaries.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17′25″ East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24′25″ West a distance of 1.00 feet;

(2) South 7°01′17″ West a distance of 170.15 feet;

(3) South 5°02′54″ West a distance of 180.00 feet;

(4) North 85°24′25″ West a distance of 3.00 feet;

(5) South 5°02′54″ West a distance of 260.00 feet;

(6) South 5°09′11″ West a distance of 110.00 feet;

(7) South 0°34′35″ West a distance of 110.27 feet;

(8) South 4°50′37″ West a distance of 220.00 feet;

(9) South 4°50′37″ West a distance of 365.00 feet;

(10) South 85°24′25″ East a distance of 5.00 feet;

(11) South 4°06′20″ West a distance of 67.00 feet;

(12) South 6°04′35″ West a distance of 248.08 feet;

(13) South 3°18′27″ West a distance of 52.01 feet;

(14) South 4°55′58″ West a distance of 133.00 feet;

(15) North 85°24′25″ West a distance of 1.00 feet;

(16) South 4°55′58″ West a distance of 45.00 feet;

(17) North 85°24′25″ West a distance of 7.00 feet;

(18) South 4°56′12″ West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55′58″ West a distance of 127.00 feet;

(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34′35″ West a distance of 12.55 feet;

(2) South 4°35′35″ West a distance of 118.50 feet;

(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25′14″ West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;

(3) South 30°42′49″ West a distance of 76.96 feet;

(4) South 22°06′03″ West a distance of 689.43 feet;

(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29′53″ West a distance of 267.84 feet;

(2) North 24°25′00″ West a distance of 195.01 feet;

(3) North 26°45′00″ West a distance of 250.00 feet;

(4) North 31°15′00″ West a distance of 205.00 feet;

(5) North 21°35′00″ West a distance of 110.00 feet;

(6) North 44°00′53″ West a distance of 26.38 feet;

(7) North 33°49′18″ West a distance of 74.86 feet;

(8) North 34°26′26″ West a distance of 12.00 feet;

(9) North 31°06′16″ West a distance of 72.06 feet;

(10) North 22°35′00″ West a distance of 150.00 feet;

(11) North 16°35′00″ West a distance of 420.00 feet;

(12) North 21°10′00″ West a distance of 440.00 feet;

(13) North 17°55′00″ West a distance of 340.00 feet;

(14) North 28°05′00″ West a distance of 375.00 feet;

(15) North 16°25′00″ West a distance of 585.00 feet;

(16) North 22°10′00″ West a distance of 160.00 feet;

(17) North 2°46′36″ West a distance of 65.54 feet;

(18) North 16°01′08″ West a distance of 70.04 feet;

(19) North 49°07′00″ West a distance of 79.00 feet;

(20) North 19°16′00″ West a distance of 425.00 feet;

(21) North 16°37′00″ West a distance of 285.00 feet;

(22) North 25°20′00″ West a distance of 360.00 feet;

(23) North 33°00′00″ West a distance of 230.00 feet;

(24) North 32°40′00″ West a distance of 310.00 feet;

(25) North 27°10′00″ West a distance of 130.00 feet;

(26) North 23°20′00″ West a distance of 315.00 feet;

(27) North 18°20′04″ West a distance of 302.92 feet;

(28) North 20°15′48″ West a distance of 387.18 feet;

(29) North 14°20′00″ West a distance of 530.00 feet;

(30) North 16°40′00″ West a distance of 260.00 feet;

(31) North 28°35′00″ West a distance of 195.00 feet;

(32) North 18°30′00″ West a distance of 170.00 feet;

(33) North 26°30′00″ West a distance of 340.00 feet;

(34) North 32°07′52″ West a distance of 232.38 feet;

(35) North 30°04′26″ West a distance of 17.96 feet;

(36) North 23°19′13″ West a distance of 111.23 feet;

(37) North 7°07′58″ West a distance of 63.90 feet;

(38) North 8°11′02″ West a distance of 378.90 feet;

(39) North 15°01′02″ West a distance of 190.64 feet;

(40) North 2°55′00″ West a distance of 170.00 feet;

(41) North 6°45′00″ West a distance of 240.00 feet;

(42) North 0°10′00″ East a distance of 465.00 feet;

(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14′01″ East a distance of 119.30 feet;

(2) North 46°15′13″ East a distance of 47.83 feet;

(3) North 59°53′02″ East a distance of 53.32 feet;

(4) North 38°20′43″ East a distance of 27.31 feet;

(5) North 68°12′46″ East a distance of 48.67 feet;

(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44′53″ East a distance of 623.56 feet;

(2) South 34°33′00″ East a distance of 200.00 feet;

(3) South 26°18′55″ East a distance of 500.00 feet;

(4) South 19°06′40″ East a distance of 1074.29 feet;

(5) South 28°03′18″ East a distance of 242.44 feet;

(6) South 18°38′50″ East a distance of 1010.95 feet;

(7) North 71°20′51″ East a distance of 90.42 feet;

(8) South 18°49′20″ East a distance of 158.61 feet;

(9) South 80°55′10″ East a distance of 45.14 feet;

(10) South 18°04′45″ East a distance of 52.13 feet;

(11) North 71°07′23″ East a distance of 102.59 feet;

(12) South 18°41′40″ East a distance of 63.00 feet;

(13) South 71°07′23″ West a distance of 240.62 feet;

(14) South 18°38′50″ East a distance of 668.13 feet;

(15) North 71°28′46″ East a distance of 958.68 feet;

(16) North 18°42′31″ West a distance of 1001.28 feet;

(17) South 71°17′29″ West a distance of 168.48 feet;

(18) North 18°42′31″ West a distance of 642.00 feet;

(19) North 71°17′37″ East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 353. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475.70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028), and modified by section

101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) Angola, New York.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) Wallabout Channel, Brooklyn, New York.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) Rockport Harbor, Massachusetts.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) Escambia Bay and River, Florida.—Project for navigation, Escambia Bay and River, Florida.

(2) Illinois River, Havana, Illinois.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) Spring Lake, Illinois.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) Port Orford, Oregon.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) In General.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

"(b) Consultation.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

"(c) Priority Consideration.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

"(1) Delaware River.

"(2) Potomac River.

"(3) Susquehanna River.

"(4) Kentucky River.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) Assessments.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) Period.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) Reports.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) Lower Mississippi River System Defined.—In this section, the term "Lower Mississippi River system" means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) Authorization of Appropriations.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) In General.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) Consultation.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) Components of the Study.—

(1) Computer Modeling.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) Research.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) Use of Information.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) Report to Congress.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking "date of enactment of this Act" and inserting "first date on which funds are appropriated to carry out this section.".

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) In General.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) In General.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled "Preliminary Investigation: Lone Star Management Project", prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) In General.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled "Master Plan of Drainage", to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) Study.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) Use of Existing Data.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled "Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California".

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

"SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

"(a) In General.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

"(b) Matters To Be Addressed.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.".

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) Consultation.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) In General.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled "Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road", to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff),".

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Evaluation of Flood Damage Reduction Measures.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) In General.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) Contents.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) Consultation.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) Report.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking "date of enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2000"; and

(2) by inserting "and Miami" after "Pensacola Dam".

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) Cost Sharing.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) Limitation.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to the Houston Ship Channel from Redfish Reef to Morgan Point in Galveston, Texas.

SEC. 437. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 438. MILWAUKEE, WISCONSIN.

(a) In General.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324–325) is amended by adding at the end the following:

"(d) Credit.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) Determination.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) Reimbursement.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) In General.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) Reimbursement.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) In General.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the "Program") and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) Cooperative Activities.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) Geographic Scope.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the "Bay-Delta Estuary"), as identified in the agreement entitled the "Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate".

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) In General.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) Source of Funding.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) Emergency Measures.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) Study.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) Funding.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) San Gabriel Basin Restoration.—

(1) Establishment of fund.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) Administration of fund.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) Purposes of fund.—

(A) In general.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) Cost-sharing limitation.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) Compliance With Applicable Law.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) Relationship to Other Activities.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) Set-aside.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) Adjustment.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) In General.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) Criteria for Projects.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) Consideration.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) Consultation.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) Non-Federal Share.—The non-Federal share of the cost of a project carried out under this section shall not be less than 35 percent.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and $800,000 for each fiscal year beginning after September 30, 2003,".

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).".

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) Project Authorization.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: ", including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) Authorization of Appropriations.—Section 541(b) of such Act is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) In General.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) Lands, easements, and rights-of-way.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) Operation, maintenance, repair, rehabilitation, and replacement.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) Credit for non-federal work.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) In General.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) Project Selection.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) Cost Sharing.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) Nonprofit Entity.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) Missouri River Mitigation Project.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) Upper Missouri River Aquatic and Riparian Habitat Mitigation Program.—

(1) In general.—

(A) Study.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) Pilot program.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) Reservoir fish loss study.—

(A) In general.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) Authorization of appropriations.—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) $200,000; and

(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.

(c) Missouri and Middle Mississippi Rivers Enhancement Project.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

"(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.".

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New

Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) Definitions.—In this section, the following definitions apply:

(1) Committee.—The term "Committee" means the Las Vegas Wash Coordinating Committee.

(2) Plan.—The term "Plan" means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) Project.—The term "Project" means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) Participation in Project.—

(1) In general.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) Cost sharing requirements.—

(A) In general.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) Operation and maintenance.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) Federal lands.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) Authorization of appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) In General.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) Technical Assistance, Staff, and Financial Support.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) Flexibility.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) Research.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) In General.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) Scope of Research.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) Location.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) Report to Congress.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) Implementation of Strategy.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) Cooperation Agreements.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) Non-Federal Share.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) Upper Mohawk River Basin Defined.—In this section, the term "Upper Mohawk River basin" means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) In General.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) Cost Share.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) Conditions.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) Major Disaster Defined.—In this section, the term "major disaster" means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) In General.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) Evaluation.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) Findings.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) Sense of House of Representatives.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) Modeling and Forecasting System.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) Use of Contracts and Grants.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) No Effect on Other Needs.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) Use of Management Plans.—

(1) Lower Columbia River Estuary.—

(A) In General.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) Tillamook Bay Estuary.—

(A) In General.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) Authorized Activities.—

(1) In General.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) Limitations.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) Priority.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) Cost-Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) Ecosystem Restoration Projects.—

(A) In General.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items Provided by Non-Federal Interests.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) In-Kind Contributions.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) OPERATION AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) LOWER COLUMBIA RIVER ESTUARY.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) TILLAMOOK BAY ESTUARY.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: "If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley."

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

"(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.".

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) IN GENERAL.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking "and" at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) the Lackawanna River, Pennsylvania.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting ", and $5,000,000 for projects undertaken under subsection (a)(1)(C)" before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.".

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) COST SHARING.—

(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term "critical restoration project" means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

"(d) HISTORIC STRUCTURE.—The Secretary shall ensure the stabilization and preservation of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.".

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting "environmental restoration," after "distribution facilities,".

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: "Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.".

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LANDS.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 570. GREAT LAKES.

(a) GREAT LAKES TRIBUTARY MODEL.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

"(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized";

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) FISHERIES AND ECOSYSTEM RESTORATION.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities

under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2005.".

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

"(28) Tomales Bay watershed, California.

"(29) Kaskaskia River watershed, Illinois.

"(30) Sangamon River watershed, Illinois.

"(31) Lackawanna River watershed, Pennsylvania.

"(32) Upper Charles River watershed, Massachusetts.

"(33) Brazos River watershed, Texas.".

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

"(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

"(17) Morehead City Harbor, North Carolina.".

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking "and design" and inserting "design, and construction";

(2) in subsection (c) by striking "50" and inserting "35";

(3) in subsection (e) by inserting "and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and" after "entities"; and

(4) by striking subsection (f) and inserting the following:

"(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

"(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

"(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.".

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

"(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

“(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.”.

SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking “$20,000,000” and inserting “$30,000,000”;

(2) in subsection (f)(4) by striking “$15,000,000” and inserting “$35,000,000”;

(3) in subsection (f)(21) by striking “$10,000,000” and inserting “$20,000,000”;

(4) in subsection (f)(25) by striking “$5,000,000” and inserting “$15,000,000”;

(5) in subsection (f)(30) by striking “$10,000,000” and inserting “$20,000,000”;

(6) in subsection (f)(43) by striking “$15,000,000” and inserting “$35,000,000”; and

(7) in subsection (f) by adding at the end the following new paragraph:

“(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.”.

SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled “Property Survey Prepared for West Thompson Independent Firemen Association #1” dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT-276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT-123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT-277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) Reversion.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) Sibley Memorial Hospital, Washington, District of Columbia.—

(1) In general.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the "Hospital") by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) Land description.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point,. thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) Terms and conditions.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) Limitation on the use of certain portions of the parcel.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) Limitation on certain legal challenges.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) Easement.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) Appraisal.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) Ontonagon, Michigan.—

(1) In general.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) Survey to obtain legal description.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) Reversion.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) Pike County, Missouri.—

(1) Land exchange.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-46 and FM-47, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752-3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property dessribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District,

St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and east of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of

$104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) Conditions.—

(i) Project implementation reports.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) Submission of report.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) Funding contingent on approval.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) Modified water delivery.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) Maximum cost of projects.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) Additional Program Authority.—

(1) In general.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) Project implementation reports.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) Funding.—

(A) Individual project funding.—

(i) Federal cost.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) Overall cost.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) Aggregate cost.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) Authorization of Future Projects.—

(1) In general.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) Submission of report.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) Non-federal responsibilities.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) Federal assistance.—

(A) In general.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) Agriculture funds.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) Operation and maintenance.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) Credit.—

(A) In general.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) Work.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) Treatment of credit between projects.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) Periodic monitoring.—

(i) In general.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) Audits.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) Evaluation of Projects.—

(1) In general.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) Project justification.—

(A) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse

wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of Congress.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) Pick-sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) State.—The term "State" means the State of South Dakota.

(4) Task force.—The term "Task Force" means the Missouri River Task Force established by section 705(a).

(6) Trust.—The term "Trust" means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) Establishment.—There is established the Missouri River Task Force.

(b) Membership.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) Duties.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) Assessment.—

(1) In general.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) Consultation.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) Plan for Use of Funds Made Available by This Title.—

(1) In general.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) Contents of plan.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) Plan review and revision.—

(A) In general.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) Revision of plan.—

(i) In general.—The Task Force may, on an annual basis, revise the plan.

(ii) Public review and comment.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) Critical Restoration Projects.—

(1) In general.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) Agreement.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(3) Indian projects.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) Cost Sharing.—

(1) Assessment.—

(A) Federal share.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) Non-federal share.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) Plan.—

(A) Federal share.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) Non-federal share.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) Federal share.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) Non-federal share.—

(i) In General.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) Required Non-Federal Contributions.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) Credit.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) In General.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Federal Liability for Damage.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) Flood Control.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701-1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

EXTENSIONS OF REMARKS

THE WHOLESALE MOTOR FUEL FAIRNESS AND COMPETITION RESTORATION ACT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, today I am introducing the "Wholesale Motor Fuel Fairness and Competition Restoration Act, " legislation designed to restore fair and competitive practices to the wholesale sale of motor fuel.

Beyond the per barrel price of crude oil, there are a number of other factors that influence the retail pump price Americans pay for gasoline and diesel fuel, including those related to supply, refining, consumer demand and, most important, oil company cost, pricing and marketing practices.

Several cost, pricing and marketing practices employed by the oil companies are unfair and anti-competitive and contribute to the unjustified price Americans pay for fuel. Under the bill I am introducing today, many of them would be expressly prohibited, if not made more difficult. These practices include price zoning, redlining, discriminatory wholesale fuel pricing, and a complex and complicated system of cost allocation the companies use that hide the factors on which wholesale costs are based and published.

Mr. Speaker, for too long, the residents of California's First Congressional District have paid too much for gasoline. For more than a year, they have paid some of the highest pump prices of any region in the country. For more than a year, they have paid well above $2-a-gallon for regular unleaded gasoline. Many others across the nation face similar unjustified pricing.

Last month, I met with U.S. Energy Secretary Bill Richardson and brought to his attention the unfair situation that confronts the residents of Northern California. I made it clear that I and my constituents were not satisfied with the degree of attention the Department was paying to gas prices in Northern California and I sent both him and the President letters urging them to improve their scrutiny of oil company practices in California.

Nonetheless, it is clear from my discussions with fuel distributors and independent retailers that the wholesale motor fuel market is unfair and anti-competitive. An independent fuel distributor in my district recently related to me that he is charged a price at the terminal facility that is sometimes 30 cents higher than the price charged to company-owned or franchise distributors. Yet, his profit margin on a gallon of gasoline is at times less than one-half a cent!

Another district resident who owns a number of gas stations is also a victim of some of these predatory pricing practices, but in a different way. In his situation, because of pricing discrimination, he buys motor fuel at a high wholesale price and is forced to sell it for less than he paid for it in order to remain competitive.

The bill I am introducing today seeks to stop these unfair and anti-competitive practices.

The "Wholesale Motor Fuel Fairness and Competition Restoration Act" addresses several of the major factors that have been identified by industry experts as contributing to the unfair and unjustified pricing of gasoline, including discriminatory pricing, red-lining, price zoning and company ownership of retail stations.

Discriminatory pricing occurs when terminal facility owners and operators charge different prices for gasoline depending on the type of contractual relationship that the station has with the refinery. In my district for example, motor fuel sold through an oil-company owned station wholesales is sometimes twenty to thirty cents less per gallon than motor fuel being sold to an independent. This is patently unfair and anti-competitive.

Price zoning is a long-standing oil company practice of setting artificially high or low prices in certain areas to either maximize profit or impede competition. If a particular city or even a particular intersection is deemed to be especially profitable, oil companies will artificially inflate the price to gouge consumers or artificially deflate the price to driver competitors out of business. This, too, is unfair.

Redlining is the practice engaged in by a terminal facility of refusing to sell motor fuel to a particular retail outlet that in some cases had previously purchased fuel from that facility in an effort to eliminate or harm competition.

The "Wholesale Motor Fuel Fairness and Competition Restoration Act" uses a two-pronged approach to address these unfair practices. First, it requires full disclosure by oil companies of their wholesale pricing practices. This means that oil companies will be required to reveal their pricing structure, including rebates, refunds, and discounts, so that the American people will finally be able to most fully understand how these companies arrive at the price on the gas station sign. Currently, much of this information is not publicly available nor is collected by the Department of Energy's Information Administration.

Secondly, this bill will make it illegal for companies to discriminate on price. It does this by requiring that the price charged at the terminal facility, where gasoline is loaded on tanker trucks, is the same regardless of who is purchasing it. By eliminating the price discrimination between company-owned stations, franchisees, and independent operators, it will for the first time introduce a level playing field into the motor fuel marketplace.

The third component of this legislation addresses oil company ownership of gas stations by mandating the Federal Trade Commission to undertake a study into the relationship between ownership of gas stations and the high price of motor fuel.

In Humboldt County, California, pump prices continue to exceed $2.00 for a gallon of regular (unleaded) gasoline, evidencing the unique position of the major oil companies to exert undue influence on the price of motor fuels. In California, the six major refineries in California control 92% of all oil refining in the state, whereas the top six refineries in Texas control only 60% of that state's gasoline production. This inordinate market domination allows companies to practice discriminatory pricing practices that favor some customers over others. It allows them to target certain markets in order to gain unfair advantage and drive out competitors. It is the kind of market practice that warrants the bill I am proposing today.

Mr. Speaker, the Wholesale Motor Fuel Fairness and Competition Restoration Act will restore fairness and competition to the motor fuel industry, not just in California but across the nation. I urge its prompt consideration.

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

SPEECH OF

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. SAWYER. Mr. Speaker, in the course of the last century, Akron, Ohio, has built millions of tires. Although passenger tires have not been built in Akron for more than 20 years, Akron remains the center point in research and development, technology, and command and control for this global industry. We care deeply about safety and we are profoundly distressed over the deaths linked to the Firestone tires. The Akron community strongly supports the much-needed overhaul of tire regulation and oversight authority embodied in the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act.

It is our responsibility to bring tire regulation firmly into the 21st century. The current regulations that make up the Federal Motor Vehicle Safety Standards (FMVSS) Section 109 were written in the mid-1960s, when bias tires still dominated the market. To be fair, National Highway and Transportation Safety Administration (NHTSA) and the tire industry have been working for the last three years to elevate tire standards worldwide.

While we must all work together to demand the safest tire possible, we must also recognize that the industry cannot build a perfect tire. In the early part of the last century, in the days of the Model T, cars carried as many as four spare tires. In the 1950's, there were cars carrying two spares. Today, cars typically

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

carry only one. But the point remains: the only backup piece of equipment that comes on a car is a spare tire, and it is there on purpose.

Today's tires are complex products. They are highly engineered devices operating in one of the most extraordinarily violent environments of any consumer product we use in our ordinary daily lives. Modern cars develop 100's of horsepower, 100's of pound-feet of torque. They also possess extraordinary cornering power and a steering capacity unsurpassed in the history of the automobile. Today's cars also have braking systems designed to bring thousands of pounds to a halt rapidly. All these forces express themselves through four patches, each the size of a human hand. That tires perform 700 revolutions per mile, mile after mile to 50,000 miles and beyond with such low rates of failure is extraordinary.

Oliver Wendell Holmes Jr. said, "great cases, like hard cases, make bad law." Congress was put under extraordinary pressure to act quickly on an extremely complex issue in developing the TREAD Act. The TREAD Act should not be viewed as a panacea for the recent car tragedies. While the TREAD Act sets higher standards for tire performance, tires will continue to fail. Because of the imperfect nature of the tire, it will take continual attention from the industry, consumer groups, regulators and Congress to assure the safety of tire consumers above and beyond the TREAD Act.

While Congress cannot legislate a perfect tire, this is good law and improves current safety standards. In spite of the time constraints, intricacy of the issue, and politically charged atmosphere, the TREAD Act sets out realistic standards that improve safety and can also be reasonably implemented by the industry and enforced by NHTSA.

First, the Act requires manufacturers to report comprehensive foreign and domestic tire data, such as claims and warranty information, that will help NHTSA uncover safety problems across the world, not just in the United States.

Second, the Act holds NHTSA accountable for any data it receives from manufacturers. The agency must tell Congress how it plans to analyze the data as well as what systems it has in place to process the data. This way Congress and the public knows that the information will be used to help identify safety problems and not filed away behind some regulators desk.

The TREAD Act presents a balanced approach to improving tire safety. Because of this Act, we can expect that when a problem occurs, it is identified, its cause is established, and consumers are better protected. In the end, we crafted a bill that is a significant achievement and moves toward greatly improving consumer safety.

SPECIAL RECOGNITION OF SAMOAN HEAVYWEIGHT BOXER DAVID TUA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, what is it that Olympian gold-medalist volleyballer Eric Fonoimoana, Junior Seau of the San Diego Chargers, Joe Salvare'a of the Tennessee Titans, Edwin Mulitalo of the Baltimore Ravens, Naomi Mulitauaopele of the Utah Starzz, Marcus Tuiasosopo of the Washington Huskies, All-American UCLA discus thrower Seilala Su'a, Yokozuna Sumo Grand Champion Musashimaru, Ozeki Sumo Champion Konishiki, WWF Wrestling Champion Tuifeai, "The Rock", and heavyweight boxer David Tua all have in common? Mr. Speaker, they are all Samoans. Not Somalians. Mr. Speaker—they are Samoan Polynesians who share the same cultural heritage like the Maoris of New Zealand, the Hawaiians or Kanaka Maoli, Tongans, and Tahitians.

After the elections Mr. Speaker, I suggest to my colleagues and to the millions of boxing fans throughout America, to kick back and turn their TV sets on to HBO and witness one of the most historical events that will transpire on the evening of November 11th in Las Vegas—the world heavyweight boxing championship fight between Lennox Lewis and Samoan heavyweight boxer David Tua.

Mr. Speaker, it is against Samoan tradition to be boastful and arrogant—but as a totally neutral observer and with all due respect—Lennox Lewis is going to painfully wake up the next morning and count how many ribs he has left, and then he will wonder if he was hit by either a dump-truck or a D-nine caterpillar tractor, after fighting against David Tua.

You see, Mr. Speaker, this guy David Tua—he has the heart and soul of a true Polynesian warrior. He's got a nasty left hook and a deadly right hand knockout punch. He only weighs about 250 pounds. He has no neck, and his legs and calves are like tree trunks—which is typical of Samoan men who also wear what we here in America describe as skirts, but they are actually lavalavas.

I want to express my personal thanks and appreciation to the good people of New Zealand—all the pakehas and our Polynesian cousins the Tangata Maohi for looking after David Tua and his family, and for their acceptance of David Tua—and I say to my Maori cousins—"Tena Koutou! Tena Koutou!" Thank you, Thank you!

Mr. Speaker, in describing David Tua's physical presence, I am reminded of a poem that a Hawaiian comedian Frank Delima once wrote about Samoans. By the way, Mr. Speaker, David Tua's favorite past time is writing poetry. Anyway, the poem, in part, is entitled "Abdullah Fata'ai" and it goes like this:

I'm nine feet tall and six feet wide.
I got a neck made of elephant hide
I scrape da haoles off the soles of my feet
I drive my Volkswagen from the back seat

* * * * *

I eat green bananas, tree and all
My favorite game is tackle football
I wear a skirt, but you better not laugh
Cause it won't be funny when I break you in half
I'm as gentle and sweet as a grizzly bear
Only difference is he got more hair

* * * * *

I got the nicest smile in all the Pacific
I got an island home that's super terrific
But I don't like fight and you don't like die
So when I say, "Talofa!" you better say, "Hi!"

Mr. Speaker, I call upon the Prime Minister of the Independent and Sovereign State of Samoa and the Governor of the U.S.-Territory of American Samoa to declare November 11th as National David Tua Day. It will be a day that will be remembered by Samoans throughout the world—the Samoan "David" going up against the Goliath "Lennox Lewis"—and we all know the results of that famous encounter.

I do not know if David Tua is listening to this presentation, Mr. Speaker, but I do know that David Tua is a humble man—never speaks ill of his opponents, and I believe the American people and boxing fans around the world are going to remember him well for his talents, and above all, his sportsmanship like conduct.

As we say in the Samoan language, (the gentleman spoke in Samoan) "Ia pouliuli lou tino, ma ia malamalama ou mata, ma tafe toto ou ala—ou mama na, David Tua," which means, Mr. Speaker, "May your body be as invisible as the air and may your eyes be as bright as the sun. May you be victorious in battle—all our hopes and aspirations are with you, David Tua."

PAUL HAMM'S 2000 SUMMER OLYMPIC PERFORMANCE APPLAUDED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor an outstanding young man from my district who has recently returned from Sydney, Australia, where he represented his country proudly in Olympic competition. In August Paul Hamm, along with his brother Morgan, became the first set of twins to ever qualify for the United States' men's gymnastics team. At 18, the young men from Waukesha, Wisconsin, are also the second youngest male gymnasts in U.S. Olympic history.

Paul's overall performance earned him a 14th place finish in the all around competition. The Olympics are always a time of pride in our nation's athletes, however this was especially true for the people of southeastern Wisconsin this summer. Paul and Morgan's story gave us all another reason to watch and cheer for two of our own.

Paul has put years of hard work and dedication into perfecting the skills that have taken him to the pinnacle of his sport. He has worked with his coach, Stacy Maloney, since the age of six to earn the right to compete with the best in the world. To reach the Olympic stature at such a young age and with relatively little experience in major events is truly amazing.

Of course Paul would not have been able to reach the heights that he has attained without a strong support system. The natural competition he had with his brother Morgan pushed them both to be their best. Their parents, Sandy and Cecily, are to be commended for the sacrifices that they have made to help their sons reach their goals. From the time Sandy convinced Stacy Maloney to coach his six year old sons to the trip to Sydney, the Hamms have provided their sons with the opportunity to excel.

Paul is not only an exceptional athlete, he is also a role model for the young people of America. Despite squeezing two daily practices in between his classes, he is an honor student at Waukesha South High School. Even though he has missed the entire fall semester, he intends to graduate with the rest of his class next spring. Paul's successes, both in the gym and in the classroom, prove just how much can be accomplished through hard work and dedication.

And so it is with great pleasure that I congratulate Paul Hamm on his Olympic accomplishments, and wish him all the best as he looks forward to a long career leading the U.S. men's gymnastics team into the new century.

TRIBUTE TO CONGRESSMAN TOM BLILEY

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. STARK. Mr. Speaker, I am going to miss TOM BLILEY. He has been wonderful to work with—always a man of his word, always a gentleman, consistent and honorable in his philosophical approach to government.

We worked together as Chairman and Ranking Member of the old House District of Columbia Committee on a bipartisan basis, reflecting the joint agreement among liberal and the conservative ideas that there should be minimal interference in the internal, local affairs of a group of U.S. citizens who do not have all the rights and privileges of the rest of the nation.

This year, we have worked together to expose the outrageous behavior of some of the nation's largest pharmaceutical manufacturers in abusing Medicare, Medicaid, private insurers, and patients through falsified pricing data. The drug companies are huge contributors to both parties, but Chairman BLILEY has subpoenaed and exposed internal company documents that describe a conspiracy against the American people by companies like Glaxo, Pharmacia, and others. I know there was tremendous pressure not to expose these documents, but Chairman BLILEY did the right thing.

The Nation will miss, I will miss Chairman BLILEY's courtly, quiet presence, and I hope he will stay in contact with us in the years ahead.

HONORING THE CALIFORNIA CONSERVATION CORPS AND THE CALIFORNIA DEPARTMENT OF CONSERVATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the California Conservation Corps and the California Department of Conservation.

The partnership between these agencies have spawned the Salmon Restoration Program. Since 1980 the Salmon Restoration Program has improved more than 1,000 stream miles, presented more than 65,000 hours of watershed. curricula to tens of thousands of Californians, worked in hundreds of watersheds, and planted well over one million trees.

The California Conservation Corps and the California Department of Conservation are at the forefront of the science of stream salmonid habitat restoration. The Salmon Restoration Program is the largest and longest running project of its kind in the country.

Mr. Speaker, because salmon restoration is an issue of national importance, and because the Salmon Restoration Project has reduced the decline in salmon population, it is appropriate at this time that we acknowledge the outstanding efforts and twenty-year anniversary of California's Salmon Restoration Project.

BUILDING SKILLS FOR AMERICA

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. SAWYER. Mr. Speaker, on Wednesday September 20, 2000, more than 300 students from across the country converged to support the Skills USA–VICA's "Building Skills for America" campaign.

These students collected more than 200,000 signatures from business and industry in support of worker training. The enclosed letter, which was signed by forty members of Congress, recognizes the fine work of the students of Skills USA–VICA. I submit the following letter into the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 26, 2000.

SKILLS USA–VICA,
P.O. Box 3000,
Leesburg, VA.

DEAR STUDENTS: The undersigned Members of Congress applaud and congratulate your participation in the "Building Skills for America" campaign.

America is projected to have 50.6 million job openings between now and 2006, most of which will require highly developed skills. Unfortunately, employers across the country are experiencing difficulty finding enough qualified, skilled employees. This shortage is a threat to our strong economy and hampers the ability of American businesses to compete successfully.

Our nation can do more to promote careers in skilled occupations. Programs such as Skills USA–VICA's "Building Skills for America" demonstrate the strong support for vocational and technical education, as students were able to collect more than 200,000 signatures from business and industry that support worker training.

The "Building Skills for America" campaign is also important because it brings students together with the business and industry that will be their future employers. These partnerships provide students with the occupational and professional experience they need to succeed in the workplace, while at the same time increasing the pool from which industry can draw capable employees.

All of you who have participated in the "Building Skills for America" campaign should be proud of your accomplishment. We congratulate you for this impressive achievement, and look forward to working with you to ensure that we continue to build a strong and productive American workforce.

Sincerely,
Tom Sawyer, John Peterson, and 43 other Members of Congress.

CONGRATULATIONS TO MORGAN HAMM OF WAUKESHA, WISCONSIN, ON HIS OLYMPIC PERFORMANCE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor 18 year-old Morgan Hamm of Waukesha, Wisconsin, on his accomplishments in the 2000 Summer Olympics in Sydney, Australia. In August Morgan and his brother Paul became the second youngest gymnasts to ever qualify for the United States' men's team. The Hamms are also the first set of twins in U.S. Olympic gymnastics history.

Morgan beat out stiff competition to earn an at-large berth onto the team. He returned from Sydney with a 7th place finish in the floor competition. In southeastern Wisconsin the excitement of the Olympics was heightened this year by the knowledge that we would have two home town heroes competing half way around the world.

Morgan's accomplishments are not confined to the gymnasium. Despite squeezing two daily practices in between his classes, he is an honor student at Waukesha South High School. After missing a full semester to tour with the Olympic team, Morgan still intends to graduate with the rest of his class next spring.

As much work as Morgan has put into reaching his goals, he could not have made it on his own. Competing with Paul pushed both twins to be their very best. The sacrifices of their parents, Sandy and Cecily, have provided the Hamms with the opportunity to excel.

The years of work with his brother, their sister Betsy and their coach, Stacy Maloney, has earned Morgan the right to compete with the best in the world. To reach the Olympic stature at such a young age and with relatively little experience in major events is truly amazing.

And so it is with great pleasure that I congratulate Morgan Hamm on all that he accomplished thus far, and wish him all the best in his Olympic endeavors still to come.

RAISING AWARENESS FOR ANGELMAN'S SYNDROME

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to discuss Angelman's Syndrome after a tragic circumstance in my district illustrated the need for greater awareness of this little known and often misunderstood disease.

Denise and Kyle Marx are parents of Nicholas, a ten-year-old boy with Angelman's Syndrome. Those familiar with special needs children know the demands, but also the tremendous blessings that Nicholas has bestowed on his family. Due to recent events, the need to better understand and treat this disorder has become obvious. Today, Nicolas is in a coma and has only a few months to live after being administered medication that caused an allergic reaction. This happened, in part, because those with Angelman's Syndrome are unable to communicate pain or discomfort and Nicolas was powerless to express the effects that the medication was having on his body. Today, I am asking Congress to make efforts to provide for research so that Angelman's Syndrome can be better understood and treated more effectively.

Angelman's Syndrome is a genetic disorder usually caused by a small deletion of molecules on the long arm of the fifteenth chromosome. In some rare cases, Angelman's can also be caused when a child inherits both long arms of the fifteenth chromosome from the father. The effects of this disease include speech impairment, with minimal or almost no use of words, movement and balance disorder, including a stiff gait and tremulous movement of the limbs, behavioral uniqueness, including excitability, frequent laughter and smiling, flapping movements, and a short attention span. More than 80% of people with Angelman's Syndrome have a delayed or disproportionally slow growth in head circumference and seizures that begin around the age of three. Many other cases include symptoms such as hypopigmentation of the skin and eyes, sucking and swallowing disorders, wide mouth, hyperactive tendon reflexes, sensitivity to heat, and sleep disturbances.

One of the most difficult aspects of Angelman's Syndrome is that the disease is usually not recognized at birth. Diagnosis often does not occur until the child is between the ages of three and seven, when the characteristics become evident. Those with Angelman's Syndrome are born with a normal prenatal history and no major birth defects.

It was only 35 years ago that Dr. Harry Angelman, an English physician, diagnosed Angelman's Syndrome for the first time. The first reports of the disease in North America did not begin to appear until the 1980's. Until very recently, many doctors considered Angelman's Syndrome to be extremely rare and some even doubted its existence. Thankfully, through the Human Genome Project, we have been able to gain a better understanding of this disease. However, we still have a long way to go until we fully understand Angelman's Syndrome.

While we now know that Angelman's Syndrome affects anywhere between 1 in 10,000 and 1 in 30,000, we still have much to learn about the disease and its symptoms. Angelman's Syndrome is only diagnosed through genetic laboratory testing. However, it is often misdiagnosed and mistaken for autism. We need to work toward a better and more comprehensive understanding of the disease, its causes, and the best way to treat it. It is my hope that through research, we can come to understand and effectively treat Angelman's Syndrome and that the medical community will develop guidelines for treating patients with these conditions.

IN RECOGNITION OF JAMES FORSYTH—AN EXEMPLARY ACTIVIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. STARK. Mr. Speaker, today I ask my colleagues to join me in paying recognition to a true progressive activist, Jim Forsyth. As Jim continues to fight tirelessly for labor, the environment, housing, seniors, and civil rights, he is an ever-present voice speaking out wherever there is injustice or human need.

Jim was born on July 14, 1927, Bastille Day in Brooklyn, New York. After graduating from Williams College, where he joined the progressive movement, Jim came to California's Bay Area to work on the assembly line in General Motors. Jim and his late wife Fran were the dutiful parents of five children.

Jim is a member of several progressive groups and organizations. He is proud to have been a part of the pro-union group, the Plant Closure Project. Jim is secretary of the South Hayward Parish and was in charge of food distribution at the Parish for ten years. He distributed food every Saturday morning and most Wednesday. He is currently secretary of the Congress for Seniors handling mailing and developing flyers—many times at his own expense. Jim also lends his expertise to the California Consumers Health Care Council and the Californians for Justice. In 1967, Jim founded the Progressive Hayward Demos Democratic Club and is the current newsletter editor. His other memberships include the Starr King Universal Unitarian Church, the Federation of Retired Union Members, and Vote Health.

Jim has been a long-time opponent of war as a means of solving economic or social problems. He began by speaking out against the Korean War and continued with the Vietnam War when Jim, Fran, and their children marched in numerous protests.

In all of these groups and activities for elections and social change, Jim Forsyth works tirelessly, willingly, and with enthusiasm. He is proud of his work. This is his life and his recreation. He feels responsible for attempting to make the world a better place for working people.

Jim's friends and colleagues will honor his work on October 19, 2000 at a public ceremony. I join his friends and admirers in thanking him for his years of service and I am proud that he has been my friend for several years.

HONORING MILT AND BETTE DOBKIN, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Milt and Bette Dobkin, two extraordinary citizens of Humboldt County, CA, who have dedicated their lives to public service. They are being honored for their life-long contribution to one of the Nation's most precious rights—participation in the political system. Their actions on behalf of Representative Democracy are worthy of appreciation and recognition.

Bette Dobkin has taken on many roles throughout her years of service to the community. She has been an elementary school teacher, school board member, grand juror, and human rights, housing, and elections commissioner. She currently serves on the board of the Arcata Community Recycling Center and the North Coast Repertory Theater. In her career, she has brought distinction and honor to her profession. Bette has been selected as the "Realtor of the Year" by the Humboldt County Board of Realtors and selected as "Honorary Director for Life" by the California Association of Realtors.

Milt Dobkin has been a recognized leader of higher education in our community for many years. He served as the Vice President of Academic Affairs at Humboldt State University for 14 years before retiring. He is Professor Emeritus of Communication Studies and Vice President for Academic Affairs, Emeritus. Milt has served on many local board, including the Humboldt Arts Council, Dell'Arte, Redwood Arts Council, and Humboldt Child Care Council. He is currently an elected member of the Redwoods Community College District Board of Trustees, Chairman of the Retired Public Employees Association and ably serves the California Faculty Association.

Both Milt and Bette Dobkin are being recognized this year for their outstanding contribution to the political process by the Humboldt County Democratic Central Committee as the "Democrats of the Year, 2000."

Mr. Speaker, it is appropriate at this time that we recognize Milt and Bette Dobkin for their unwavering commitment and compassion, and for their contribution to the ideals and traditions that have made America great.

TRIBUTE TO WORKING WARDROBES

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. SANCHEZ. Mr. Speaker: Today, I rise to pay tribute to one of Orange County's outstanding community service groups, Working Wardrobes. Working Wardrobes is dedicated to assisting survivors of domestic violence achieve self-sufficiency in their lives.

Working Wardrobes began in 1990 when six Orange County business women decided to initiative a program which would help victims of domestic violence regain their dignity, integrity and self-respect. Over 60,000 women in Orange County are severely beaten each year as a result of domestic violence. This cycle of domestic violence also affects children who are 1,000 times more likely to become abusers themselves.

Through programs such as Career/Life Skills Workshops and Annual "Days of Self-Esteem", survivors are given the extra edge they need to be successful in their search for a career and the confidence needed to make changes in their lives.

Colleagues, please join with me today in recognizing Working Wardrobes for excellence in providing victims of domestic violence with educational programs that have given them a new beginning in life.

CELEBRATING TAFT, CALIFORNIA, 90TH BIRTHDAY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. THOMAS. Mr. Speaker, I want to join my friends and constituents in the community of Taft, California in celebrating Taft's 90th birthday. On November 7th, Taft will be 90 years old and the town has come together to celebrate that fact as part of this year's Oildorado Days celebration, entitled "Blowout 2000". It is a proud celebration of the community's history and ties to the California oil industry.

Taft is an oil town, pure and simple. From the time of oil's discovery in the area in the 1860s, the area around this small western Kern County community has been the focus of oil production. Some of the biggest producing fields in the lower 48 states are located around Taft, fields like Midway-Sunset, Cymric, the Belridge Fields, Buena Vista and Elk Hills. Kern County, California produces more oil than the State of Oklahoma and the people of Taft do much of the work that makes the county so very productive.

The Oildorado celebration Taft holds every five years is one way the community celebrates its link to energy production and lets its hair down—literally, since there is a beard growing contest. People who work hard producing energy get together to celebrate their commitment to a very tough trade. I hope my colleagues will join me in celebrating their pride in their work and in their town with them.

FUNDING FOR PUERTO RICO STATUS OPTIONS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I was very pleased that the House passed FY 2001 Department of Transportation Appropriations bill which included the President's request of $2.5 million to assist in public education on, and a public choice among, political status options for Puerto Rico. This request was first left out of the FY 2001 Treasury Appropriations bill but the Transportation Conferees saw fit to restore this funding request during their negotiations.

Puerto Rico has been a part of the United States for more than a century. Over the course of this period, the Puerto Rican people have participated in our democracy. Their sons and daughters have fought our wars and their political leaders keep issues that affect Puerto Rico on the surface of our political discourse. Most importantly, the richness of their people and culture have become a part of what is good about America.

After gaining U.S. citizenship in 1917 and eventually adopting their own constitution to increase self-government, the people of Puerto Rico have consistently sought to fully express their political desires through self-determination. In the past 30 years, Puerto Rico has held three plebiscites to gauge the people's preference on a future political status.

Because of their current status, Congress is responsible for assisting Puerto Rico in their status efforts. In 1999, the House Resources Committee issued a bipartisan report that concluded Federal action is needed to establish a process for resolving Puerto Rico's status.

Congress has a responsibility to remain objective and work with the people of Puerto Rico about the status choices. We should ensure that any option put before the voters of Puerto Rico is acceptable to Congress and we should also make certain that the Puerto Rican electorate is well-informed and educated on what each option can mean to their future.

The funding made available to the President in the FY 2001 Department of Transportation bill is a good step toward assisting with any future plebiscite in Puerto Rico. Congress must now be truthful with the people of Puerto Rico on what their options are and in assuring that Congress will stand by those decisions. We must remain mindful that the United States claimed Puerto Rico. There is no "us against them"—they are part of "us." Puerto Rico self-determination will happen and it is our responsibility that within that process we ensure that the residents of Puerto Rico are fully educated on each status option.

TRIBUTE TO CONGRESSMAN TOM BLILEY

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, the Chairman of the Commerce Committee, the gentleman from Virginia, Representative TOM BLILEY. TOM BLILEY has served his constituents in Virginia for over 30 years, both on the local and national levels. His dedication to public service has taken him from the Richmond City Council, to the position of Mayor of Richmond, and then to this House where he has risen to chair this body's oldest committee.

Throughout his legislative career, TOM BLILEY has accumulated a list of accomplishments most of us can barely imagine. For the last six years, he has led one of the most successful, efficient, and constructive committees in Congress. He oversaw passage of the Telecommunications Act of 1996, which brought fairness, competition, and increased consumer choice to the industry. He led the charge to override President Clinton's veto of the Contract with America, at the same time overhauling and reforming the nation's securities laws. Finally, TOM BLILEY led the effort needed to pass the Mammography Standard Act of 1998, life-saving legislation that will ensure the quality of many women's lives for years to come.

These are only a few of the legislative accomplishments we attribute to our colleague from Virginia. They illustrate his commitment to sound fiscal principles, a balanced budget, increased opportunities for individuals and small business owners, and common sense government. More importantly, they are among the reasons that TOM BLILEY's constituents know that they can count on him to look after their best interests.

I know I join TOM BLILEY's many friends in Virginia's Seventh Congressional District, as well as his many friends and colleagues here in the House, in wishing him the best in the years to come. He has served us well, and we will all miss the dedication and leadership he brought to his work.

TRIBUTE TO GWEN SESSIONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. DOOLITTLE. Mr. Speaker, today, I stand to recognize an outstanding public servant in my district. She is a woman who has dedicated her life to not only raising her own four children, but also teaching and nurturing many small children in her community. I wish to recognize my good personal friend Gwen Sessions who was recently named Elementary School Teacher of the Year in the Rocklin Unified School District.

As a kindergarten teacher at Antelope Creek Elementary School, Gwen has touched countless lives for good, both directly and indirectly. She has contributed many hours of behind-the-scenes work by participating in numerous district and school site committees. More importantly, she has earned praise from students, parents, and colleagues for her inspirational style of teaching. She sets clear boundaries for the children and reinforces positive behavior through praise. She is also known for maintaining a well organized yet stimulating classroom that is full of color. In fact, one of her fellow teachers has said, "Her room is a learning lab which exudes personal enthusiasm and warmth. She has an ability to motivate students beyond their natural abilities and helps them reach their greatest potential." As a testament to Mrs. Sessions' involved approach to teaching, one parent has said, "It is not uncommon to find Mrs. Sessions with red painted hands, bright colored clothes, and tiny little hands embraced around her."

The first evidence of what Gwen is doing right is found in the fact that she has one of the largest Parent Volunteer programs at the school every year. High school students, parents, and grandparents enjoy volunteering in her classroom because she makes them feel rewarded for helping out.

In addition to getting involved, many parents have also voiced their appreciation for the excellent way in which Gwen Sessions educates their children. Said one student's mother, "It's always scary turning your child over to their first teacher. It didn't take long, however, for our family to learn to completely trust, respect, and appreciate Mrs. Sessions for all her wonderful gifts she has to offer." Remarked another mother, "The first time I entered Mrs. Sessions kindergarten classroom I know my daughter was in the best hands possible." One parent and long-time instructional aide puts it this way, "I feel her empathy with people and her desire to inspire others has made the difference in countless lives. She puts her heart and soul into her daily task of making the beginnings of our children's many years in school a joy."

As a final and perhaps supreme tribute, another mother has said, "She makes learning exciting and brings even the shyest of children out of their shell . . . I know we will look back in years to come and say, This teacher made a difference between success and failure."

Congress has made improving education a top priority. As we continue searching for ways to better the educational system, we need to look at the positive things happening in schools across the country. I believe that Gwen Sessions is an excellent example of what is right with America's schools.

To my friend Gwen Sessions, the Rocklin Unified School District Elementary School Teacher of the Year, I say, "Thank you and congratulations on a job well done! Keep up the good work."

RECOGNIZING NATIONAL LEARNING DISABILITIES MONTH AND THE NATIONAL CENTER FOR LEARNING DISABILITIES

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. NORTHUP. Mr. Speaker, for millions of children with learning disabilities in this country, the future is brighter than any other time in this nation's history. That's because we know today what works for children learning to read. This is important because 90 percent of children with learning disabilities have difficulty with reading.

Learning disabilities, or LD, are neurological disorders that affect people's ability to read, write, compute and participate fully in society. The good news is that if LD is identified early, before the age of nine, the majority of children can work up to their potential. Without early detection, the statistics are sobering.

Thirty-five percent of students identified with learning disabilities drop out of high school.

Fifty percent of juvenile delinquents tested were found to have undetected LD. When offered remedial services, their recidivism rates dropped to below 2 percent.

According to the Office of the Inspector General, learning disabilities and substance abuse are the most common impediments to keeping welfare recipients from becoming and remaining employed.

I have been working with learning disabilities issues in Congress for many years, from identifying educational needs, to calling for additional resources and promoting national policies that take into account the concerns of people with LD.

Important progress has been achieved over the last two decades in identifying and treating children with learning disabilities. This is critical, because our nation is in the grip of a monumental and global change. As opposed to previous generations when the United States was primarily an agricultural and manufacturing-based country, our brave new world of technology has elevated information processing as a required skill in today's workers. And the future will only demand more information technology workers across every profession as the global community expands and competition for enterprise increases.

This is why early identification of children with reading problems, and applying proven strategies to enable them to read, is fundamental to the future success of this great country's economy. More importantly, it is essential for the success of our children and our children's self esteem.

Today, in recognition of National Learning Disabilities Month, the National Center for Learning Disabilities is launching a new initiative aimed at beginning readers. The "Get Ready to Read" program will assess the reading progress of children ages four to five. It will target those at risk for reading failure and provide enrichment activities to strengthen their skills. Parents, teachers, and pediatricians will be involved in creating a "constellation of care" around a child, effectively making sure that early on, before the cycle failure and defeat wreaks its damage, that the child is provided help. And you, no doubt, will hear from your constituents as this program progresses, because an important component of "Get Ready to Read" is for parents and others to keep their legislators apprised of issues affecting young children with reading problems.

Reading is a basic building block in participating fully in society. In this country of opportunity and promise, we owe it to our children to make sure they learn to read, and read well. I applaud this effort by the National Center for Learning Disabilities to help our youngest Americans to hope, to learn and to succeed.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RILEY. Mr. Speaker, last year's Defense Appropriations Act (FY 00) contained $10 million for the specific purpose of improving the safeguards for storing classified material held by Department of Defense contractors. It is with deep regret that I must report that the Pentagon refused to release these funds which expired on September 30, 2000. The Assistant Secretary of Defense for Command, Control, Communications and Information, Arthur Money, sent me and a number of other House and Senate members a letter on why the Pentagon chose to ignore the direction of Congress.

Mr. Speaker, beyond the fact that the Clinton/Gore Administration defied the law, their rationale for not complying with a federal security standard is troubling and their basis unfounded. First, on the issue of cost, DOD claims that upgrading existing security containers controlled by contractors by replacing old vulnerable mechanical locks with electronic locks that meet minimum federal security standards (FFL–2740A) would be cost prohibitive. The referenced report of the Joint Security Commission II sites an industry estimate from five contractors that is based on an inflated retail price of the electronic lock which is popularly called the "X07" or "X08" lock, rather than the wholesale price which would be the price of the lock in this upgrade program. This is not the first time that DOD has overestimated the cost of the program in an effort to resist implementation. In 1993, DOD grossly overestimated the cost of upgrading its own mechanical locks at $500 million, but the internal upgrade only actually cost $59 million. Based on the number of classified containers held by defense contractors, a lock upgrade program would cost between $45 million and $60 million, depending upon how the program was managed.

Secondly, on the issue of threat Mr. Speaker, the physical security threat to classified materials that exists with these 1950's vintage mechanical locks cannot be overstated. The threat is why the GSA established a federal standard in 1989 that requires locks on secure containers to withstand an attempt of twenty man-hours of surreptitious entry. Currently, an "insider" or foreign agent with readily available technology can determine the combination of a mechanical lock in a matter of minutes. Since this "safe cracking" can be done without detection on a mechanical lock, no one would ever know that an "insider" possessed the combination to access classified information including sensitive computer hard drives, laptops and access codes. To combat this problem, all new secure containers are fitted with the X08 lock (the only lock that meets the federal standard), but there are still thousands of mechanical lock containers and, worse yet, bar-locked file cabinets that are being used by contractors to protect our nation's classified information. Until all existing secure containers are upgraded with modern electronic locks, gaping security lapses will continue. No perimeter security apparatus involving guns, gates, guards, alarms, check points and other physical security barriers will protect against the "insider" threat to antiquated mechanical locks.

The Defense Intelligence Agency (DIA) has identified 27 foreign intelligence organizations that have the capability to penetrate these old mechanical locks without leaving a visible trace. These espionage organizations would likely use "insider" agents for this purpose. In fact, Mr. Money's view that the "insider" threat is of greater concern than the threat of covert entry to a safe or vault is precisely why the electronic lock upgrade is needed. The X07/X08 lock now possesses features that help ensure accountability and control access. More importantly, the lock also has the capability to be equipped with a time/date stamp feature which would automatically record who entered the safe and when. This audit trail feature is already used with great success by large corporations. By adding this feature to the federal requirements, we add another important counter espionage tool to this virtually impenetrable lock.

I certainly understand the many competing interests that DOD must juggle within a constrained budget, but I cannot accept the Pentagon's view of contractor lock upgrades as being unnecessary, cost prohibitive or without commensurate security benefit. The growing volumes of classified information contained in moveable media (i.e. laptop computers, hard drives, back-up tapes, etc.) that is used by the national security agencies and their contractors, and the need to properly secure this classified material, cannot be pushed aside as a trivial matter. If the Department of Defense shows leadership in the proper handling of classified material, I'm certain that government and contractor employees will take a more serious attitude toward the proper stewardship of the Nation's secrets. The United States cannot afford another security lapse like the missing NEST hard drives at Los Alamos or the missing laptops at the State Department.

INTRODUCTION OF THE INTERNET PRESCRIPTION DRUG CONSUMER PROTECTION ACT OF 2000

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. BLILEY. Mr. Speaker, today, I am introducing bipartisan legislation to help protect consumers from sham sales of prescription drugs over the Internet. Oversight hearings held earlier this year in the Committee on Commerce exposed real problems for consumers. Unscrupulous tactics by some sellers using the Internet must be stopped. The bill is focused on one objective—to allow folks to use the Internet as a useful tool for legitimate sales of prescription drugs.

The bill will do a number of things to enhance protection. First, the bill requires interstate Internet sellers of prescription drugs to disclose important information on their web sites and to State licensing boards. This will improve the reliability of consumer transactions and make it easier for State and Federal enforcement officials to patrol for illegal sellers.

Second, the bill enhances the authority of State attorneys general to seek injunctions against interstate Internet sellers that violate disclosure requirements or certain provisions of the Federal Food, Drug and Cosmetic Act.

Third, the bill enhances Federal authority to restrain the disposal of property that is traceable to certain provisions of the act.

Finally, the bill provides for public education about the dangers of unscrupulous Internet prescription drug sellers who fail to follow the law.

Senators JEFFORDS and KENNEDY are introducing an identical companion bill in the other body. This bipartisan legislation has the support of the National Association of Attorneys General, the American Pharmaceutical Association, the American Society of Health-System Pharmacists, the National Consumer League, and Drugstore.com.

I ask my colleagues to support this important measure.

HAPPY BIRTHDAY AND CONGRATULATIONS FOR A LIFETIME OF SERVICE TO MABEL GRIFFITH LEGG ON THE OCCASION OF HER 100TH BIRTHDAY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. EDWARDS. Mr. Speaker, I rise to congratulate Mabel Griffith Legg on her 100th birthday and to thank her for becoming a teacher and sharing her life with countless numbers of students during her career. She was born October 6, 1900 on a farm near Athens, Texas and graduated from Palestine High School.

Mabel Legg moved to Waco, Texas, in my Central Texas congressional district, in the 1920s. She passed the teacher certification test during her junior year of high school and later earned her bachelor and master of arts degrees from Baylor University. She taught high school English and directed plays for 26 years at the Waco State Home and for another 14 years at La Vega High School. Through her inspiration many hundreds of her students have made significant contributions to our nation and humanity. She has been a longtime member of Highland Baptist Church where she taught Sunday school for 25 years and where she is still active in Sunday school and Bible study.

I ask members to join me in honoring Mabel Griffith Legg for devoting her lifetime to teaching others and to congratulate her on her 100th birthday. Congratulations and happy birthday, Ms. Legg.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SANFORD. Mr. Speaker, I rise today in support of H.R. 4205, the Floyd Spence National Defense Authorization Act. It might strike some as odd that I support the Authorization conference report after I opposed the Appropriations bill, and I wanted to spell out why.

Admittedly, I have some disappointment with parts of H.R. 4205:

Base Realignment and Closure Commission—H.R. 4205 does not include funding for two new BRAC rounds, despite the fact that the pentagon has estimated it has an excess base capacity of 23 percent. CBO estimates that two new BRAC rounds would save the Defense Department $4.7 billion by 2010, and that after completion in 2012, DOD could realize recurring savings of about $4 billion per year which could then be re-channeled toward better training, readiness and quality of life initiatives. It is my hope that Congress sees fit to include a Base Closure round in next year's bill.

Choice of Aircraft—H.R. 4205 includes funding for research, development and procurement of three different fighter planes (the Navy's F–18 E/F, The Air Force F–22, and the Navy & Air Force Joint Strike Fighter) when there is not a strong consensus that all three fighters are necessary. Some defense experts say the military needs the F–18 and F–22. Some say it needs the JSF instead. Congress' answer is simply to fund all of the fighter planes in question, at the expense of other aircraft (specifically bombers and unmanned aerial aircraft [UAVs]) that, while less glamorous, could prove more useful, while costing much less money and American lives.

Colombia—I have deep reservations about the decision to drop a provision in the House-passed bill that would establish a limit of 500 on the number of U.S. military personnel authorized to be on duty in the Republic of Colombia at any one time. I think that it would be a serious mistake for the U.S. to allow itself to get involved in a civil war in Colombia.

But the conference report does include some very important items:

Health Care Improvement—There are thousands of military retirees in the First District of South Carolina. Each of these retirees was once either a draftee or a recruit. They did their duty with the understanding that after 20 years of service, they were to have access to quality health care when they retired, and that that access would continue for the rest of their lives. That has not been the case. The Defense conference report extends Tricare to military retirees beyond age 65 as a supplement to Medicare. It is my hope that eventually Congress may move to a voucher system, in which the government ensures that vets get the care they deserve, without the accompanying bureaucracy and waiting periods. Any military retiree could simply get health care at the facility of their choice, and then be reimbursed.

Readiness Funding—I'm concerned about the Administration's lack of a coherent national defense strategy. Our men and women in uniform have been dispatched across the globe in peacekeeping and humanitarian operations that are not in the national interest. This is wearing out our soldiers and equipment. Aircraft mission capability rates have declined, spare parts shortages continue, and recruiting and retention of quality personnel has become a major challenge. These problems have left the military less prepared to defend real national interests. The conference report to H.R. 4205 provides an additional $1.2 billion for critical readiness funding. I would prefer that

Congress and the President turn away from trying to be the world's policeman. But if the Administration insists on dispatching troops across the globe, then Congress must ensure that these troops are at least prepared to carry out the mission.

I might have done things a little differently, but I think that the country's soldiers and military retirees have some serious problems, and the gentleman from South Carolina and his committee have made an honest effort to address those problems. On balance, H.R. 4205 is a fair attempt at assessing and meeting the country's defense needs. I find it disturbing that the Defense Appropriations Act looks so different. There are many unauthorized items in the Appropriations bill, that at least appear more directed toward ensuring victory at the ballot box, rather than on the battlefield.

I choose to base my national security votes on national priorities. Therefore, I support the Defense Authorization Conference Report, but oppose the Defense Appropriations bill.

IN MEMORY OF FREDERICK DEBARROS OF NORWICH, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today in memory of Frederick DeBarros of Norwich, CT. Mr. DeBarros was a life-long resident of Norwich and gave so much to his community over more than eight decades.

Mr. DeBarros was born in Norwich in March 1914 and attended public schools in the community. He worked for Sears and as a custodian with the Norwich school system until his retirement in 1993. He was also an elder of the Easter Pequot Tribe.

Mr. DeBarros will be remembered by many in the community as a tremendous athlete and an avid sports fan. As a young man, he played for the A.C. Softball Team while later in life he served as an umpire in the Norwich City League. The community has recognized his many athletic accomplishments by including him in the Norwich Sports Hall of Fame. Mr. DeBarros was also a lifetime member of the Sportsmen Athletic Club of Norwich. I am told that he was an intense Yankees fan.

Mr. Speaker, Frederick DeBarros was devoted to his family and his community throughout his long life. I join with his neighbors in offering my condolences to his family and the Eastern Pequot Tribe. We can take comfort in knowing that Mr. DeBarros' memory will live on in Norwich through his many achievements on the field of play and his service to the community.

IN MEMORY OF THE LATE GOVERNOR OF MISSOURI, GOVERNOR MEL CARNAHAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. GEPHARDT. Mr. Speaker, fate seems especially cruel when wonderful people are taken away in the prime of life, and the death of Governor Carnahan is just such a tragedy. Words alone do not fully describe the sorrow Jane and I and all Missourians feel at the loss of our Governor.

Mel Carnahan was a good man. He was a decent, caring man. He loved his state, and he fought hard for every person in it. A man who considered public service a high calling, Mel had a quiet, humble demeanor and his commitment to families in Missouri made a difference in the lives of millions of people.

A beloved governor, the son of two teachers in the Ozark mountains, Mel worked hard day after day to give every child a chance in life. He was committed to education with a sincere passion.

We extend our deepest sympathy to Mel's wife Jean and their three surviving children; our thoughts and prayers are with them at this difficult moment. Missouri has lost a giant, and, humbly, we will work to ensure that Mel's wonderful, positive, humane spirit lives on in all our lives.

McDONALD'S CORPORATION—EPA WASTE WISE PARTNER OF THE YEAR, OCTOBER 17, 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize the McDonald's Corporation for its exemplary leadership in environmental conservation. McDonald's has been a pioneer in a range of efforts to conserve energy, protect natural resources, and reduce solid waste.

In the past, the Corporation has been honored for its conservation work by major environmental organizations, including the Council on Environmental Quality and the Environmental Protection Agency (EPA). As a result of its comprehensive waste reduction program, McDonald's has received further recognition for its efforts in this area by recently receiving the EPA's prestigious Waste Wise Partner of the Year award.

In 1989, McDonald's partnered with the Environmental Defense Fund (EDF) to develop a comprehensive action plan for reducing waste. This cooperative project laid the foundation for a new approach to solving environmental problems. It served as a model for additional EDF alliances with leading U.S. businesses and also as a catalyst for other corporate/environmental organization partnerships.

The following year, McDonald's established one of the first corporate "buy recycle" programs. The Company also initiated an ongoing series of environmentally friendly changes in packaging design that continues to this day. In 1992, McDonald's enrolled in EPA's Green Lights program to institutionalize the use of energy efficient lighting and, in 1994, became the very first partner in the EPA WasteWise program.

The impact of these commitments and partnerships has been extraordinary. During the course of the 1900's, McDonald's: Eliminated 297 million pounds of packaging; Recycled 2 billion pounds of corrugated cardboard, thus reducing restaurant waste by 30 percent; Purchased over $3 billion worth of products made from recycled materials—over 300,000 tons in 1999 alone; and Saved over 510 million kilowatt hours, the equivalent of all the energy used by 14,500 homes over ten years.

These impressive numbers do not tell the whole story. By entering into these partnerships, McDonald's is proving that commitment to the environment and core business interests can go hand in hand. In so doing, they are helping to bring about a new environmental ethic and, in a broader sense, the growth of corporate social responsibility.

The Waste Wise award is an appropriate recognition for such leadership and for McDonald's, sustained, effective commitment to making the world a better place. I congratulate the McDonald's corporation and its employees for this outstanding achievement.

IN TRIBUTE TO THE LATE REPRESENTATIVE SIDNEY YATES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the late Congressman Sidney Yates, who passed away earlier this month. Sid Yates represented the Ninth District of Illinois for close to 50 years with great distinction. He was a man of vision who will be remembered most for his dedication to defending and promoting the arts in America.

Throughout his career, Sid Yates made Federal funding of the arts a priority. He helped push for the legislation establishing the National Endowment for the Arts and worked to steadily increase its budget as chairman of the Interior Appropriations Subcommittee. When the NEA came under attack in 1995, it was Sid Yates who helped lead our efforts to preserve. I was proud to stand with Sid as his passionate and eloquent defense of the NEA and of government's role in the arts helped stave off its elimination.

We mourn his passing, but we should celebrate the many contributions he made to this Chamber. The arts community, in particular, has lost one of its great champions, but his memory will live on in the smiles of the young people who will be introduced to the arts thanks to the efforts of Sidney Yates. I speak for all of those who care deeply about the arts in this country when I say that he will be greatly missed, but will never be forgotten.

CONGRATULATING SOUTH KOREAN PRESIDENT KIM DAE JUNG FOR WINNING THE NOBEL PEACE PRIZE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to congratulate South Korean President Kim Dae Jung for winning the Nobel Peace Prize. The Nobel Committee announced the decision to award President Kim based on his "moral strength" to pursue democratic goals despite repeated threats on his life and long periods in exile.

The Committee awarded President Kim with the Nobel Prize not only for his work in bringing democracy to South Korea, but for his efforts to reconcile South Korea with North Korea. To facilitate that goal, President Kim established the "Sunshine Policy" in an attempt to overcome more than fifty years of war and hostility between the two Korean nations. President Kim has said that his struggle against dictatorship was the greater achievement in his life. "Democracy is most important. Only when we uphold human rights and freedom, is our struggle against communism meaningful," said President Kim.

Born on December 3, 1925, President Kim was the second son of four. His father was a farmer on an island in the southwestern province of Cholla. President Kim was a good student and elected a leader of his high school class. However, he learned an early lesson about democracy when he was stripped of his position, after he published an essay condemning the Japanese colonial government that controlled Korea at that time. It would be the first of many sacrifices President Kim would make before being elected to lead South Korea.

Prior to being elected, President Kim was jailed repeatedly by the government of South Korea. He has been placed under house arrest more than 55 times, and has survived many assassination attempts. He has been kidnapped by South Korean agents, sentenced to death by a military court for alleged treason following prodemocracy demonstrations, lived in exile in the United States, and returned to South Korea, before winning the Presidency in 1997.

President Kim was credited with bringing South Korea back from the verge of financial collapse just a few years ago. He committed the country to strict reforms requested by the International Monetary Fund and by doing so, the South Korean economy has made significant strides in less than two years.

President Kim's Sunshine Policy to engage North Korea has produced dramatic, historical results. On June 13 of this year, President Kim traveled to Pyongyang to meet with North Korean President Kim Jon Il. The summit opened the way for the first reunion between Korean family members, who had been separated by the Korean war and had not seen one another in 50 years.

President Kim's personal courage and moral character are his foundation in times of adversity; and they have inspired generations of Koreans to keep their faith in freedom. As the Washington Post put it, "He helped prove that freedom is a universal value and democracy a universal desire, not limited by race, continent, or culture." I join my Korean-American constituents in congratulating President Kim on receiving the Nobel Peace Prize for the year 2000.

ARLINGTON TRADITIONAL SCHOOL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commend the parents, students and administrators at Arlington Traditional School. I will be pleased to welcome the students and teachers of this extraordinary school to the Capitol on Thursday, October 19, 2000.

For the last 15 years this school has sponsored an extraordinary summer reading and civics program for its students.

The Reading Challenge was started by its first principal, Dr. Frank Miller, who once spent the day on the roof of the school as a reward to the students for meeting their reading challenge.

Since then, the challenge has grown under the leadership of its present principal, Ms. Holly Hawthorne.

Mr. Speaker, the summer challenge program is based around themes including: "Reading Around the Library," to learn more about the different kinds of books in the library; "Read For the Gold," based on the Summer Olympics; "Reading Around the World in Eight Days," to learn about world geography; "Blast Off to Learning," that included a tour of the planets; "Reading Is Monumental," to learn about important places in Washington, DC and Virginia; and "From Sea to Shining Sea," to learn about the fifty states.

The reward for the students' reading accomplishments has evolved into a celebration of reading known as Reading Carnival Day. Activities have included special events in each classroom, school wide parades, and special guest speakers.

Over the years, the entire school has visited the public library and the Education Center where special guests read their favorite books to the students. In addition, a school-wide field trip was taken to the Air and Space Museum and to Mount Vernon for Colonial Days. These experiences undoubtedly enhance the interactive learning process for students beyond compare.

Mr. Speaker, I take great pride in commending the Arlington Traditional School for its many accomplishments over the past 15 years.

It is through their efforts that the prospect for the future is much brighter.

RECOGNIZING CATHEDRAL HIGH SCHOOL IN EL PASO, TEXAS ON THEIR 75TH ANNIVERSARY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. REYES. Mr. Speaker, I am proud of a high school in my district that continues to show exemplarily results in education. Cathedral High School has a long standing tradition of excellence in El Paso, Texas. The school never falters in its steadfast commitment to teaching and to spiritually guiding young men as they prepare for higher education and for life's many challenges.

Through the vision and dedicated efforts of Bishop Anthony Schuler, the Rev. Robert O'Loughran, and Mr. William Fryer, the Christian Brothers established Cathedral High School in September of 1925. Cathedral High School has withstood the trials of the Great Depression, four wars, changing economic, political, and social conditions and has come out with ever increasing strength. Over 4,300 young men have graduated from Cathedral since 1927. It is a school that is emulated by other schools across the city, state, and even the nation. Over 95% of the Cathedral's students go on to colleges and universities.

The staff of Cathedral High School, both the Christian Brothers and the lay faculty, who's commitment and dedication play an integral part in the Cathedral educational experience, should be commended. Their efforts have contributed to the long-term viability of the school.

While accepting students of all faiths, as a Roman Catholic school, Cathedral's curriculum instills the Catholic heritage and stresses reverence for God, concern for others and personal responsibility. As much as any other aspect of the school, the spiritual emphasis at Cathedral fosters an atmosphere of brotherhood and caring and builds the foundation for life-long friendships. Spirituality, as a guiding principal, should be emulated across our nation. The values that are instilled at Cathedral are fundamental values that are central and important to the functioning of society as a whole.

Daily school prayer, religion classes, and school Mass emphasize God's central role in our lives. As a Catholic myself, God and reverence are personally important to me and I appreciate the commitment that Cathedral makes in insuring that our students will have faith and prayer in their lives. I cannot overstate how important faith in God is to overall success and happiness in life.

Cathedral has continually exhibited strong leadership; a clear vision and sense of mission that is shared by and connected with the school, students, parents, and alumni; high quality teaching; and a safe environment for learning. Cathedral has continually been a pillar of excellence in El Paso. I applaud the role that Cathedral High School plays in the fabric of our culturally diverse community and I wish the school continued success in their next 75 years of teaching excellence in the city of El Paso. Go Fighting Irish!

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House chamber for the day of Thursday, October 12th.

CONGRATULATING THE SAN LUIS OBISPO SYMPHONY'S CUARTETO DE LAS MISIONES ON THEIR PERFORMANCE AT THE KENNEDY CENTER IN WASHINGTON, D.C.

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. CAPPS. Mr. Speaker, I honor the San Luis Obispo Symphony String Quartet, Cuarteto de las Misiones who have traveled from San Luis Obispo, California to perform tonight at the Kennedy Center's Millennium Stage State Days Series. The Cuarteto is Sharon Holland, Ginette Reitz, Mary Houston, and Ken Hustad.

I had the privilege of nominating the Cuarteto to represent the great state of California for the Kennedy Center's program because they have demonstrated a wonderful commitment to their community, a unique sound, and inspiring talent.

The San Luis Obispo String Quartet has been performing at Central Coast schools for over a decade. Last Spring, the quartet was reorganized and renamed the Cuarteto de las Misiones and began working with local Grammy-nominated composer, musicologist and California Polytechnic State University music professor Dr. Craig Russell to design an in-school program for 3rd and 4th graders.

Dr. Russell has devoted the past several years to uncovering a wealth of music originally performed in California and Mexico during the colonial days. Through his discoveries, he has been able to demonstrate that there was a far richer musical life on the West Coast of the United States than was previously thought. Thanks to Dr. Russell, works by European immigrants to California and Mexico, once performed by the Chumash and Salinan people are being performed again after 200 years of silence.

Cuarteto de las Misiones presents a narrated musical journey comparing the unique styles of mid-18th Century western culture. The quartet's performance this evening will include Dr. Russell's arrangements of the newly rediscovered music of the missions, mountain music and reels of the eastern United States and the chamber music enjoyed in Europe's finest salons.

Mr. Speaker, this exciting new program has not only sparked my interest, but has received notice from the California Arts Council and has become part of their "Rural and Inner City Presenting Program" (RICP). They are a fine example for the community and I am proud to be their Representative.

I would like to give thanks to the San Luis Obispo County Community Foundation and the Hock Family Foundation for their generous support of the Cuarteto de las Misiones, and to the ensemble itself for their invaluable contribution to the Central Coast.

THE STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT OF 2000

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to share with my colleagues two letters I received concerning the Steens Mountain Cooperative Management and Protection Act of 2000 (H.R. 4828) that was debated on the House Floor on October 4, 2000.

House Resolution 4828 was supported by the entire Oregon congressional delegation and is the product of a long and hard-fought battle to ensure that there was an Oregon solution to an Oregon issue. I submit the following letters into the CONGRESSIONAL RECORD.

THE WILDERNESS SOCIETY'S
WILDERNESS SUPPORT CENTER

DEAR CONGRESSMAN WALDEN: Although this bill does not contain everything we wanted, we believe that this is a responsible resolution of a very important issue. This bill will grant lasting protection for the wildlands, wildlife, and waters of the magnificent Steens Mountain region. We support its passage today.

BART KOEHLER,
Director.

Recreation Service Providers on Steens Mountain—

The outfitting and guiding industry has been in existence on a small scale and in a variety of ways on Steens Mountain since the early days of trappers and military scouts. From the early 1900's until the early 1960's outfitters, particularly homesteader Chester Nye and partner Paul Howard, primarily offered hunting and fishing trips to the very wealthy into the inaccessible backcountry of the Steens. The completion of the Steens Mountain Loop Road opened up all of the hunting areas that Nye and Howard depended upon for their enterprise and consequently put them out of business. Shortly after during the mid-1970's, the homestead known as the Nye Place consisting of several guest cabins and a cookhouse on the rim of the Little Blitzen Gorge and which Nye and Howard had used was taken over by Velty Pruitt and his summer camp for girls.

From that time until now, outfitters and guides, otherwise known as recreational service providers, have continually modified the services they offer based on the needs and demands of the outfitted public using Steens Mountain. Currently, Steens Mountain has eight permitted outfitters operating on both public and private lands providing a wide range of recreational services. These current and historical uses include: cross-country high-altitude running training, big game hunting, upland bird hunting, fishing and heli-fishing, multiple day horse packing, trail riding, multiple day llama packing, backpacking, day hiking, mountain biking, ATV touring, van/pickup tours, snowmobiling, cross-country and backcountry skiing with and without motorized support (snow machine or helicopter), snow shoeing, and snowcat touring. With all of these activities, many service providers include interpretive and educational information to their programs, and/or use these various modes of transportation or travel to provide interpretive and educational services. Additionally, a number of the permitted recreation service providers have historically conducted activities on private lands that may be transferred into public ownership through this legislation. All of these uses are considered current and historical uses and fall under the purpose of promoting viable recreation operations on Steens Mountain.

It should be noted that while there are thousands of places to go in the United States to engage in outdoor recreation, Steens Mountain is a unique natural attraction and is the chosen vacation destination for nearly 100 percent of the 56,000 people currently coming to the region. In fact beginning in 1975, the Bureau of Land Management began tracking visitor numbers of those using the Steens Mountain Loop Road. these visitor numbers have increased over 278 percent since 1975, and with a new designation will likely continue to increase. There will no doubt be a corresponding growth in the numbers of the outfitted public seeking experiences with the permitted recreation service providers on the Steens. As part of ensuring the viability of the recreation operations on Steens Mountain which is a purpose of this legislation, these permitted recreation service providers should be allowed to meet the growth and additional needs of the outfitted public within the current and historic activities they provide.

Further most outfitters, pre-legislation, have invested a great deal into their recreation service operations and public land permits to provide services to the public. Some of the investments are recent and substantial. Because of this the operators may not have had time to realizes a return on these investments. One example of this, and there are many, is Steens Mountain Packers helicopter supported activities particularly the backcountry ski heli-supported program. A great deal of time and money went into the exploration of the Steens to provide a compatible and safe service to the public. The legislation, designation and future management thereof may terminate the operators opportunity to recoup investments with the possible termination of the activity within a given area, such as wilderness. In staying in conformance with the purpose of the Act, the operator should be appropriately compensated for the loss of revenue from the activity, or exchanged for a reasonable like permit. Because of the uniqueness of the area, a like opportunity may be difficult to provide. It should be noted that an opportunity or permit entirely outside of the area may well not be considered a reasonable option (e.g.—a permit in Catlow Valley would not necessarily be a reasonable alternative to an existing permit within the Blitzen Gorge, nor a permit in Idaho as an alternative to a permit on Steens Mountain.).

JOHN AND CINDY WITZEL
Frenchglen, Oregon.

CELEBRATING THE BIRTHDAY OF NANCY LONG

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. MORELLA. Mr. Speaker, I honor my constituent, Nancy Long, on the occasion of her seventy-second birthday. Nancy Long has been continuously dedicated to community and civic service for, perhaps, longer than anyone in Glen Echo and Montgomery County, Maryland. Ms. Long was first elected to the Glen Echo Town Council in 1969, and reelected every four years thereafter.

Early on, she was appointed as Town liaison to the National Park Service for the C&O Canal National Historical Park, Glen Echo Park, Clara Barton Historic Site, and the George Washington Memorial Parkway. Her efforts have been and continue to be tireless in the pursuit of preservation of the Park, conservation of the Canal, and protection of the Town's environs.

Ms. Long has been a volunteer at Glen Echo Park since 1970 and, in 1986, became one of three original founders of the Glen Echo Park Foundation. She has been reelected to that Board each term since its inception. She organized and directed a successful fund raising campaign to save the Park's beloved Dentzel Carousel, which today is enjoyed by children and adults. This historic artifact is admired by preservationists for its spectacular and painstaking restoration work. The attention to preserving the Park and the existence of the Carousel today, is in no small measure to Nancy's tireless efforts. Her work continues on the Montgomery County Glen Echo Park Working Group, which has been studying the future of the Park and its cultural and arts programs.

In 1975, Ms. Long was selected by then Congressman Gilbert Gude as one of 25 individuals to travel the entire length of the C&O Canal to call attention to the Canal's importance and need for the preservation and conservation of its resources. She is currently one of two Montgomery County representatives to the C&O Canal National Historical Park Advisory Commission. Nancy Long has walked the 184 mile length of the Canal four times, the latest trek occurring in the spring of 2000.

Ms. Long has also served extensively on other boards and commissions. Just a few additional ports on which she served, are: Potomac Valley League, the Montgomery County Committee of the Maryland Historical Trust, and the Potomac River Basin Consortium.

Ms. Long's 72nd birthday will be celebrated by her friends and Glen Echo neighbors today, October 17, 2000. I am proud that she expects to continue her work on behalf of community, conservation, and preservation.

TRIBUTE TO ERNEST T. DIERKING, U.S. FOREST SERVICE DIRECTOR OF LANDS AND MINERALS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. LEWIS of California. Mr. Speaker, when the millions of people who live in Southern California want to escape our perpetual summer for a little winter fun or cool mountain breezes, we head to a refuge thousands of feet above and a world away from the beaches that are our trademark. Just an hour from those beaches lies the San Bernardino National Forest, which today provides thousands of acres of recreational splendor thanks largely to the efforts of one dedicated public servant: Ernest T. Dierking.

Ernest Dierking began his career with the U.S. Forest Service in June 1958, and has dedicated the last 22 years to expanding the San Bernardino National Forest and making sure the pines and mountain vistas are preserved for an appreciative public. He has served as the District Ranger in San Bernardino, and most recently he was Director of Lands and Minerals. In that role, he has acquired 15,990 acres worth $17 million to be preserved for the public's enjoyment.

Through the efforts of Ernest Dierking, the public can now enjoy hundreds of miles of mountain trails, ski resorts, wildlife watching and peak climbing from the Cucamonga Wilderness on the Los Angeles County line to the Santa Rosa Wilderness in Riverside County.

Mr. Speaker, Ernest Dierking retired from the Forest Service on Sept. 1, ending his 42-year career of accomplishment and public service. Please join me in thanking him for creating a mountain paradise on the edge of our nation's largest urban area, and wishing him well in his future plans.

EULOGY OF MARTIN T. MEEHAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MEEHAN. Mr. Speaker, on behalf of my mother, brothers and sisters, my Aunt Katherine and Uncle John, my cousins, and my entire family, I want to thank all of you for joining us today to help celebrate our father's life. We are all honored by your presence and are grateful for your support and affection over the last few days.

I can imagine my father looking out at the long lines forming outside McCabe's Funeral Home yesterday. He would have said, "Frankie McCabe must be giving something out for free!"

Frank isn't, Dad, believe me.

My father was born in Lowell on July 16, 1927 to Martin H. Meehan and Josephine Ashe Meehan. His father immigrated to the United States from County Claire, Ireland in 1912. His mother, who immigrated from County Kerry the year before, was a cousin of the great Irish patriot Thomas Ashe, who died during one of the first hunger strikes—in Ireland's fight for freedom in Mount Joy Jail in 1916.

Thomas Ashe's picture was hung on the wall of his family home on Batchelder Street in the Acre Section of Lowell. In 1963, a portrait of President Kennedy was added.

The Acre was where the Greek and Irish immigrants settled in Lowell. My father grew up there and he loved it. Swimming in the canals, playing baseball for St. Patrick's and Lowell High School, and building lifetime bonds. It was a neighborhood where the kids were tough and strong, and everyone had a nickname—hence "Buster." The Acre was where thousands of new immigrant families were becoming part of the great American Dream.

In 1946 Dad met my mother at a party her cousin Maureen Gay had. Dad was not invited, he crashed. And my mother was glad he did. They were married three years later.

My father had a saying for everything in life. Some of them really bugged me at times. But they all had a purpose and wisdom for how to lead a good life.

"One God, One Country, One Woman" he used to say. That—one woman—was my mother. He was passionately in love with her through 51 years of marriage. Their love for each other intensified and grew. I believe the love our father and mother shared for one another was extended to every person who was a part of their lives.

I can remember as a very small boy first learning the concept of love. "I love you kids with all my heart", he'd say. "But I love your mother even more". "But Dad", I once replied, "Who am I supposed to love more? You or Ma?" "You kids should love your mother the most", he'd say. "She gave birth to you."

First they lived in a tenement on Lincoln Street where Colleen and Kathy and I were born. Later they bought an eight room house the next street over at 22 London Street where they raised seven children in a home that was filled with love, laughter, energy . . . action 24 hours a day . . . a strong commitment to the Catholic Church and to family.

It was a great neighborhood—and my father helped us spread our family's love all over it. And there isn't a better testament to that love—than our relationship with the Durkin family who had seven children of their own, just down the street. So many memories, so many stories.

Visiting the ice cream stand with Dad was unforgettable. He would load all of us into the car with as many of our friends as would fit. He would ask us what we wanted. "I'll have a banana split," I'd shout. My sisters would say, "I'll have a hot fudge sundae." Our friends couldn't believe it—they would order a shake or double ice cream scoop with extra nuts, extra whipped cream!

He'd take everyone's order and then go up to the line. "Don't worry," he'd say, "I'll carry it back". Ten minutes later he'd return with 13 single cups of chocolate ice cream. "That's all they'd had" he'd shrug.

Dad was also a very successful little league coach. On Dad's White Sox team everyone played—at least three innings. I remember how embarrassed I was when Dad's White Sox lost every game. 0–18. Some games we were winning after three innings, 8 to 4 or even 7 to 2. But in the fourth inning Dad put all of the subs in—no matter what. "Everyone plays!" he'd say. The other teams kept the best players in for the whole game. Naturally, they would win.

Today I am so proud of the way my Dad coached the kids on that 0 and 18 team. Today, I am so proud of how my father lived his life.

As children, we shared so many happy times together each summer with family and friends at Seabrook Beach. Later as adults, with his grandchildren, we spent weekends at Dad and Mom's beach house. After a few morning hours together on the beach, Mom and Dad would head back to the house to begin the day-long cooking ritual so that we could have dinner together. Many times in the evenings, we would sing songs around a bonfire on the beach. We enjoyed lobster bakes and thankfully Mom and Dad got to enjoy an occasional sunrise together. And many times, after a long day, many of us would sit together and watch the sun go down and our father would say to us all, "it's a great life and it's a great country."

Dad worked at the Lowell Sun Publishing Company for 43 years. He started as a truck driver * * * became a linotype operator * * * then became Assistant Foreman in the Composing Room. He loved the Sun and the newspaper business, and he knew it from soup to nuts. There were a lot of great reporters that came through the Sun over the years, but my father never hesitated to tell them when he felt they just didn't get it right—especially on a political story.

Frank Phillips, Chris Black, Brian Mooney and others all heard from Dad on more than one occasion. When he was finished he had earned their respect and they appreciated his wisdom and experience. And they all affectionately repeat those stories—even today.

Dad was an active lifetime member of the Typographical Union—serving in a leadership position. He always stressed the importance of workers being able to organize for fair wages and benefits. It's not surprising that my sisters Colleen and Kathy are members of the teachers union and Mark and Paul are active members of their respective unions as well.

But as strong as a Union person as he was—he loved the Lowell Sun and the company's ownership, the Costello family. He followed the Costello kids' lives as if they were his own—always loyal to the company and the Costello family.

Supporting Mom and seven young children was not always easy. For seven years he got a second job working nights as a corrections officer. On Mondays, Tuesdays, and Wednesdays he would get up at 5:30 to be at the Sun to punch in at 7 o'clock. His shift was over at 3:30. He'd put on his uniform at the Paper, punch in at the jail at 4 o'clock and work until midnight. He got home by 12:30 in the morning, and went to bed for five hours so he could be back at the paper by 7 a.m.

I'm sure it wasn't easy—but he wanted the best for his children and he wanted my mother to be able to be home with us.

My father didn't care what we did for work—but he wanted us to get an education. And we all did. He was especially proud of the fact that my sisters, Colleen, Kathy, and Mary all became school teachers. He thought it was the most important job of all. "Teaching is NOT a job"—Dad would say—"It's a vocation." He loved the idea that his daughters were helping to shape the minds of 25 kids in a classroom each day.

He was so proud of all his children, in a unique and special way. My brother Mark, a master electrician, "has the biggest and best heart of all my kids," he'd say. And Mark gave Dad his newest precious grandchild "Sarah" just two weeks ago. He was so proud that Paul followed him to the Sheriff's Department. Paul is a model for overcoming obstacles and winning. He recently went back to school for his degree, got married, and was promoted to Captain as well.

When I ran for Congress in 1992 my sister Maureen answered the call and put her work—and life—on hold to take the most important job in the campaign—raising the money to win. My Dad just loved the fact that I turned to my sister. And when we won he knew it was Maureen who was the rock behind us. "Politics is a tough business" he'd say—"you need people you can really trust—and that means family." [That's of course why President Kennedy had Bobby.] Of course after the election, I remember Maureen was sick and I asked, "What's wrong with her now?"—Dad's split second response— "Working for you!"

Dad was so well read, a voracious reader * * * A lover of poetry and words, and boy did he love to sing!

So much love in his heart, and this extension of love was felt by his grandchildren and in-laws. The term "in-laws" didn't mean much to Dad—he welcomed them and loved them like they were his own. And they loved him back.

All 15 of his grandchildren are loved as individuals and each of them realizes the power of love and family through their papa and munama. One of my young nieces asked during the last couple of days, "How did Papa have so much love to give to so many people?" Well, I really don't know the answer to that for sure. I just know that he did. Every time our father gave us a hug—or as he would say a hug-a-deen—he would accompany it with an "I love you." "Aren't they wonderful," Dad would say. "Your mother and I will live in them in the next generation through these beautiful kids * * * and as I've told you," he'd say, "that's the sweet mystery of life."

So happy, so content, there was NOTHING more in life that he wanted—than that which he already had—His Family.

And he thanked God for our happiness every single day.

Joseph P. Kennedy, Sr., once said that the measure of a man's success in life was not the money he had made, but rather the family he had raised. That quote has been framed in my parent's home over 15 years. My father believed it and devoted himself to family every day of his life for 73 years. He was an immensely successful man.

We love you Dad and will miss you.

RECOGNIZING THE CAREER OF JOSEPH J. MONFREDO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to honor an outstanding member of the Worcester community, Joseph J. Monfredo, who is retiring this month after 36 years of service in the Worcester Public Schools. Throughout his career in the school system, Mr. Monfredo has been a dedicated and enthusiastic leader.

A graduate of Worcester State College and a veteran of the United States Army, Mr. Monfredo began his teaching career in September of 1963 in Leicester, Massachusetts. His first job with the Worcester Public School System came in September of 1964 when he accepted a position at the Elizabeth Street School. Mr. Monfredo taught at several schools and served as assistant and acting principal of the Thorndyke Road School. In August of 1989, he became principal of the Burncoat Preparatory Elementary School, where he has worked for the past 11 years.

For his service to the schools, Mr. Monfredo has been recognized by the Commonwealth Leadership Academy, the Principals' Institute of the Harvard Graduate School of Education and the Alliance for Education.

A former letterman in varsity baseball at Worcester State College, Mr. Monfredo has also been active in school sports programs. He has coached several varsity and junior varsity teams in football, basketball, and baseball, as well as coaching and managing Babe Ruth League baseball teams. Most recently, Mr. Monfredo coached soccer at Burncoat Elementary.

It is my privilege and honor to recognize Joseph Monfredo for his dedication to the students of Worcester, and his 36 years of service to the Worcester Public Schools. While he will no doubt be missed by the many students, teachers, and parents of the Burncoat Preparatory Elementary School, I wish him, his wife, and family continued health and happiness in the future.

IN HONOR OF OLGA ALVAREZ, ANCHOR WOMAN AND REPORTER FOR UNIVISION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Olga Alvarez, anchorwoman and reporter for Univision (Channel 41 in NYC). Ms. Alvarez has made it a priority to keep Latinos well informed about current events and news that affects their community, empowering them to participate fully in American society. For her contributions to broadcast journalism, the National Association of Cuban Journalists in Exile will pay tribute to Ms. Alvarez at an event on Sunday, October 15, 2000.

Olga Alvarez was born in Havana, Cuba and was raised in Puerto Rico. Her parents were musicians, who regularly performed on live television. As a child, Ms. Alvarez was influenced greatly by her parents' television performances, making television her favorite medium.

Ms. Alvarez began her career as a production assistant and producer, working on projects that included documentaries and video news releases produced in the United States, Mexico, and Puerto Rico. During this time, Ms. Alvarez was a correspondent for Telemundo's "La Buena Vida," a program highlighting the accomplishments of Latinos. In addition, she worked as a segment producer for the daily magazine show "Club Telemundo," developing and writing stories regarding medicine, family relations, and important community issues.

At Univision's WXTV 41, Ms. Alvarez began as a writer and later became a reporter, hosting the station's community service program and reporting tri-state area news on "Despierta America."

In 1997 and 1998, Ms. Alvarez was awarded the "Latin A.C.E." from the New York Latino Entertainment Reporters Association. In 1999, Ms. Alvarez won an Emmy for "La Clave De La Salsa," a series on the history of salsa music. In addition, she was awarded First Plaque in the New Jersey Associated Press Broadcasting Association Awards, and second place in the New Jersey Press Awards. Recently, she received an Honorable Mention from the Associated Press for "Regalo De Vida," a series on the importance of liver donation and transplantation.

Today, I honor Olga Alvarez for her extraordinary career in broadcast journalism, and I ask that my colleagues join me in honoring her.

THE NEW SERBIAN LEADERSHIP: WE SHOULD TEMPER REJOICING WITH CAUTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. LANTOS. Mr. Speaker, the departure of Slobodan Milosevic as President of Yugoslavia was greeted with almost universal rejoicing. More than most other national leaders in recent memory, Mr. Milosevic has come to identified with the excesses and atrocities of nationalism run amuck. Mr. Milosevic encouraged and fostered excessive Serbian nationalism in order to further his own personal political goals, and he bears a heavy responsibility for the barbarities and savagery of the conflicts in Croatia, Bosnia, and Kosova over the past decade. The international community recognized his personal responsibility for events in the former Yugoslavia by indicting him as a war criminal.

Mr. Speaker, in Belgrade general enthusiasm greeted the news that Mr. Milosevic had lost the presidential elections and that the people of Serbia would not tolerate his continued political manipulations to preserve himself in power. The change is a welcome one, and one that I sincerely hope will lead to the restoration of stability in the former Yugoslavia.

While the departure of Mr. Milosevic is most welcome, the arrival of Mr. Kostunica does not mean the resolution of all problems involving Serbia. I think it is important that we temper our rejoicing with a note of caution.

It is important, Mr. Speaker, to place these changes in some perspective. This change is not the result of an upsurge of democratic sentiment, nor is it a rejection of the excesses of Serbian nationalism that have resulted in so much bloodshed and violence over the past decade. To a great extent, Mr. Speaker, it is a rejection not of the bankrupt policies of Mr. Milosevic, but a rejection of the consequences of those policies—the economic hardship created by the international sanctions against Serbia, the destruction in Serbia that resulted from the NATO campaign to halt the depredations against the Kosovars, and international isolation.

Mr. Speaker, Leon Wieseltier published an excellent article in the more recent issue of The New Republic (October 23, 2000) which focuses on these critical issues and the significance of the changes in Serbia. I submit excerpts of Mr. Wieselteir's article to be placed in the RECORD, and I urge my colleagues to give his views the thoughtful attention they deserve.

[The New Republic, October 23, 2000]

THE TROUBLE WITH EXHILARATION: KOSTUNICA, THEN

(By Leon Wieseltier)

. . . The uprising in Belgrade established justice incompletely. The limitations of Kostunica and his revolution are disturbing. He is an unembarrassed Serbian nationalist, who does not see or does not wish to see that the tribal sentiment of his people, their "national question," has been not the solution but the problem. He translated The Federalist Papers into Serbo-Croatian, but during the Bosnian war he was sympathetic to the Serb separatism of Radovan Karadzic, and during the buildup to the Kosovo war he was photographed brandishing an automatic rifle in the company of some Kosovar Serbs . . . He has declared that he will not deliver the war criminal whom he has deposed to the tribunal in The Hague, whose legitimacy he has contested. He is a democrat who wants his country to become a member of the European Union, but he welcomes the machinations of the Russian foreign minister, whose government was singularly unmoved by the democratic ascendancy in Serbia.

In all these ways Kostunica seems genuinely representative of his people, whose ethical energies are ominously circumscribed by ethnic energies. The press accounts of the election that Milosevic lost, and of the uprising that followed his refusal to abide by its results, describe a population that was angry about the consequences of the sanctions that the West had imposed upon Milosevic's country, the poverty and the pariahdom. They were also tired of Milosevic's abuses of state power, especially his authoritarian control of the media. What motivated their rebellion, in other words, was their outrage at all that Milosevic had done to them. What was missing from the hue and the cry (at least as it was reported in the Western press) was outrage at what Milosevic had done to others—to Croatians, to Bosnians, to Kosovars. It was not his mass rapes, mass expulsions, and mass murders that brought Milosevic down. What brought him down were the unhappy consequences for Serbia of his failure in his ugly adventures. And the notion that the opprobrium that was visited upon Milosevic's Serbia was in any way deserved—that it was the right result of Belgrade's criminal actions—seems not to have figured prominently in the thinking of the Serbian crowds. They revolted against their leader, but not against themselves.

Is it asking too much that a society revolt against itself? It is surely asking a lot. Yet it has happened before; and there are circumstances in which a new beginning requires nothing less. The weight of history is heavier for being unacknowledged. In this sense, President Clinton erred significantly when he remarked that "this is just as big a blow for freedom as we saw when the Berlin Wall was torn down, when Lech Walesa led the shipyard workers in Poland." This was precisely the wrong parallel. I do not doubt that there are many genuine democrats in Serbia; but the striking fact, the discouraging fact, about the Serbian opposition during the past decade is that it has not been characterized by the stringent and exalted kind of dissidence that was produced elsewhere in the orbit of communism, where figures arose who directed their criticism at the foundations of their own societies, and who expressed their criticism in ferociously universal terms. Kostunica is certainly not such a figure. He is not proposing such a fundamental examination. It has often been remarked that Milosevic's regime was communism surviving in the form of nationalism; but it is important to observe that in Serbia anti-communism, too, takes the form of nationalism. For this reason, it has been only partially an uprising of conscience. And for this reason, one's exhilaration at the denouement in Belgrade is a little spoiled. . . .

IN MEMORY OF THOMAS D. GRAHAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Tom Graham, of Jefferson City, Missouri. He was 77.

Tom, a son of Charles E. and Margaret Cuthbertson Graham, was born on October 14, 1922, in St. Louis. He attended Jefferson City public schools and was a recipient of the Distinguished Alumnus Award. He also attended the University of Missouri. After serving in the Army Air Corps during World War II, Tom practiced law in Jefferson City for 50 years. From 1951 to 1973, he was in the Missouri House of Representatives, serving three terms as Speaker of the House from 1961 to 1967.

Tom was president of the National Legislative Conference from 1966 to 1967, and commissioner of the National Conference on Commissioners on Uniform State Laws. He was vice-chairman of the Missouri-New York World's Fair Commission. Tom was a member of the First Christian Church and a past member of the Jefferson Lodge 43, Ancient Free and Accepted Masons, Ancient and Accepted Orders of Nobles of the Mystic Shrine, Moolah Temple, St. Louis. He was a member of the Missouri Bar, Phi Gamma Delta social fraternity and Phi Delta Phi legal fraternity.

Tom was also involved in many civic activities in Jefferson City. He was on the Board of Directors of the Jefferson City Chamber of Commerce and the Board of Trustees of Memorial Community Hospital. He served as president of the Cole County Chapter, University of Missouri Alumni Association, and the Cole County Bar Association. He was a merit badge counselor for the Boy Scouts of America.

Tom married the late Christine Wood Graham on April 22, 1944. They were married for almost 54 years and had one son, Christopher Graham.

Mr. Speaker, Tom Graham was my good friend and a great American. I know the Members of the House will join me in extending heartfelt condolences to his family.

IN HONOR OF THE FORT WORTH MASJID OF AL-ISLAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FROST. Mr. Speaker, this weekend in Fort Worth, Texas, it will be my honor and privilege to attend and participate in events which promote racial and religious unity and peace. On October 21, 2000, the Fort Worth Masjid of Al-Islam, under the leadership of Imam Nasir Ahmed, will host a Southwest Regional Pioneer Banquet honoring those it considers to be pioneers in the causes of diversity, religious interaction, Islam, economic development, political awareness and education.

I am humbled to be among a group of honorees which includes religious radio broadcaster and journalist, Robert Ashley; American Jewish Congress Southwest Region executive director, Joel Brooks; community relations consultant, writer and member of the Thanks-Giving Square Interfaith Council, Rose Marie Stromberg; 97-year old founder of the Tarrant County Black Historical and Genealogical Society, Lenora Rolla; long-time Muslim, 95-year old Dave Hassen; and the organizer of Brooks of Baaziga, a Muslim girl's group, Ruby B. Muhammad.

The work of the Fort Worth Masjid of Al-Islam is, by itself, noteworthy. Yet, the Masjid's efforts are heightened and broadened by the fact that this celebration will include the personage and the teachings of The Honorable Imam Warith Deen Mohammed, leader of the Muslim American Society. Throughout this country and around the world Imam Mohammed is known, respected and admired for his work towards peace, religious freedom and diversity and liberty for all people. On October 22, 2000, the Fort Worth-Dallas area will have the pleasure of receiving his message on "Dealing With Racism From Religion". It is my great pleasure, therefore, to join with the Fort Worth Masjid of Al-Islam, its brothers and sisters in the Dallas Masjid of Al-Islam and the larger Fort Worth-Dallas community in heartily welcoming Imam Mohammed to our community.

NATIONAL AIDS TESTING DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. HOYER. Mr. Speaker, the Human Immunodeficiency Virus (HIV) epidemic is one of the deadliest foes that we have faced in recent history. Like any foe, we must learn all we can about this deadly virus and take appropriate action to halt its assault on society.

One of the first steps in stopping the spread of HIV is to know if one is infected. A recent study showed that 90% of the people who knew their HIV status changed their sexual behavior, thus helping to stop the spread of HIV. This statistic illustrates the importance of knowing one's HIV status. I believe it is essential for all U.S. citizens to be aware of their HIV status. This will not only help them stay healthy, but it is the first step in preventing the transmission of HIV to other.

Unfortunately, many people in this country are unaware of their HIV status. The Centers for Disease Control and Prevention (CDC) estimate that 900,000 people may be infected with HIV and nearly one-third of these individuals or 270,000 are unaware of their HIV status.

We must ensure that people have access to all FDA approved HIV tests. It is the simplest and cheapest form of prevention.

A barrier to HIV testing is that it is often perceived as painful because some testing requires blood samples taken through needles. Many people fear needles and therefore would rather not be tested than give blood.

I am pleased to learn that there is FDA approved technologies that do not require the use of needles. Companies like Calypte Biomedical, which is located in my own state of Maryland and in California, have focused on developing HIV diagnostic test than do not use needles, such as the HIV urine tests.

Why then are so many not being tested?

It has come to my attention that some facilities within the public health infrastructure are discouraging local community testing groups from using HIV tests that require only a urine sample. Some states have even passed legislation that prevents organizations from accessing FDA approved HIV urine testing technologies.

It is critical that our public health infrastructure, which receives Federal Medicare, Medicaid and block grant funds, supports all FDA approved HIV testing systems. In our efforts to help people learn their HIV status, we must guarantee access to all HIV testing options, like urine testing.

A first step in this direction is to become involved in the upcoming National AIDS Testing Day. The National AIDS Testing Day is coordinated by the National Association of People with AIDS (NAPWA), which Calypte Biomedical supports.

I strongly encourage all of my colleagues to become involved with this effort.

TRIBUTE TO LOWELL PAXSON

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to recognize a distinguished broadcaster and American, Mr. Lowell "Bud" Paxson. Mr. Paxson has been involved in the broadcasting industry for over 40 years, providing wholesome and family-friendly programming to millions of people nationwide.

PAX TV, founded by Paxson and headquartered near my West Palm Beach home, provides safe programming that the whole family can enjoy. This network has been welcomed by American parents seeking an alternative to much of the violent and sexually suggestive programming currently being marketed to America's children. As a result, the popularity of PAX TV has made it the seventh largest television network in the country.

Bud Paxson is a good friend and an upstanding civic leader. Last year, he received the "Entrepreneur of the Year" award by Florida Atlantic University. This year, he received an honorary Doctor of Laws degree by Barry University. This honor is given to individuals who have been recognized for outstanding achievements in their profession, communities, and the world.

Today I want to honor Bud for his excellent corporate example as well as thank him for his friendship and selflessness.

H.R. 5164: TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. MARKEY. Mr. Speaker, I rise to offer a few brief additional comments on the so-called "TREAD Act," which passed the House last week in order to clarify the intent of one key provision that was added after committee consideration.

The legislation as it arrived on the floor included a provision addressing child restraints. This was a provision that Representative SHIMKUS (R–IL) had promoted and a subject in which we engaged in a colloquy at the Commerce Committee markup on the bill. I am very pleased that this provision was added to the legislation as it was deliberated on the House floor.

Mr. Speaker, it has become increasingly apparent that child restraints are too often marketed for children who are larger and heavier than the anthropomorphic test dummies used by National Highway Traffic Safety Administration (NHTSA) in the sled tests that the agency utilizes. This was highlighted for the Commerce Committee members through the work performed by Consumer Reports magazine. Its independent testing demonstrated that child restraints tested with a child at the highest weight recommended by the manufacturer of that product failed. The House added the provision dealing with child restraints to the TREAD Act specifically to encourage NHTSA to allow child restraints to be marketed for children at specific weights only if the restraint has been tested at that weight, even its this means adding weights to a dummy during testing.

Although NHTSA's standard specifies that child restraints be tested at an impact of 30 mph, the Consumer Reports investigation uncovered that tests are regularly conducted at speeds as low as 27.6 mph. This 3-mph differential mean that only 81 percent as much energy is going into the crash. Again, the Consumer Reports' testing indicated child restraint failures when testing was carried out at 30 mph.

As a result, I strongly encourage NHTSA to require testing be carried out at speeds of 27.9 to 30.3. American families will be better served by such testing and I thank the Speaker for the opportunity to include these views in the CONGRESSIONAL RECORD as part of the legislative history on this particular provision of the TREAD Act..

TRIBUTE TO THOMAS J. CAULFIELD, INDUCTEE, W.N.Y. BASEBALL HALL OF FAME

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. QUINN. Mr. Speaker, I rise to salute the individuals who were inducted into the W.N.Y. Baseball Hall of Fame on September 27, 2000 and pay special tribute to Thomas J. (Sarge) Caulfield, inducted posthumously, for his lifelong commitment to baseball, the youth of the City of Buffalo and the local and national community.

Tom, or "Sarge" as he was affectionately referred to, spent a lifetime teaching, coaching, helping and guiding young men throughout the Niagara Frontier. It is not clearly known how Tom acquired the nickname "Sarge" although there were several theories. One involves his uncanny knack of referring to others as Sarge. Another, and probably closer to the reality, holds that it came from his unique ability to take charge of even the most difficult situation, always with an eye for taking care of his charges, and confronting it with his popular refrain, "not a problem."

In his youth, Tom was an outstanding athlete and baseball player and, indeed, considered by some a professional prospect. He received All-High honors as a baseball player at South Park High School in 1933. Moreover, in 1932, he played for the Millers, New York State Legion champions, and for the Haff and Haskins, 1935 Buffalo Municipal Baseball Association (MUNY) champions. In 1938, he moved to coach/manager leading the South Buffalo Businessmen to a MUNY championship behind pitchers Warren Walters and Warren (Lefty) Spahn, who went on to become the winningest left-handed pitcher in major league baseball. Interestingly, it has been said that Tom was instrumental in the purchase of "Lefty" Spahn's first pair of baseball spikes.

Tom's passion for baseball and his commitment to youth development lead him to progress from player, to coach, to manager and, ultimately, to distinguish baseball organization official. In 1969, "Sarge" received a special award from the MUNY league for his outstanding contributions to Western New York baseball. In 1976, Tom served as the president of MUNY baseball. More significantly, in 1968, he was named "Man of the Year" by the National Amateur Baseball Federation (NABF), a national organization dedicated to amateur baseball and known as the "oldest sand lot organization in America, operating continuously since 1914." Tom was praised by the NABF for his overall contributions to amateur baseball and credited as "one of the top fund raisers for the youth of America." "Sarge," who served as NABF president in 1977, was instrumental in getting the City of Buffalo to host the NABF National Tournament and, by all accounts, did such a magnificent job as a host city official, that the NABF honored Buffalo by returning the tournament to our great city the following year. Through his efforts on behalf of and association with the NABF, Tom was memorialized in the baseball hall of fame at Cooperstown, N.Y. As reported at Tom's induction into the Hall of Fame, in the 1960's and 1970's, "Sarge" was probably the most influential person in amateur baseball throughout the United States. "Sarge" also managed for many years the Ramblers. Originally started as a South Buffalo team, expanded over the years, the Ramblers became a highly competitive force in local amateur baseball.

However, there is another side to Tom Caulfield that deserves special mention because of its impact on Buffalo area youth. Tom, as Superintendent of the Department of Parks for the City of Buffalo, sincerely believed that participation in sports coupled with an opportunity to work, kept youngsters "off the streets." He worked tirelessly in helping his players and others get jobs for the city and elsewhere. In fact, it has often been repeated by former players and employees that if it were not for the tutelage, encouragement and guidance of the "Sarge," the positive life choices they made would never have been available. One example of his commitment to lend a helping hand, even when not expected, involves a city worker who was experiencing an increasingly troublesome attendance problem. Even though Tom was the head of the Department and receiving pressure from the supervisor, who worked for Tom, to fire the individual, he got up early one morning and drove to the delinquent worker's house and woke him up to take him to work. When the worker complained that Tom had no right to come to his house, Tom calmly pointed to and named the worker's four children and wife as the basis of his right to take such action. The attendance problem was solved.

Although Tom was better known for his practicality and problem-solving acumen, he was also deeply philosophical about parks and recreation. With the passion and understanding generally attributed to the preeminent urban planners and landscape architects of our time, Tom, sincerely believed, and practically applied, during his long tenure with the Parks Department, the concept that harmonious urban living demanded adequate opportunities for individuals to recreate. His pride and efforts in the development and maintenance of recreational outlets was formally recognized in 1974 when the Buffalo Recreation Society presented him with its Outstanding Service Award.

Finally, in spite of all his work on behalf of others, Tom utilized his unique talents and considerable energy to balance his outside activities with an extreme dedication to his own family. Therefore, it is with great pleasure and pride that I join Tom's family, especially his wife Mary (Hanratty), who passed away in 1999; his daughter Marilynn; his sons Mark J., John T., and Thomas E.; his grandchildren John, Alyson, Liam, Lauren, John A. (Jace), Molly; his great grandchildren Rachel, Bridget and great-great grandchild, Maria Christina; his former players, proteges, employees, friends, and a grateful city in giving special recognition for his induction into the W.N.Y. Hall of Fame and his immeasurable contributions to youth development in the Buffalo area.

Mr. Speaker, if the measure of a man's life is his positive influence on others, it can be said, without equivocation, that the legacy of Thomas J. Caulfield will continue for generations through the lives of those he mentored and touched.

WELCOMING TRADITIONS!

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I would like to bring to your attention the grand opening of Traditions! which is located in my district. Let me first start by thanking Michael Gallegos and James Long and the many others who have worked so hard to establish a shopping and cultural center that keeps alive the culture, traditions and heritage of New Mexico.

While New Mexico proudly proclaims itself as the State of many cultures—some call it a melting pot, others a mosaic—we all have at least one thing in common, and that is keeping together our strong connection to the history and traditions of our state. The heritage of those cultures is rich and proud, is very much alive here today, and one which should be cherished and passed on.

Traditions! has been boasted in various articles as most likely being the largest incubator program for start-up retail businesses my state has ever seen. Traditions! is one of the few multicultural centers in the country that showcases and preserves New Mexico's unique rich, and historical cultures.

This center will contain unique stores and shops that will showcase Indian and Hispanic Arts. Visitors find restaurants which reflect the culinary specialties of New Mexico—like posole, tortillas and green chile burgers. The center will serve as a gathering place where both residents and tourists can come to learn about the culture and traditions of New Mexico.

Native American, Spanish, Mexican, and Anglo cultures will all be featured during year round events and performances—such as exhibits, shows, and festivals.

The economic impact that the center will have is also impressive. More than a hundred jobs will be created, and over a thousand artists will be invited to showcase and sell their work.

That is why Traditions! is so relevant. For our future to be as promising as our past has been successful, we need to keep alive the cultural traditions, history, and heritage of our state. This center not only contributes to the economy of our state—it also helps to preserve our history and spirit.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. POMEROY. Mr. Speaker, during the month of October, people across the nation will don purple ribbons in support of National Domestic Violence Awareness Month. As an effort to increase public awareness of a problem that causes anguish to so many, residents in my home state of North Dakota, as well as across the nation, will participate in myriad events, such as candlelight vigils, "Take Back the Night" rallies, and other educational demonstrations.

Domestic violence is one of our nation's most prevalent, yet misunderstood, tragedies. The North Dakota Council on Abused Women's Services recently released statistics concerning domestic violence and sexual assault in 1999 that should alarm us all. Last year, 5,821 incidents of domestic violence were reported to crisis intervention centers in North Dakota. These incidents involved 3,597 new victims. Among the victims, 95% were women, 37% were under the age of 30, and 2% were under the age of 18.

The North Dakota Council on Abused Women's Services also reported that at least 4,750 children were directly impacted by domestic violence incidents in 1999. This does not include the large number of unreported cases. Withdrawal, low self-esteem, nightmares, self-blame and aggression against peers, family members and property are just a few of the emotional and behavioral disturbances that children who witness violence at home display. These effects stay with a child ultimately influencing their educational, professional and personal life.

While commemorating this month of awareness, I am proud to also mark the sixth anniversary of one of the most important stands Congress has ever taken against domestic violence: The Violence Against Women Act (VAWA). Through programs that bolster prosecution of sexual assault and domestic violence, increase victim services, and step up education and prevention activities, VAWA has gone far to protect individuals from sexual offenses and domestic abuse. I am pleased to announce that through a bipartisan effort H.R. 1248, the Violence Against Women Act of 1999, of which I was an original co-sponsor, passed in the House of Representatives. This legislation reauthorizes VAWA programs for five more years allowing a number of federal grant programs intended to care for those affected by these tragic crimes to continue.

Domestic violence will not end until the nation as a whole unites in saying "no more!" Each time one person learns of a domestic violence situation and decides to turn her head she is, in effect, approving of the situation and allowing it to continue. As members of society we must become proactive and take a stand against this horrific situation.

H.R. 5474 AMENDING TITLE 38 TO PROVIDE COMPENSATION FOR VETERANS DISABLED BY TREATMENT OR VOCATIONAL REHABILITATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce an important piece of legislation. H.R. 5474 will allow veterans disabled by treatment or vocational rehabilitation to receive compensation from the day they were disabled while under VA care.

The occurrence of medical malpractice in which veterans are disabled while under Veterans Affairs' care is rare compared with the total number of veterans served every year. In 1997, the last year in which data was available, there were 826,846 inpatients treated and 32,640,000 outpatient visits at VA medical centers at a cost of $17.149 billion. There are 173 VA medical centers, more than 391 outpatient and outreach clinics, 131 nursing home care units and 39 domiciliaries.

Without this network of government run VA hospitals, clinics and nursing care units, many veterans would never receive the care available to them. However, it is clear that the care provided is not always of the highest quality. Worse than inadequate care are the instances in which veterans receive care that leaves them further disabled.

Since 1990, 9,597 administrative malpractice claims were filed by Veterans with VA and 2,134 were settled. The total amount paid in claims settled was nearly $1.73 million.

During the same time period, 2,064 veterans filed court claims against VA. 626 of these court claims were dismissed, the U.S. won 272, and plaintiffs won 129 court claims for a total of $65,858,110. 1,315 VA court claims were settled out of court by VA, in the amount of $253,464,632.

In 1958 Congress established Title 38, U.S.C. Sec. 1151, Benefits for Persons Disabled by Treatment or Vocational Rehabilitation. Along with Sec. 1151, Sec. 5110 of the same Title established the effective date of an award for disability incurred during treatment or vocational rehabilitation. These two sections ensured that veterans disabled by their treatment received compensation. This was the fair and right thing to do.

A close review of these sections reveals an inconsistency. While the U.S. Code allowed compensation for veterans disabled by treatment or vocational rehabilitation, it established an arbitrary cut off date of one year to deny individuals full compensation.

Individuals who are unable or not aware of this arbitrary application date for medical malpractice claims should not be denied full compensation for administrative reasons. Statutes of limitations like this are important for preserving the rights of individuals but the VA should be held to a different standard.

Veterans who prove that they were disabled while under the care of Veterans Affairs should be compensated from the day of their injury regardless of their date of application.

This bill will repeal U.S. Code Section 5110 which allows Veterans Affairs to avoid its responsibility to veterans it disables during treatment or vocational rehabilitation. H.R. 5474 also allows veterans who did not receive full and fair compensation from the date of their injury to receive this compensation upon enactment of this bill.

I urge my colleagues to end this unfair practice by cosponsoring H.R. 5474.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

SPEECH OF

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. COMBEST. Mr. Speaker, as the Chairman of the House Committee on Agriculture, which has primary jurisdiction over the Secure Rural Schools and Community Self-determination Act of 2000 (H.R. 2389), I rise on behalf of myself and Mr. STENHOLM, the ranking member of the committee, to explain the intent behind a number of provisions in the bill and how we expect these provisions to be carried out. We will address these roughly in the order in which they appear in the bill.

Sections 101(a), 102(a), 102(b) and 102(c) of Title I provide how payments to states and allocations to the counties within those states should be calculated and made under this Act. The intent behind these provisions is to ensure that each county's elective share of a state's full payment amount be based, to the extent practicable, on the county's historic percentage of the 25% payments received by the state during the eligibility period. Thus, if over the course of the eligibility period a county received 10% of the aggregate payments made to the state, that county would be allocated 10% of the amount calculated for the state under section 101(a) if the county elected to receive its full payment amount.

It is understood that there will be exceptions to this general rule based on the individual circumstances of states and counties. Congress has been careful to delegate the determination of each county's portion of a state's full payment amount to the state to accommodate these exceptions. It is expected, however, that such exceptions will be relatively rare and the reasons for them compelling.

Title II of the bill establishes a significant new role for counties and local stakeholders in federal land management decision-making. It is essential to explain several provisions in this Title to ensure that it is carried out in a way that will meet the intended policy objectives.

The overarching intent of Title II is to foster local creativity and innovation with regard to the projects that participating counties and resource advisory committees propose to the Secretary. This necessarily requires the Secretary concerned to flexibly construe the provisions in this title. It is understood that not every project proposed by resource advisory committees will succeed. It is expected, however, that participating counties and resource advisory committees be given every opportunity, within the parameters of existing law, to make their ideas work.

Section 202 establishes a general limitation on the use of project funds to ensure that such funds are used on projects that meet "resource objectives consistent with the purposes of this Title." This provision is further explained by subsection 203(c), which states that projects submitted to the Secretary under this title "shall be consistent with section 2(b)." Thus, projects conducted under Title II are permissible provided they meet the objectives identified in section 2(b).

A similar dynamic exists between sections 204(f) and 203(c). Section 204(f) requires that 50% of all Title II project funds be used for road maintenance, decommissioning or obliteration or for the restoration of streams and watersheds. It is expected that these requirements be construed to include a broad range of projects that are consistent with the requirements of section 2(b), as provided by section 203(c). For example, a forest thinning project that meets the requirements of section 2(b) would also meet the requirements of section 204(f) if its purpose were to restore the vegetation within a watershed to a more fire-resistant state.

Section 203(a)(1) provides that resource advisory committees must submit project proposals to the Secretary concerned "not later than September 30 for fiscal year 2001 and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006. This provision is reiterated in section 207(a). The relationship between the participating county and the resource advisory committee under these provisions is significant to the policy objectives that these provisions seek to achieve.

It is intended that the participating county and the resource advisory committee come to an agreement on the projects to be undertaken prior to submission of such projects to the Secretary concerned. It is for this reason that the date by which the county must elect whether to reserve project funds for Title II projects and the date by which the resource advisory committee must submit Title II project proposals to the Secretary concerned are identical.

It is expected that counties and resource advisory committees will come to an agreement on the projects that will be proposed to the Secretary concerned in advance of the September 30 deadline for each fiscal year. However, it is also understood that, in some cases, this deadline will not be met. It is for this reason that language has been included under section 207(b) allowing unobligated project funds from one fiscal year to be rolled over for use in the subsequent fiscal year. Thus, if agreement between the participating county and resource advisory committee is not reached by the conclusion of a fiscal year, the county may defer its election regarding the use of such funds to the subsequent fiscal year. A resource advisory committee may not, under any circumstance, propose a project to the Secretary concerned over the objection of the participating county.

Section 204(e)(3) establishes a pilot program for the implementation of projects involving merchantable material. The central concept tested in this pilot program, as identified in paragraph 3(A), is the use of separate contracts for the removal and sale of such material.

This provision purposely does not specify how merchantable material shall be handled or transported between removal and sale. This provides maximum flexibility to federal resource managers and private contractors to innovate in ways that will minimize costs and optimize efficiencies while meeting desirable resource management objectives. It is expected, for example, that federal managers will work with private contractors to develop creative ways to minimize transportation and other transactional costs associated with the contracts. It is also expected that implementation of the pilot program will not create market competition between the Secretary and the private sector in markets for the sale and use of merchantable materials.

It is intended that the Secretary concerned will implement this pilot program, to the extent practicable, on a voluntary basis. The Secretary should first include projects in the pilot that have been requested for inclusion by resource advisory committees. The Secretary

The annual percentage requirements provided under paragraph 3(B) requires only that a fixed percentage of all projects involving merchantable material be included in the pilot program for a given fiscal year. This provision is purposefully silent on the size and cost of projects to be included in the pilot. It is intended that the Secretary will, to the extent practicable, limit the pilot program to projects that are smaller in scope in order to test the premises of the pilot with minimal impact on other projects involving merchantable material carried out under Title II.

Paragraph 3(E) authorizes the Secretary concerned to use funds from any appropriated account, not to exceed $1 million annually, to administer projects under the pilot program. It is intended that the Secretary use this authority only to the extent that it does not reduce or otherwise interfere with program delivery within the accounts from which such funds are taken.

Section 204(e)(3)(E) requires the Comptroller General to review the pilot program and report to Congress on its effectiveness. It is intended that such report will be the basis for determining whether the pilot program should continue. Should the Comptroller General find that the program is not performing efficiently, that it is creating market competition between the government and the private sector, that is hindering the successful planning or implementation of projects, or that it is deterring resource advisory committees from proposing projects involving merchantable material, it is expected that the program will be terminated.

Section 205 establishes resource advisory committees to assist counties in the selection and proposal of projects under Title II and Title III. Because the success of each advisory committee will depend largely on the cooperation of its members, it is expected that the Secretary will appoint to resource advisory committees only individuals who have a demonstrated ability to work collaboratively with others of differing viewpoints and achieve good faith compromise. It is strictly contrary to the intent and purposes of this Act for the Secretary concerned to appoint to a resource advisory committee any individual who will likely act in a dilatory manner so as to impede the ability of the resource advisory committee to propose projects to the Secretary concerned or carry out any of its responsibilities as provided in this Act.

It is the intent of the House sponsors that members of resource advisory committees be selected from within local communities. Section 205(d)(4) provides that "the Secretary shall ensure local representation in each category" of membership within a resource advisory committee. It is expected that, with rare exception, members of resource advisory committees will be selected from among the residents of the eligible counties within which the committee will operate. The Secretary concerned should not appoint non-local individuals to resource advisory committees when local individuals who represent the same viewpoint or interest and meet the requirements for membership are available.

It is expected that the Secretary concerned will established a sufficient number of resource advisory committees to facilitate involvement and collaboration at the most local level possible. It would be inappropriate and contrary to the intent of this Act for the Secretary concerned to establish one resource advisory committee for an entire state. Rather, the Secretary concerned should establish resource advisory committees at the eligible county level to the extent practicable. The Secretary concerned may establish a resource advisory committee to serve more than one eligible county, where circumstances require it (for example, if several small counties border a single unit of the national forest system), but the Secretary concerned should exercise restraint in this regard and make every effort to establish the committee at the most local level possible.

Title III of the bill establishes a separate class of projects to that provided in Title II. Title III projects require approval by the participating county only to the extent that they do not involve management activities on federal lands that would normally be conducted by the Secretary concerned. It is understood and expected that some of the projects arising under Title III will involve activities on federal lands and require cooperation with and approval from the Secretary concerned. For example, fire prevention and county planning efforts provided under section 302(b)(5) may be conducted in cooperation with federal efforts to reduce wildfire risk in the wildland-urban interface. It would be appropriate in this case for a county to leverage county funds against federal funds allocated to do the project planning and NEPA analysis required for forest thinnings and other forms of vegetation management. This kind of cooperation would necessarily require approval from the Secretary concerned in addition to approval by the county for the use of county funds.

Finally, section 403 of Title IV provides that the Secretaries concerned may jointly issue regulations to carry out the purposes of this Act. It is not the intent of the House sponsors that regulations are necessary to carry out the provisions of this Act. However, they might be helpful in some cases. It would be contrary to congressional intent for the Secretary concerned to delay implementation of any provisions of this act because the Secretary has not completed a rule-making process addressing the implementation of such provision.

SENATE—*Wednesday, October 18, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10:01 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your omniscience confronts and then comforts us. We know that if we acknowledge Your involvement in the work of this Senate, that You are actually present in the Chamber, we will be accountable to You for what we say and how we say it and the methods we use to both block or boost progress. Your x-ray vision penetrates to reveal the human dynamics as we near the conclusion of this 106th Congress. You see our efforts to complete our work, while at the same time You also see the tensions over control, how we will look to the American people, and our desire to win arguments as well as votes. We harbor vague ideas about Your omniscience, but seldom think about the fact that You are as concerned about legislation and political process as You are about running the universe.

Lord, it is difficult to trust You to work out Your best for America in the midst of our divided ideologies. We need a fresh supply of faith to serve You by doing our work cooperatively, speaking the truth as we have come to understand it, blending the finest thinking we can produce with Your help, and then leaving the results to You.

Now in this moment of honest confrontation with You, we ask for Your help to do things Your way. We commit ourselves to excellence in our work and we trust the results to You. We truly believe that You desire to work out Your purposes for America through this Senate. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

ORDER OF PROCEDURE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Debate on the conference report will be limited to today's session, with final remarks to begin at approximately 3:30 p.m. Those Senators who have statements are encouraged to come to the floor as early as possible today due to the break for the weekly party conference meetings. The vote on the Agriculture appropriations conference report will occur at 5:30 p.m.

I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. HUTCHINSON). The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that following my brief remarks, the Senator from North Dakota, Mr. DORGAN, be recognized for 20 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CANONIZATION OF MOTHER KATHARINE DREXEL

Mr. REID. Mr. President, I am here today to pay tribute to the legacy of Mother Katharine Drexel, who on October 1, just a few weeks ago, became the fourth American ever to be canonized by the Vatican.

Katharine Drexel was born in 1859 into a very well-to-do family in Bucks County, PA. Early in life, though, she dedicated herself and her inheritance to work for social justice for African Americans and Native Americans.

Mother Drexel's legacy reflects more than simply her commitment to the Catholic faith, though her faith was the inspiration for her life's work. Her activism expanded into the area of civil rights due to her understanding of the lingering effects of racism towards African American and Native Americans.

Due to her commitment to eradicating the vestiges of racism, she founded the Blessed Sacrament for the Christian education of Native Americans and African Americans.

In addition, throughout her life, she founded over 100 educational institutions for African Americans and Native Americans.

The most famous school she founded is Xavier University in New Orleans. At the time, no Catholic university in the South accepted black students and Mother Drexel established Xavier University to fill this void.

Along with her sisters, Mother Drexel inherited close to $14 million. Mr. President, $14 million in 1860 was a lot of money. Through her support of civil rights organizations such as the NAACP, and her numerous foundation schools, Mother Drexel donated more than $20 million through her charitable work, a figure that in today's value exceeds a quarter of a billion dollars.

The excellent management of her inherited estate also earned her the reputation as an accomplished businesswoman. Thus her social justice work in the late 1800s and early 1900s also made her a woman's rights activist.

Although Mother Drexel passed away in 1955, her legacy continues today through the work of the Catholic order that she founded in 1891, an order that continues to carry out her vision of ending racial injustice.

It is my hope that we will all join in acknowledging the work of those who have dedicated themselves to working for the needs and concerns of all Americans. Nevada is home to both Native Americans and African Americans. I find it, therefore, especially appropriate that I speak today in spreading across the RECORD of this Senate the tremendous contribution and legacy of this great American, Mother Katharine Drexel.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TWO PRESIDENTIAL CANDIDATES

Mr. DORGAN. Mr. President, last evening I watched the Presidential debate, as I am sure many other Americans did as well. I was thinking, after the debate, that those who claim there is not a difference between these candidates, and not a choice in this election, just have not been listening. There is clearly a choice and a difference between the two Presidential candidates.

I happen to believe both are pretty good people. You don't get to the point where you achieve the nomination from your party for the Presidency of the United States without having some significant experience and talent. But there are vast differences in public policy. I want to talk just a little about this, and especially about one of the significant issues in this campaign: the proposals for tax cuts.

Governor Bush has proposed tax cuts that are somewhere in the vicinity of $1.5 trillion over the coming 10 years.

We have had a wonderful economy in recent years. This country has been blessed with economic opportunity and growth that is unprecedented. We have the strongest economy in the world. Virtually everything in our economy has been headed in the right direction. Unemployment has been down; inflation has been down; home ownership up. Virtually all of the indicators of economic health have been good. This economy has been heading in the right direction.

One factor in that health is that Congress made some choices early on; difficult choices, to be sure, but ones that helped put this economy back on track. I worry very much that, as some economists tell us there will be surpluses for the next 10 years, this rush to enact $1.5 trillion in tax cuts even before the surpluses exist could lead us to a much different economic place. If we take that path, and if we don't get the surpluses we expect, then we will begin to experience, once again, Federal budget deficits. We will be right back in the same dark hole of budget deficits and lower economic growth and more economic trouble.

I will read a couple of quotes.

> There is no cause for worry. The high tide of prosperity is going to continue.

September 1928, by Treasury Secretary Andrew Mellon.

> No Congress of the United States ever assembled on surveying the state of the Union has met a more pleasing prospect than that which appears at the present time.

December 4, 1928, President Calvin Coolidge.

Economic forecasting is a tricky business under the very best of circumstances. But it is particularly suspect in the political arena, when partisan agendas are at stake and when the forecasts purport to show whether someone's agenda can work or not work. We have two classes of forecasters, according to one economist: those who don't know, and those who don't know they don't know. We might want to add a third class of economist: those who don't know but don't care because they have an agenda to justify in the political arena with their forecasts.

The problem with economic forecasting is not just uncertainty around the edges. The problem goes to the very core of the endeavor. Most forecasting is simply linear; that is, it assumes that tomorrow will be pretty much like yesterday with just a little something added on. Of course, life is not linear. There are sudden lurches and jolts which none of us can anticipate. Yet forecasters always have a model they use that anticipates tomorrow will reflect the experience of yesterday.

If we start writing tax refund checks with money we don't yet have and return to the staggering deficits of recent times—a $290 billion deficit the year this administration took office 8 years ago—we will have a much less certain economic future. All of us should understand that.

The reason I want to talk about this is that it is at the core of the debate in the Presidential contest. The question for me is, Are we going to move forward and build on our economic success, or are we going to risk slipping back into big deficits?

How much budget surplus is there? We hear candidates talk about trillions, $3 trillion, $4 trillion, $4.5 trillion. I went to a high school with 40 kids in all four grades. My class was ninth. We didn't have a lot of advanced math. We never studied trillions, I confess. I am not sure I understand what a trillion is. I know how many zeros exist in a trillion, but I am not sure I, nor anyone else in this Chamber, knows exactly what a trillion is.

So we hear the Congressional Budget Office say, you have an estimated $4.6 trillion surplus in the coming 10 years. Then we hear candidates say, if we have all this surplus, let's propose a $1.5 trillion tax cut, most of which will go to the upper income folks, which I will talk about in a moment. The problem here is this: We may never have this surplus.

First of all, $2.4 trillion belongs to the Social Security trust fund. It has to go there and should not be touched by anyone for any other purpose. Another $360 billion goes to the Medicare trust fund. It ought to be put away and not touched for any other purpose. Realistic spending adjustments will be about $600 billion; we are making these right now to exceed the budget caps because the budget that was passed earlier this year was wildly unrealistic in terms of what is needed for education and health care and a range of other issues, just to keep pace with increased population needs. These figures, incidentally, are from the Center on Budget and Policy Priorities. This organization says that, if you also include amounts necessary for Social Security and Medicare solvency, which you are going to have to do, you have probably a $700 billion estimated surplus. That is if everything goes right—$700 billion, not $4.6 trillion.

Now, with this prospect, if you add a $1.5 trillion tax cut, what do you have left? Almost a $1 trillion deficit.

Should we be a bit cautious? Should we be concerned about talk of giving back taxes on a permanent basis based on surpluses that don't yet exist? The answer is yes. We would be, in my judgment, far better off if we decided to establish some basic principles for the use of any estimated surplus.

The priorities I think are these: First, we ought to pay down the Federal debt. Second, we ought to ensure the long-term solvency of Social Security and Medicare. Then we ought to address the urgent needs of this Nation, such as repairing our schools and making sure our kids are walking through classroom doors in the best schools in the world; and dealing with the prescription drug prices that are too high for many of our senior citizens to afford. Then we should provide targeted tax relief for working families.

There is a very big difference in the agenda of the candidates for President. Governor Bush says his priority is to provide a very large tax cut. The risk is that we won't have the money for a $1.5 trillion tax cut. The risk is that we may well go into a $1 trillion deficit because of that proposed tax cut. I hope that will not be the case; but it is certainly possible.

The problem with the tax cut itself is, even if you decided we should cut some taxes, the question is for whom and which taxes. Here is the proposed tax cut by Governor Bush. You can see the lowest 20 percent get $42 apiece a year, and the top 1 percent get $46,000 each.

In the debate last night, Governor Bush said: Well, of course, the wealthy, the upper income people get most of the tax cuts; they pay most of the taxes.

You can say that only if you are using a magnifying glass to suggest that the only taxes people pay are income taxes. I have a chart that shows something interesting. People pay $612 billion in payroll taxes in this country. Go to a convenience store somewhere. Maybe you will run into a person working in that convenience store for the minimum wage, working 40 hours a week, trying to raise two or three kids. They pay more in payroll taxes than they pay in income taxes. Yet that doesn't count, according to Governor Bush. All that counts is this: Let's give money back based on income taxes.

How about proposing a tax cut to the American people based on their real tax burden? Let me show you that burden. The fact is, 99 percent of the people in the bottom fifth income bracket in this country pay more in payroll taxes than they do in income taxes. As to the second fifth, 92 percent pay more in payroll taxes than they do in income taxes. Those folks work hard every day. They get a check that is less than their salary because money is taken out. Why is money taken out? For taxes. Which taxes? Payroll taxes as well as income taxes. Then they are told that when it comes to tax cuts, they don't count because we are going to give tax cuts based solely on who pays income taxes.

So the wealthiest get the biggest tax cuts. Is that fair to the people at the bottom of the economic ladder who work hard every day and who pay heavier payroll taxes than they do income taxes? The answer is absolutely not. That is another difference in philosophy.

There are people in this Chamber and people who are advisers to Governor Bush and others who believe that the proper approach to taxation is to tax work and exempt investment. That is their philosophy. Why? It is a typical political debate that has gone on for decades. Do you believe this economy works best by pouring something in at the top—that is called trickle down—or by nurturing something at the bottom, called percolate up? Do you believe America's economic engine works best if you just get some cans and pour it in the top? Or do you believe that if you give everybody at the bottom a little something to work with, that this economic engine works because things percolate up? It is a difference in philosophy.

Governor Bush believes, as do those who control the Congress, in the trickle-down approach.

I received a note from a North Dakotan one day, a farmer. He said: I have been living under this trickle-down stuff for 15 years, and I ain't even got damp yet.

Of course, Hubert Humphrey used to describe the trickle-down approach in his famous quote: That is where you give the horse some hay to eat, hoping that later the birds will have something to nibble on.

So we have this debate in the country. Who is right? It seems to me that if we are going to do this in a conservative, thoughtful way, we ought to decide the following: We don't know what the future holds. Let us hope the future is as wonderful as the last 6 or 8 years have been in terms of economic performance. Things are better in the country; everyone understands things are better.

You can stand on this floor and say, like the rooster taking credit for the sunup, that this person or that person should get the credit for the success of the economy. The fact is, we were headed in the wrong direction. This economy was in deep trouble. We had run up a $5.7 trillion in debt, and we had a $290 billion annual deficit in 1992. We were moving in the wrong direction very rapidly.

We in this Chamber, and over in the House—by one vote in each Chamber—passed a new economic plan. It was controversial as the dickens. It was not easy to vote for. In fact, let me read a couple of statements that were made at the time on the floor of the Senate. I will not read the authors, but we had people stand up on the floor of the Senate, and they had their own predictions regarding what this economic plan would be for our country.

On August 6, 1993, one of my colleagues stood up and said:

> So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country [with this plan].

Another Senator, another colleague, said:

> Make no mistake, these higher rates will cost jobs [in this plan of yours].

Another one said:

> When all is said and done, people will pay more taxes, the economy will create fewer jobs, government will spend more money, and the American people will be worse off.

Another said:

> It will flatten the economy.

That was at a time when we had an anemic economy, with slow growth, huge deficits, and moving in the wrong direction. And where are we in the year 1999 and the year 2000, after 8 years of that experience? We have an economy that is the envy of the world, growing faster than any other industrial economy in the world. Unemployment is down. More people are working. Welfare rolls are down. Inflation is down. Home ownership is up. Almost every indicator of economic health describes a country that is doing better. What should we do at this point? Some say give huge tax cuts, right now. Let's put them in law right now, lock them down.

If during good economic times you don't use the opportunity to pay down the Federal debt, you are never going to be able to pay down the debt. When you run up debt during tougher times, you ought to pay it down during better times. That is as conservative an ethic as you can have, it seems to me.

Why this Congress would not embrace that is beyond me. Why we would not agree together that it is our responsibility to pay down the debt during better times—what greater gift could there be to America's children than to unsaddle them from the debt, the $4.7 trillion that was added between 1980 and the late 1990s? What better gift could we give to them than to say our first job is to pay down this Federal debt? But, no, there is some political attractiveness, I guess, to say we want to give tax cuts. Gee, that is an easy thing to say, but it is not at this point a very responsible fiscal policy—especially when the largest portion of those cuts would go to the wealthiest Americans who have done the best in this economy.

It seems to me that tax cuts ought to come after the paydown of the debt and a number of other obligations. But second, when we do them—and we should if we have surpluses—we ought to do them based upon the burden the American families have in the workplace, which includes not just the income tax but also the payroll tax. Those are the things I think we ought to consider.

Now, the other issue in the debate last night was, whose side are you on? I know there is a difference between the two candidates. Let me say I am not here to say one candidate is bad and the other is good. That is not my role. My role is to say there is a very significant difference in what they believe and how they approach public policy. I think on the key issues the American people ought to evaluate these matters that were before this Congress.

A Patients' Bill of Rights: Who is on whose side on the Patients' Bill of Rights? Does anybody really believe that with the growth of the HMOs and managed care organizations that patients are just fine; let them fend for themselves? Or do people really understand it is time to do something to pass a Patients' Bill of Rights? And if they believe we ought to, why has this Congress not been willing to do it? I will tell you why: because too many in this Congress stand with the insurance companies and the managed care organizations, and too few have been willing to stand on the side of patients.

We have heard story after story of people who have had to fight cancer and fight their HMOs at the same time. These stories have been told on the floor of this Senate. I will state again that at one hearing I held on this issue with my colleague from Nevada, a woman stood up and held a picture of her son. She began crying as she described her son's death on his 16th birthday. Her son suffered from leukemia and desperately needed a special kind of treatment in order to have a chance to live. But he had to fight his cancer and fight his managed care organization at the same time because the managed care organization withheld that treatment. She said her son looked up at him from his bedside and said: Mom, how can they do this to a kid like me?

It is not fair to have a child or have parents fight cancer and the insurance company at the same time. That is not a fair fight. Should we pass a Patients' Bill of Rights? Yes, we should. It is what Vice President GORE said last evening. It is what we said in this Congress. Why don't we do it? Because too many stand on the side of the bigger economic interests and are unwilling to stand on the side of patients.

They say the Senate passed a Patients' Bill of Rights. No, the Senate passed a "patients' bill of goods." It was like playing charades, pulling on your ear and saying: It sounds like. Those who wrote it knew what they were doing. Republicans in the House of Representatives say it not only is not worth anything, it is a giant step backwards. The Republicans in the House who support the bipartisan Dingell-Norwood bill know what we ought to do, and this Senate has been unwilling to do it.

Minimum wage: We have people every day who are working their hearts out trying to take care of their families at the bottom of the economic ladder. Somehow, while this Congress is in a rush to help those at the top of the income ladder with tax cuts, these folks who are working at the bottom of the economic ladder, trying to get ahead, are left behind. They deserve an increase in the minimum wage. They deserve to keep pace. It ought to be a priority in this Congress to say work matters and we value you. If you are struggling to work and take care of your families—good for you. We want to do something to make sure you keep pace with that minimum wage.

Other issues include prescription drugs and Medicare. Of course we ought to add a prescription drug benefit to Medicare, but this Congress does not seem to want to get there.

Helping family farmers: You can't say you are pro family and not stand for family farmers.

Education: We have not even passed the Elementary and Secondary Education Act.

We have a lot to do. There are big differences between the political parties. That doesn't mean one is good and one is bad. It simply means there are significant policy choices the American people have an opportunity to make. We have been struggling mightily on these issues. We are a minority on my side of the aisle. The debate last night highlighted some of the differences. And America needs to make a choice. Which path do they want to choose? One with more risk that might upset this economy of ours and throw us back into the same deficit ditch we were in before, or one that is more cautious, that says one of our priorities is to pay down the debt? Or will we choose a course that says we want to stand with the American people against the larger economic interests?

It is not a myth that the economic interests are getting bigger and bigger. Open the paper today and see who merged today. Yesterday it was two big oil companies. Tomorrow it will be two big banks. Every day the economic enterprises are getting bigger. And what is happening is every day the American people are finding they have less power in dealing with them, they have less power in confronting the prescription drug prices because the pharmaceutical manufacturers decide what the prices are, and they tell the American people: Pay up. If you don't like it, don't buy it. And they will charge ten times more for a cancer drug in the United States than the same drug they sell in Canada.

The American people need some help in confronting these concentrations of economic power. That is what we have been fighting for. My hope is that the next time someone says there is no difference in these campaigns, there is no difference between the two candidates for President, no difference between the Republican and Democrats, I hope they look at the record. There is a big difference. I hope they make a choice that says that difference matters in their lives, as well.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

> A conference report to accompany H.R. 4461, an act making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for fiscal year ending September 30th, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

CAPITAL PUNISHMENT

Mr. TORRICELLI. Mr. President, for nearly 200 years from the founding of our Republic, capital punishment has loomed as the ultimate punishment for the violation of our laws. This reflected a belief that such a severe penalty would serve as a deterrent to those who might think they can take an innocent life or bring injury to our people.

While this Nation has always believed that capital punishment is an appropriate penalty for those who commit the most heinous of crimes, our criminal justice system has also been based on the premise that it is better—and it has been part of American lore to suggest that it is better that ten guilty men go free than an innocent man ever be put behind bars or lose his life.

This is all the more true when what is at stake is not just putting a person in prison—an act that could be rectified or proven wrong—but the irretrievable taking of a human life. As long as there has been the American Republic, this has been a founding belief: Taking of a life, if it can deter a crime, but protecting a mistake of justice.

Throughout our history, concerns have been raised about the fair application of the death penalty for exactly this concern.

Almost 30 years ago, the Supreme Court, in Furham v. Georgia, effectively abolished the death penalty when it decided that death penalty statutes at the time did too little to ensure the equal application of the law. In doing so, the Court held that the death penalty, while itself not necessarily unconstitutional, was often being applied in a manner that was both arbitrary and too severe for the crime committed. As such, it constituted, as the death penalty was then applied, that it was a "cruel and unusual" punishment under the Constitution.

Just 4 years later, in 1976, the Court, in its Gregg decision, reinstated the death penalty when it ruled that the newly enacted statutes in Florida, Texas, and Georgia were constitutional. By providing guidelines to assist the judge and the jury in deciding whether to impose death, those statutes addressed the arbitrariness that had previously colored capital sentencing.

It was at this point in my life that I reached my own decision. I agreed with the Court in what had become the tenets of American history—that the death penalty was fair and appropriate as a deterrent to crime; it was just when the application of the American Constitution, as the Court had held, where it was arbitrary, where there were not guidelines, where there was not a safety to protect the innocent or arbitrariness of penalty, it was unconstitutional.

As the Court had found by 1976, I believed that with the right guidelines, a second jury, oversight, appeal, fair representation, the death penalty was right and it was appropriate.

In the nearly 25 years since I reached my own judgment, and indeed as our country reached its decision, 666 people have been executed across the Nation.

I rise today to bring attention to the point that in those 25 years, more than 80 people on death row have been found to be innocent and released. Some were hours, minutes, weeks away from their own execution.

These were not reversals on technical grounds. For the people whose convictions were overturned, after years of confinement, years on death row, it was discovered they simply were not guilty of a crime for which they had been convicted.

The Death Penalty Information Center reports that between 1973 and October 1993 there were an average of 2.5 convicted persons released per year. Since the advent of DNA testing, the number has increased to 4.8 people per year. For any American, particularly someone such as myself who supports the death penalty, believes in the fairness of the death penalty, one can only imagine the responsibility individually and collectively we must feel.

The question is begged; If this has happened since DNA testing, 4.8 people released from jail on death row, my God, what has happened in recent decades? How many people were strapped to gurneys, had their wrists attached to leather strips in electric chairs, knowing in their own minds that they were innocent but executed? My God, what must they have thought of our society, justice, and our people?

There are now 3,600 people on State and Federal death rows.

Despite my own support of the death penalty and our society's general belief in it, we must face the reality that those 3,600 people some may be innocent. The events of recent months give little comfort to any of us who support the death penalty.

Two weeks ago, the Governor of Virginia was forced to pardon a mentally retarded man who spent 9½ years on death row for rape and murder after DNA tests proved he was innocent—9½ years awaiting death.

An inmate in Texas served 12 years on death row for the killing of a police officer before a film maker stumbled across his case and discovered evidence that established his innocence. An Illinois inmate was released just 50 hours before his scheduled execution because a student's journalism class at Northwestern University accepted his case as a class project and established with certainty his innocence—50 hours before his death.

The evidence, both academic and anecdotal, shows that the death penalty is not functioning as it must to ensure that innocent people not be put to death.

What has happened to the conviction of the Founding Fathers and Jefferson's admonition that it is better 10 guilty men go free than an innocent man go to jail? It has not been "an innocent man go to jail," but the evidence is overwhelming that some innocent men are going to death.

It is not an easy issue. I am not here to ascribe the responsibility to others. I bear it, too. Through all my public life I have supported the death penalty, and I do not abandon it today. I believe it can be fair; I believe it can be just; and I believe it deters crime. I believe it is appropriate that society take the lives of those who would take the lives of others. But something is wrong.

The fact is that sometimes these people committed other crimes, and most of the people who commit these crimes who are put to death are guilty. None of those things matter. It doesn't matter if it is only 1 in 100. It doesn't matter if it is 1 in 1,000. As a just and fair society, no one can feel right about the fact that obviously without question some innocent people may be put to death or, if not put to death, are spending years of their lives on death row for crimes they did not commit.

Nowhere is this problem more evident than the State of Texas. I do not say that because its Governor is a Presidential candidate or because of the other party. I don't care. It has no relevance to me. I ascribe nothing to George W. Bush. I am simply discussing the facts in the State for which this problem appears to be most prevalent.

Since 1982, Texas has executed 231 people—and, in fairness, under both Republican and Democrat Governors, to take away any partisan motive.

This year alone, 33 people have been put to death in Texas. Another 446 are on death row.

Because of the frequency of executions in Texas, that State offers us the best window through which to examine some of these concerns because in doing so, it quickly becomes clear that if the death penalty in Texas is representative of the rest of the Nation, we have a real problem.

In a massive study of 131 executions in the State of Texas, it is documented that there were widespread and systematic flaws in trials and in the appeals process.

In a third of the Texas death penalty cases, the defendant was represented by an attorney who had already been disbarred.

How in God's name is it possible in a just and fair society to take a man's life or a woman's life in an American court of justice if that poor person, who is probably inevitably indigent, is represented by an attorney who has been proven to be incapable and is disbarred before the courts of the United States?

My God, what kind of people have we become? Are we so interested in revenge, execution, and punishment of a man or woman that we would not give them a competent attorney? Several of these attorneys have themselves been convicted of felonies. Others have been jailed on contempt charges for sheer incompetence in the performance of their duties.

The Supreme Court has held—and the Founding Fathers must have believed—that any man or woman who shares our citizenship has a right to counsel before the courts and a defense before the Government with their own attorney.

Is this the standard they held? Is this the standard that every American would have for themselves—the right to an attorney who was disbarred, jailed, held in contempt, or found incompetent? Is this the barrier between an accusation against an American citizen and their execution?

In one-third of the death penalty cases in the State of Texas, defense counsel presented no evidence or presented only one witness during the sentencing phase.

When I made my decision in my life as our country made its judgment to support the death penalty, it was based on the Supreme Court requirement that there be a sentencing phase in the death penalty and a separate jury dealing just with the penalty of death.

I think that is right. I think that is fair. That is why I support the death penalty.

But now we find in the State of Texas that when that separate jury heard the case, these attorneys for these indigent men and women facing death presented no witnesses—or just one.

This cannot possibly be what the Supreme Court envisioned for the protection of our citizens from execution.

At least 23 cases featured notoriously unreliable "hair comparisons"—visual matching of the defendant's hair to that found at the crime scene.

This is unbelievable, but I am giving you the facts about this study of Texas cases.

One hair "expert" in a capital case with a man facing death was temporarily released from a psychiatric ward to testify. Another "expert" in a hair identification case pleaded no contest to multiple charges of falsifying and manufacturing evidence. There is the lone witness in a case that decides whether or not a man would be executed.

Since 1995, the highest criminal appeals court of the State of Texas has affirmed 270 capital convictions, including some where the defendants' lawyers were asleep during trial. But in those 270 cases, new trials were granted on only 8 occasions.

I do not think that I am suggesting to the Senate today an unreasonably high standard. But is it not appropriate at a minimum that in any case where a man or a woman is facing execution and the State is taking their lives, regardless of the evidence, that defense counsel should be awake during the trial? Where the evidence clearly establishes that the trial attorney is asleep, as a matter of simple justice, without contradiction, a new trial should be granted—at least on the penalty of death, if not of guilt or innocence.

This same court of appeals upheld the conviction and sentencing of a Hispanic man who was sentenced to death after a psychiatrist testified that he was more likely to commit future acts of violence because of his ethnicity. A psychiatrist argues before a court in the United States of America that a man is more likely to commit a crime because of his ethnic origin, and a court in the United States of America hears this evidence without reversal. It is unimaginable.

The U.S. Supreme Court recently ordered a new sentencing hearing in that case because of the evidence.

How many cases get to the U.S. Supreme Court? How many others would have filed? How many others are silent? How many others never got attorneys?

As a result of such injustices, it is not unreasonable to conclude, as Bob Herbert did in a recent New York Times op-ed piece, that the death penalty in the State of Texas is nothing more than "legal lynching."

This is not the death penalty that I have supported most of my life. This is not what the Supreme Court had in mind when it issued its standards. My God, this is not what the Founding Fathers had in mind when they talked about equal justice before the law.

There is a place in the American judicial system for capital punishment. I have not changed my mind. Certain crimes are so offensive, so outrageous, they so violate the public consciousness that capital punishment is the only appropriate response. It is, however, a remedy so severe that it must be administered with the greatest care, the greatest reserve, with the highest possible standards of justice, in representation and review, against arbitrariness, against discrimination, ensuring guilt, fairness, and uniformity.

These cases in Texas—and while Texas may be the most egregious, it does not stand alone—simply do not make that standard.

Supporters of the death penalty, like myself and a majority of Americans, are concerned that innocent people have been, are, or will be executed. And it is not a theoretical problem, it is real. In fact, in a recent survey by CNN/USA Today, 80 percent of Americans surveyed now believe innocent people in the United States have been executed in the last 5 years. That is quite a statement for us to make about our own country, our own system of justice. It is imperative that we take the necessary steps to ensure that it never happens again.

Already we are seeing several States take the lead against just such a threat. The Governor of Illinois, a Republican, to whom I give great credit, troubled by the fact that a number of people on the State's death row had been found innocent, announced earlier this year that he would block all executions until it had been determined that the death penalty was being administered fairly and justly, and I applaud him.

Maryland's Governor recently ordered a 2-year study of racial bias and death penalty procedures in his State, and I applaud him.

The Governor of California recently signed into law a bill that would guarantee every convicted felon the right to have DNA evidence tested if it was related to the charges that led to his conviction. Good for California. But it should be good for every State in the Nation and for the United States of America.

Although the Federal Government is not the arbiter of most death row cases, as with most issues, it has a responsibility to set an example. While the Federal Government has not executed someone since 1963, it cannot be said that the Federal system is the best it can be.

This Government has an obligation to reform the death penalty to ensure that innocent people are protected and to ask the States to do the same. This, in my judgment, requires, at a minimum:

First, ensure that defendants in capital cases have competent legal representation at every stage of the case. At every stage, there should be a lawyer who is trained, experienced, and has the ability to ensure, not just for the protection of the defendant but of the society, that we are not taking the life of an innocent person. I do not want just that defense for the defendant; I want that defense for me as an American, to know I am not responsible for the taking of the life of an innocent person.

Second, provide defendants with access to DNA testing. If science has given us the ability to know with certainty whether a person is innocent or guilty, I want that evidence known before a person is executed, no matter what stage, no matter how many trials, no matter how many appeals. I want to know before execution whether that DNA evidence has been made available. States are doing it, and this Government should do it, too.

I am a cosponsor of the Innocence Protection Act that was introduced by my distinguished colleague, Senator LEAHY of Vermont, to ensure that DNA evidence is provided, and I urge the Senate to consider it.

I recognize that all of my colleagues may not support the death penalty as I have supported it and continue to support it, but as a matter of conscience, in fidelity with our founding principles, in a belief in all of our sense of fairness and equal protection before the law, for the reputation of our country, for confidence in our system of justice no matter how we may divide on the question of the death penalty, surely on this we can be of one voice and clearly we can demand no less.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ENDING THE 106TH CONGRESS

Mr. GRAMM. Mr. President, today I want to talk about a series of issues that are related to the final things with which we have to deal in ending this Congress. It is not a long list, but it is a list of things that are important. I hope my colleagues will indulge me while I talk about these issues.

I read this morning in the New York Times, under the headline "Leaders in Congress Agree to Debt Relief for Poor Nations," that an agreement has been worked out on debt relief. I want to make it clear that I am not part of any such agreement. I hope an agreement will be worked out, and I would like to be part of an agreement. But I am not part of any agreement today.

It is important, since so much has been said and written on this issue, that someone on the other side stand up and explain what this issue is about, why it is important, and why people all over America ought to be concerned about it and be concerned that it be done right.

I remind my colleagues and those who might be listening to this discussion that routinely in America people borrow money and are required to repay it. Where I am from, College Station, TX, it is a pretty hard sell to talk about forgiving billions of dollars of debt to countries that borrowed money from us and, in too many cases, simply squandered or stole it, and now they do not want to repay it. They riot, they protest, they demand, but those things do not work in College Station, TX. In College Station, TX, when you borrow money from the bank or finance company or from your brother-in-law, you are expected to pay it back.

Let me make it clear that I am not here to make the most negative case that can be made about debt forgiveness. The flip side of the coin is that many of these countries are desperately poor, and much of this debt can never be repaid. So the debate I want to engage in today is not against debt relief, as hard a sell as that is back home—and I am willing to make that sale or try to—but I am not willing to support debt relief unless we are going to have some reforms to assure that the money is not wasted.

I remind my colleagues, while we talk about debt relief, we are actually appropriating over $450 million because we are paying off this debt. Our money was lent and was largely squandered, and now it is going to be used to pay off this debt.

So, I am concerned because of the lack of accountability in how the money is being spent. Any Member of Congress knows this is an issue in which a great deal of interest has been taken.

I had a group of holy people come to my office the other day to lobby for this debt forgiveness. I do not think since Constantine the Great called his ecumenical council in Nicaea has there been a larger gathering of holy people in one place than the people who came to see me about supporting debt forgiveness.

And let me quickly add that everybody who came was well intentioned. Their hearts were in the right place. But the problem is not with our hearts; the problem is with our heads. Obviously, in this 2000th year of Christianity—this 2000th year of the birth of Christ—there is a movement all over the world to try to help the poor. But the question is, In forgiving this debt, are we really assuring that the money that we are giving is getting through to the people we are trying to help? And I think that is basically where the problem lies.

Let me now talk about a couple of examples that illustrates this problem. I want to read from four newspaper articles that outline a story, in my opinion, of how this debt forgiveness is abused and how our taxpayer ends up holding the bag.

The first story is from Africa News, July 23, 2000, and is from Kampala, Uganda—one of the initial countries targeted for debt relief.

> In March Parliament there approved the direct procurement of a new 12-seat presidential Gulf Stream GIV Special Performance SP jet at a cost of $31.5 million. Aviation experts said that the final cost of the plane could well be $47 million.
>
> The current presidential jet is a 9-seater Gulf Stream III acquired just a few years ago.

Now, from the August 2, 2000, issue of the Financial Times in London, I quote:

> The Group of Seven leading industrialized countries is pressing the Organization for Economic Cooperation and Development to stop export credits being used to help poor countries buy arms and other "nonproductive" items.
>
> Although the OECD cannot impose binding rules, the U.S. and Britain, leaders of the G7 initiative, believe "naming and shaming" dubious policies could create pressure to get them changed and prevent poor countries from squandering debt relief.

This article is from August 2, and on July 23 we learned that the Ugandan President has bought a new $47 million plane for his use. And we are naming and shaming, along with the British in the Financial Times.

And now on September 13, 2000, in Africa News, Kampala:

> The Paris Club of creditor countries yesterday cancelled $145 million of Uganda's debt under the Highly Indebted Poor Countries (HIPC) initiative.
>
> Tuesday's Paris Club announcement brings Uganda's total debt relief from the lending countries so far to $656 million. Uganda has also received $1.3 billion debt relief pledges from the IMF and World Bank in debt relief over the next 25 years.

So on July 23, which turns out to be the day that debt forgiveness was announced for Uganda, the President of Uganda buys himself a new $47 million luxury jet. And on August 2 we are naming and shaming people who are abusing debt forgiveness dollars that come from American taxpayers. And then on September 13 it is announced that we have forgiven this debt, raising the total to $656 million for Uganda, the same country whose President on the day the debt forgiveness package was announced ordered a $47 million jet.

Now, the final quote on this point is from the Wall Street Journal, dated October 12, 2000:

> On the day that Uganda qualified for debt forgiveness under the Clinton initiative, the president of that struggling African nation signed a $32 million lease-purchase agreement for a brand-new Gulf Stream jet.

It goes on to say that we have been assured by the administration that he got a pretty good buy on the jet.

Now, I ask my colleagues, when we are talking about this debt forgiveness, should we be forgiving debt with the idea that it is going to help poor people in Uganda when the President of Uganda, on the day the debt relief is announced, buys a $47 million jet? Maybe you can go to College Station and sell that, but I cannot. And I am not going to.

Let me go to the next point. All of the people who have written or called me, launched letters and sent calls and prayers and e-mails on this issue, say: We are trying to help people in these poor countries; don't stand in the way; forgive this debt, which I remind my colleagues means appropriating money to pay off the debt on their behalf.

The next country I want to talk about is Chad. This is a country that is next on the list to receive debt forgiveness. The argument is that by forgiving Chad's debt, we are going to help poor people who live there. But let me read from this year's U.S. State Department "Report on Human Rights Violations" in Chad, a country that the administration is pressuring us to appropriate tax money for so he can forgive their debt. This is from the State Department issued under the name of the Secretary of State, who was appointed by President Clinton, not by me. This is what she says about Chad, a country on the list of countries that would receive debt forgiveness if we provide this $450 million. I quote:

> The security forces—

This is in Chad—

> continue to commit serious human rights abuses. State security forces continue to commit extrajudicial killings. They torture, beat, abuse and rape.

Now, I ask my colleagues—and I ask public opinion—does it make sense for us to appropriate $450 million to forgive debt to a country when our own State Department, headed by the Secretary appointed by the same President who champions this debt forgiveness, tells us, "State security forces continue to commit extrajudicial killings; they torture, beat, abuse, and rape"?

Maybe you can go to College Station or Little Rock or Jackson Hole, WY, and sell that. I cannot.

What we are facing is this: Based on good intentions, we want to forgive this debt, but what happens when there is clear and convincing evidence that the proceeds of the debt forgiveness are going to buy luxury jets for Government officials? And in Chad, remember that the ordinary citizens there did not borrow this money, this was a loan to the Government. So are we going to forgive debts to a government that, according to our very own State Department, continues to murder, brutalize, and rape its own people? I don't think so.

Having said all of that, what is the solution to this problem? It seems to me that if this administration is serious about doing something other than what it believes will be good politics in this election, or something that will make us all feel good—forgiving all of this debt—what we have to do is try to replicate what happens in every American family when people have financial problems.

So, what happens in Arkansas, Texas or anywhere in America, when the bill collector comes knocking at the door? What happens is that families get together around the kitchen table, they get out a pencil and try to figure out on the back of an envelope how much they are making and how much they are spending. They get out their credit cards, they get out the butcher knife, and they cut up their credit cards, and they try to reorganize. They change their habits and their behavior.

It seems to me, when we are talking about forgiving billions of dollars of debt to governments—these loans were made to governments, not to people—when we are forgiving that debt, we have a right—in fact, I would say an obligation—to see that that debt forgiveness benefits the people who live in that country. These countries are not poor because of this debt. They are poor because they have oppressive governments, because they have economic policies that do not work, because they are denied freedom. The sad story is that if we forgive this debt, and we do not demand real reforms, nothing will change. This great opportunity to do something good for poor people in the world will be lost.

In trying to work with the administration—and I would have to say that, in theory, there is a lot of agreement with the administration—but when it comes time to put the requirements into place, that is where we cannot seem to work this issue out. The administration does not contradict its own State Department report on rampant human rights abuses. But when we're trying to set requirements for getting this debt forgiveness, that is where the administration says no.

I have tried to reduce the requirements that I think the conscience of the Senate should require to some very simple things. And I just ask people who might be listening to what I am saying to ask yourself: Are these unreasonable requirements in return for billions of dollars of taxpayer money?

Let me remind my colleagues, I know there is a drunkenness that has come from this big surplus. Never in my political career have I seen money squandered as it is in our Government this very minute, even as I am speaking right now. It is frightening to me. But even in this moment of a huge surplus, surely everybody realizes and remembers that, for every dollar we get, every dollar we spend, somebody worked hard to earn that money.

I believe that money ought to be respected. So in return for billions of dollars of the American taxpayers' money, here are the conditions to which I have asked the administration to agree.

No. 1, we cannot forgive debt for a country that we find in our most recent human rights evaluation engages in a gross violation of human rights against its own people. In other words, what we would say to the government of Chad is: If you want this debt forgiven, then you have to quit killing, abusing, and raping your people. And if you do not do that, we are not going to forgive the debt. That is condition No. 1.

I do not view that as unreasonable. Quite frankly, I would be ashamed to have my name affixed on a voting list to the forgiveness of this debt if we gave it to murderers, thugs, and rapists.

The second condition has to do with the fact that these countries are poor because they are basically practicing socialism. They deny property rights and economic freedom, and, as a result, they are poor.

We sometimes get the idea that because socialism does not work economically, that it is dying. But socialism works politically, which is why it is alive all over the world and why it is debated in Washington, DC.

Now, here are three economic conditions that, at a minimum, I believe we need. First of all, if countries are going to take our money, they should be required to open their markets to meet the requirements of the World Trade Organization so that we have an opportunity to sell American goods in their economy, and so that their workers have a right to buy goods competitively, instead of being forced to buy expensive, inferior goods from a government-run monopoly.

We have one of the most open economies in the world. We are the richest, freest, happiest people in this world. Asking those who are getting debt relief to do something that will help them is, I think, something that is required. It is something that must be done.

Secondly, they would be required to set up a series of benchmarks, not just on opening up their economy, but also in those countries where government dominates the market, where huge numbers of people work for the government, and, in essence, the government runs everything, we would require, in return for the loan forgiveness, that they set up benchmarks for phasing out subsidies to these government-run enterprises.

The third requirement is simply that in printing their financial and government records on how much money they are spending, how much they are taking in in taxes, how much they are borrowing, that we have transparency so that we and investors can know what is going on in the country and so that we can see whether they are taking actions that will actually improve the life of their people. And that would include transparency in their financial institutions and their banks.

What this would say is, we do not forgive money until these conditions are in place. And if at any point along the way countries do not live up to these commitments, then we stop the debt forgiveness.

Some people think these are outrageous conditions. But I just simply go back to College Station. When you have a line of credit with a bank, and you have told them you are using this line of credit to invest in your restaurant, and it turns out you bought a car for private use, they cut off your line of credit. When you do not tell the truth, you end up losing your line of credit.

So I just want to urge, publicly, the administration to help Congress put together a program that will take this debt forgiveness and put it to work to help ordinary working people. If we do not do something like this, we are going to end up seeing this money spent on jet planes for government leaders; we are going to see the benefits of debt forgiveness go to the leadership elite; and 10 or 15 years from now, when these same countries have the same debt crisis, we will have someone like President Clinton who will be arguing that we could just fix all this if we just forgive this debt.

I am willing to go along with the debt forgiveness. I am willing to go home and try to explain to people why these governments are treated better than citizens here are treated if I know the money is not going to be squandered or stolen or used to abuse the very people we are trying to help. But I intend to fight—and fight hard—to see that we do not take billions of dollars from American taxpayers to give to buy fancy airplanes for government officials, and that we do not use it to basically subsidize corruption and the abuse of the very people we are trying to help.

AMNESTY

Mr. GRAMM. Mr. President, a second topic I rise to talk briefly about is the issue of amnesty. The White House sent a letter dated October 12, 2000 to Congress which in many ways is one of the most extraordinary letters I have ever seen a President send to Congress. This letter, basically says the President will veto the Commerce-Justice-State appropriations bill unless we grant amnesty to people who have violated our laws by coming to this country illegally. In other words, the President is threatening that he will veto a bill that funds DEA—the Drug Enforcement Administration—the FBI, the Federal prison system, our system of criminal and civil justice, he will veto that bill unless we in Congress grant amnesty to people who have broken the law by coming to the United States of America illegally.

It is one thing for the President, functioning under the Constitution, to say: You have your idea about how much money should be spent. I have my idea. I don't think you are spending enough. That is what the President is saying every day. The President is threatening to veto appropriation after appropriation because he doesn't think we are spending enough. We are spending faster than we have ever spent since Lyndon Johnson was President of the United States, yet we are not spending enough money to suit President Clinton.

You can argue that he is wrong, that it is dangerous, that one of the reasons the stock market is in shock today is this runaway Federal spending that endangers our economy and our prosperity, but it is a legitimate issue to be debating on an appropriations bill, how much money we spend.

The President just happens to be wrong—dangerously wrong, in my opinion—and I am not going to support him. But that is one thing.

But to say that unless we pass a law that has nothing to do with spending money, that forgives lawbreakers who came into this country illegally, he is going to veto a bill that funds the FBI, the DEA, and the criminal justice system is an outrageous assertion of Presidential power. Our President has been so successful in manipulating the Congress, he has forgotten that we have a separation of powers in America. He is going to get reminded in this debate.

I don't want to get too deeply into the amnesty issue, but I will say a couple things about it. First of all, as the Presiding Officer knows, as anyone in the Senate knows, if there has been one Member who has been a champion of legal immigration, it is I. I have stood on the floor many times arguing for letting people with a desire to work hard, with talent, genius, creativity, and big dreams into America and to let them come legally. I am proud of the fact that my wife's grandfather came to America as an indentured laborer to work in the sugarcane fields in Hawaii.

I have spoken previously, on this issue at great length. One of the most successful employees I ever had was a young man named Rohit Kumar. The Senate was debating an increase in the quota for legal immigration, if I remember correctly. I talked about the Kumars. His daddy is a research doctor. His mama is a physician. His uncle is an engineer, an architect. The point I made was, America needs more Kumars.

I am sure when you are talking about amnesty, there are going to be those who will say this has something to do with being against foreigners. Well, I don't believe America is full. I was the cosponsor of the H-1B program that will let 200,000 highly skilled technical people—most of them in graduate school in America right now, being funded by our taxpayers—stay temporarily to help us keep the economy strong. But I draw the line on illegal immigration. I draw the line when it comes to breaking the laws of this country.

I believe if we keep granting amnesty to people who came to the country illegally, we are in essence putting up a neon sign on all of our borders saying: Violate our law; come into the country illegally. Then we will later pass laws making it all right and you will be able to stay.

I am not for that. I am adamantly opposed to it. Millions of people today are on waiting lists to come to America legally. They are often the wives or husbands of people who have come here and become permanent resident aliens. I am in favor of family unification where someone has come here, they are self-sustaining, they haven't received public assistance within a year, and they show the financial ability to take care of their spouse and children. I say let them come to America. But I draw the line on illegal immigration.

We have somewhere between 5 and 7 million people who have come to America illegally. When we passed the immigration bill in 1986, we granted amnesty to people who were here illegally. That was supposed to be it. Yet now the Clinton administration says they are going to shut down the DEA and FBI and the criminal justice system unless we grant amnesty to more people. We are getting this sort of bait and switch, for which the administration is famous.

I am sure you have heard the argument. There is a claim that there were some aliens here in 1986 who claim they were unfairly denied amnesty and we should now go back and let them qualify. These are the facts: Most didn't qualify for amnesty because the original law, which was going to be the first and last amnesty ever granted to lawbreakers in American history—that was the commitment made here on the floor of the Senate—was for people who could document that they resided here prior to 1982. Now the Clinton administration is saying there were people here when we passed amnesty, who did not get amnesty, and that is unfair, and let's do it for everyone here prior to 1986. I suppose then we can do it up to 1996. We can do this rolling amnesty which, again, simply puts a neon sign along our border which says: Violate America's law; come here illegally.

I don't know what the President is going to do. Maybe he is going to veto Commerce-Justice-State. Maybe he is going to try to shut down the DEA and the FBI, and maybe he is going to try to find somebody to blame. Let me give him a name: PHIL GRAMM.

It may well be that the President can pass this amnesty provision. It may very well be that he has the political power to force us to grant amnesty to lawbreakers in return for funding Commerce-State-Justice. I want to go on record here and say, I will not make it easy. Any conference report that comes up that has amnesty in it, I am going to offer motions to postpone, to delay, and attempt to force cloture. That is going to take 3 days. Then we are going to have 30 hours of debate, which is going to take another day and a half. Then you are going to do cloture on the conference report itself, and that is going to take another 3 days. Then we are going to have 30 hours of debate on that conference report which is going to take another day.

Bill Clinton is the one moving to New York or Arkansas—I guess the location to be determined by the outcome of the election. I am not going anywhere. I am going to be here next year. Amnesty may pass. We may basically say: Forget about American laws. You come here, violate them; we will just forget it. But it is not going to pass without determined resistance.

I want my colleagues to know that when we are sitting here on election day and there is an effort to pass amnesty, it is not as if people hadn't been told that this was going to be resisted. This is profoundly wrong. This is dangerous for the future of our country. It needs to be stopped.

MEDICARE GIVE-BACK

Mr. GRAMM. Mr. President, I had the responsibility in working with the distinguished chairman of the Finance Committee to try to work out our differences with the House on the Medicare give-back.

We passed a bill in 1997 that was aimed at trying to balance the budget and trying to save Medicare. We succeeded in balancing the budget. We have been in the process since that day of trying to undo everything we did. We have put together a package that costs over $27 billion in Medicare give-backs. About half the package is totally deserved and desperately needed. About half the package in my opinion—I am speaking just for myself—represents things that are bad public policy, and it is being done for one simple reason: We have the money. Why not spend it?

I am not going to go down a long list. But let me give you one example—bad debt forgiveness.

Believe it or not, this bill has a provision that says to hospitals, if you don't collect your bad debt—remember, Medicaid pays for health care for poor people. We have two provisions of Medicare that provide taxpayer assistance above Medicaid for very marginal income people who are not poor but they have difficulty paying their bills.

When we are talking about bad debt, we are talking about bad-debt incurred by people who didn't qualify for Medicaid.

We have a provision in this bill where the taxpayer will simply come in and pick up 70 percent-plus of bad debt costs for hospitals. Collecting debt is difficult. Ask any retail merchant, or ask anybody who is in business in America. They will tell you it is hard to collect debt.

What do you think is going to happen when the taxpayer pays 70 percent of the debt that hospitals don't want to collect and that people do not want to pay? They are going to stop collecting. People are going to stop paying, and the taxpayer is going to pay.

To get to the bottom line on this issue, the President says: Look, you didn't spend enough money on the things I wanted it spent on, and I am going to veto this $27 billion give-back.

I hope the President does veto it. I think about half of it is justified. I think we could have done it for $15 billion, and could have done a reasonably good job.

But my own view is that if the President vetoes it—we are just moments now from an election. We are going to have a new President. My suggestion is, if the President vetoes this bill, that we simply wait until January for a new President—hopefully, someone who will be more responsible than this President—and we will take a very serious look at Medicare.

In this bill, with spending of $27 billion, we could not find one penny of savings to put in the bill. There is not one thing currently being done in America in health care, including a new scam by States where they simply overcharge the Federal Government and pocket part of the difference—we could not find one thing on which we could save money. I find that difficult to sell.

Finally, there was an article in today's Washington Post by David Broder. I don't always agree with David Broder, but I always think about what he has to say. I guess if you want to define a serious commentator and set it out in a column, you would have to put David Broder's name at the top of that list. You may not like what he says about you. You may not like what he says about your view. But he doesn't say anything that he doesn't think about. I admire that.

He points out today in an article that says "So Long, Surplus" that we are currently—this year—on the verge of spending $100 billion more than we said we would spend this year when we adopted the much touted Balanced Budget Act in 1997, which Bill Clinton signed. This wasn't just Congress, this was Congress and the President. We are on the verge of spending $100 billion this year more than we said we were going to spend.

I just want to say that someday people are going to ask: What happened to this surplus? They are going to ask: Why didn't we rebuild Medicare? Why didn't we rebuild Social Security by putting real assets into Social Security—not taking anything out of Social Security but putting real assets into Social Security—by taking this money and investing it in stocks, bonds, and real assets so we have something to pay benefits with in the future?

Someday someone is going to ask: What happened to that surplus? Why couldn't we, when tax rates were at the highest level in American history, have some tax relief for working families? Why did we have to keep forcing people to sell the farm or business in order to pay the Government a death tax? Why did we have to tax marriage and love in the marriage tax penalty?

Someday somebody is going to ask those questions. I just want to be on record saying I think it is outrageous that we are doing this. I think we need to stop doing this.

I read in the paper where the President said he is like the Buddha. He is like Buddha. He just sits and waits and waits, and Congress wants to go home, and the only way they are going to go home is to spend all of this money.

I repeat that I am not going anywhere. President Clinton's number of days as President is now short.

My point is that we have a right to say no. We have a right to say in education when we have spent every penny the President said he wanted but we want to let States decide how to spend the money—we want to give them the same money, but we want them to decide how to spend it, and President Clinton says: No. I am going to veto your bill because I want to tell States how to spend it.

I think we have an obligation to say no. If people need schools, they can take the money and build schools. If they need more teachers, they can take the money and hire more teachers. But if they need other things, they can take the money and do that, because they know their needs better than Bill Clinton.

But that is not what the President wants. We spent every penny he asked for—too much money, in my opinion. But he said he is going to veto that bill because we give the States the ability to decide what they need to spend the money on.

My answer to that is, let him veto it, and then we can pass a continuing resolution. Let's have an election. If people want to spend this surplus, if they want to spend it on program after program after program, if they want more government and less freedom, they know how to vote in this election. If you want the Government to spend more, and if you want this surplus to be spent on government programs, you know how to vote.

But we ought not to let Bill Clinton spend the money before the American people vote for more spending. First, I don't think they are going to do it; but, second, that is what elections are about.

I think we have to quit kowtowing to the President. If he wants to force us to stay here and pass these bills day after day after day, if I were running for reelection and were in a close race, I would go home and campaign. But for the 60-some-plus of us who are not up for reelection, let's just stay here in town. And if the President suddenly becomes reasonable, we will reach an agreement. But if he is going to play Budhha, to quote him, and sit there and see if it will work one more time—that is, if by threatening to hold us in session he can get us to spend more money than our budget and more money than his budget—he wants to see if it will work one more time, I want to say no. I think the American people would rejoice in it.

I am hopeful my fellow colleagues will come to the conclusion that the President is asking too high a price to see this session of Congress end. Too much money. Too much change in permanent law that does not represent the will of the American people. I think we need to say no. The sooner we say no, the sooner the President will come to his senses. And he will for a simple reason: He is not holding a strong hand here. He is the one moving off. We are not moving anywhere.

I think we can come to a compromise with the President, but I think we ought to be tired of being run over. I say we should not spend more money simply to get out of town. To do that would basically betray everything we claim to believe in and betrays the people who are going to pay our salary, whether we are in town or not.

I thank my colleagues for their indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAR CHOICES

Mr. THOMAS. Mr. President, I certainly join my friend from Texas. He spells out some things that are quite clear but obviously are not talked about very much.

I was listening earlier to my friend from North Dakota, who talked about the differences between the parties, between the Presidential candidates. Certainly there are differences. They talk about them being the same; they are not the same. I think there are some very clear philosophical choices to make.

Of course, that is why we are here. There is nothing unusual about having different points of view. Those points of view are very clear. Often we get involved in details and get bogged down in the choices in terms of direction and where we want to go, in terms of where we want the country to be in 10, 20, 50 years. That gets lost. They are the most important issues that we have.

One of them, in general terms is, what is the role of the Federal Government? How extensively does the Federal Government get involved in all the activities in our lives? What is the role of local government? Of course, most important is the role you and I, as individuals, have experienced over the past decade.

For nearly a decade, the idea was that whatever the problem was, it was up to the Federal Government to resolve it. Of course, much of that comes from politics. That is a great way to get votes. There is a saying: You can teach a person to fish and they always have a fish; give them a fish and you will always have his vote. That is the political aspect.

There are some great differences: whether we have higher taxes; whether we have less taxes; what we do with the surplus that exists now. I think one of the real key issues is the division of authority, the division of responsibility between local governments and the Federal Government, State governments, county governments. These are the issues I believe are extremely important. This is, after all, a "United" States, a union of States, that each constitutionally has some very clear responsibilities.

One of the issues that has been most interesting, and as the Senator from Texas pointed out, has caused us to have a slower resolve in this Congress than usual, is the idea that there will be a surplus, a $5 trillion surplus over the next 10 years, $1.8 of that being non-Social Security.

There are several plans. One is to clearly put the Social Security money in the Social Security lockbox so it is used for Social Security, so that people who look forward to benefits, particularly young people, will have some feeling that there will be benefits; they are entitled to those benefits. Of course, as the demographics change—and they do change very much. I think originally there were 20 people working for every one drawing benefits, and now it is three working for every one drawing benefits—there will have to be changes in Social Security.

There are proposals for raising taxes. That is unpopular and not a good idea, in my view. There is some talk about reducing benefits. Again, I don't think that is the solution. One view is to give an opportunity, a choice, particularly for young people, to have an opportunity to put a portion of the money they pay into their own account, to have it invested for the private sector and increase their return. Over a period of time, an increase in return from 2½ percent to 5½ percent is very significant. That is one view.

The opposite view is, no, we don't want to touch that. We are not going to touch Social Security. We don't want to change it. At the same time, we have had seven votes here about a lockbox and we have had resistance each time. There is a great deal of discussion and debate about philosophical differences in the approach.

We heard the candidates talk last night for the third time. Clearly, one point of view is to have a government health care program for everyone. I don't happen to agree with that. I think we talked about that. We tried to do that early on. We have seen the difficulties. So we ought to find an alternative solution. The alternative is to give people two choices to ensure health care, those particularly who cannot afford it. Those who want to have some choices are going to pay for them.

Similarly, with pharmaceuticals, an issue is to put it on every Medicare program, whether people really want it, whether people can afford it, as opposed to choices. There are real differences.

Taxes: Of course, we talked a great deal and will continue to talk about the idea of tax reduction, whether spending ought to be what we do with the surplus, which is basically the point of view of AL GORE—the largest spending since Lyndon Johnson and his proposals—or, on the other hand, we ought to take a look at being sure we fund and finance those things that are there. We do education; we do Medicare; we do pharmaceuticals. When we are through with that, there will still be substantial amounts of money. It ought to go back to the people; it belongs to them; they paid in the money. We hear talk about it going to 1 percent of the population. The fact is, the 1 percent would be paying a higher percentage of the total taxes than they are now. I don't think there is much of an argument that people are entitled to some return.

The marriage penalty tax: Why should two married people pay more taxes, earning the same amount of money as when they were single, collectively? That is wrong. It was vetoed.

Estate tax: People spend their lives putting together estates, farms, ranches, businesses. It is not a question of not paying taxes. Capital gains taxes are paid on the increased value of those estates. But the idea that death should trigger a 52-percent tax on an estate that is already being taxed is a choice.

Those are different directions we take. I certainly agree with the idea that there are choices and there will be choices in this election, whether it be the Presidential election, whether it be the congressional election. And I hope each of us, as we exercise our responsibility as citizens in a government of the people and for the people and by the people, will take a look at those choices. Often it is difficult when we get off on a very specific issue and overlook the general direction and philosophy we want to take. That, it seems to me, is one of the most important things we have before the Senate.

I hope we can move forward and do our work. We have an obligation to do that and do it as quickly as we can. Certainly we want to stay here until we have completed the work in the manner in which we think it should be completed. The idea that we continue to stall, will continue to hold up appropriations bills so they can be joined with things that are unrelated, seems wrong to me.

I hope we move forward. More than anything as we move through this very important election cycle, I hope each of us takes a look at the direction we believe we should move toward. Should we have more Federal Government, more spending, more taxes? Should we have a Federal Government that deals with those essential items and funds them properly, reduces taxes so we don't have excess amounts of money here, returns to local and State governments the kinds of responsibilities they have and, more importantly than that, returns to individuals the choices they can make in their lives and avoid having the Federal Government become the decisionmaker for each of them.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President; I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR ARMS REDUCTION

Mr. DORGAN. Mr. President, as we near the end of this Congress, one of the profound disappointments for me and for a number of others serving in the Senate is the inattention paid to the issue of arms control, especially the issue of nuclear arms reduction.

As we debate a range of public policy issues in this country during the campaigns for the House and the Senate and the Presidency, we will hear a lot about health care, education, taxes, and economic growth, but we hear almost nothing about the issue of nuclear arms reduction.

It is important to understand what kind of nuclear weapons exist in our world and why nuclear arms reductions are important for us, our children, and our future.

The nuclear arsenal in this world totals about 32,000 nuclear weapons—32,000 nuclear weapons. The Russians have about 20,000 of them, many of them tactical nuclear weapons, some strategic. The United States has about 10,500 nuclear weapons. France, China, Israel, the United Kingdom, India, Pakistan also have nuclear weapons. We know India and Pakistan have a few nuclear weapons because they have exploded those nuclear weapons right under each other's chin by their borders. These are countries that do not like each other, and they have tested nuclear weapons recently, much to the consternation of the rest of the world.

We have a nuclear arsenal in this world that is frightening. What does this mean, 32,000 nuclear weapons? Let me put it in some perspective. The bomb that was dropped on Hiroshima killed 100,000 people. The bomb was named "Little Boy." It was 15 kilotons. It was 6,500 times more effective and more efficient, as they say—only people who are involved in this could use that word, I suppose—than ordinary high-explosive bombs.

The amount of nuclear weapons that exist today in this world is equivalent to 1 million Hiroshima bombs. Think of that. The bomb that was dropped on Hiroshima killed 100,000 people. We have the equivalent of 1 million of those bombs among the countries that possess nuclear weapons.

It is hard for anyone to understand fully what this means. The world's nuclear arsenal today has a total yield of about 15 billion tons of TNT. That is equivalent to the power of 1 million Hiroshima-type bombs.

This Congress has done very little on the issue of arms control and arms reduction. It took a giant step backward, in my judgment, in the debate over the Comprehensive Nuclear Test-Ban Treaty. A little over one year ago, on October 13, 1999, this Senate rejected ratification of the Comprehensive Nuclear Test-Ban Treaty. The Senate did not hold hearings for 2 years on that issue. Then there were 2 days of hearings cobbled together quickly, and then the Comprehensive Nuclear Test-Ban Treaty was brought before the Senate. There were 2½ days of floor debate, and then it was defeated.

I guess it was defeated by those who say they do not want us involved in the Comprehensive Nuclear Test-Ban Treaty. However, 160 other countries have already signed the treaty. It was interesting. Just before the vote a year ago, Mr. Blair, Mr. Chirac, and Mr. Schroeder from England, France, and Germany, wrote the following in an op-ed piece that was rather unprecedented, published in the Washington Post:

> Failure to ratify the CTBT will be a failure in our struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty . . . would be undermined. Disarmament negotiations would suffer.

This is from three of our closest allies. Their point was we have this struggle to stop the proliferation of nuclear weapons. Who else will gain possession of nuclear weapons? Many want them. Can we stop the spread of nuclear weapons and stop the spread of delivery vehicles for those nuclear weapons? It is a question this Congress needs to answer. Regrettably, when it voted on the Comprehensive Nuclear Test-Ban Treaty, it answered no; that is not the priority.

I wonder how many of our colleagues are aware of an incident that occurred December 3, 1997, in the dark hours of the early morning in the Barents Sea off the coast of Norway. That morning of December 3, 1997, several Russian ballistic missile submarines surfaced in the cold water and prepared to fire SS-20 missiles. SS-20 missiles have the capability of carrying 10 nuclear warheads. They travel 5,000 miles—far enough to reach the United States from the Barents Sea.

On that morning, those Russian submarines surfaced and launched 20 ballistic missiles. Roaring skyward, they rose to 30,000 feet. They were tracked by our space command in NORAD, and at 30,000 feet, all of those Russian missiles exploded.

Why did those Russian missiles explode? Those missiles did not have nuclear warheads on them. Those missiles were not part of a Russian missile attack on the United States. In fact, seven American weapons inspectors were there, watching from a ship a few miles away as the Russian missiles were launched. These self-destruct launches were a quick and a cheap way for the Russians to destroy submarine-launched missiles that they were required to destroy under the START I arms control treaty they have with the United States.

What an interesting thing to see, the firing of missiles to destroy them—no, not to terrorize or attack an enemy, but to destroy the missiles because arms control agreements require that the missiles be destroyed.

With consent, I hold up a piece of metal that comes from a Backfire bomber. This is from a wing strut on an old Soviet Union—now Russian—bomber called the Backfire bomber. This bomber would fly in this world carrying nuclear weapons from the cold war with the United States, threatening our country. How would I have the piece of a wing strut of a Russian Backfire bomber? Did we shoot it down? No, we did not shoot this bomber down. I would like to show a picture of what we did with this bomber. This is the Backfire bomber. As you can see, we cut it in half. Why are we cutting up Russian bombers? Because our arms control agreements require a reduction in nuclear arms and vehicles to deliver nuclear weapons.

I have here ground up copper wire from a Typhoon Russian submarine. This used to be wiring on a Russian submarine that would stealthily move under the waters of this world with missiles and multiple warheads, nuclear warheads aimed at the United States of America. How is it that I hold in my hand copper wire from a Typhoon-class Russian submarine? Did we sink that submarine? Did we attack it and sink it and destroy it? No. What happened to the Typhoon submarine was it was brought to a shipyard, under the arms control agreement, and it was chopped up. I do not have a picture of what was left of it when this was brought to drydock and destroyed, but the fact is we cut these weapons systems up as part of our arms control agreements.

This is what the submarine looks like in drydock as it is being destroyed.

In the Ukraine, there is a little spot where you can travel and see some sunflowers growing. Do you know what used to be where the sunflowers now exist? A Russian missile with multiple nuclear warheads aimed at the United States of America. The missile is now gone. Under arms control agreements, it was pulled out and destroyed because our agreements with the Russians require that to happen. Where there was once a missile aimed at the United States of America, there is now a field of sunflowers. What a wonderful metaphor for progress.

I raise all these issues simply to say we have made significant progress in arms control and arms reduction, but not nearly as much as we must. Here is a chart of some of the examples of what we have done: 5,314 nuclear warheads have been removed, 507 ICBMs, 65 silos, 15 ballistic missile submarines, and 62 heavy long range bombers are gone—because we, through what is called the Nunn-Lugar program, have provided taxpayer funding to destroy the weapons that existed in the old Soviet Union, and now in Russia, to say, in concert with our agreements, we will reduce nuclear weapons. We have reduced nuclear weapons and they have reduced nuclear weapons. It makes a lot more sense to destroy these airplanes, missiles and warheads before they are used in hostile actions. It makes a lot more sense to destroy them by arms control agreements and arms reduction agreements. That is exactly what has been happening.

Going back to the chart I put up, despite all the progress and all the reductions in nuclear arms, here is what is left. It is troublesome because there are a lot of countries that want to get into these arsenals, especially this one. There are a lot of countries, a lot of people, a lot of terrorist groups that want to grab hold of a nuclear weapon here or there, and have nuclear capability for themselves. That is very dangerous. That makes for a very dangerous world and a very dangerous future.

Some days ago we witnessed a cowardly terrorist act of a couple of people in a boat, pulling up by the side of an American Navy ship, the U.S.S. *Cole*, creating an explosion that took the life of many of our young sailors who were serving their country. I indicated before, I send my thoughts and prayers to all of those families who are now grieving the loss of their loved ones. They should know the service and dedication of their loved ones in serving this country is something a grateful nation will never forget.

But it is a dangerous world. The attack on the Cole reminds us again that there are those who want to commit acts of terrorism. It is a dangerous world. What if that small boat had contained a nuclear weapon? Don't you think those terrorists would love to get their hands on a nuclear weapon? Of course they would.

There are many countries that do not yet have the capability of building nuclear weapons that desperately want it. They are struggling, even now, to try to get their hands on the arsenal, and on the mechanics and capabilities of making a nuclear weapon. We must understand how dangerous it will be for our future and for our children if we do not make arms reduction, and the development of new agreements and new treaties to stop the proliferation of nuclear weapons job No. 1; we must understand how dangerous that is for our future.

This Congress, as I indicated, decided it would not support the Comprehensive Nuclear Test-Ban Treaty. Lord only knows why they would make that decision. It is beyond me. The test ban treaty has formally been ratified by 66 states, signed by 160 states. The major holdouts, incidentally, are the U.S., China, India, Pakistan, and North Korea. Six countries have signed the Comprehensive Nuclear Test-Ban Treaty and 14 have ratified it since our vote to turn it down last October. All of the NATO states, all of our NATO allies, have ratified the Comprehensive Nuclear Test-Ban Treaty except the United States.

We are told by the critics that we not only should threaten our arms reduction agreements, including START I and START II, and the prospect of a Start III, we should also threaten all our arms control agreements—including the anti-ballistic missile agreement, which is so important, the center pole of the tent on arms reduction—we should threaten all of those for the sake of building a national missile defense program. We should threaten all of those for the sake of defeating the Comprehensive Nuclear Test-Ban Treaty.

It is interesting that this country has already decided of its own volition we will not test nuclear weapons. We decided 7 years ago we would not test nuclear weapons. So we have unilaterally said we will not test nuclear weapons, but we are then the country that says we will refuse to ratify the Comprehensive Nuclear Test-Ban Treaty. That is not a step forward; that is a huge step backwards.

I cannot describe my disappointment at a Congress that turns down the Comprehensive Nuclear Test-Ban Treaty and the responsibility that should come with this country considering the nuclear weapons it has. I cannot describe how profound my disappointment is. We have a responsibility to provide leadership. It is our responsibility. We are the world's leader in this area. We must say that we and our allies and all other countries must work every day, all day, to make sure the spread of nuclear weapons stops; to make sure those who want to achieve the capability of making nuclear weapons will not be able to achieve that capability. We must do that. That is our responsibility. It is on our watch.

We have a Senate that turns down a Comprehensive Nuclear Test-Ban Treaty but says: Let us build a national missile defense no matter what it costs; let's build a national missile defense system no matter what its consequences to our relationship with others in the nuclear club; let's build a national missile defense system no matter what it does to our arms control agreements. Build it, just build it; all the other things are irrelevant, they say.

I disagree with that. We have a lot of threats to which this country must respond. Some of them are nuclear threats. Some of them are nuclear threats that result from a rogue state acquiring a ballistic missile, and attaching to that missile a nuclear warhead, and aiming it at the United States. That truly is a threat. However, it is one of the least likely threats, I might suggest, and all experts have suggested that as well.

The most likely threat, by far, is not to have a rogue nation acquire an intercontinental ballistic missile and fire it at the United States with a nuclear warhead; the most likely threat, by far, is for a rogue nation or a terrorist group to achieve some sort of suitcase nuclear bomb and plant it in the trunk of a rusty Yugo car, set that car on a dock in New York City, and hold the city hostage. That has nothing to do with an intercontinental ballistic missile.

Far more likely is a small glass vial of deadly biological or chemical agents that can kill 100 million people. Or far more likely, in my judgment—if the threat is a missile threat—is from a cruise missile, not an intercontinental ballistic missile. A cruise missile, which would be more readily available, is a missile which travels at 500 feet above the ground at 500 miles an hour, roughly, and is not detectable or defensible from a national missile defense system once it is built.

So we have our colleagues who turn down the Comprehensive Nuclear Test-Ban Treaty and then say, by the way, we want to build a national missile defense system, and it will protect against one small sliver of the threat, and almost all the rest of the threat will be unresolved because we have spent all the money on this one small sliver, which is the least likely threat.

If the attack on the U.S.S. *Cole* teaches us—and it should —it ought to teach us that the more likely threat to this country is a terrorist threat by two people on a boat or by someone driving a rental truck that is filled with a fertilizer bomb, as happened in Oklahoma City, or dozens of other approaches in which terrorists, or others, use their skill to try to wreak havoc through terrorist acts.

My hope is that while this Congress seems oblivious to the value of arms control and arms reductions, we will at least have some kind of a discussion in this campaign going on in this country about how we feel, as Members of Congress and as Presidential candidates, about our responsibility to provide leadership to reduce the stockpile of nuclear arms and reduce the threat of nuclear war, and especially to stop the spread of nuclear weapons to those who want them but do not yet have them.

What is our leadership responsibility? Some say: It is not our job. Not now. Not us. It is not time. I do not agree with that. We are kind of waltzing along as a country. Everything seems pretty good. The economy is doing pretty well.

We have a great deal of uncertainty in the world. We have a country such as Russia with 20,000 nuclear weapons. We have a lot of others that aspire to get access to the delivery vehicles and to nuclear weapons. We have terrorist groups who are in terrorist training camps, as I speak, who would love to acquire small, low-yield nuclear weapons. We have command and control issues in Russia on both strategic and tactical nuclear weapons. Yet there is almost no discussion here in this Chamber—almost no discussion in the Senate—about these issues.

To the extent there is discussion, it is discussion with a set of very special blinders, saying: Let's do the following. Let's build a national missile defense system. And let's build it now. And notwithstanding the consequences, we don't care what it costs, and we don't care what its consequences might be with respect to arms control agreements that now exist.

That is not, in my judgment, the best of what we ought to be doing for future generations. It is our responsibility to lead on the issue of arms reduction and arms control. It is our responsibility to say to the world that 20,000 nuclear weapons in the Russian stockpile is too much, and 10,500 nuclear weapons in our stockpile is too much, and we need to begin systematic reduction.

We know what does not work, and we know what does work. What does work is the Nunn-Lugar program, in which this country engages in treaties and, with the verification of those treaties, helps pay for the systematic destruction of nuclear weapons and delivery systems for those nuclear weapons. We know that works. We have been doing it now for several years.

I held in my hand, as I said earlier, a part of a Russian bomber wing. We did not shoot it down, we sawed it up. I held something from a nuclear submarine. We did not sink it, we dismantled it. One day, on the floor of the Senate, I held a hinge from an ICBM silo that was located in the Ukraine. I had that metal hinge not because we destroyed that silo with a nuclear weapon but because we sent bulldozers and heavy equipment over there and took the silo out. What a remarkable success. Nunn-Lugar, that is what the program is called; Republican-Democrat; LUGAR a Republican, Nunn a Democrat. Nunn-Lugar: These two people provided leadership in the Senate saying, this is the program we ought to have to try to steer an area of arms reductions compliance with treaties that actually reduce the nuclear threat.

But it is just a step. It is just a step in what ought to be a journey for us, a long journey, but one we must stick to and must reflect as a priority for our country.

So I just wanted to come, as we finish this session of Congress, to say I have been profoundly disappointed that in this Congress we have made no progress on the issue of stopping the spread of nuclear weapons. We have a requirement to provide the leadership in this world on that issue. We have made no progress on the two major issues: The Comprehensive Nuclear Test-Ban Treaty, we took a huge step backward in terms of our world leadership responsibilities; and, second, on the issue of national missile defense, we have sent a signal to others that our arms control agreements really do not matter very much. That is, in my judgment, exactly the wrong signal to be sending.

I heard the Senator from Texas, my colleague, Mr. GRAMM, talk about another issue. I can't do his Texas twang, but he said: I am going to be here next year. Well, he is. I am going to be here next year as well. We have terms in the Senate. I was elected by my State to come and serve my State's interests here in the Senate and serve the interests of this country. I am going to be here.

It is my intention, with whatever strength I have, to try to provide some constructive leadership, with my colleagues, to say: This country has a significant responsibility to address the issue of stopping the spread of nuclear weapons. To the extent that we don't care much about it, don't do much about it, don't discuss it, don't talk about it, don't debate it, in my judgment, our country's future is severely injured.

I hope that as we turn the corner and come to January and swear in the 107th Congress, the issue of arms control and arms reductions—dealing with the stopping of the spread of nuclear weapons and the proliferation of both nuclear weapons and delivery vehicles for them—can become part of a significant debate in Congress because all Members of Congress will understand our responsibility and its importance.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—UNANIMOUS CONSENT AGREEMENT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar. They will consist of Nos. 20 through 53.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; all committee provisos, reservations, understandings, declarations be considered and agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that the clerk report each treaty by title prior to the vote on each treaty, and further I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, which the clerk will report.

TREATY WITH MEXICO ON DELIMITATION OF CONTINENTAL SHELF

The resolution of ratification was read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico Beyond 200 Nautical Miles, signed at Washington on June 9, 2000 (Treaty Doc. 106-39), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

PROTOCOL AMENDING THE 1950 CONSULAR CONVENTION WITH IRELAND

The resolution of ratification was read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998 (Treaty Doc. 106-43), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INTER-AMERICAN CONVENTION ON SERVING CRIMINAL SENTENCES ABROAD

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Serving Criminal Sentences Abroad, done in Managua, Nicaragua, on June 9, 1993, signed on behalf of the United States at the Organization of American States Headquarters in Washington on January 10, 1995 (Treaty Doc. 104-35), subject to the conditions of subsections (a) and (b).

(a) The advice and consent of the Senate is subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—With respect to Article V, paragraph 7, the United States of America will require that whenever one of its nationals is to be returned to the United States,

the sentencing state provide the United States with the documents specified in that paragraph in the English language, as well as the language of the sentencing state. The United States undertakes to furnish a translation of those documents into the language of the requesting state in like circumstances.

(2) UNDERSTANDING.—The United States of America understands that the consent requirements in Articles III, IV, V and VI are cumulative; that is, that each transfer of a sentenced person under this Convention shall require the concurrence of the sentencing state, the receiving state, and the prisoner, and that in the circumstances specified in Article V, paragraph 3, the approval of the state or province concerned shall also be required.

(b) The advice and consent of the Senate is subject to the following conditions, which are binding upon the President but not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(2) PROVISO.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH BELIZE FOR RETURN OF STOLEN VEHICLES

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996 (Treaty Doc. 105-54), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. BYRD. Mr. President, I ask unanimous consent that the division be shown by raising of hands rather than standing.

The PRESIDING OFFICER. Without objection, it is so ordered.

A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH COSTA RICA ON RETURN OF VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999 (Treaty Doc. 106-40), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH DOMINICAN REPUBLIC FOR THE RETURN OF STOLEN OR EMBEZZLED VEHICLES

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996 (Treaty Doc. 106-7), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH GUATEMALA FOR RETURN OF STOLEN, ROBBED, EMBEZZLED OR APPROPRIATED VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a Related Exchange of Notes, signed at Guatemala City on October 6, 1997 (Treaty Doc. 105-58), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH PANAMA ON RETURN OF VEHICLES AND AIRCRAFT

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes, signed at Panama on June 6, 2000, and a related exchange of notes of July 25, 2000 (Treaty Doc. 106-44), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH AZERBAIJAN

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an Amendment to the Treaty set Forth in an Exchange of Diplomatic Notes Dated August 8, 2000, and August 25, 2000, (Treaty Doc. 106-47), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH BAHRAIN

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999 (Treaty Doc. 106-25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THOMAS. Mr. President, may I ask the Senator if it would be agreeable to having them read and voted on en bloc.

Mr. BYRD. I would object.

Mr. THOMAS. Very well.

INVESTMENT TREATY WITH BOLIVIA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998 (Treaty Doc. 106-26), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETAITON.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH CROATIA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Croatic Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996 (Treaty Doc. 106–29), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH EL SALVADOR

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999 (Treaty Doc. 106–28), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH HONDURAS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995 (Treaty Doc. 106–27), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH JORDAN

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997 (Treaty Doc. 106–30), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH LITHUANIA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106–42), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH MOZAMBIQUE

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, and a related exchange of letters, signed at Washington on December 1, 1998 (Treaty Doc. 106–31) subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INVESTMENT TREATY WITH UZBEKISTAN

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994 (Treaty Doc. 104–25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

PROTOCOL AMENDING INVESTMENT TREATY WITH PANAMA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 27, 1982, signed at Panama City on June 1, 2000, (Treaty Doc. 106–46).

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH CYPRUS ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed at Nicosia on December 20, 1999 (Treaty Doc. 106–35), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH EGYPT ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consider to the ratification of the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998 (Treaty Doc. 106–19), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United

States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability of all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production of distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH FRANCE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, with an Explanatory Note, signed at Paris on December 10, 1998 (Treaty Doc. 106–17), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH GREECE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 25, 1999 (Treaty Doc. 106–18), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on may 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH NIGERIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102-26), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senator's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH ROMANIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999 (Treaty Doc. 106-20), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty will please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH SOUTH AFRICA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 16, 1999 (Treaty Doc. 106-36), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH UKRAINE ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, signed at Kiev on July 22, 1998 (Treaty Doc. 106–16), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authorities, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INTER-AMERICAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS WITH RELATED OPTIONAL PROTOCOL

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Convention"), adopted at the Twenty-Second Regular Session of the Organization of American States ("OAS") General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Optional Protocol"), adopted at the Twenty-Third Regular Session of the OAS General Assembly meeting in Managua, Nicaragua, on June 11, 1993, both instruments signed on behalf of the United States at OAS Headquarters in Washington on January 10, 1995 (Treaty Doc. 105–25), subject to the understandings of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) IN GENERAL.—The United States understands that the Convention and Optional Protocol are not intended to replace, supersede, obviate or otherwise interfere with any other existing bilateral or multilateral treaties or conventions, including those that relate to mutual assistance in criminal matters.

(2) ARTICLE 25.—The United States understands that Article 25 of the Convention, which limits disclosure or use of information or evidence obtained under the Convention, shall no longer apply if such information or evidence is made public, in a manner consistent with Article 25, in the course of proceedings in the Requesting State.

(3) PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it may provide under the Convention and/or Optional Protocol so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Convention or the Optional Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING DROUGHT, PARTICULARLY IN AFRICA, WITH ANNEXES

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the United States Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, With Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994, (Treaty Doc. 104–29) (hereinafter, "The Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) FOREIGN ASSISTANCE.—The United States understands that, as a "developed country," pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the provision of any resource, including technology, to any "affected country," as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) FINANCIAL RESOURCES AND MECHANISM.—The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) UNITED STATES LAND MANAGEMENT.—The United States understands that it is a "developed country party" as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) LEGAL PROCESS FOR AMENDING THE CONVENTION.—In accordance with Article 34(4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) DISPUTE SETTLEMENT.—The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28(6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) CONSULTATIONS.—It is the sense of the Senate that the Executive Branch should consult with the Committee on Foreign Relations of the Senate about the possibility of United States participation in future negotiations concerning this Convention, and in particular, negotiation of any Protocols to this Convention.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) ADOPTION OF NO RESERVATION PROVISION.—It is the sense of the Senate that the "no reservations" provision contained in Article 37 of the Convention has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Convention should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—Two years after the date the Convention enters into force for the United States, and biennially thereafter, the Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a description of the programs in each affected country party designed to implement the Convention, including a list of community-based non-governmental organizations involved, a list of amounts of funding provided by the national government and each international donor country, and the projected date for full implementation of the national action program;

(ii) an assessment of the adequacy of each national action program (including the timeliness of program submittal), the degree to which the plan attempts to fully implement the Convention, the degree of involvements by all levels of government in implementation of the Convention, and the percentage of government revenues expended on implementation of the Convention;

(iii) a list of United States persons designated as independent experts pursuant to Article 24 of the Convention, and a description of the process for mailing such designations;

(iv) an identification of the specific benefits to the United States, as well as United States persons, (including United States exporters and other commercial enterprises), resulting from United States participation in the Convention;

(v) a detailed description of the staffing levels and budget of the Permanent Secretariat established pursuant to Article 23;

(vi) a breakdown of all direct and indirect United States contributions to the Permanent Secretariat, and a statement of the number of United States citizens who are staff members or contract employees of the Permanent Secretariat;

(vii) a list of affected party countries that have become developed countries, within the meaning of the Convention; and

(viii) for each affected party country, a discussion of results (including discussion of specific successes and failures) flowing from national action plans generated under the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

EXTRADITION TREATY WITH BELIZE

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000 (Treaty Doc. 106-38), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person extradited to Belize from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Belize by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

EXTRADITION TREATY WITH PARAGUAY

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998 (Treaty Doc. 106-4), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XV concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of Paraguay from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such surrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Paraguay by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

EXTRADITION TREATY WITH SOUTH AFRICA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106–24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

EXTRADITION TREATY WITH SRI LANKA

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington on September 30, 1999 (Treaty Doc. 106–34), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Democratic Socialist Republic of Sri Lanka from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Democratic Socialist Republic of Sri Lanka by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

INTERNATIONAL PLANT PROTECTION CONVENTION

The resolution of ratification was read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Plant Protection Convention (IPPC), Adopted at the Conference of the Food and Agriculture Organization (FAO) of the United Nations at Rome on November 17, 1997 (Treaty Doc. 106–23), referred to in this resolution of ratification as "the amended Convention," subject to the understandings of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the amended Convention and shall be binding on the President:

(1) RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS.—The United States understands that nothing in the amended Convention is to be interpreted in a manner inconsistent with, or alters the terms or effect of, the World Trade Organization Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) or other relevant international agreements.

(2) AUTHORITY TO TAKE MEASURES AGAINST PESTS.—The United States understands that nothing in the amended Convention limits the authority of the United States, consistent with the SPS Agreement, to take sanitary or phytosanitary measures against any pest to protect the environment or human, animal, or plant life or health.

(3) ARTICLE XX ("TECHNICAL ASSISTANCE").—The United States understands that the provisions of Article XX entail no binding obligation to appropriate funds for technical assistance.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—One year after the date the amended Convention enters into force for the United States, and annually thereafter for five years, the Secretary of Agriculture, in consultation with the Secretary of State, shall provide a report on Convention implementation to the Committee on Foreign Relations of the Senate setting forth at least the following:

(A) a discussion of the sanitary or phytosanitary standard-setting activities of the IPPC during the previous year;

(B) a discussion of the sanitary or phytosanitary standards under consideration or planned for consideration by the IPPC in the coming year;

(C) information about the budget of the IPPC in the previous fiscal year; and

(D) a list of countries which have ratified or accepted the amended Convention, including dates and related particulars.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the amended Convention requires

or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please raise their hand. (After a pause.) Those opposed will raise their hand.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THOMAS. I thank the Presiding Officer, the Senator from West Virginia, and the clerk.

By the way, just for information, these treaties were all approved by the Foreign Relations Committee on October 4 and 5.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, may I inquire as to whether it would be appropriate at this point to request to speak as in morning business for a period of time not to exceed 8 minutes.

The PRESIDING OFFICER. That would be appropriate.

Mr. BRYAN. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORM OF MEDICARE

Mr. BRYAN. Mr. President, I am now in my last days of serving the people of the State of Nevada as a U.S. Senator. It is a role in which I am proud and privileged to have had an opportunity to serve. I am also very proud of the opportunity I have had to serve as a member of the Finance Committee, the committee with jurisdiction over the Medicare program.

Having said that, I am greatly troubled by this body's failure to take action on several fronts as it relates to Medicare. I am disappointed that we failed to act on Medicare coverage for prescription drugs as well as the proposed payment changes in the so-called BBA relief bill, a piece of legislation that deals with provider payment enhancements to those services and companies that provide service to Medicare patients.

The impact of Medicare over the past 35 years cannot be overemphasized. Prior to enactment of Medicare in 1965, fewer than half the seniors in America had any kind of health care coverage at all. Today, as a result of Medicare's enactment, 99 percent do. As a result, health care for the Nation's seniors has been improved and the burden of health care costs for them has been greatly ameliorated. But a Medicare program without prescription drug coverage does not meet the promise we made to seniors in 1965.

In 1965, the Medicare program roughly paralleled what was available in the private sector. Today, as all of us know, prescription drugs play such a vital role, a greatly enhanced role in terms of our own Medicare treatment. We had a historic opportunity this year to fulfill the promise of Medicare and to guarantee access to comprehensive prescription drug coverage for Medicare beneficiaries. Yet we have squandered it.

There is no legitimate reason for the Republican leadership to have pushed meaningful prescription drug reform off for another year. The Finance Committee has spent the last 2 years considering prescription drugs. We have heard from experts on all sides of the issue. We have talked to our constituents. Many of us have worked diligently to put together legislation to provide a meaningful, comprehensive, affordable benefit for all Medicare beneficiaries. Yet the Finance Committee did not even hold a markup of a prescription drug benefit bill. By that I mean, for those who are not familiar with legislative language, we did not have the opportunity to vote on a Medicare bill in the Finance Committee, move it from the committee, and debate it on the floor.

I consider it a great tragedy that could have made a difference in the lives of our seniors. Our inaction will consign some 227,000 Medicare beneficiaries in my own State of Nevada and 39 million beneficiaries nationally to yet another year of spending an ever-increasing share of their fixed incomes on medically necessary drugs or trying to stretch their prescriptions by taking them every other day instead of every day or sharing them with spouses and friends or, worse, even going without.

We will be voting on the conference report to accompany the Agriculture appropriations bill this afternoon. The prescription drug importation provision is included in the conference report. I was pleased to join Senators DORGAN and JEFFORDS in their amendment in July. I believe this amendment is an important measure that can be helpful. There is no credible reason, no defensible basis that only drug manufacturers should be allowed to reimport prescription drugs.

A well defined reimportation program could help to make drugs more affordable for American consumers. The majority of our seniors are often faced with the difficult choice of paying extremely high prices at retail outlets or forgoing medically necessary prescription drugs because they simply do not have the financial resources to pay for them. However, the best designed reimportation provision is not a sufficient answer to the millions of Medicare beneficiaries who lack prescription drug coverage.

I hope my colleagues will not hide behind this provision when they are asked by their constituents why the Senate didn't approve a Medicare prescription drug benefit this year.

Moreover, the important provision has been altered by the Republican leadership such that it is extremely questionable whether it will actually meet the goal Senators DORGAN and JEFFORDS and others desired—that of lowered prices.

One very basic problem with the provision is that a "sunset" date was added so that the importation system would end 5 years after it goes into effect. In order to assure the safety of the drugs being imported, laboratory testing facilities would be required. Distribution systems would also clearly be needed. I have serious doubts that the private sector investment to carry out this program will materialize if it is known that the program will only be in operation for 5 years. Why spend the money to develop the infrastructure for such a short-lived program? There is also a serious labeling problem that gives manufacturers the ability to shut down the program.

It is unquestionably and undeniably wrong that American citizens pay the highest prices for prescription drugs—particularly when many of these drugs are developed on American soil, by American companies who are receiving enormous tax breaks, patent protections and the benefit of billions of NIH research dollars.

I have been hoping to offer a germane amendment to the Foreign Sales Corporation (FSC) legislation that would deny the export tax benefit to pharmaceutical manufacturers charging Americans at least 100 percent more than they charge foreign consumers for the same drug. This amendment, if I get the chance to offer it, and if approved, would have one of two positive effects for the American consumer and taxpayer: either, the price of prescription drugs would decrease, or if the manufacturer chooses to continue to exploit American consumers, at least the taxpayer would not be providing a tax benefit for doing so.

The prices of prescription drugs could also be lowered through the simple measure of providing more information to purchasers of prescription drugs. I introduced the Consumer Awareness of Market-Based Drug Prices Act of 2000 because purchasers today do not have any meaningful price information—and there is no way competition can work without information on prices. I believe in the free market, but we have to let it work. The availability of real market-based price information is critical to the ability of employers and insurers to negotiate lower prices for their employees and enrollees.

Under the current law, that information is denied to those who purchase prescription drugs on behalf of either their insureds or those who are part of their employee group.

Not only does the lack of price information keep prices artificially high, but it affects the Federal budget. Drug manufacturers have been able to manipulate the average wholesale price, which is a meaningless statistic, but it results in billions of dollars of Medicare overpayments.

My legislation would simply require the Secretary of HHS to make available to the public the market-based information on drug prices that she currently collects: the average manufacturer price for each drug, and the best price available in the market. These prices are already collected to implement the Medicaid prescription drug rebate system—so no new bureaucracy or administrative structures would be necessary. Legislation is necessary, however, because the Secretary is statutorily prohibited from disclosing this information.

Our legislation would simply lift that prohibition and make that information available.

A reimportation provision without the loopholes and the sunset provision could help to lower prices. There are also other ways to lower prices—by requiring manufacturers to treat American patients fairly if they want to receive generous tax benefits, and by disclosing prices—but we also must add an affordable, voluntary prescription drug benefit to the Medicare program. Anything less is an empty promise to our seniors who often go without much-needed drugs, or pay astronomical prices for them.

Earlier this year, I introduced the Medicare Outpatient Drug Act. Like the Vice President's proposal, this bill would provide prescription drugs as a defined, comprehensive and integral component of the Medicare program to ensure it is available and affordable for all beneficiaries.

The drug benefit must be a part of the Medicare program—if it is not, there is no guarantee to our seniors and those Medicare beneficiaries with disabilities that it will be available, no guarantee that is will be affordable, no guarantee that it will provide catastrophic protection, and no guarantee that it will be around the following year.

Only Medicare can ensure that it is guaranteed to be there, that it is affordable, that there is catastrophic protection, and that it will be there year after year.

The Democrats offer Medicare beneficiaries choices: the Medicare benefit is a voluntary one. If a person has drug coverage through an employer or some other source, he or she can keep that coverage. The beneficiary can choose to receive the drug benefit as a part of the traditional fee-for-service program, or through a managed care plan.

So there are three choices that are available here: either not to accept it, or to have either a fee-for-service program, or a managed care program.

The GOP proposal, in Congress, and as promoted by Governor Bush, gives the choices to the insurers. The insurer can choose whether or not to offer prescription drug coverage—there is no requirement. The insurer can choose the level of the deductible, and the amount of the coinsurance the beneficiary must pay for each prescription. The insurer can choose whether or not to offer catastrophic coverage. The insurer can choose to limit those drugs that are covered to a select few—either by limiting the diseases that qualify for treatment, or by limiting the number of prescriptions that may be filled each month. The insurer can choose to keep the benefit the same from year to year, or the insurer can choose to change the benefit each year or to discontinue coverage.

The Democrats have tried to pass a bill this year that would provide choices for beneficiaries, while our colleagues on the other side of the aisle have advocated a bill that would provide choices for insurers.

Given the cost of a prescription drug benefit, it is critical that we spend those federal dollars in a way that will ensure that the benefit and the choices are going to the Medicare beneficiaries—not to the insurers.

I am also deeply troubled by the way the majority leadership is allocating federal dollars in the "BBA-relief" bill. While members of the Finance Committee have not been allowed to participate in the development of this package, I understand that about $10 billion out of a total of $28 billion is to go to Medicare HMOs over the first 5 years. That is over one-third of the money in this package, when only 16 percent of Medicare beneficiaries are enrolled in Medicare HMOs.

The HMOs tell us that they need this level of funding to "stabilize" the market, and that without it they will have to withdraw from the program, or reduce benefits. But we know from the General Accounting Office that we are already overpaying the HMOs—by nearly $1,000 per enrollee.

And yet, our colleagues on the other side of the aisle are not requiring any accountability on the part of the managed care plans in exchange for this huge influx of funding. They don't require them to stay in the market, and they don't require them to commit to a benefit package.

Managed care plans should be provided a reasonable portion of the funds in this package. But the majority has provided funds for HMOs at the expense of reducing beneficiary cost-sharing for preventive benefits and outpatient visits, at the expense of expanding health options for legal immigrants, at the expense of patients with Lou Gehrig's disease, at the expense of uninsured children, and at the expense of persons with Alzheimer's disease.

This is too great an expense.

I have a letter signed by 23 senior groups opposing this large payment of funds to Medicare+Choice HMOs.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEADERSHIP COUNCIL
OF AGING ORGANIZATIONS,
Washington, DC, October 18, 2000.

Hon. RICHARD H. BRYAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRYAN: The undersigned organizations oppose the large payment of funds to Medicare+Choice HMOs rather than using these dollars to help Medicare beneficiaries in the proposed Medicare Balanced Budget Act (BBA). The pending leadership proposal reportedly spends about $10 billion on HMOs and only a small fraction on America's seniors.

The proposed restoration of funds to HMOs is out of balance with the rest of the bill. Currently less than 16 percent of beneficiaries are enrolled in HMOs, yet one-third of the funds go to these entities. The increase in funds is of particular concern since HMOs are not being held accountable for their participation in Medicare. The plans have not committed to maintaining their benefits or to staying in the program for any length of time. Additionally, the proposed increase flies in the face of the fact that independent experts, such as the General Accounting Office, have found that these plans currently are paid too much.

Earlier in the year, Congress's budget resolution committed to spending $40 billion on a new Medicare prescription drug benefit. This has not been done. And now rather than spend this $40 billion on direct beneficiary improvements, Republican leaders are proposing only a small fraction of the original amount promised for beneficiaries.

There are many other senior concerns that are being shortchanged by this legislation including those that relate to quality of care. The bill would not provide sufficient funding to address a number of serious problems Medicare beneficiaries and their families currently face. The priorities related to the balance of payments in this bill must be changed to assure that the group that Medicare is supposed to serve—America's seniors—receive their fair share of the funds.

Sincerely,

AFSCME Retirees.
American Association for International Aging.
American Federation of Teachers Program on Retirement and Retirees.
Association for Gerontology and Human Development in Historically Black Colleges and Universities.
Association of Jewish Aging Services.
Eldercare America.
Families USA.
Meals on Wheels Association of America.
National Academy of Elder Law Attorneys.
National Association of Area Agencies on Aging.
National Association of Foster Grandparent Program Directors.
National Association of Nutrition and Aging Services Programs.
National Association of Retired and Senior Volunteer Program Directors.
National Association of Retired Federal Employees.
National Association of Senior Companion Project Directors.
National Association of State Units on Aging.
National Caucus and Center on Black Aged.
National Committee to Preserve Social Security and Medicare.
National Council of Senior Citizens.
National Council on the Aging.
National Senior Citizens Law Center.
National Senior Service Corps Directors Associations.
OWL.

Mr. BRYAN. Mr. President, finally, let me conclude by saying that the administration has indicated the President may veto this legislation because of the heavy tilt toward managed care plans, the lack of accountability, and the lack of provisions that would directly help Medicare beneficiaries—our intended audience. I would support that veto.

I thank the Presiding Officer. I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask the Senator from Mississippi for 10 minutes or less on the bill.

Mr. COCHRAN. Mr. President, I am happy to yield to the distinguished Senator the time he requested.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the comments of the distinguished Senator from Washington, I might be recognized under the normal division of time for about 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, it has taken a considerable period of time to reach the happy conclusion of the debate over the appropriations bill for the Department of Agriculture. None of that delay is due to the distinguished chairman or to his ranking member, the Senator from Wisconsin, who have worked with extraordinary diligence and I think immense success in bringing this bill before us.

I can't even begin the major portion of my remarks without thanking him for his thoughtfulness to the particular concerns of my own State—first, of course, the field of agricultural research. There is research money in this bill for wheat, apples, asparagus, animal diseases, small fruit, barley, and potatoes, to name a few. In each and every case, that money will help our farmers meet the demands of the market in the future—both here in the United States and overseas.

In addition, without precedent, there is a considerable and most indispensable relief for the tree fruit industry in my State and others—formerly a highly profitable occupation that has fallen on bad times. A bridge is provided in this bill until more successful times in the future. The cranberry industry falls into exactly the same situation. And, of course, with respect to low farm prices in many other commodities nationwide in scope, relief is included in this bill, again with the hope that we will soon have better times in the future for our agricultural products.

There are, however, two subject matter areas of this bill that are of particular importance. The first has to do with sanctions—the unilateral sanctions that the United States has imposed on itself barring the export of our agricultural commodities and for that matter medicines to a number of countries around the world for some form of foreign policy reasons.

Those sanctions by and large are canceled by this bill, and the President is deprived of the power in the future to impose them unilaterally without dealing with us in Congress. This may be very important in the immediate future with the threat that sanctions will be taken against even our good friend Japan with our agricultural products by reason of its whaling practices. I disagree vehemently with its whaling practices. But I don't think we should deal with them by punishing our farmers, ranchers, and agricultural producers. Personally, I would have preferred the more sweeping language of the original Senate bill in this respect. There was vehement opposition to some of its provisions in the House of Representatives.

My colleague from the State of Washington, Congressman NETHERCUTT, worked diligently, and often in opposition to his own party's leadership, in crafting this compromise. This compromise, I guess, I would describe as being 80 percent of what we need. It includes what I think are some unwise provisions related to travel to Cuba. But, in my view, we should take this three-quarters, or 80 percent, of what we need, and we should begin to restore the opportunity to secure these markets to our farmers. And we should take care of the rest of the controversy next year.

Will we immediately begin to see huge sales of our wheat, for example, to Iran and to other former major customers? I am not at all sure we will. It may take years to repair the damage we have created by these unilateral sanctions. But this is a start. This gives our farm community, at a time of very low prices, once again the ability to compete in the world markets, and not just in some of those markets.

Finally, and most importantly, are the provisions of this bill dealing with the price of prescription drugs. My colleague from Nevada, who just concluded his remarks, had a number of points, with which I don't entirely agree, but I certainly do agree with him on that one. He was one of the cosponsors of the Jeffords-Dorgan proposal on the reimportation of drugs.

Simply stated, we face a situation in which American pharmaceutical manufacturers that are benefiting from huge tax subsidies through research and development tax cuts, and benefiting from the immense research that we do in the National Institutes of Health, nevertheless, sell their products outside of the United States in Canada, in Europe, and in Latin America for prices half or less the price they charge for those drugs in the United States. That is outrageous. It is a form of discrimination without any justification whatsoever.

Six months or so ago, I introduced a bill to directly ban price discrimination in prescription drugs in the same way it has been banned in almost every other commodity in the United States in interstate commerce for some 65 years.

A Congressman from New York, Congressman HINCHEY, made a similar proposal in the conference committee. Personally, I would prefer a more direct approach.

Once again, the perfect was the enemy of the good. We have the ability not only for individuals to go into Canada or Mexico and buy drugs that are manufactured in the United States, but under the same circumstances they are manufactured in the United States, and then they are reimported to the United States for individuals to use. It is something that I think is very important for people who need to use drugs and find them far too expensive here; but also for our pharmacists to do the same thing to the extent that their wholesale prices are the result of discrimination against them and in favor of Canadians and Europeans and others.

Some of those costs will be passed back to the purchasers of prescription drugs here in the United States who can't travel to Canada or to Mexico or to someplace else to make their own purchases.

Is this a perfect solution? No. It is not. First, it is indirect rather than direct.

Second, there are opportunities, I am convinced, in the way their bill was written, in spite of all of the efforts of its proponents, through which the pharmaceutical manufacturers may find loopholes and may be able to frustrate the proper desire of Americans to lower drug prices.

If that happens, we will certainly be back next year at the same time and at the same place to see to it that a discrimination which is entirely unjustifiable is ended. American companies benefiting from American society, from American tax credits from American research should not discriminate against Americans. We have taken a major step forward in this bill to at least reducing and I hope eliminating that kind of discrimination.

I want to express my enthusiastic support for the passage of this bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will vote for the Agriculture appropriations conference report. I want to support our farmers. They deserve our support. But I will do so with a great deal of reluctance because of what the House of Representatives did. They inserted a provision which goes directly counter to the views that were expressed in rollcall votes of a bipartisan majority of both the House and the Senate.

I probably shouldn't be that surprised that the House of Representatives, under the Republican leadership, has, once again, abused the legislative process. It has occurred too often. We had very strong votes in both the House and the Senate to lift sanctions on the sale of food and medicine to Cuba. After we had those votes, the House Republican leadership included a provision which prohibits any kind of public financing. What they have said is: Sure, you can have these sales. But we are going to make sure there is no way to pay for them.

We go back home and say how generous we are and how we are helping our farmers, at the same time chuckling all the way out, saying it will never happen.

That is bad for America's farmers. It is very bad for the Cuban people. It is certainly bad foreign policy.

In fact, they even went so far as to codify the restrictions on travel to Cuba. This strikes at the fundamental right of every American to travel freely. Some of the same people who jingoistically say we are Americans; we can go wherever we want, will say, but not to Cuba.

Senator DODD and I introduced legislation to lift this ban. He spoke eloquently about this. It is ironic, actually outrageous, that Americans can travel to North Korea or Syria or Vietnam but not to Cuba. What a hypocritical, self-defeating, and anachronistic policy. What a policy so beneath a great, good nation as ours, a nation of a quarter billion people, the most powerful, wealthiest nation on Earth. How small-minded. How petty. How beneath this great Nation.

It is a terrible decision, a blatantly partisan decision, a decision driven by politics, and one of the many reasons why the elections on November 7 are so important. It is time we inject intelligence and bipartisanship into our foreign policy. Congress has had its chance, but it has fallen short in too many ways to count. The decision on Cuba is another example of the failure of the 106th Congress to do what is right for America, what is right for America's farmers, what is right for the majority of the American people.

As one who opposes the dictatorial policies of Fidel Castro, I also oppose anybody telling me as an American, or my family, or the people of my State, that we cannot travel anywhere in the world where we might be accepted. It is so beneath a great and good nation. I hope this is something we will correct next year. The majority of Senators and House Members, Republicans and Democrats, have already voted. A small band of the Republican leadership should not be able to thwart that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to yield 15 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I regret that I have to come forward once again to oppose another of the annual appropriations bills, particularly one that is vitally important to our nation's farmers and to support social service programs for women and children.

However, this bill once again fails to responsibly appropriate funding to the highest agricultural and resource management priorities, and instead doles out $300 million in pork-barrel spending. This amount is close to $70 million more than was included in the Senate-passed bill, and the total overall spending for this bill exceeds the Senate and House passed bills by close to $2.8 billion.

Mr. President, there are several problems with this final conference agreement.

First, the inclusion of $300 million in special interest earmarks that either have not been properly reviewed or authorized through the legislative process. Much of this spending is earmarked for towns, universities, research institutes and a myriad of other entities that appear only vaguely related, at best, to addressing the dire situation of farmers, women and children.

A number of policy riders are also tacked on, without any consideration by either body, that reverse a number of 1996 farm bill reforms and violate trade policies.

Let's first take a look at the "Top Ten Porkbusters" in this year's agriculture bill:

No. 10, An add-on of $300,000 is provided to a laboratory in East Lansing, Michigan to map and identify genes in chickens;

No. 9, An amount of $680,000 will be provided to test the "competitiveness" of agricultural products solely from the state of Washington;

No. 8, Despite millions provided for salmon restoration through other appropriations bills this year, $645,000 is earmarked for research on alternative salmon products in guess where—Alaska; you will find Alaska pops up quite frequently in these pork barrel bills.

No. 7, An add-on of $1.05 million will pay for sunflower research in Fargo, North Dakota.

Sunflower research, obviously, is unable to be carried out in any other part of America, so we have to add $1 million to pay for sunflower research in Fargo, ND.

No. 6, $300,000 is earmarked for the Pineapple Growers Association in Hawaii, whose three members of the Pineapple Growers Association are the impoverished organizations, Dole Food, Del Monte Fresh Produce, and Maui Pineapple Company. These impoverished three corporations are badly in need of $300,000 of the taxpayers' money so they can deliberate as the Pineapple Growers Association of Hawaii.

A whopping $5 million is earmarked for an insect rearing facility in Stoneville, MS. That must be an interesting place.

No. 4, an add-on of $300,000 will pay for manure management systems in Florence, SC. I have spent a lot of time in South Carolina. I hope this $300,000 will pay for the manure management systems in Florence, SC.

No. 3, a $250,000 earmark is included for potato research in Prosser, WA, to develop improved varieties of potatoes. Only in Prosser, WA, do we need to do this kind of research.

No. 2, the popular National Center for Peanut Competitiveness in Georgia will receive a healthy endowment of $400,000. That ever popular National Center for Peanut Competitiveness, in Georgia, will receive this $400,000.

And No. 1, an earmark of $100,000 is provided for the Trees Forever Program in Illinois, the vitally important purpose of which is to encourage and provide information on the use of trees. Trees Forever in Illinois is to encourage and provide information on the use of trees.

In my State of Arizona, except in the northern part of my State, we don't have a lot of trees, but we certainly have a lot of cactus. Perhaps we could have next year an earmark for the "Cactus Forever Program." That might be an enjoyable exercise. I urge my pork barreling friends to consider, next time they have Trees Forever, perhaps "Cactus Forever."

Mr. President, this is just a small sample from the 32-page list of earmarks I compiled from this agriculture appropriations conference report. Many are recurring earmarks, year after year, for projects that appear to be either duplicative or, as GAO had found when reviewing agricultural spending, pay for projects not related to basic research or high-priority areas, or which already receive substantial private sector investments.

Mr. President, I am sure that many of these objects may be meritorious and helpful to the designated communities. What I object to is the way these projects have been selectively identified and prioritized for earmarks, mostly for purely political interest, rather than for the national interest.

This agriculture appropriations measure is intended to provide assistance to farmers, women, children and rural communities with the greatest need. Yet, by diverting millions for parochial spending, we fail in this responsibility, forcing Congress to once again attach ad-hoc emergency spending, adding up so far to $23 billion over the past three years, for farm relief and other disaster assistance. This time around, about $3.6 billion is designated as emergency spending for farmers and communities who have suffered critical losses due to severe drought and difficult market conditions.

I realize that many of America's family farms are in crisis, and some form of assistance is needed to responsibly address real economic hardship faced by many of our nation's farmers and their families. However, it is quite interesting to note that among those that the budget negotiators consider the most in need are the tobacco, sugar and honey industries.

For example, a last minute provision was added to reverse the limited reforms to the federal sugar program. Behind closed doors, powerful sugar interests have been able to chip away at the few reforms required by them by the 1996 Freedom to Farm bill.

First, through last year's omnibus appropriations bill, a provision was tacked on in conference to remove the responsibility of sugar producers to pay small marketing assessments on sugar to help pay down the federal debt.

By the way, a large family of sugar growers is one of the major reasons why we are having to pay billions of dollars to clean up the Everglades.

Earlier this year, sugar interests pressured the Agriculture Secretary to spend more than $60 million to purchase more than 150,000 tons of surplus sugar to prevent mass forfeitures, paid for by the taxpayers once again. An additional 934,000 short tons of sugar was forfeited once again this month, thereby eliminating the responsibility for sugar growers to pay back $352 million in loans. Many of these sugar growers are capable of making enormous political contributions in soft money to both parties.

And, now, sugar interests have adeptly worked behind the scenes to add another never-before-seen provision, not previously included in the Senate or House bill, to overturn federal sugar policy. This change will reverse the recourse loan provision in the 1996 farm bill that obligates full repayment of the loan in cash. Despite loopholes already existing in current law to allow sugar producers to sidestep loan repayments, this new conference provision directs that all federal price support loans be made permanently "non-recourse" loans, which is a fancy way of saying the loans will not have to be repaid.

Another provision added in conference allows burley tobacco producers to forfeit their crops, much in the same manner that sugar producers are allowed to do. Not only are we letting sugar and tobacco growers off the hook for repayment of Federal loans, the Federal Government will be responsible for selling off tobacco crops that are forfeited to the Federal Government. Such a movement may encourage the overproduction of tobacco, at a time when, thank God, the tobacco demand is lessening and the American people are urging more responsible federal policies toward tobacco because of its impacts on our children and public health. However, once again, special interests win, and the taxpayers will foot the bill, at a cost of $50 million.

Other egregious last-minute provisions added in conference include:

A new provision that reinstates the federal subsidy for honey producers, previously repealed by the 1996 farm bill. The cost? $20 million.

The controversial dairy price support program will be extended, while also delaying implementation of the dairy recourse loan program that requires full repayment of federal loans.

$500,000 is earmarked solely for the State of California for crop insurance, despite the $8 billion crop insurance reform bill passed earlier this year.

$2.5 million is directed to capitalize the South Carolina Grain Dealers Guaranty Fund, under the guise of emergency spending; and,

$7.2 million in emergency funds will pay for sugar transportation costs for the State of Hawaii.

Other provisions are tacked onto this report that clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

A provision, which the Wall Street Journal called a "unique steel-friendly provision," was inserted into this conference report that diverts antidumping and countervailing duties from the Treasury to affected domestic industries. This provision is an almost one-half billion dollar giveaway to U.S. corporations that had not been considered previously by the Senate. As our nation begins to pay down our $5 trillion debt, we should consider the effect of this provision very carefully. Instead, we will not consider it at all. No member, except those among the negotiators, will have any say about the effects of this policy.

Another equally troubling provision in this report once again concerns legislation that has not been considered by the House or Senate. This provision sets up a Hass Avocado Board for avocado research and promotion. While on its face, it may not sound objectionable, such a provision may unfairly give domestic producers more representation than U.S. importers, thereby violating our WTO obligations by not granting national treatment to avocado imports and acting as an export subsidy.

In addition, this provision currently forces an assessment of avocados at a rate of $.025 per pound. This rate must be paid by exporters at the time of entry into the United States. However, U.S. domestic producers will not have to pay these taxes until 60 days after the last day of the month that the sale is made. In addition, no tax is collected on Hass avocados that are exported.

Again, these two provisions clearly violate our WTO obligations, and I believe we should study this issue more before passing it into law. I am concerned that this provision will give 85 percent of the fees collected from a state back to the state avocado board. This seems like unnecessary pork for state avocado boards. However, once again, we will not be able to vote up or down on this provision.

The Congress has certain rules that apply to its budget process. One of those rules states that, once a Senate-House conference convenes, negotiations are limited to only the funding and provisions that exist in either bill. Adding funding that is outside the scope of the conference is not in order, nor is the inclusion of legislative provisions that were not in the preexisting bills.

The final agreement clearly violates our established rules over and over again. Yet, no one pays attention to these violations because Congress appears to favor spending that benefits the special interests of a few, rather than spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

It is all taxpayers who have to shoulder the burden to pay for the pork-barrel spending in this appropriations conference report and the others that will follow, and I will not vote to place that burden on American families.

Mr. President, in conclusion I want to refer to a column by David Broder in this morning's Washington Post. The title of it is, "So Long, Surplus." That is what I have to say this morning and what I have been saying for several weeks now: So long, surplus.

I notice a lot of the Presidential debate is devoted to what we will do with the surplus, whether we cut taxes; whether we pay down the debt; whether we save Social Security; whether we save Medicare. It is not going to be there. We are spending it at an incredibly huge rate.

> As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be $100 billion more than allowed by the supposedly ironclad budget agreement of 1997.
>
> More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watchdog group, estimates that the $2.2 trillion non-Social Security surplus projected for the next decade is likely to shrink by two-thirds to about $712 billion.

Let me repeat. The Concord Coalition, which is a bipartisan organization, predicts that the surplus is not going to be $2.2 trillion in the next decade; it is going to be about $712 billion. And that is with the rosiest of scenarios.

What are we doing here? What are we doing here? We are spending the surplus; we are earmarking, pork barrel spending; we are calling things emergencies that are not. We are frivolously and irresponsibly spending this surplus which is so vital to our ability to meet our entitlement obligations in this century, obligations to Social Security and to Medicare and other entitlement programs.

I quote from David Broder again, from this morning.

> To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

I ask unanimous consent the article by David Broder of this morning be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 2000]

SO LONG, SURPLUS

(By David S. Broder)

Between the turbulent world scene and the close presidential contest, few people are paying attention to the final gasps of the 106th Congress—a lucky break for the lawmakers, who are busy spending away the promised budget surplus.

President Clinton is wielding his veto pen to force the funding of some of his favorite projects, and the response from legislators of both parties is that if he's going to get his, we're damn sure going to get ours.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be $100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watchdog group, estimates that the $2.2 trillion non-social Security surplus projected for the next decade is likely to shrink by two-thirds to about $712 billion.

As those of you who have been listening to Vice President Al Gore and Texas Gov. George W. Bush know, they have all kinds of plans on how to use that theoretical $2.2 trillion to finance better schools, improved health care benefits and generous tax breaks. They haven't acknowledged that, even if good times continue to roll, the money they are counting on may already be gone.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

A few conscientious people are trying to blow the whistle, but they are being overwhelmed by the combination of Clinton's desire to secure his own legacy in his final 100 days, the artful lobbying of various interest groups and the skill of individual incumbents in taking what they want.

Here's one example. The defense bill included a provision allowing military retirees to remain in the Pentagon's own health care program past the age of 65, instead of being transferred to the same Medicare program in which most other older Americans are enrolled. The military program is a great one; it has no deductibles or copayments and it includes a prescription drug benefit.

Retiring Democratic Sen. Bob Kerrey of Nebraska, himself a wounded Congressional Medal of Honor winner, wondered why—in the midst of a raging national debate on prescription drugs and Medicare reform—these particular Americans should be given preferential treatment. Especially when the measure will bust the supposed budget ceiling by $60 billion over the next 10 years.

"We are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short-term political considerations," Kerrey declared on the Senate floor. "I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town."

The Republican chairman of the Senate Budget Committee, Pete Domenici of New Mexico, joined Kerrey in objecting to the folly of deciding, late in the session, without "any detailed hearings . . . [on] a little item that over a decade will cost $60 billion." Guess how many of the 100 senators heeded these arguments? Nine.

Sen. Phil Gramm, a Texas Republican, may have been right in calling this the worst example of fiscal irresponsibility, but there were many others. Sen. John McCain of Arizona, who made his condemnation of pork-barrel projects part of his campaign for the Republican presidential nomination, complained that spending bill after spending bill is being railroaded through Congress by questionable procedures.

"The budget process," McCain said, "can be summed up simply: no debate, no deliberation and very few votes." When the transportation money bill came to the Senate, he said, "the appropriators did not even provide a copy of the [conference] report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long, with the barest of detail, with actual text of the report to come later."

Hidden in these unexamined measures are dozens of local-interest projects that cannot stand the light of day. Among the hundreds of projects uncovered by McCain and others are subsidies for a money-losing waterfront exposition in Alaska, a failing college in New Mexico and a park in West Virginia that has never been authorized by Congress. And going out the window is the "surplus" that is supposed to pay for all the promises Gore and Bush are making.

Mr. MCCAIN. Mr. President, the Congress has not always acted this way. As a matter of fact, in fiscal years 1997 and 1998, when we still had deficits, the Congress spent less money than the actual budget caps allowed. But since the era of surpluses began in 1999, the Congress and the president have taken this to mean they now have a license to spend freely and irresponsibly without any adherence to limits. We have gradually spent in excess of the discretionary spending limits.

But now, for the fiscal year 2001, the spending has exploded to at least $33 billion above the spending cap, consuming nearly one-third of fiscal year 2001's projected on-budget surplus, and we still have several appropriations bills yet to go. Our continuing fiscal irresponsibility in threatening to consume a substantial portion of the projected on-budget surpluses before they are actually realized—and, according to a recently released CBO report, even if we are to save all of today's projected surpluses, we still face the possibility of an uncertain long-term fiscal future as adverse demographics and lengthening lifespans lead to surging entitlement costs.

CBO projects that the three main entitlement programs—Social Security, Medicare, and Medicaid—will rise from roughly 7.5 percent of GDP today to 17 percent by 2040 absent programmatic reforms. The CBO also warns that "Projections of future economic growth and fiscal imbalances are quite sensitive to assumptions about what policymakers will do with the budget surpluses that are projected to arise over the next decade."

Therefore, it is imperative that not only do we avoid squandering the projected surpluses, but the meaningful reforms of entitlement programs be undertaken not to avoid budget deficits and unsustainable levels of debt in the future.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, is it correct that I am allotted 45 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, before getting into my main comments on the Agriculture Appropriations conference report, I want to make a few comments in response to the Senator from Arizona, who spoke about various items that are in this bill and criticized them.

I am very proud of my service on the agriculture appropriations subcommittee, and I am very proud of our chairman and ranking member for the bill they put together. It is a good bill. I am going to vote for it because it provides needed funding for a range of programs and activities important not only to farm families and rural communities but to consumers and our Nation generally.

I thank our agriculture appropriations chairman, Senator COCHRAN, and the ranking Democratic member, Senator KOHL, for their hard work on this bill. I appreciate the opportunity to have worked with them, and I thank them for their cooperation in responding to my views on various items in this legislation. I commend them for their work in putting this bill together. Overall, it is a good bill.

The Senator from Arizona cited a number of items in the bill. I did not hear him mention some research grants for the fruit and vegetable market analysis for Arizona. There was a produce pricing item in there for Arizona. There was a Federal administration research grant for shrimp aquaculture for several States, including Arizona. Also in the conference report, there is a $5 million item for Water Conservation and Western Cotton Laboratory in Maricopa, AZ.

I do not know a lot about those facilities. I know our colleague, Senator KYL, is on the committee. I am sure he has looked at these items and may have had something to do with them being in there. I do not know. But I believe the Senator from Arizona, who just spoke, is off the mark because most of the items in this bill are there because Senators pay attention to the needs of their constituents and they pay attention to the needs of our country.

I am not cognizant of this Water Conservation and Western Cotton Laboratory in Maricopa for $5 million, but it probably has something to do with cotton production, which is important to our country. It probably has something to do with cotton production in Arizona, which is obviously important to the people of Arizona and Western States.

I don't know. Maybe this has something also to do with the large amounts of Federal subsidies that our Government provides for water and for irrigation for cotton in Arizona. I listened in vain to hear my colleague from Arizona decry the use of subsidized water in his State of Arizona. Well, I'm not here today going after it. It is probably necessary for the people of Arizona, probably necessary for western cotton production, and could be important for western animal production.

So I think my friend from Arizona, in taking after a lot of the items in the Agriculture appropriations bill, is just simply off the mark. Oh, I know it probably makes good press. You can probably get a good column written once in a while about pork barrel spending and all that kind of stuff, but when you go down these items, these are items that are important to the people of those constituencies in those States, important to agriculture in those States and, as such, it is important to agriculture for the entire country.

So that is why I commend the chairman and the ranking member for putting this bill together. It is a good bill.

In fact, if you want to talk about items that are in the bill that pertain to States, let me talk about one in my own State. One of my highest priorities was to obtain funding for the planning and design of new facilities at the Department of Agriculture's National Animal Disease Laboratory in Ames, IA. I am pleased that the bill has the full $9 million that was requested for this purpose in the President's budget.

These new facilities are absolutely critical for biocontainment and work with animals with highly contagious diseases. The National Animal Disease Laboratory is one of—of course, in my opinion, it is the preeminent animal disease research facility in the United States. But the conditions of this facility are very poor. The main facility there was constructed beginning in the 1950s. Now we face threats from new animal diseases; some that are highly contagious, some that can be used by terrorists for bioterrorism. Yet the facilities, some that were built some 40 years ago, are not built to contain them adequately, safely, and securely. We need to move forward to improve the National Animal Disease Laboratory facilities as quickly as possible, to protect against emerging, highly contagious, highly infectious animal diseases, many of which, if not contained, if let loose in the environment, could cause tremendous numbers of illnesses and deaths. So the NADL funding is not just about protecting animal life and health; it is also for protecting human life and health as well. Sure, this facility is located in Iowa—I am very proud of it; it predates my service in Congress—but it is a national laboratory. This is another example where money has gone to a State, but it has gone for a national purpose. It is just like any of the other national laboratories that we have. This is the preeminent one for animal disease.

I also want to point out some other priority items of particular interest in Iowa that are in the bill. They are particular to Iowa, but they are broader than the State, including funding for research that will help block the use of anhydrous ammonia to make methamphetamine. That is one that is in this bill. It helps us in Iowa, but it helps us in many other States.

There is an item in the bill for addressing serious erosion problems in Iowa's Loess Hills. The Loess Hills in Iowa make up the only geologic formation of its kind anywhere in the world outside the nation of China. These are a national treasure. There is some money in here to address some of the serious erosion problems in this very unique geologic formation.

There is money in here for research into industrial lubricants made from soybeans and other commodities, for farm safety education, and for dairy research and education.

I see my friend from Minnesota is here. I just joined him in Minnesota yesterday. We traveled around the State. I was reading an article—I think it happened in Minnesota, but if it didn't happen in Minnesota, it happened in Iowa—where a little 3-year-old boy got one arm and his other hand caught in a farm auger. I was reading the tragic story of how the doctors tried to reattach his arm and were unsuccessful in doing so. So this young 3-year-old boy has lost his right arm and, I believe, his left hand because of an accident on a farm.

Do we need funds for better research and education so that farmers and their families can be more safe in their occupations? You bet we do. And that is very worthwhile funding.

This bill also includes major increases in funding for food safety activities at USDA and FDA. This has been a priority of mine for a number of years. For USDA, food safety funding will increase by $28.3 million; and for FDA, the funding will increase by $30 million. That means that for USDA and FDA we are fully funding the President's food safety initiative. That is good, but there is a lot more we have to do in the way of food safety.

Last month, we had a hearing in the Agriculture Committee on food safety. Chairman LUGAR and I worked together to help set it up. In that hearing we gathered some very telling information about the resources that we are putting into food safety. The General Accounting Office testified that in fiscal year 1999, about $1 billion was spent on USDA and FDA food safety activities combined. Of that amount, USDA received $712 million to inspect some 6,000 meat, poultry, and egg establishments.

FDA, however, received only $260 million with which it had to inspect over 57,000 food establishments and 9,000 animal drug and feed establishments. So USDA gets $712 million. They have 6,000 establishments to inspect. FDA got only $260 million. They had to inspect over 66,000 establishments.

Here is the twist. About 85 percent of the instances of foodborne illness are linked to foods that fall under FDA's jurisdiction, and only 15 percent of them fall under USDA's jurisdiction. So clearly, we have our work cut out for us in the area of food safety.

We need more resources for the Food and Drug Administration. But, in reality, we really need a more unified and coordinated structure for federal food safety. Next year, this Congress should work to that end. I know my colleague, Senator DURBIN from Illinois, has a bill on that. Obviously, all the bills will die at the end of this session of this Congress, but we need to join forces in a bipartisan fashion next year. I believe there will be broad support among food producers and consumers to have a unified coordinated structure for food safety here at the Federal level.

I was also pleased to be able to work with Congressman WALSH of New York to include in this conference report important hunger relief measures. The provisions in this bill will significantly help in making sure Americans who have high rent and utility costs, or who just happen to have a modest, reliable automobile, can still receive food stamp benefits they need to feed their families. The vehicle provision is especially important in rural areas where people need to have a decent car to get to town or to get to work. They should not be disqualified from food stamps just because they own a modest, dependable vehicle.

I am also pleased that there were significant increases in rural housing, sewer, and water assistance, and economic development support important for rural America. I am, however, concerned about an increase in the fee for rural housing. For the rural housing loan assistance program, the fee was increased from 1 percent to 2 percent. That was included in the final measure. I believe this hurts the ability of modest-income families to become homeowners in rural areas. I will be working to reverse that.

This legislation also includes a substantial amount of additional emergency spending to respond to the needs arising from various types of economic and natural disaster losses. Overall, there is approximately $3.6 billion in emergency assistance, including compensation for crop production and crop quality losses, livestock and dairy assistance, and funding for the important emergency conservation and emergency watershed programs. This emergency assistance will be very important to farmers who have suffered from drought and severe weather in Iowa and many other States.

Over the past several years, Congress has provided a good deal of emergency assistance to farmers. In the past 3 years, the emergency assistance has amounted to over $22 billion. As I said, in this bill there is an additional $3.6 billion. For the most part, that assistance was clearly needed—in fact, critically needed. It helped keep many farm families on the land who otherwise would have been forced out of business. Keep in mind, these emergency payments were on top of the spending under provisions of the existing farm bill.

For fiscal year 2000, USDA made some $28 billion in direct payments of one kind or another to U.S. farmers. That is a record. And the overall cost of farm programs was $32.3 billion, another record. Looking at it another way, in calendar year 2000, U.S. farmers will receive $23.3 billion in direct payments from the Federal Government, but they will have a net farm income of only $45.6 billion. Over 50 percent—over half—of U.S. net farm income this year will come from direct Government payments. In fact, last year in Iowa, USDA payments exceeded our net farm income.

I can't help but ask, whatever happened to the promises made by the backers of the so-called Freedom to Farm bill? They were going to "get the Government out of agriculture and let the free market work." What do we have? Commodity prices have crashed. Farm program spending by the Government is at record levels, and farmers are still being driven off the land by the thousands. Get the Government out? Farmers today are every bit, if not more, reliant on the Government than they have ever been before. Freedom to Farm did not get the Government out of agriculture, but it sure has been successful in getting family farmers out of agriculture.

Today our farmers plant for the Government program. They market for the Government program. They rely on the Government program for over half their net farm income. Already, Freedom to Farm has cost $29 billion more than its backers promised when it was passed in 1996. The emergency assistance we have passed went to help a lot of farmers. But it is a serious indictment of the current Freedom to Farm bill that Congress has had to provide emergency farm income assistance 4 years in a row. And the way things are going, we are going to have to add more in this fiscal year beyond what is in this bill.

We cannot any longer tolerate a farm policy that lurches from one emergency spending measure to the next. It is time for Congress to recognize that Freedom to Farm has become "freedom to fail." It has failed. We need to write a new farm bill, one that maintains the planning flexibility and the environmental programs we all support—but that restores the income protection, the farm safety net, the countercyclical programs that farmers need.

I listened to the debate last night. What I heard was Vice President GORE say we need to change our farm program, we need a better safety net, we need better conservation programs that are voluntary, that we can put more money into conservation, but to provide a better income protection and a countercyclical program for farmers. To the best of my knowledge and information, Governor Bush has said he wants to stick with Freedom to Farm.

I think those who live in rural America and on our farms should know that, should know the data, the facts I have just laid out. Farm program spending is at an all-time high, yet thousands of farmer are still going out of business. We need a new direction and a new farm bill. We need it soon.

Here is another aspect of the failure of the Freedom to Farm bill. Because farmers are so heavily reliant on direct payments, Congress has stepped in this year and last year to raise the payment limitation for loan deficiency payments, what are known as LDPs, and marketing loan gains. We have raised the payment limitation for loan deficiency payments and marketing loan gains to $150,000 instead of $75,000 which was in the farm bill. It was done last year, and it is done again this year in this bill.

But there is a wrinkle that deserves more attention. If an individual sets up partnerships or corporations, that individual can actually double the effective payment limitation. That means that, in reality, the payment limitation for the largest farms is now $300,000 for an individual.

I have to ask: How can we justify paying out such large amounts of money to the largest farms while family farms are struggling to survive and going out of business? We are told that this payment limitation relief was absolutely necessary, even to help family-size farms. But in reality, only a very small share of farms actually receive any benefit from this increase in the payment limit.

The Environmental Working Group analyzed the USDA data and determined that fewer than five-tenths of 1 percent of farms and farm businesses that are receiving USDA payments actually benefited from the payment limitation increase Congress approved in 1999. These 3,400 individuals and farm businesses received an average of $148,000 under this program last year, 14 times higher than the $7,200 received by the average farmer.

We have similar numbers from the Office of the Chief Economist at USDA. Based on data collected in the 1997 census of agriculture, they found that the number of farmers who might benefit for that year with the change included in this conference report is about 13,000, which is perhaps about 1.5 percent of the total participants in the Federal commodity programs.

So again, this doubling of farm payment limitations went to help just a very small percentage of farms of the largest size. It seems to me, if we are going to provide these amounts of money, we should put it in to help the family size farms that are struggling, the kind of farms Senator WELLSTONE and I visited yesterday in southern Minnesota. These are not huge farms, these are family farms, yet they are the ones being squeezed. The big ones that are perhaps farming thousands of acres of land are getting huge payments of up to $300,000. That doesn't make sense. These large farms can protect themselves, take care of themselves. If we are going to put the money in for farmers, let's help the struggling family farms first.

I also want to talk about the Cuba provisions. I believe what is in this conference report on Cuba was really a step backward. There is a superficial sham opening of the embargo on agricultural shipments to Cuba from the United States, but the restrictions are so great that I do not believe it will amount to anything. Keep in mind that no direct financing can be provided by any U.S. financial institution to anyone who wants to sell products to Cuba. Well, financing is a critical part of agricultural exports. Anyone knows that. Yet no direct financing can be provided. You have to go to some third country to get it. Also, the bill locks into statute the travel restrictions that have been in place regarding Cuba, which are administrative. This locks them into law. It will make it just that much harder to bring down the barriers to change in Cuba.

We have had a failed policy on Cuba for 40 years now—a failed policy. This bill keeps us on the same path. Actually, what we are doing in this bill is the best thing we could ever do to keep Fidel Castro in power. If you want to change things in Cuba, open it up and let people travel there. Open it up for exports. Let our farmers travel there and sell our goods and products in Cuba without the restrictions this bill writes into law. That would be the single best thing we could do. But, no, we are doing the same thing we have done for 40 years. Someone once described insanity as doing the same thing over and over again and expecting a different result. We keep doing the same thing year after year after year with Cuba, and we expect some different results. It is time we change our Cuba policy.

Lastly, I want to talk about the issue of drug reimportation. There was a provision in this bill that would have allowed pharmacists and wholesalers to reimport prescription drugs.

The cost of prescription drugs is a critical issue. I have had meetings with seniors across Iowa to talk about the rising prices of medicines and their prescription drugs. First of all, I must add that the most urgent and important thing I believe we can do here is to enact a meaningful Medicare drug benefit for all seniors. We have it pending, but the Republican leadership will not bring it up and let us vote on it. I think it is a disgrace that we have not acted on this issue before leaving this year.

The drug reimportation amendment, offered by Senators DORGAN and JEFFORDS, which would allow pharmacies and wholesalers to import FDA-approved prescription drugs, was well intentioned and began as a creative way to try to get lower cost drugs to seniors with important safety precautions. If done correctly, this proposal would have been a real help to seniors, many of whom already travel to Canada and Mexico to buy medications at a fraction of their U.S. price. But not every senior in Iowa or in other States is able to travel to Canada or to Mexico to get those drugs.

Unfortunately, the provision in the bill now is the product of a closed-door discussion. We were kept out. At the last minute, we got some paper handed to us and we voted on it. I believe the authors have rendered it unworkable with language that will prevent any importation of affordable FDA-approved drugs.

In spite of months of bipartisan work to craft this language, the Republican leadership decided abruptly to take a partisan approach that is riddled with loopholes to minimize the impact of the new system. In fact, I think it may be completely unworkable.

The language includes a provision that reads as follows:

> The provisions of this section only become effective if the Secretary demonstrates to the Congress that the implementation of this section will: (1) pose no additional risk to the public health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumers.

What does all that language mean? I asked in the conference: What does this mean? How is this to be done? I could get no answer. Unfortunately, the way the language was finally crafted, it may not be possible to "demonstrate" that the public will be adequately protected or to "demonstrate" that prices will be substantially reduced.

The language has other weaknesses in labeling and marketing that I believe undermine its ability both to protect the public from unsafe drugs and to lower costs.

In addition, the language crafted by the Republican leadership requires the program to be terminated after 5 years. This is going to have a chilling effect on any private investment necessary to set up the distribution systems and the lab testing facilities necessary to carry out the program and to make sure they are safe.

In short, the drug reimportation system in this bill is a charade. I hope the American public will see right through this and recognize it for what it is: a figleaf for the Republican leadership, desperate to disguise the fact that they have done nothing this year to enact a meaningful Medicare prescription drug benefit, which really is the only way we can effectively provide access to affordable prescription drugs for our senior citizens.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes 45 seconds.

Mr. HARKIN. I yield whatever time he needs of that remaining to the Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, I will only take 5 minutes if that is all right with him.

Mr. HARKIN. How much time is the Senator going to use?

Mr. WELLSTONE. I would rather the Senator keep some time, so 5 minutes will be fine.

Mr. HARKIN. I have a couple of other things I need to say.

Mr. WELLSTONE. Mr. President, I rise to speak in support of this agriculture appropriations bill. While it is clear there are some significant shortfalls with regard to the prescription drug re-importation issue, which I will speak about later, on balance this legislation will provide much needed help to family farmers, rural communities, and low income families.

I am pleased this legislation includes substantial emergency assistance, $3.6 billion, directed to family farmers in Minnesota, and across the nation, who are suffering from natural disasters, historically low prices and increasingly concentrated markets which have largely been brought on by the failed 1996 Freedom to Farm Bill, or as I call it the Freedom to Fail Act.

Specifically this legislation will provide $1.6 billion to producers who have been devastated by lost crops due to natural or weather related disasters. In my state of Minnesota, 7 to 10 inches of rain fell in early June in the Red River Valley, which destroyed what promised to be a bumper crop, and has forced hundreds of family farmers to clean up flood damages for the eighth consecutive year. The Minnesota Farm Service agency tell us that almost 400,000 acres of crops have been destroyed in Minnesota. While crop insurance will cover some of the losses, this additional emergency assistance will be necessary for many family farmers in the region.

This part of Minnesota, largely dependent on a poor farm economy, has been devastated by successive years of floods that have forced many off the farm. And this rain storm affected other areas of my state including localized portions of Southeast Minnesota. Overall twelve counties in Minnesota have been affected by major disasters and experienced major crop losses.

It is vitally important that this disaster aid get out to producers quickly. However, it is also vitally important that we take some action to deal with the root problems in agriculture policy.

As many of my colleagues know, the 1996 farm bill has proven to be a total failure. By destroying any safety net for family farmers and capping loan rates at artificially low levels, the 1996 bill has left farmers vulnerable to the sever economic and weather related events of the past three years, resulting in devastating income losses. And while the premise of the Freedom to Farm bill was to "get the government out of agriculture" the Federal government has been forced to spend more on disaster packages—over $25 billion—over the last four years than was supposed to be spend through the seven year life of the law.

Again this year, Congress has failed to address the impact of plummeting farm incomes and the ripple effect it is having throughout rural communities and their economic base. I can assure my colleagues that if we do not write a new farm bill early next year, if the only help family farmers get from Washington is unreliable, long delayed emergency aid bills that are distributed unfairly, family farmers are not going to survive.

Family farmers deserve a targeted, counter-cyclical loan rate that provides a meaningful level of income support when the market price falls below the loan rate. Lifting the loan rate would provide relief to farmers who need it and increase stability over the long term. We also need to institute farmer-owned reserve systems to give farmers the leverage they need in the marketplace, and conservation incentives to reward farmers who carry out conservation measures on their land. We need a new farm bill.

In addition to the failed farm bill, I have found that family farmers rank the lack of competitive markets as a major factor to explain the price crisis that is devastating rural America. While there can be no argument that the majority in Congress has failed to pass, or even consider, legislation, such a I and others have proposed, to deal with the rash of agribusiness mega-mergers, this appropriations bill has taken some positive steps.

Included in this legislation is an increase in the Grain Inspection, Packers and Stockyard Administration's, GIPSA, budget to fund essential programs that ensure competitive markets and fair prices for our independent livestock producers. I am pleased to say that this increase, which I had proposed during Senate consideration of the Agriculture appropriations bill, will result in an increase of $4.151 million over the Senate approved bill.

As many of my colleagues know, this is essential funding that will help bolster GIPSA's market concentration activities. For several years, livestock producers have expressed their concern over evermore concentrated markets, as well as extreme frustration over what they perceive as inadequate governmental action to ensure fair and competitive markets. Consequently, GIPSA has been asked to assume a more prominent role in ensuring competitiveness and fairness in the livestock industry. GIPSA is conducting a growing number of investigations on market concentration in agriculture, within shorter time frames, using increasingly sophisticated economic and legal analysis.

Examples of what this money will be used for include: anti-competitive behavior investigations; rapid response teams that are utilized for time sensitive issues that require expeditious investigations to protect small family producers; and a contract library that will be used to catalogue each type of contract offered by packers to producers.

This appropriations bill also contains vital emergency assistance for small independent dairy producers. H.R. 4461 will provide $473 million in direct income relief payments to family dairy farmers throughout the nation. The money is targeted to small- and medium-scale farms who are in the midst of a price crisis as a result of the wild price fluctuations we have been seeing for the past few years.

Mr. President, in my state of Minnesota, dairy production is truly one of the cornerstones of our economy. We have 8,700 dairy farms in Minnesota, ranking us fifth in the nation in dairy production. The average herd size of a Minnesota dairy farm is about 60 cows. Family agriculture is not just an important element of our states heritage, it is vital to our future. But right now, dairy farmers in Minnesota and throughout the country need relief. Therefore, I am pleased this legislation includes a provision, which I joined the Senators from Wisconsin in proposing, to provide $473 million in targeted emergency payments to dairy farmers nationwide.

I continue to see the urgency of this is aid, especially as we in Minnesota lose dairy farms at a rate of three per day. This will put money in the pockets of dairy farmers soon, when they need it, not a year from now when many of them will have already sold their cows. However, it is, like last year's funding, merely a bandage to stop the bleeding. Dairy farmers everywhere need meaningful policy reform. In order to achieve a fair, sustainable and stable long term price, we need a dairy price support program that is set at a level sufficient to curb the current market volatility.

In addition, H.R. 4461 contains significant increases in rural development programs to help rural communities make it through these difficult economic times. Furthermore, I am pleased the bill contains a provision I added to provide $3 million in grants to promote employment of rural residents through teleworking. Telework is a new method of doing work that will allow information technology jobs to be a part of diverse, sustainable rural economies while helping IT employers find skilled workers. Specifically, telework is the use of telecommunications technology, like the Internet, to perform work functions over a distance instead of at the traditional workplace of the employer. This provision will allow rural communities to access federal resources to implement locally designed proposals to use telework as a tool for rural development. This represents a critical opportunity for diversification and revitalization of rural economies.

This bill also takes some important first steps to ensure that all low-income families receive the food stamps they need to prevent hunger and ensure adequate nutrition. The bill incorporates an amendment I offered to require a study in the next 180 days so we can learn what obstacles families face when they try to get food stamps, as well as why the rolls have declines so dramatically in recent years. There is a growing sense that the Food Stamp Program is not functioning adequately in assisting working poor families and helping to "make work pay." Although eligibility for food stamps is no longer tied to welfare receipt, the dramatic declines in the cash assistance rolls appear to have resulted in large numbers of eligible low-income families failing to receive the food stamp assistance for which they qualify, including many families who have moved from welfare to work. This study will help us understand the kinds of policy and program implementation decisions we need to make in order to better ensure that working poor families in this country are not going hungry.

The bill also includes two provisions from the Hunger Relief Act—one which will raise the vehicle allowance, and one which will raise the shelter cap deduction, for families receiving food stamps. This provision means that working parents who are dependent on a car to get to and from work will still be able to get the food stamps that they need, and parents who spend more than 50 percent of their income on rent because they live in communities that lack available affordable housing will also now be better able to get the food stamps that provide critical nutritional supports for themselves and their children. This is a very important first step, and I now hope that we will see the remaining provisions in the Hunger Relief Act enacted before the end of this session. In particular, it is critical that we restore food stamp benefits to post-96 legal immigrants as soon as possible.

Mr. President, now let me turn to the prescription drug import provision which is included in this conference report. This is legislation designed to correct the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry because of the unconscionable prices the industry charges only here in the United States.

Mr. President, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs—lifesaving drugs that are not covered under the Medicare program. Indeed, it is shameful that this Congress has failed to enact a prescription drug benefit under Medicare available to all beneficiaries.

But the issue is not just Medicare's lack of coverage. The unfairness which Minnesotans feel is exacerbated by the high cost of prescription drugs here in the United States—the same drugs that can be purchased for frequently half the price in Canada or Mexico or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. Minnesotans know this because they can drive to Canada and see the price differentials for themselves.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution, nor is it an option for most Americans.

That is why I introduced with Senator DORGAN the International Prescription Drug Parity Act, and with Senator JEFFORDS the Medicine Equity and Drug Safety Act, two bills designed to amend the Food, Drug, and Cosmetic Act to allow American pharmacists and distributors to import prescription drugs into the United States as long as the drugs meet the Food and Drug Administration's (FDA) strict safety standards. Under these proposals, pharmacists and distributors would be able to purchase these drugs—often manufactured right here in the U.S.—at lower prices overseas and then pass the huge savings along to American consumers.

This legislation has evolved quite a bit through the legislative process. Early in that process there had been two constants: bipartisanship in seeking lower prices for American consumers and opposition every step of the way by a pharmaceutical industry bent on preserving profits.

We were on the verge of producing a strong bipartisan final result until the process was hijacked by the Republican leadership. Rather than a bipartisan bill that would guarantee Americans the opportunity to share in lower drug prices which are available everywhere else in the world, Republicans fell in line with the pharmaceutical industry and shut the door on closing loopholes which would protect the rights of American consumers to affordable, safe prescription drugs.

Following after their leadership, Republican members of the Agriculture appropriations conference committee ditched the bipartisan process, jettisoned legislative language that would have assured American consumers access to affordable drugs, and left open for the pharmaceutical industry loopholes that could defeat the purpose of this legislation.

What language was unilaterally rejected by the Republicans? First, was a provision that would have required manufacturers to provide access to their FDA-approved U.S. labels. Currently, when drugs are reimported to the United States by drug companies, they must be relabeled with the FDA approved label. This new provision would have assured other importers access to those required labels. Without that requirement, manufacturers could stonewall importation by not providing the labels. Second, was a provision that prevents manufacturers from entering into agreements with their foreign distributors that interfere with the resale of prescription drugs back into the United States.

Either of these loopholes could prevent the reimportation of prescription drugs, which is why they should never have been allowed to remain in the final bill. The Secretary of Health and Human Services is given broad authority to draft regulations to facilitate importation of FDA-approved prescription drugs, which gives me some hope. But the Secretary's authority does not lessen my outrage or that of my Democratic colleagues about the process which resulted in those major loopholes going unaddressed. It is unfortunate that the productive bipartisanship which had prevailed during the past year to pass this bill was discarded in the last, critical hours.

This needn't have happened. There was an effort when the conference met to close the loopholes, ensuring that the pharmaceutical industry could not make en end run around the effective implementation of this bill. But, given the choice of standing with American consumers, especially America's senior citizens, or the most profitable industry in America, Republicans chose the industry that has sought to undermine this bill from the start.

While I am saddened about the missed opportunity to produce a stronger, water-tight legislative product, I do believe the present bill is an improvement over the status quo, and continues to have the potential for lowering prescription drug prices here in the United States. If however, the pharmaceutical industry takes advantage of the Republican-tolerated loopholes, then I will be back next year with legislation to close those loopholes and make this law work.

Mr. President, again, I intend to support this agriculture appropriations bill. I thank my colleagues on the floor, Senator COCHRAN, Senator KOHL, Senator HARKIN, and others for their very good work.

I speak as a Senator from an agricultural State. I want mention the emergency assistance. It is much appreciated. We have gone through some difficult times. We have had flooding and we have had scab disease, and that on top of record-low prices and record-low farm income, which has led to a lot of economic pain. I thank my colleagues for their very good work.

Second of all, let me especially thank Senator KOHL and Senator HARKIN for their work. I had an amendment on the floor to get some additional money for GIPSA. They helped me in conference committee. I thank Senator COCHRAN as well. I really want GIPSA to be about the work of looking at the problem of concentration of power. So many of our livestock producers are not getting a fair shake. The IBPs and ConAgras of this world are muscling their way to the dinner table and muscling family farmers off the farm. I think it is important that GIPSA be able to look at this whole problem of an increasing concentration of economic and, I argue as well, political power.

Third of all, let me thank Senator KOHL, in particular, for his fine work on some direct income relief payments for dairy farmers. I think we have about 473 million nationwide. We have 8,700 dairy farmers in the State of Minnesota. Again, record-low prices have been a nightmare for these farmers. I thank Senator KOHL for his good work. I am proud to be a part of this.

There is also in this bill a provision that I think is historically significant. It only starts out with $3 million, and this is going to be done within USDA, obviously. This is going, to be a telework program where we will try to set up some models, centers of distance learning, whereby farmers and other rural people with strong ethics and who want to work are going to be able to get training and be connected with information technology companies and find employment at good wages but do it out of farm, out of home, or satellite office—do the telework.

I think this is one of the most important things we have in this bill. I am very excited about it. Many people in Minnesota who transcend all political boundaries helped on this.

Let me also thank in particular Senator HARKIN. He fought it out in conference committee, getting us back to the Food and Nutrition Service—going out there and after 180 days in the field came back with a report telling us why there has been such a steep decline in food stamp participation. The Food Stamp Program is a major safety net program to make sure children do not go hungry. We want to know why there has been such a severe decline in participation. I wish there had been a 30-percent decline in poverty in this country. There has been no such decline. There has been a dramatic rise in food shelters and pantries. We know a lot of people are not getting the help they need.

I thank my colleagues for supporting this issue. I thank Senator KENNEDY for his fine work on the Hunger Relief Act.

Senator COCHRAN has a longstanding commitment to these issues as well.

I think it is important that we do some revisions when it comes to shelters, as well as dependency on car and transportation in allowing more people to be eligible for food stamp assistance.

Finally, on the International Prescription Drug Parity Act, I don't know that I am in complete agreement with Senator HARKIN, but I know what he is saying.

I did this amendment with Senator JEFFORDS and Senator DORGAN, originally. I think when it went to the conference committee there was some effort to make sure we would tighten it up. In particular, I think there is a concern that the pharmaceutical companies will make it difficult, for example, for the Canadians to be involved in a reimportation of those drugs back to this country. I think we could have done better on the language. I think there are too many loopholes.

I am disappointed the way this conference was done. I think this is a step forward. But I would like to have seen much more.

I certainly think you have to have prescription drug benefits added onto Medicare if you are going to really provide the help people need. I think we should have done more.

I thank Senator JEFFORDS for the work he has done on this amendment. I was proud to be a part of it.

We have to write a new farm bill. We have to focus on getting farmers a decent price in the marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from Minnesota. We always run out of time around here when we get into a good debate.

THE BONNIE CAMPBELL NOMINATION

Mr. HARKIN. Mr. President, as I have done repeatedly every day we have been here for the past few weeks, I want to talk about the stalled nomination of Bonnie Campbell for the Eighth Circuit Court of Appeals.

I understand the Judiciary Committee of the Senate has again scheduled an executive meeting for tomorrow morning at 9:30 a.m.—I guess to talk about subpoenas for the Department of Energy, and something else.

I had my staff do an inquiry, and I found out that Bonnie Campbell's name is not on the agenda.

We are in session. We are in session tomorrow. We are going to be in Friday. We are going to be here next week, yet the Judiciary Committee again refuses to allow Bonnie Campbell's name to come out for a vote. It is bottled up.

All we want is a vote.

Bonnie Campbell has strong bipartisan support. Both Senators from Iowa support her. Senator GRASSLEY, a Republican; I, a Democrat.

She has great support from law enforcement and service groups. We just had a big debate and an overwhelming vote last week to reauthorize the Violence Against Women Act. Senator after senator got up to speak about how great it was. It has been a good law. It has done a lot of good. The one person who has been primarily responsible for the implementation of that act since its inception has been the head of the Office of Violence Against Women in the Justice Department. Who has that been? Bonnie Campbell. She has done a great job. She is the former attorney general of the State of Iowa, now standing in glory in her own right. Yet her nomination is bottled up in the Judiciary Committee.

I ask again: Why is she being bottled up?

Look. In 1992, when we had a Republican President and a Democratic Senate, we had 14 nominations for circuit court judges in 1992 during an election year. Nine of them had hearings. Nine of them were referred, and nine were confirmed, including one in October right before the election. Yet we are told no; Bonnie Campbell's nomination came too late. It is too late when we have a Democratic President and a Republican Senate. But it wasn't too late when we had a Republican President and a Democratic Senate.

Nine hearings; nine referred; nine confirmed in 1992. Here we are in the year 2000: Seven nominated; two had hearings; one referred; and one confirmed.

Who is the one who had the hearing that has not been referred? Bonnie Campbell. What a disgrace. What a shame. What a slap in the face to an outstanding individual who has done well in the field of law. I haven't heard anyone—Republican or Democrat—say that she hasn't performed superbly in running the Office of Violence Against Women. Her performance is reflected in the House's 415 to 3 vote to reauthorize the act and the Senate's 95 to 0 vote on that legislation.

I will, as I do every day, ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, that the debate on the nomination be limited to 2 hours equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I knew it would be objected to. But I am going to do it every day to make the point that her name is unfairly being bottled up in the Judiciary Committee. No one has said she is unqualified, or anything such as that.

I can only assume it's that the Republicans figure maybe their nominee will win the Presidency, and all of these will fall by the wayside, and, rather than Bonnie Campbell, we will have somebody else. Maybe that is the way they feel. But that is not the way to run this place.

Once you go far down that road, it may be pretty hard to turn back. Times change. There will be a time when there will be a Republican in the White House and the Senate will be Democratic. Do we want to repeat the same thing this year? Do we want to go down that road? Is that what this place has become? If you start it on that side, that is what is going to happen, because when the Democrats take charge, they'll look back at what happened in the year 2000. We shouldn't go down that road.

ALTERNATIVE DISPUTE RESOLUTION

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2001 Agriculture Appropriations conference report (H.R. 4461). Included in this bill is funding which will, among other things, assist our Nation's farmers, aid rural development, preserve delicate ecosystems and provide food assistance to our Nation's most needy individuals. However, I am concerned about several recent reports conducted by the USDA's Office of Inspector General, and a report by the General Accounting Office (GAO) that criticizes the ability of USDA's Office of Civil Rights to process and resolve civil rights cases in a timely fashion. I recognize that Secretary Glickman has done much to remedy the civil rights problems he inherited when he became Secretary, and I encourage him to continue these efforts.

Mr. TORRICELLI. I share the concerns held by the Senator from Michigan about USDA's ability to address civil right cases in a timely fashion. Failure to resolve civil rights cases involving access to USDA farm programs delays justice and threatens the affected farmer's well-being. The Secretary of Agriculture needs to use his authority to provide independent and neutral alternative dispute resolution (ADR).

Mr. KOHL. Both Senators make important points. The Senate has acknowledged the important role that alternative dispute resolution plays in addressing civil rights matters.

Mr. LEVIN. Both the distinguished Senator from New Jersey and myself have constituents who have encountered significant delays from USDA in addressing their civil rights cases. We want to do all we can to be certain that, when applicable, the Secretary of Agriculture will ensure the Department's participation in an independent and neutral ADR process as expeditiously as possible.

Mr. TORRICELLI. I agree with my good friend from Michigan that the Secretary of Agriculture has the authority to resolve these matters.

Mr. KOHL. I appreciate these comments and agree that this is a serious matter that ought to be addressed by USDA.

TELEWORK

Mr. WELLSTONE. Mr. President, will my friend form Wisconsin yield for the purpose of a colloquy regarding the telework provision of the conference report.

Mr. KOHL. I yield to my colleague from Minnesota for that purpose.

Mr. WELLSTONE. The Senate adopted an amendment to the Agriculture appropriations bill that directed $3 million to be spent for employer outreach, education, and job placement under the USDA/Rural Utilities Service Distance Learning and Telemedicine Program (DLT). The conferees have changed this provision to report language.

We have a tremendous need in our rural communities to take advantage of today's technology and information revolution. I believe, because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. I would ask my colleague if it is his understanding that the Senate's intent can be carried out by USDA Rural Development under existing authority.

Mr. KOHL. I am happy to clarify this for my colleague. He is correct. The Distance Learning and Telemedicine Loan and Grant Program was designed by Congress to enable rural communities to improve the quality of educational opportunities and medical service. I believe strongly that educational opportunities include worker retraining and transitional education. Applicants can partner with local businesses or businesses considering moving into a rural area. Schools, community colleges, and other teaching institutions partner with the private sector today. Within that mandate, this is a program that is truly limited only by the innovation of the rural communities it serves.

Mr. WELLSTONE. I appreciate this clarification, and I ask my colleagues' indulgence for one further question. Would it also be correct that USDA Rural Development should promote employment of rural residents through teleworking not only through the use of the DLT Program, but also through other programs such as the rural business and the Community Facilities Program? These programs might allow funds to be used to provide employment-related services or high speed communications services which may be necessary to make telework a reality in rural communities.

Mr. KOHL. My colleague is correct. Again, USDA Rural Development should be encouraged to be innovative, within their statutory authority, in making grants for the purpose of promoting telework. In addition, USDA should use rural development programs in a manner that will allow rural communities to best take advantage of the potential of new technology and new methods of doing work, such as telework, in building sustainable, diverse rural economies.

WATERMELON SUDDEN WILT DISEASE

Mr. LUGAR. Mr. President, section 804 of H.R. 4461, the conference report on the fiscal year 2001 agriculture appropriations bill, provides the Secretary of Agriculture with emergency authority to compensate growers for crop losses due to new and emergent pests and diseases, including watermelon sudden wilt disease.

Senator COCHRAN, I want to thank you for including watermelon sudden wilt disease in the list of problems addressed by section 804. This disease, which is characterized by wilting leaves and collapsing vines, often results in the death of mature watermelon plants. The disease became a problem in southwestern Indiana last year and has become a much more serious problem in the region this year. Last year, Indiana farmers grew $11 million worth of watermelons, ranking sixth in the nation. This year production will likely be significantly less. On September 19, 2000 USDA's Farm Service Agency office in Indianapolis estimated that the disease may be responsible for Indiana watermelon losses of up to $4.7 million.

Despite ongoing study, scientists at Purdue University have not yet determined what causes the disease, including whether or not adverse weather is a contributing factor. As a result, it appears unlikely that Hoosier watermelon growers affected by this problem will be eligible for assistance under USDA's existing disaster programs or for assistance provided by other sections of the agriculture appropriations conference report. Assistance in these cases is generally limited to weather-related crop losses. As a result, full implementation by the Secretary of Agriculture of the emergency compensation authority provided by section 804 is important.

I must note, however, that section 804 permits, but does not require, the Secretary of Agriculture to provide compensation to growers due to watermelon sudden wilt disease and other new and emergent pests and diseases. Is it the intent of the bill's managers that the Secretary of Agriculture fully implement the authority provided by section 804?

Mr. COCHRAN. Yes, the managers intend that the Secretary of Agriculture fully implement section 804 which provides authority to compensate growers for crop losses due to new and emergent pests and diseases: including Mexican fruit flies, plum pox virus, Pierce's disease, grasshoppers and Mormon crickets, and watermelon sudden wilt disease. Senator LUGAR, as you noted, section 804 is designed to provide compensation to growers for crop losses due to several new and emergent pests and diseases, none of which may necessarily be a weather-related problem. Full implementation of section 804 is necessary for growers to receive compensation for these various problems.

FRUIT FLY EXCLUSION AND DETECTION PROGRAM

• Mrs. FEINSTEIN. Mr. President, I rise today with the chairman and ranking member of the Agriculture Appropriations Subcommittee to discuss one of the greatest threats facing California growers and farmers across the nation—infestations of disease-carrying pests which can potentially destroy entire crops. Just this past year, California has been victimized by a number of pest infestations that have resulted in significant quarantine and eradication programs. California's $1 billion nursery industry is being threatened by red imported fire ants. The $2.8 billion grape industry faces complete destruction due to an infestation of the glassy winged sharpshooter which spreads Pierce's disease, and there is no known cure.

Mr. KOHL. I am aware of concerns expressed by the senior Senator from California that several months ago a 72 square mile quarantine affecting 1,470 growers of at least 20 specialty crops was finally removed. I am told that no pre or post harvest treatment for many of these crops was provided by the USDA and that two fruit flies caused almost 150 growers to loss virtually their entire harvest, costing almost $3 million. The Fiscal Year 2001 Agriculture Appropriations Bill contains language directing the Secretary of Agriculture to use funds from the Commodity Credit Corporation to compensate these growers. I expected that this assistance will be provided in a timely and efficient manner.

Mrs. FEINSTEIN. I appreciate both the chairman and ranking member's willingness to work with me on this issue. Due to this loss of income, a number of growers are currently unable to pay their bills or prepare for next year's crop.

This assistance is desperately needed, but I believe that more emphasis must be placed on preventing future infestations. I am heartened to see that in Fiscal Year 2001, the USDA will hire 17 new agriculture inspectors for the San Diego ports of entry. This is a badly needed first step. We also need to increase the federal investment in California's Medfly Preventive Release Program. If California's fruits were quarantined from all foreign markets because of Medfly infestations, the State estimates that 35,000 jobs would be lost and economic output would be reduced by $3.6 billion.

Mr. COCHRAN. I understand the challenges facing California's growers. The Administration's budget request of $31.91 million for the Program earmarks only $300,000 for equipment and maintenance of the State's Preventive Release Program. The fiscal year 2001 Agriculture appropriations bill provides $32.61 million for the Fruit Fly Exclusion and Detection Program. The $700,000 above the Administration's request is to be used to enhance the release program and detection trapping in California.

Mrs. FEINSTEIN. Again, I thank the chairman and ranking member for their courtesy and understanding. On behalf of California's growers, I want to express my appreciation for your efforts to help shield the State from future fruit fly infestations.●

AMERICAN HERITAGE RIVERS

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included under funding for the National Resources Conservation Service (NRCS) of the Agriculture Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of federal resources is desirable and certainly something many of us have been supporting as a way to eliminate unnecessary activities and spending. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The NRCS "Conservation Operations" and "Watershed Surveys and Planning" funding sections contain specific language that refers to the American Heritage Rivers Initiative, which is coordinated by an interagency committee to assist communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for participating communities in my state and others.

Mr. L. CHAFEE. While the language in this conference report places a limitation on assistance by NRCS for activities related to the American Heritage Rivers, it should not be intended to penalize or disadvantage communities that seek or apply for grants and technical assistance. There is no specific limitation in this conference report that would preclude the NRCS from undertaking other authorized activities that are similar to those provided under the American Heritage Rivers Initiative. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. COCHRAN. Yes.

Mr. KOHL. Yes, that is correct.

AMERICAN HERITAGE RIVERS

Mr. COCHRAN. Mr. President, the conference report includes funding for American Heritage Rivers program under the Conservation Operations and Watershed Surveys and Planning accounts of the Natural Resources Conservation Service, NRCS. Funding for this program is limited to that requested in the President's budget. It is my understanding that there are communities which are in the final stages of being included in the American Heritage Rivers program, including Vicksburg and Natchez, Mississippi.

It is not our intention to limit these funds to those communities that were included in the program when the budget was submitted. Further, if additional communities are added during fiscal year 2001, they should be eligible for all funds available for the American Heritage Rivers program. Also, technical assistance can be provided, without limitation, by the NRCS to farmers or communities in an American Heritage River designated area.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

Mr. CRAIG. Mr. President, first I would like to thank Chairman COCHRAN and Senator KOHL for the hard work they have put into the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests within the confines of a balanced budget.

I wish to engage in a colloquy with the distinguished Chairman of the Subcommittee regarding the funding for the National Rural Development Partnership (NRDP) and state rural development councils (SRDCs). As you may be aware, NRDP and SRDCs have always depended on allocations of discretionary funds from USDA and four other federal agencies. They have never had a stable and predictable source of funds.

Earlier this year, the Committee on Agriculture's Subcommittee on Forestry, Conservation, and Rural Revitalization, which I chair, held an oversight hearing on the operations and accomplishments of the NRDP and SRDCs. The Subcommittee heard from a number of witnesses, including officials of the U.S. Departments of Agriculture, Transportation, and Health & Human Services, state agencies, and private sector representatives. The hearing established the need for some legislative foundation and consistent funding. I was recently joined by 27 Senators in introducing legislation to accomplish this.

The legislation formally recognizes the existence and operations of the Partnership, the National Rural Development Council (NRDP) and SRDCs. In addition, the legislation gives specific responsibilities to each component of the Partnership and authorizes it to receive Federal appropriations.

This legislation was not passed in time for the FY2001 appropriations process, so funding is necessary to keep the program viable until the legislation can be passed. Mr. Chairman, it is my understanding that there is no funding earmarked or specified within the Agriculture Appropriations conference report for this program. However, the Secretary has made discretionary funds available for this program in the past and it is my hope he would continue to do so, and that we can encourage him in this regard, until freestanding legislation can be passed.

Mr. BURNS. I would like to join Senator CRAIG in support of the National Rural Development Partnership. This program is extremely important to states like Montana, where we have a large rural population and long distances between our towns. I would hope that the Secretary of Agriculture will continue to fund the NRDP and provide additional funds for the future expansion of this very important program.

Mr. GORTON. Washington state's rural communities have also benefited by the National Rural Development Partnership, particularly those regions that have been forced from their natural resource-based economies. For the sake of those who have come to rely on the NRDP, I would sincerely hope the Secretary of Agriculture would take into consideration the few remaining resources available to these communities when allocating discretionary funds in the future.

Mr. JEFFORDS. I would like to echo my colleagues' support of the National Rural Development Partnership and its affiliates, state rural development councils. These councils, in Vermont and over 35 other states, are playing an important role bringing together the many governmental and non-governmental entities that work to improve conditions in rural areas. I sincerely hope that Secretary of Agriculture will continue to support this program while authorization legislation is finalized by the Congress.

Mr. COCHRAN. I commend the Senators for their interest in this program. I want to assure the gentlemen that it is the Committee's belief that the Secretary of Agriculture should continue to provide funding from discretionary amounts for this program.

THE INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS

Mr. HARKIN. Mr. Chairman, I note the language in the bill specifying certain institutions that may receive grants under the Initiative for Future Agriculture and Food Systems. I would ask the distinguished chairman if it is his understanding that the program may continue to be carried out in the same manner as during fiscal year 2000 as authorized by law.

Mr. COCHRAN. This language does not intend to create any additional restrictions beyond the restriction on which institutions are eligible to receive grants.

SOLID WASTE MANAGEMENT GRANT PROGRAM

Mr. WELLSTONE. Mr. President, I ask consent to engage in a colloquy with my colleague, Senator KOHL, the ranking member of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies. In particular, I would like to discuss the Department of Agriculture's solid waste management grant program, funded as a line item within the utilities section of the Rural Community Advancement Program. Authorized in section 310B(b) of the Consolidated Farm and Rural Development Act, these grants allow public agencies and nonprofit organizations to provide technical assistance to local communities for reducing water pollution and improving solid waste management.

I ask the Senator, whose State is a neighbor of mine, whether he agrees with, and whether it is his understanding that the subcommittee would support, my urging USDA to direct up to $1 million of the solid waste management grants to the regional, nonprofit, technical assistance organizations known as Rural Community Assistance Programs. These organizations have done an outstanding job serving the smallest, poorest and hardest to serve rural communities in the Midwest and across the country. The Rural Community Assistance Programs are key partners within USDA's Rural Community Advancement Program. Their nationwide network of technical assistance providers—serving water and wastewater system needs for thousands of rural communities—is highly qualified and well placed to improve the effectiveness of rural solid waste management.

For example, the regional Rural Community Assistance Program which serves my State of Minnesota is the Midwest Assistance Program (MAP). Based in New Prague, MN, MAP serves nine midwestern States. The organization has carried out solid waste projects in collaboration with USDA, the Indian Health Service, and with individual tribes in communities throughout the region. MAP is now beginning to target assistance to Minnesota communities for the development of small transfer stations, to improve recycling and better manage solid waste.

Mr. KOHL. Mr. President, I appreciate the Senator's attention to this issue. He is correct to point out the positive role of the Rural Community Assistance Programs in helping carry out this and other important activities in rural areas. The Senator is aware that the President requested $5 million for these solid waste grants for fiscal year 2001. But whereas there is a general acknowledgment of the effectiveness of the program, we are abe to fund the program only to a level of $2.7 million in this bill, due to broader fiscal constraints. In view of that limitation, I think the Senator is correct to urge the Department to give special consideration to those very small, often poor, rural communities which can be the hardest to serve. For that reason, I agree, and I believe the subcommittee would agree, that the Department should be urged to consider directing up to $1 million of the solid waste grants to the regional Rural Community Assistance Programs, which have an excellent record of serving such communities.

Mr. DODD. Mr. President, I rise today to speak once again about the Agriculture appropriations conference report, and specifically to comment on two major provisions that cause me grave concern. One relates to several aspects of U.S.-Cuba policy, and the other to the reimportation of prescription drugs from abroad. I spoke on October 6, when the language first became public, at some length about my opposition to the Cuba provisions in the conference report. At that time, I also expressed support for other provisions of this legislation that dramatically loosen the licensing and financing restrictions on sales of food and medicine to other countries that have been designated as terrorist states—North Korea, Iran, Sudan, and Libya.

I continue to find it appalling that Cuba has been singled out for more restrictive treatment than the other countries I have just mentioned, who are far more of a potential threat to U.S. foreign policy and national security interests than Cuba has ever been.

I would call my colleagues' attention to a remarkable photo that appeared on the cover of the the New York Times on October 11. This photo showed President Clinton meeting with high ranking North Korean General Jo Myong-Nok—the first official meeting of its kind in more than 50 years. The purpose of the general's visit to Washington was to begin a dialogue on ways to enhance relations between our two countries. Secretary Albright has announced she will visit North Korea in the next several weeks. And I won't be surprised if President Clinton also decided to go there before leaving office. How the world has changed.

Let me be clear. I am not opposed to diplomatic efforts to ease tensions on the Korean Peninsula. But I think it is fair to say that North Korea, with its missile programs and hostile government, represents a much greater threat to the United States than Cuba. Cuba no longer seeks to export revolution to its neighbors and is no longer financed by the Soviet Union. Yet there have been no high level meetings of Cuban and American officials held to explore the possibility of improving relations between two close neighbors. In fact, it has been quite the opposite—no one above the rank of Deputy Assistant Secretary in our government can visit Havana or conduct discussions with Cuban officials about such matters. To say that our policy is incredibly skewed when it comes to matters related to Cuba is an understatement.

Emotions and raw domestic politics prevent us from having normal discourse with a small island 90 miles off our coast while, at the same time, we are trying to normalize relations with communist North Korea. A contradiction? I think so.

We cannot have our cake and eat it too. By singling out Cuba for highly restrictive treatment, while throwing the door wide open for countries like Iran and Sudan, we are casting ourselves as hypocrites in the realm of foreign policy, and we are arbitrarily rewarding one oppressive regime while castigating another.

American farmers will not be deceived for very long by supporters of this language who are assuring them that they will indeed be able to sell their crops in Cuban markets. It will quickly become apparent the first time they try to put together a deal that the complexity of the law makes it virtually impossible to complete a sale to that country.

Furthermore, the codification of existing travel restrictions on Americans wishing to travel to Cuba is shameful and irresponsible. By passing this bill, we take away the administration's discretion to grant licenses on a case-by-case basis in circumstances that do not fall into the now codified categories of permissible travel, significantly harming our ability to work to change Cuban society. These restrictions are unfair, hypocritical, and inexplicable to average Americans who believe that their right to travel is a fundamental freedom enshrined in the Constitution.

I also take issue with another major provision that was jammed into this legislation by the Republican leadership—I am speaking of a provision which will allow the reimportation of pharmaceuticals from foreign countries back into the United States. This provision is of concern for several reasons, not the least of which is that it ignores the larger question of whether Congress is going to give all seniors an affordable, reliable drug benefit through Medicare. This provision is far from a comprehensive solution to the very real problem millions of seniors face all over the country in affording their medicines. It is my hope that the enactment of this legislation does not distract us from working toward the goal of providing all seniors with real Medicare drug coverage.

Having laid out my objections, I must state that I am prepared to vote for this bill because it contains funding for many programs that are beneficial to American families and American farmers. These provisions include financial relief for hard hit farmers who have suffered economic and natural disasters, funding for the Women, Infants, and Children Program for school lunches, and food stamps for our less fortunate. These are all vital programs and deserve the support of this body.

The situation we find ourselves in today speaks volumes about those who would slip objectionable language into a bill as important as this one and put in jeopardy its passage. Fortunately, the legislative process does not end with the passage of a single bill. Next year I will be back in this Chamber seeking to put our relations with the Cuban people on the same footing as those of other peoples around the world, and to restore every American's right to travel freely—even to Cuba if they so choose. I will also be working to enact truly meaningful legislation that will ensure that prescription drugs are available and affordable for every American family. These issues are not going to go away with the adjournment of this Congress and in time, reason will prevail on these matters. The American people will demand it.

Mr. CRAIG. Mr. President, I rise in support of the FY2001 Agriculture Appropriations bill. First I would like to thank Chairman COCHRAN and Senator KOHL for the hard work they have put into the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is a challenging process, and they have done an excellent job balancing competing interests. While I don't agree with everything in this bill, I believe this bill provides vital funding for several programs in my state and across the nation.

This conference report includes much needed emergency spending to deal with the fires and drought in the West. As you all know, the West was hit hard this year by wild fires. In Idaho alone over 1.2 million acres were burned. I visited a ranch where, within a couple of hours time period, a fire had destroyed the rancher's business. Of this rancher's 800 head of cattle, close to 600 were killed or had to be destroyed because they were so badly burned. I think this is an emergency, and it is only right that Congress provide funding to assist producers who have been impacted by such a natural disaster. That is why I support the livestock indemnity payments included in this conference report. Ranchers that were lucky enough to get their cattle out of the fires path are now searching for feed for their cattle and are working to rehabilitate the pastures that were destroyed. This conference report helps them by providing livestock feed assistance, as well as Emergency Conservation, Watershed and Flood Prevention Operations and Pasture Recovery Program funding to help defray the costs of rehabilitating the pasture lands. I also support this.

However, I do not believe that all of the spending called emergency in the conference report is really emergency. I am disappointed to see the size of the emergency spending as well as some of the authorizing contained in this conference report. This and some of the other bills represent a bad omen for the future. We need to have a realistic budget resolution every year and we need to enforce it. We need fiscal discipline to maintain an adequate surplus. We will need that surplus to protect and modernize Social Security, to save and reform Medicare, to meet high priorities we know will be there in defense and other areas, and to provide some relief to the most heavily taxed generation in American history.

The bills we are considering at the end of session do not represent a disaster but they are a bad start in terms of planning for our future. I am not pointing fingers. I think our current process is not responding well to the new idea of surpluses. But we need to start now to do a better job.

I am also concerned with some of the legislative provisions contained in this bill. I do not support a rollback of welfare reform, and I am concerned that some of the provisions contained in this conference report are a start at doing just that. While I am strongly opposed to these provisions, this bill contains many things that benefit my state as well as help that is sorely needed. On balance, I have been forced to conclude that I cannot, in good conscious vote against this bill even though I do not agree with each and every item included in this conference report.

I hope the Senate passes this bill today and the President signs it into law. However, I hope that we will reform the process so next year we are not in the same situation we find ourselves in today.

Mr. HARKIN. Mr. President, I would like to make a few more points on the hunger relief provisions.

The centerpiece of this package would allow states to reform their treatment of cars and trucks when determining whether a household meets the food stamp resource eligibility limits. Rural families need to look for and travel to employment, to get groceries, and for a host of other purposes. Rural roads and seasonal driving hazards make a dependable vehicle a real necessity. Particularly in an era of welfare reform, we should not be forcing households to choose between reliable transportation and needed food assistance, as current rules effectively do.

States have recognized this, and a great many of them have greatly reformed their treatment of cars in their TANF-funded programs. This is particularly true of the first car that a household has. Under this provision, states would be free to apply a more realistic TANF policy to a household's primary vehicle even if its policy is to exclude that vehicle completely from evaluations of the family's resources. If the household had an additional car or truck and its TANF policy was stricter than food stamp rules for second vehicles, that additional car or truck should then be evaluated under the usual food stamp procedures.

This change in the law gives a state the broadest flexibility to adopt a policy that effects vehicles from any assistance program it operates under the TANF statute. The Secretary has appropriately interpreted similar language already contained within the Food Stamp Act as applying to any program that receives support either from federal TANF block grant funds or from the funds that the TANF statute requires states to spend as "maintenance of effort" in order to draw down the TANF block grant. A similar construction is appropriate here. All that would be required is that the program get TANF block grant or maintenance of effort funds that it provide a benefit that can meet the definition of assistance, not necessarily cash assistance. For example, a state could apply the policy it uses in a child care program because HHS's regulations define child care as assistance when provided to non-working families.

Once a state decided to apply the policies from a state program to evaluating cars for food stamp purposes, those policies would apply to all food stamp households in the state, whether or not they receive or even are eligible to receive TANF benefits of any kind.

The other Hunger Relief Act provision would raise the cap on the food stamp excess shelter cost this March and then adjust it for inflation beginning October 1, 2001. The shelter deduction reflects the commons sense principle that the same money cannot be spent on both housing costs and food. It provides that when a household is spending more than half of its income on food or mortgage, utilities, and similar costs, the amount of those costs that exceed half of its income will be deducted when calculating how much the household can be expected to be able to spend on food. The shelter deduction is also important in rural America, in part because fewer people in rural communities receive housing subsidies and in part because housing costs can easily exceed half of the relatively modest wages that some low-income families receive in rural areas.

Unfortunately, the shelter deduction is arbitrarily capped at $300 for households that do not contain an elderly or disabled member. This means that low-income families that are not getting housing subsidies and that are struggling under the burden of extremely high shelter costs are getting unrealistically low food stamp allotments. This provision should help, in particular by making sure that the cap does not lose ground to inflation. I hope that in reauthorization, we can revisit this issue and fully provide fair and equitable treatment to these hard-pressed households the vast majority of which have children.

Mr. DORGAN. Mr. President, I want to take a few moments to share my thoughts on the prescription drug reimportation provision included in the Agriculture appropriations conference report before the Senate. As my colleagues know, I have been concerned for a long while that American consumers are charged two to three times more for prescription drugs than consumers in other countries pay. In fact, in June of 1999, I introduced bipartisan legislation, the International Prescription Drug Parity Act, to address this unfair pricing situation by allowing U.S. pharmacists and drug wholesalers to reimport FDA-approved prescription drugs from other countries at a fraction of the cost.

Ten months ago on a cold, snowy day, I accompanied a group of North Dakota senior citizens and pharmacists on a trip to Emerson in Manitoba, Canada. Emerson, Canada, is a tiny one-horse town just 5 miles from the North Dakota-Canadian border. In Emerson, I watched as my North Dakota constituents saved hundreds of dollars each on the exact same prescription drugs available to them in the United States.

One of the folks who went with me was a 70-year-old Medicare beneficiary from Fargo, ND, named Sylvia Miller. Sylvia has diabetes, heart problems, and emphysema, and she takes at least seven different medications each day for her various ailments. Sylvia told me that last year she received $4,700 in Social Security benefits and paid $4,900 for her prescription drugs. "Things don't add up, do they?" she asked.

By making the short trip across the border to Canada, Sylvia was able to cut her monthly prescription drug bill in half. As Sylvia said in a Fargo Forum article about this trip, "It sure would be nice if I could just go over to my own drug store and get those prices."

Sylvia couldn't be more right. No American should be forced to travel to Canada or Mexico just to get more affordable prices for his or her prescription drugs. Yet a prescription drug that costs $1 in the United States costs only 64 cents in Canada, 65 cents in Great Britain, 57 cents in France, and 51 cents in Italy. Those price differences compel many senior citizens who are struggling to pay for their medications and make ends meet to leave the United States to get lower prices elsewhere.

Time and again over the last several years I have been asked by North Dakota consumers why the global economy doesn't work when it comes to prescription drugs. Why can't local pharmacists travel to Canada to buy these same medications at the lower prices and pass along the savings to their customers? Good question.

The answer is that, under current Federal law, only the pharmaceutical manufacturers can reimport prescription drugs into the United States from another country—even though these drugs were originally made in America and approved by the Food and Drug Administration. The lack of competition in the U.S. marketplace has created a situation in which the big drug companies can charge American consumers the maximum the market can bear. And if their 18 percent profit margins are any indication, that is exactly what the drugmakers are doing.

During the Senate's debate on the Agriculture appropriations bill, Senator JEFFORDS and I, along with Senators WELLSTONE, GORTON, and others, offered an amendment to allow U.S. pharmacists and wholesalers to reimport FDA-approved prescription drugs from Canada, Mexico, and other countries where these medications are sold at a fraction of the price. Our amendment included appropriate safeguards to ensure that only safe and effective FDA-approved medications, made in FDA-approved manufacturing facilities and for which safe handling could be assured, would be imported. This amendment was passed overwhelmingly by the Senate by a 74–21 vote.

The House also overwhelmingly passed amendments to the Agriculture bill back in July that would have allowed for prescription drug importation, although without the safety measures adopted in the Senate. Normally at this point, a House-Senate conference committee would have begun meeting to iron out the differences between the House and Senate bills. This year, however, most of the details were worked out behind closed doors and without the involvement of most of the members of the conference committee. As a result, many of us who have been working on prescription drug importation legislation for nearly 2 years were shut out of the negotiations.

I am very disappointed with the route that the House and Senate leadership took to develop the final reimportation language. When the Agriculture Appropriations Conference Committee, on which I served, met, the conferees were presented with final language that had been negotiated largely among only the House and Senate majority leadership. While this language is similar to the Jeffords-Dorgan amendment passed in July, there are some changes in the language. Some of these changes represent improvement, but some changes were not made that should have been.

I share in my colleagues' disappointment that some of the changes that I and others proposed, which would have improved this provision, were not included in the final language. After the Senate passed the Jeffords-Dorgan amendment, a few changes were brought to our attention that would help to ensure that our amendment meets the goal of achieving lower prices for American consumers. Therefore, during the conference, I tried to strengthen the final language in a few key areas.

The changes I proposed would have provided greater certainty that this approach would meet my goal of lowering drug prices for American consumers, but unfortunately they were rejected. First, the FDA suggested, and I agreed, that we should require the drug companies to provide importers with the FDA-approved labeling. I think it is pretty indisputable that I, as well as the other authors of the various prescription drug importation bills, intended all along for imported products to be FDA-approved, including having the appropriate labeling. I would prefer that the final provision make this explicit. However, I believe the final language, which gives the Secretary of Health and Human Services new authority to do whatever she believes is necessary to facilitate importation, provides the needed authorization to accomplish this end through the regulations implementing importation. It is my hope that the Secretary who implements this provision will write strong rules to ensure that reimportation will succeed in giving Americans access to safe, cost-effective medicines.

Second, Congressman WAXMAN and others pointed out that drug companies could prevent reimportation from occurring by requiring their foreign distributors to sign contracts promising not to re-sell their products to U.S. importers. To address this concern, the final provision includes language not in the original Jeffords-Dorgan amendment to prevent the drugmakers from entering into agreements with their distributors that would have the effect of preventing reimportation. Here, too, I wish that this language were stronger and broader, and I unsuccessfully proposed strengthening it.

I have no doubt that the drug companies are already searching for ways to thwart this legislation. If the drug manufacturers do take steps to clearly and purposefully circumvent this legislation, I personally am committed to closing any loopholes or taking another tact altogether to achieve fairer drug prices for American consumers.

Let me make one final point. I think this legislation sends an important message to the big drug companies that Congress will no longer tolerate unfair prescription drug prices. But this legislation is just one step, and it is no substitute for adding a prescription drug benefit to the Medicare program.

I have been saying all along that we have a two-prong problem with prescription drugs in this country. First, prescription drugs cost too much, and I have been fighting for a strong reimportation provision so that we can put pressure on the drug companies to lower their prices. Second, there are too many Medicare beneficiaries who have no prescription drug coverage, and they need it. When the Medicare program was created in 1965, prescription drugs weren't the significant part of the practice of medicine that they are today. Congress must modernize the Medicare program by creating a prescription drug benefit in Medicare, and we should do it this year.

Mr. BROWNBACK. Mr. President, I rise today to put on the record my concerns about numerous provisions contained in this year's conference report of the Ag appropriations bill. Specifically, I am greatly concerned that this year's bill single-handedly turns back a number of reforms made by the 1996 farm bill and moves us further away from an agriculture policy that looks to the markets rather than government for survival. The danger of following such a philosophy is that government is not likely to have the will to sustain the ag industry indefinitely, so that when the political will to support agriculture dries up, there will be massive calamity.

There are legitimate ag emergencies occurring in the country right now. My family is still on the farm, Kansas is the 4th largest agricultural-producing state in the Nation—and I myself served as Secretary of Agriculture for the State of Kansas before coming to the U.S. Senate. I am not here to find fault with providing additional aid to farmers. Indeed, it is in our national interest to do so. My problem is not with the concept of government assistance to farmers—but rather in the shape this assistance is beginning to take—especially this year.

Specifically, I am referring to the treatment of pet commodities like sugar and tobacco—which have been exempt from the market-oriented reforms faced by most other commodities—including the wheat growers of my state, for example. These reforms were set forth in 1996 to move farmers closer to the market. Some of my Democratic colleagues have accused us of abandoning a financial safety net for farmers—I don't see how they can honestly make that claim since farm spending has gone up dramatically since the '96 law was enacted. The Congressional Research Service notes that program payments combined with emergency spending for calendar year 1999 reached $22.7 billion—the highest ever and we have continued to provide substantial support to our farmers in 2000—well above that which would have been allowed under previous farm bills. If this conference report merely continued this tradition of backing up the market-reforms of the 1996 farm bill, I would have no problem—but this conference report takes serious steps to undermine those reforms—and that is wrong.

This conference report contains a provision to change the 1996 farm bill language on marketing loans for sugar—now, instead of having to meet a certain threshold, non-recourse loans will be guaranteed for the next two years. This clears the way for additional payments to sugar producers on top of an already complex quota system which allows them to control the amount of imported competition. We don't do this for wheat, corn or soybeans—we should not do it for sugar.

One of the most egregious parts of this bill is language which will promote increased tobacco production from the same government which is trying to decrease domestic demand for tobacco products.

Currently, co-ops can and do purchase low quality or remaining tobacco not bid on by cigarette companies in order to artificially keep the price high. This bill will now allow the co-ops to then sell, this inferior tobacco to the government (through Commodity Credit Corporation funds). This measure is estimated to cost the government $510 million and cuts out flute-cured tobacco grown in North Carolina—which means there will likely be a similar fix that doubles the cost to the taxpayer.

After obtaining this left-over tobacco, the U.S. is not allowed to market this tobacco domestically for fear of displacing the controlled market and we will not be able to unload it on the world market due to restrictions about exporting tobacco and the already high amounts of world production that are much cheaper than this U.S. price-inflated tobacco—especially since this is the inferior "left-over" tobacco.

To make matters worse, this language prevents this government action from affecting the quota limits for tobacco growing. This means that once the oversupply is wiped out by selling excess tobacco to the government, tobacco quotas will increase and allow for the growing of more tobacco—which will lead to the need for another bailout next year.

For no other commodity do we have a situation like this: the U.S. government actively encourages a reduction in the use of tobacco, particularly by children—and now the same government is going to subsidize and encourage expanded tobacco production. This is one of the worst market-distorting abuses I've ever seen—at a time when we have repeatedly told farmers of most other commodities to turn toward the market and adjust to the new world economy.

Unfortunately, the Senate does not have the opportunity to vote on these measures—we are forced to vote for these offensive programs because they are tied to an agriculture appropriations bill which is so important to our Nation—which provides a measure of unilateral sanctions reform many of us in this body have fought for—for years. This is no mistake—the numerous faulty measures contained in this bill were added at the last minute in conference—precisely because they would never pass on their own, nor should they.

It is truly a disappointment that the conference report to such an important bill contains the very means to undermine the market reforms this Congress has pushed for, because of the interests of a few.

This bill is a very important one—and just as the conference predicted, it is too important for me to vote against—but I fell compelled to express my frustration, and my disappointment in this process—and the hypocrisy it creates.

Mr. McCONNELL. Mr. President, I want to express my support for the FY 2001 Agriculture Appropriations bill and offer my support for the prescription drug reimportation provisions included in this conference report. While I do not believe the provisions are perfect and I continue to have grave concerns about the so-called "non-discrimination" language, I believe this final product represents a good faith compromise which will meet the needs of the American people.

However, I would like to emphasize that my support for reimportation was and remains contingent upon the legislation specifically ensuring that any prescription drug reimported from another country meets all of the United States' safety standards. In other words, our citizens must remain confident that their prescriptions will be filled with products that are safe and effective. In particular, I am pleased that under these provisions, FDA must issue regulations requiring that reimported products be FDA-approved drugs that meet all of the conditions of the New Drug Application, or NDA. It is especially important to maintain our gold standard of drug quality, that all such products comply fully with what FDA calls the "chemistry, manufacturing, and controls" portions of the NDA. Compliance with these requirements assures that the drugs not only have the necessary ingredients but also have been manufactured according to the same specifications as the domestic drug product, and the same high-quality process.

I respectfully ask unanimous consent that several letters outlining concerns similar to mine be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 28, 2000.

Dr. DAVID A. KESSLER,
Dean, Yale University School of Medicine, New Haven, CT.

DEAR DR. KESSLER: On June 29, 1999, you were kind enough to write me regarding the dangers of weakening provisions of the Prescription Drug Marketing Act (PDMA). I am now in receipt of your recent letter to Senator Dorgan, which is supportive of significant changes to PDMA. I continue to see real risk in making those changes, so I would appreciate your insight as to how safety can be assured.

Your June letter cited my multi-year subcommittee investigation of re-imported prescription drugs which demonstrated that adulterated, misbranded, and counterfeit drugs were entering the U.S. market, posing as American-made. You noted that the problems found in our investigation were addressed by PDMA provisions designed to prevent the "introduction into U.S. Commerce of prescription drugs that were improperly stored, handled, and shipped" and to reduce "opportunities for importation of counterfeit and unapproved prescription drugs." Your letter went on to state, "In my view, the dangers of allowing re-importation of prescription drugs may be even greater today than they were in 1986. . . . I know of no changed circumstances that require either a shift in FDA policy or the passage of legislation to repeal PDMA's prohibition on re-importing drugs. Furthermore, I believe that such a repeal of change in policy would re-create the substantial public health risks PDMA was designed to eliminate."

Your September letter now says, "if FDA is given the resources necessary to ensure that imported, FDA-approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, [you] believe the importation of these products could be done without causing a greater health risk to American consumers that currently [exists]." Unfortunately, much of your confidence seems to not only be dependent on whether FDA will in fact receive those additional resources, but also whether FDA can in reality undertake the very tasks that were not being done before the PDMA was signed into law.

While FDA has indeed argued that it will need substantial additional resources to undertake this monumental new task, I am not convinced it has done a thorough analysis of what this undertaking will actually cost. For example, while FDA has provided the Committee with a cursory three-page document on expected budgetary needs (approximately $23 million for the initial ramp-up years, and approximately $90 million for succeeding years), I remain concerned at the lack of specificity in FDA's effort. When asked by Committee staff for the actual work papers supporting the assumptions made in this document, staff was told that no such supporting documents even exist.

Moreover, certain FDA assumptions reveal other concerns. For example, on page two of its document, FDA mentions that, "[g]iven the expectation that criminal activity will increase with implementation [of the proposed plan], it is expected that investigations and other supporting laboratory work would increase." FDA clearly recognizes that additional criminal elements will attempt to undermine the very "medical armamentarium" you refer to in your letter.

In short, Dr. Kessler, the caveats in your letter raise several questions on which I would appreciate your help:

(1) A June 8, 2000, hearing by the Subcommittee on Oversight and Investigations of the Committee on Commerce revealed that FDA is now substantially behind in their inspections of foreign firms that ship drug products into the U.S., and that much of this lag can be attributed to the same resource constraints that plagued your tenure at FDA. You point out that the success of the proposed legislation hinges directly on whether FDA is properly funded. Did the FDA adequately fund foreign inspections during your tenure as Commissioner? Do you believe FDA will actually receive the full amount necessary to competently address the burdensome new tasks imposed by this legislation, particularly given that FDA is already not afforded enough resources to presently oversee the production, movement, and final delivery of drug products now sent to the U.S. from foreign sources? What might happen if sufficient resources are not available?

(2) On a recent trip to China to investigate issues relating to both FDA foreign inspections and pharmaceutical counterfeiting, committee staff were told by several security officials that counterfeit material is often mixed into shipments of legitimate products, as an additional tactic to elude regulators. Thus, rather than entire shipments being counterfeit, in some cases, only a part of a total shipment may be illegitimate. Would batch testing which is what the proposed legislation envisions as the primary test to determine authenticity, be a reliable method for protecting the U.S. consumers from potentially rogue and dangerous counterfeit drugs? If a batch test were only to test the legitimate product, how, under this legislation, will a portion of counterfeit material be detected? Is there a methodology for doing this? Finally, FDA has long argued that quality assurance cannot be "tested" into a system (hence, the purpose behind the current foreign inspection program), which is why they have rejected batch testing as a final test for finished product and bulk materials sent to the U.S. Do you believe that batch testing will suitably meet the same stringent safety requirements long relied upon by the agency?

(3) As you are aware, the PDMA, and the implementing regulations established standards for storage and handling of medicines as they move from a manufacturer to a retail pharmacy. These provisions were enacted because pharmaceuticals are very sensitive to various environmental factors, and drugs are thus packaged under controlled conditions. Storage of pharmaceuticals under extreme environments, as you know, can lead to premature deterioration of the drug. As the testing requirements for product degradation called for in the Jeffords amendment will provide information on drug potency at the point a test is conducted (and not across the shelf life of the drug), there is no guarantee that a product imported from another country will arrive with roughly the same shelf life as envisioned by the manufacturer. If drug products have been subjected to temperature extremes while being shipped or stored, or are improperly repackaged, the medicines could not be guaranteed to meet its specifications up to the expiration date. On the recent trip to China, committee staff was told by a security official that he has seen one batch of drug product literally circle the globe several times, over the course of more than a year, including being stored in temperatures in excess of 40 degrees centigrade, before ultimately being bought by an importer. Imported drugs will require repackaging and relabeling (so that the imported product conforms with an FDA-approved and required dosage form, packaging, and product labeling for the American market), so there is a very real chance that an American patient will unknowingly receive pharmaceuticals that are not fully efficacious because of premature loss of potency. Do you agree with this assessment? Specifically, how can these very real and potentially dangerous possibilities be dealt with in this legislation or its implementation, so that we can ensure that the health and well-being of American patients is not compromised?

(4) As you know, in the United States, pharmaceutical recalls are initiated by manufacturers because a manufacturer can quickly and efficiently, through its wholesale distribution system, located products. In the case of imported drug products under the proposed amendments, a manufacturer may not have a systematic way of knowing where a drug originated, or even if a product has been transshipped to multiple countries before entering the United States. The Jeffords amendment allows not only for a drug to be shipped through multiple foreign locations, but also for a drug to be transferred among any number of intermediaries. Because of the likelihood of repackaging, it is not even certain that the product will be labeled with the original manufacturers lot number. How can a manufacturer's recall be administered efficiently and effectively under these new conditions?

I appreciate your attention to this matter. In light of the major public health implications associated with loosening reimportation restrictions, I daresay that we will be corresponding well into the future on these issues.

Sincerely,

JOHN D. DINGELL,
Ranking Member.

SEPTEMBER 20, 2000.

Hon. JOE SKEEN,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Committee on Appropriations, Washington, DC.

DEAR JOE: As you know, the House adopted two amendments to the Agriculture Appropriations bill relating to the reimportation and importation of pharmaceutical products from abroad. I voted against both these amendments and remain concerned about the potential impact of these proposals on the health and safety of American consumers and the future integrity of the U.S. drug supply.

While the House amendments were characterized as simply providing for the personal importation of pharmaceuticals for personal use, they actually go beyond this to reverse longstanding policy in this regard. In my view, such an important change with implications for American consumers should not be implemented through the appropriations process. Such changes warrant careful thought and deliberation through the regular legislative process.

I recall the congressional investigation in the mid-1980's that led to the enactment of the Prescription Drug Marketing Act and current ban on pharmaceutical reimportation. At the time, there was considerable evidence of both the counterfeiting and diversion of pharmaceutical products outside the United States. I do not believe that the situation has changed. In fact, it may have become worse with the advent of Internet purchases. I agree that seniors need help paying for their prescription drugs, and voted for our plan to do that. But now is not the time to weaken the rules that have protected American patients for more than a decade.

I urge you to address these concerns by dropping these provisions from the Agriculture Appropriations bill in conference.

With best personal regards,

Sincerely,

BILL ARCHER.

Mr. HATCH. Mr. President, I appreciate the many long hours of work by my colleagues on the Agriculture Appropriations Subcommittee to develop this legislation. I admire the efforts of my friend and colleague, Senator COCHRAN. I believe we all owe him our gratitude for his leadership on behalf of our nation's agriculture industry, including its small family farmers and ranchers. I am well aware that putting these bills together is never easy and seems recently to be an almost thankless task.

There is much in this bill worthy of enthusiastic support. I am particularly pleased that the conferees have included a number of provisions that will benefit farmers and ranchers in the West.

For example, the entire West will benefit from pasture and forage research that is funded by this bill. The information we obtain from this Utah State University program not only makes our livestock producers more efficient, but also contributes significantly to the health of our pasture lands in the West.

Another important contribution to research in the conference report is the funding for Utah State's Poisonous Plant Laboratory. The effort to fight noxious weeds in the U.S. will receive a significant boost as this important facility is finally upgraded. Some people chuckle when they see a program to fight noxious weeds. But, I can assure my colleagues that this is no joke. If you have ever seen a crop overrun with these weeds, you would know that we need to continue our research efforts to come up with safe and effective means to fight them.

The environment also benefits by this bill's continued funding for the Colorado River Basin Salinity Control Program. This is particularly important to farmers within the vast Colorado River Basin, who must shoulder much of the burden for minimizing agricultural runoff into the Colorado River. The Salinity Control program is good for farmers, good for the environment, and good for the fish species in the river.

Also important to Utah agriculture, Mr. President, is the funding this bill provides to compensate farmers for losses due to the infestation of grasshoppers and Mormon crickets. For the last couple of years, farmers in Utah and other Western states have faced one of the largest infestations on record. I am very pleased that Congress has seen fit to provide these farmers with relief. You wouldn't think that these little insects could do so much damage, but they do. This funding is important to those in my state who have suffered terrible losses.

Finally, Mr. President, I have often reminded my colleagues that Utah is the second driest state in the Union. Utah's farmers understand better than most that water equals life. For that reason, I am pleased that this bill will help to protect the Long Park Reservoir by providing technical and financial assistance to shoring up this important source of water.

Mr. President, these are just a few of the programs funded by the conference report that will benefit Utah's farmers.

I am also proud to say that I worked with Senator COCHRAN and Senator DURBIN to increase the amount of funds available in FDA's Office of Generic Drugs. When generic drug applications languish at FDA, it is the public that loses, and these additional resources will be a needed shot in the arm. They will enable the FDA to process these applications more quickly and get generic drugs to consumers faster.

This is a momentous piece of legislation, which is why I think it is unfortunate that it is being made a vehicle for an unrelated proposal that is poor policy and that would undoubtedly have been the subject of considerable debate should it have come to the floor as a free-standing bill.

Mr. President, I must register my severe reservations about the drug importation provisions that have been inserted in the Agriculture appropriations conference report.

I commend Senator COCHRAN for his attempts to improve some of the more egregious features of the controversial pharmaceutical importation provisions that have been slipped into this appropriations bill. But, these mitigation measures do not go far enough to correct what I consider the proposal's principal flaw.

My first and foremost concern about this proposal is patient safety.

I have been around here long enough to gauge momentum and count the votes. I know that the reimportation provisions have been wedged in a must-pass, year-end appropriations bill—one that forces me to choose between supporting a bill that does much to help Utahans and opposing a bill that contains one bad, albeit popular, idea.

But before we adopt this reimportation measure, which has not been the subject of a committee mark-up in either the Senate or House, let's at least stop for a moment and think about the type of risk we are placing upon the American people.

Although I do not see eye-to-eye with Congressman JOHN DINGELL on every, maybe even most, issues, I always respect his views. And, I recognize his many impressive efforts when he chaired the Oversight and Investigations Subcommittee of the House Commerce Committee. In fact, it was the Dingell Oversight and Investigation Subcommittee's investigation into the foreign drug market that led to the enactment of the 1988 Prescription Drug Marketing Act. I was proud to help shepherd this legislation through the Senate.

The good news is that the PDMA law helps prevent pharmaceuticals that are mislabeled, misbranded, improperly stored or shipped, beyond their shelf life, or even bald counterfeits from entering the United States from abroad.

The bad news is that the legislation we are being asked to adopt today will unravel essential elements of the PDMA, which currently controls importation of pharmaceutical products into the United States.

As the committee report accompanying the PDMA stated:

> (Re)imported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by the U.S. law once the drugs have left the boundaries of the United States.

Congressman DINGELL has also commented on the pending legislation. I am sad to say that this assessment may turn out to be prophetic. As my Democratic friend, Representative DINGELL, succinctly summarized the situation: "Make no mistake. This reckless legislation never went through the committees with expertise or experience in these matters. It is going to lead to needless injuries and death."

As chairman of the Judiciary Committee which has jurisdiction over counterfeiting, I am concerned that our members have not had an opportunity to make a careful study, in collaboration with the Drug Enforcement Administration, of the potential for this language to increase the flow of counterfeit drugs. The World Health

Organization has issued several reports that have detailed the international scope of the counterfeit pharmaceuticals problem.

Some might question how Congress could enact legislation that could endanger the health and safety of the American people. As I have argued previously on the floor of the Senate, even the best of intentions in trying to lower drug prices surely can't be adequate justification for sacrificing patient safety.

I recommend a critical reading of the transcript the October 3, 2000, House Commerce Committee Oversight and Investigations Subcommittee hearing on the important issue. I think a fair appraisal of this transcript warrants a conclusion that FDA already has its hands full in the policing the relatively limited area of PDMA-permissible imports.

Based on what we learned at the October 3 hearing, if Congress adopts, and the President signs into law, these new, greatly liberalized reimportation rules, it is difficult to see how the Secretary of Health and Human Services or the Commissioner of Food and Drugs will be able to handle the tremendous responsibilities imposed upon them in this provision.

One of the points that came out of the hearing during the testimony of the Commissioner of Food and Drugs, Dr. Jane Henney, is that there are at least 242 manufacturers spread across some 36 countries that appeared to have exported drug products to the United States but that did not have a current FDA inspection. This is like playing Russian roulette with the public health.

At this same hearing, the Commissioner of Customs, Mr. Raymond Kelly, testified that there are some 301 ports of entry that must be watched by the Customs Service. And keep in mind that this is the situation under the current statutory framework where it is difficult to import drugs into the U.S. Imagine the catastrophic possibilities if we adopt a law that loosens the reigns on importation of drug products into the United States.

The House hearing brought out the fact that it is not only manufacturing plants we need to worry about, but also repackaging facilities and bulk drug facilities as well as the various warehousers and transporters of drug products. We must be concerned about how we can guarantee strict adherence with the general good manufacturing practices in overseas facilities that we have come to expect in the United States. These guidelines provide assurance as to the purity of pharmaceutical products.

Basically the bill says, in effect, don't worry, the FDA will issue regulations that will solve all these problems.

Maybe so. But if it was so easy for FDA to regulate these problems right out of existence then why are 10 former FDA Commissioners against this bill? I fear that in practice the drafting of these regulations will prove to be an extremely time-consuming and complex endeavor.

And even if the regulations are promptly drafted, what assurance and expectation do we have that all of these foreign establishments will be respectful of the regulations of the United States Food and Drug Administration?

If you don't believe me, get a copy of the transcript of the October 3 hearing and read about what House Commerce Committee and FDA staff found in a recent trip to Chinese and Indian drug manufacturing facilities. Not only did this investigation help uncover that some 46 Chinese firms and 11 Indian firms were exporting apparently misbranded drugs to the United States, there also appeared to be wholesale theft of U.S. intellectual property related to drug products.

Yet instead of tightening the controls we have in place, we are unwisely, in the name of attempting to cut high drug costs, loosening them. Let me say it once again, it is no wonder why ten former FDA Commissioners have come out against these drug importation measures. In enacting this reimportation measure, we will have put in place a ticking time bomb on the public health front as well as creating a regulatory climate that can only encourage an assault on American intellectual property.

While the public health shortcomings of the bill are chief among my concerns, as chairman of the Senate Judiciary Committee, I do want to raise some troubling aspects of the reimportation provisions as they relate to intellectual property.

In my view, it would have been preferable for the Judiciary Committees of both the House and Senate to have had an opportunity to carefully study the rapidly evolving language that was inserted into this appropriations bill.

I share the legitimate concerns of all Members of Congress about the difficulties the many Americans, particularly our senior citizens, have in gaining access to affordable drugs.

In fact, one of my chief concerns about the reimportation measure—public safety, intellectual property, and trade policy concerns aside—is whether consumers will get any substantial benefit when a new phalanx of middlemen get their piece of the action for bringing these drugs into the United States. I am not convinced that consumers will get much in the way of savings. And, what little benefit they get will come at what cost?

I believe that the industry must give the American public and the Congress a better explanation to account for the discrepancies in some drug prices in the United States and in other countries. And, I call upon the industry to ensure that Americans are paying fair prices for pharmaceuticals and that citizens in other nations are also paying their fair share and not merely free riding on the substantial U.S. investment in biomedical research.

We must be especially wary of price control regimes in other countries that may set prices at levels inadequate to reflect their citizens' fair share of the R&D costs. We must recognize, however, that what is a fair and affordable price in the United States may not be affordable in many developing nations. The differences in GDP of the developed and developing world have many dimensions, mostly negative.

We must be mindful of the important fact that virtually every nation in the world has made a commitment, helped along by the leadership of the U.S., to attempt to create that rising tide that lifts all boats by adopting the GATT Treaty, which specifies the rules of international trade. The GATT TRIPS provisions consist of critical new legal protections for the intellectual property. It is intellectual property that undergirds the creation of so many new products, including pharmaceuticals.

In our understandable short-term desire to help the developing world fight back against such infectious disease menaces as HIV, TB, and malaria, we must avoid acting, however unintentionally, to undermine the long-term interest in protecting the intellectual property rights of American inventors.

That goes for our goals to develop new drug therapies benefiting Americans as well. For our own national interest, as well as the interests of our trading partners, particularly developing nations, we must use our influence to build respect for and protect the inventive energies citizens worldwide.

I do not believe the reimportation provisions in this conference report advance the cause of intellectual property protection and, in fact, may have an unintended but unmistakable effect of retarding future drug development.

Mr. President, I ask unanimous consent to include in the RECORD at this point two letters that I wrote, one to Senator LOTT and Speaker HASTERT and one to Senators COCHRAN and KOHL, to object to both the process and substance of these provisions. In addition, House Judiciary Chairman HENRY HYDE expressed similar concerns. I ask consent that his letter also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered,

(See Exhibit 1.)

Mr. HATCH. As this correspondence indicates, I am particularly concerned by the so-called non-discrimination clause that suddenly materialized, almost out of the vapors, and was added to the conference report at the last moment.

I would also note for the record that, prior to learning that such language was under development, I contacted Chairman COCHRAN and the majority leadership with a request that a rule of construction be added to these ill-advised importation provisions to the effect that the language be neutral with respect to intellectual property rights.

Imagine my surprise and disappointment to find that not only was my modest proposal, which was consistent with every version of the bill that passed both the House and the Senate up to that point, not adopted, but, instead, all too discriminatory "non-discrimination clause" incorporated in its place.

This provision states: "No manufacturer of covered products may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a)." Make no mistake that this clause appears to take direct aim on some of the most traditional of American commercial rights such as freedom to contract and the freedom to license patent rights.

In the United States, manufacturers have great leeway in selling their goods. For example, in its 1919 decision, United States v. Colgate & Co., the Supreme Court noted it is a "long recognized right of [a] trader or manufacturer to exercise his own independent discretion as to parties with whom he will deal." Moreover, this right is particularly strong when the seller holds patent rights which are derived directly from Article I of the Constitution.

As the language is scrutinized, I hear more and more questions being raised about the potential conflict of these provisions with current law.

Mr. President, in some respects, this non-discrimination clause is a major assault on intellectual property rights. It hardly sends a strong signal to our knowledge-based industries that form the backbone of the new high-technology economy.

I serve on the Finance Committee where we had jurisdiction over trade matters. While at the point I have reached no final answers or conclusions about how the non-discrimination clause comports with the TRIPS provisions, I can tell you that I have a lot of questions. And I can tell you that we would be better off if, before we adopt this language, we took the time to work through some of the tough questions that this highly controversial clause raises with, for example, Article 28 of TRIPS. Neither the Finance Committee nor the Ways and Means Committee will have a meaningful opportunity to examine the trade implication of this language.

I can only hope that this language does not result in the importation of sub-standard and unsafe drugs along with a back door system of price controls. Wisely, this body has always resisted direct government price controls on high-technology products like pharmaceuticals. We stand today as the world's leader in pharmaceutical innovation. Let's hope that this bill does not undermine this achievement.

Let me emphasize, Mr. President, that we need to work together to make drugs more affordable for the American public—all of those in Congress with expertise in the policy areas that contribute to addressing this issue should be collaborating on a solution to high drug prices. This is not a simple matter, and a solution that looks simple and obvious could easily prove disastrous to both consumers and the research enterprise.

We must tackle this issue in a manner that doesn't threaten public safety, undermine the incentives for developing new intellectual property, and otherwise adversely affects U.S. trade interests. Frankly, I am concerned that these reimportation provisions, however well-intentioned, will not be able to met these tests.

I will support this conference report, even though I have very serious concerns about the provisions on pharmaceutical reimportation. I hope to work with my colleagues on all the relevant committees in the House and Senate on these many issues concerning pharmaceuticals and their importation into our country.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,
Majority Leader of the Senate,
Washington, DC.
Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture,
Committee on Appropriations, Washington, DC.
Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.
Hon. JOE SKEEN,
Chairman, Subcommittee on Agriculture,
Committee on Appropriations, Washington, DC.

DEAR TRENT, DENNY, THAD, and JOE: This is to register my strong objection to the so-called "non-discrimination" amendment that Representative Henry Waxman and others are trying to insert into the pharmaceutical importation provisions in the Agriculture Appropriations Conference Report. This language would affect both intellectual property and contract rights and raises constitutional questions. As Chairman of the Senate Judiciary Committee, I believe it is imperative that you reject these ill-advised, eleventh hour provisions that relate to critical intellectual property rights that have not been considered by either the House or the Senate Judiciary Committees.

Although styled as a "non-discrimination" provision, this language is a thinly disguised attack on intellectual property protection in the United States that conflicts with longstanding U.S. policy, would set a dangerous precedent for all U.S. businesses, and would undermine bipartisan U.S. trade and intellectual property negotiating objectives abroad. Proponents of this language would deny pharmaceutical manufacturers their freedom in private contracting, and appears to compel them to sell unlimited quantities of their prescription medicines to foreign buyers, including unknown foreign entities lacking any interest in the safety and health of American patients who rely on the safety and effectiveness of prescription medicines. This proposal has not been the subject of a single hearing, let alone a committee markup, and is unquestionably within the jurisdiction of the House or Senate Judiciary Committees, neither of which has been consulted on this controversial measure. I urge you to reject it.

My responsibilities as Chairman of the Senate Judiciary Committee require me to oppose this sneak attack on intellectual property protection and U.S. leadership in innovation benefiting consumers. My responsibilities to my Utah constituents and the American people generally impel me further to object to the adoption of the prescription drug import proposal on safety grounds. I am greatly disturbed to learn that Conferees are apparently considering lowering the traditional gold-standard of "safety and efficacy" to a new, untested, and disturbingly ambiguous standard of "reasonable assurance" of safety and efficacy. The Senate passed the Cochran-Kohl amendment 96-0 precisely to seek to ensure that risks to American patients are not increased through re-importation of prescription medicines.

In direct contradiction to these efforts, the "non-discrimination" measure clearly and unacceptably increases such risks. This measure would place domestic medicine supplies in jeopardy by forcing our manufacturers to sell unlimited quantities abroad. It also would prevent them from exercising sound business judgment about to whom to sell, forcing them to sell drug products to anyone—even unscrupulous shady dealers. In conjunction with a price control system of a foreign nation, this "non-discrimination" regime is tantamount to a compulsory licensing system that can only undermine the incentives required for the private sector to make the necessary substantial investment to invent new medicines. In order to protect the safety and health of American patients, advance our Nation's trade policy, and promote the development of the next generation of medicines, this proposal must be rejected.

Sincerely,

ORRIN G. HATCH,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,
Majority Leader of the Senate,
Washington, DC.

DEAR MR. LEADER: I understand that the situation on the drug import provisions in the Agriculture Appropriations bill is fluid and that now there is language being proposed that modifies the House proposed text that I have previously criticized. Unfortunately, I must register my objection to this new language as well.

It is my understanding that the new language states: "No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products." How can this restrictive provision square with such basic American concepts of private property and freedom to contract? It seems to me that Congress, like the courts, should not get into the business of rewriting contracts.

In my view this new "compromise" provision does not escape the fundamental problems presented by the earlier House language because a flat prohibition on the ability of a manufacturer to limit the future sale or distribution of pharmaceutical products flies in the face of current law and policy. I must report to you that as this language circulates among the bar, reputable attorneys are concluding that it presents serious constitutional issues. As Chairman of the Judiciary Committee, I believe it wise for our committee to consider this issue before such language is enacted. Given the fact that the import provisions will not go into effect until the FDA issues a complex set of safety testing regulations, I see no need why the Congress must rush in the last few days of the session to include this new provision. I know that my House counterpart, Chairman Henry Hyde, has raised similar objections with Speaker Hastert.

So I must once again add to my concerns about the potential negative public health aspects of the pharmaceutical import amendments, a separate objection concerning the erosion of intellectual property and contract rights. I urge you to oppose these measures until these issues can be carefully reviewed and debated.

Sincerely,

ORRIN G. HATCH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 4, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As Chairman of the House Judiciary Committee, I urge you to reject intellectual property provisions, disguised as a "non-discrimination" requirement, advocated by Mr. Waxman for inclusion in the drug re-importation measures in the Agriculture appropriations bill or in other legislation. The Waxman gambit is an anti-business, anti-intellectual property effort to force pharmaceutical patent owners to give up their patent rights with respect to re-importation into the U.S. of their patented product, by denying their freedom in contracting. Mr. Waxman further wants to compel drug manufacturers to sell unlimited quantities of their prescription medicines to foreign buyers, including unknown, fly-by-night operations that are unlikely to be held accountable for patient health and safety. This proposal has not been the subject of a single hearing and falls squarely within the jurisdiction of the House Judiciary Committee, whose members have not been consulted on this.

Beyond the serious jurisdictional issue and erosion of intellectual property rights, I further object to the Waxman proposal because it clearly increases risks to the health and safety of American patients. This measure would place domestic medicine supplies in jeopardy by forcing manufacturers to sell unlimited quantities abroad. It also would prevent them from exercising sound business judgment about to whom to sell, forcing them to sell to unscrupulous shady dealers and fast-buck artists abroad. For these reasons, I urge you to reject these measures.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. ASHCROFT. Mr. President, I rise to express my strong support for the Agriculture Appropriations Conference Report, which we will vote on today. This bill contains over $78 billion in funding (and more than $3.5 billion in emergency assistance for farmers). And it contains important initiatives I have been pushing—doubling the payment limit for LDPs (from $75,000 to $150,000) and lifting embargoes on food and medicine.

I extend my sincere gratitude to the Chairman of the Agriculture Appropriations Committee, my friend from Mississippi, who has crafted a bill that gives America's farmers the assistance they need in the short term—and keeps a promise we made to open more markets in which to sell their products overseas.

This bill culminates an almost 2-year effort on my part to open overseas markets to American farmers by ending U.S. food and medicine embargoes. We talk a lot about foreign trade barriers, and rightly so. We must continue to be vigilant to remove those barriers, such as the EU ban on U.S. beef. However, it is hypocritical of the U.S. government to target foreign barriers without removing our own barriers. That's exactly what food embargoes are—U.S. barriers against U.S. farmers. A policy shift in this area is long overdue, and I am pleased that this Conference Report reflects that shift. While the final product before us is not perfect, it does change substantially U.S. policy on embargoes of agriculture and medicine.

We know that sanctions hurt farmers. The currently-embargoed market for our food products is estimated by some at about $6 billion. Cuba alone could purchase about $1.6 billion worth of food and medicine each year. Jim Guest, the President of the Missouri Pork Producers said: "With 11 million people who enjoy pork, Cuba will become an important U.S. pork export market. In 1998, the last year for which statistics are available, Cuba imported about 10,000 metric tons of pork from Canada, Mexico and the European Union."

This sanctions reform proposal covers more countries than just Cuba. There are four other countries affected by this legislation that could present substantial opportunities for U.S. producers of wheat, soybeans, beef, corn, etc.

Furthermore, this provision reforms sanctions policy for the future. The President will not be able to impose new sanctions without Congressional involvement.

Food embargo reform can be summed up as a big "win": a win to the U.S. economy, a win for U.S. jobs, a win in foreign policy, and a win for those hungry and hurting in foreign countries.

My goal that I set out to reach years ago—giving the U.S. the opportunity to export more food and medicine—has been achieved in the bill we are voting on today. The Food and Medicine for the World Act, which I introduced in 1999, and which is the basis for the agreement in this Ag. Approps. Conference Report, separates out food and medicine from all other products when it comes to sanctions policy.

Current embargos against agriculture and medicine will be lifted, and there will be no embargoes in the future unless the President first receives Congressional approval. This proposal of mine has remained in place throughout the Senate and House negotiations. It is the underlying basis for real sanctions reform because it does not focus on any one country. Instead, it is a new framework for U.S. policy in general. The differences between my original proposal and this final agreement are merely details on HOW the exports of food and medicine will be facilitated. We made progress in some areas, and in others, we must monitor the effectiveness toward reaching our goal.

Let me explain briefly those differences. On the issue of how the exports will be allowed, there are two things I would like to cover—licensing and financing.

On licensing—we have gone much further than the Administration plan put in place last year, which has two substantial limitations. First, the Administration plan requires case-by-case licensing, whereas, the language before us in the Conference Report ensures that a least restrictive licensing system is set up—to cover a 2 year span instead of being case-by-case. Second, current U.S. policy requires tight restrictions on the end recipient of the food (those to whom we could sell our farm products). However, the bill we are voting on today allows exporters to sell to countries broadly, whoever wants to buy their products.

On financing—all sales to these countries can be freely financed by U.S. banks, but the House added a restriction that will prohibit U.S. banks from being the primary financial institution in any sales to Cuba. U.S. banks will be able to facilitate transactions, but they won't be allowed to assume the risk of the Cuban buyers. While this policy is not my preference, I will point out that it is not a step backward. It simply keeps in place the current restrictions that exist in U.S. law.

One final note on financing, particularly U.S. government financing—under the bill before us, U.S. government credits will be available to help finance exports of agricultural products if the President determines that it is in the humanitarian or national security interest to extend the credits.

All along, I have been committed to real sanctions reform in a final bill—and that is what we have accomplished. As with any major reform of U.S. policy, our proposal may not be perfect, but we can address any roadblocks that arise when they are brought to our attention by the farming community and humanitarian organizations.

I welcome the recognition by a sizable majority of Congress that the time has come to reform this nation's obsolete and hurtful policy that allows using food and medicine in embargoes. And I look forward to sending this embargo reform bill to the President's desk so America's farmers are given increased freedom to market.

Mr. President, I would like to insert in the Record a letter addressed to me from Charlie Kruse, the President of the Missouri Farm Bureau. Also, I would like to insert a statement from the Missouri Pork Producers. Finally, I would like to insert a letter signed by 15 agriculture organizations supporting this sanctions reform proposal and the Conference Report. Let me just say that this effort—reforming our nation's policy on food embargoes—has been a cooperative effort. The farm organizations that have signed these letters have shown tremendous leadership in getting us where we are today. I extend my sincere appreciation for their support throughout this entire process.

I would like to address one final point, Mr. President, with regard to the intent of those that have drafted this sanctions reform proposal. Senator Hagel and I, as the drafters of the underlying sanctions reform bill, are submitting a statement of intent on how this proposal should be implemented by the Administration. I ask for unanimous consent that it be printed in the Record following my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Trade Sanctions Reform and Export Enhancement Act—Intent of Senate Sponsors

BRIEF PROCEDURAL HISTORY

A reduction in the amount of agricultural exports and a decline in commodity prices have led to renewed efforts by farm groups and agribusiness firms to win a change in U.S. sanctions policy. While there has been some easing of these sanctions through executive order, agricultural exporters have sought legislation to exempt their products from embargoes to ensure that any positive changes in policies are not reversed based on changing events or a change of Administration.

Title IX of the Fiscal Year 2001 Agriculture Appropriations Conference Report, the "Trade Sanctions Reform and Export Enhancement Act," contains sanctions reform for agricultural products, medicine, and medical devices.

The language in this act can be traced back to the "Food and Medicine for the World Act," (originally, S. 425 and S. 1771, both introduced in 1999). The text of the "Food and Medicine for the World Act" was offered as an amendment to the FY2000 Agriculture Appropriations Bill (S. 1233), on August 4, 1999, by Senator Ashcroft and Senators Hagel, Baucus, Kerrey, Dodd, Brownback and 15 other cosponsors. The Senate defeated a motion to table, 70 to 28, and the amendment, after modifications, was accepted by voice vote. There was not a comparable provision in the House appropriations bill, and ultimately the embargo provisions were deleted from the conference agreement, at the request of House leadership.

In March 2000, the Senate Foreign Relations Committee held a marked up of S. 1771, the "Food and Medicine for the World Act." During the mark up, the title was changed to the current title, "Trade Sanctions Reform and Export Enhancement Act."

The provision, as marked up by the Senate Foreign Relations Committee, was then offered as an amendment to the FY2001 Agriculture Appropriations Bills (H.R. 4461; S. 2536) in both the Senate and House during Appropriations Committee markups. When the Senate passed S. 2536, the FY01 Agriculture Appropriations bill on July 20, 2000, it contained the sanctions exemption language that had been inserted during committee consideration. The House language was accepted in the House Agriculture Appropriations Subcommittee, but later deleted on the House floor on July 11, 2000, as a result of a point of order that the amendment was an instance of legislating on a spending bill.

A compromise reached between amendment supporters and opponents regarding the application of the exemption to Cuba served as the House leadership's position in conference, and was eventually accepted by House and Senate Republicans. The language of S. 1771 that lifts sanctions and restricts the future use of sanctions was maintained. However, the language on licensing and credits was altered (see explanation below). Furthermore, the House leadership added language regarding travel to Cuba that has the effect of codifying the current regulations that restrict travel.

PURPOSE

The overall purpose of this title is clear: to eliminate unilateral food and medicine sanctions and to establish new procedures for the future consideration of such sanctions. In drafting this provision, the intent of the authors is to expand export opportunities for United States agricultural and medical products beyond that currently provided for in law and regulations. As the original sponsors of this provision, we would like to outline briefly what we believe the intent of this provision to be, in order to ensure that agencies that will implement this legislation fully appreciate the expectations of the sponsors. We expect that regulations to implement this provision will promptly liberalize the current administrative procedures for the export of agriculture and medicine. A section by section explanation follows:

SECTION 901—TITLE

This section contains the title of the Act, the "Trade Sanctions Reform and Export Enhancement Act."

SECTION 902—DEFINITIONS

Definitions in the section are broadly drawn to allow maximum benefit to exporters of agricultural commodities and medicine and medical products.

Agriculture Commodities: The drafters used the definition of "agricultural commodities" in the Agricultural Trade Act (7 U.S.C. §5602) because of its inclusiveness. It includes all food commodities, feed, fish, and livestock, as well as fiber. Also, for all of these items, the definition includes "the products thereof." Therefore, it is the drafters intent to cover all value-added products and processed products that include food, feed, fish, livestock, and fiber. In addition, value added products and processed products are covered even if they contain some inputs that are not of U.S. origin. Note: The drafters specifically chose not to use another definition in U.S. law that requires all of the inputs to these processed foods be of U.S. origin, 7 U.S.C. §1732. For purposes of administering Title IX of this Act, Section 775 of the Conference Report clarifies that the term "agricultural commodity" shall also include fertilizer and organic fertilizer.

Agricultural Program: The intent of the bill is to lift sanctions on commercial sales, as well as sanctions on the use of federal programs that are used to facilitate the export of agricultural products.

Medical Device and Medicine: These terms should be interpreted broadly to mean all products commonly understood to be within these categories, as explicitly recognized by the Federal Food, Drug and Cosmetic Act, and including supplies, such as but not limited to, crutches, bandages, wheelchairs, etc.

SECTION 903—RESTRICTION

This section requires the President to terminate all unilateral agricultural and medical sanctions that are in effect as of the date of enactment (though Section 911 provides a 120 day waiting period to allow the implementation of appropriate regulations). Therefore, 120 days after the enactment of the bill, U.S. exporters should be allowed to sell any agricultural commodity, medicine, or medical device without restrictions to all countries, as well as to participate in any activities related to the sale of those products (subject only to the exceptions in Sec. 904, the licensing requirements of Sec. 906, and the applicable credit limitations of Sec. 908).

This section also prohibits the President from imposing any new unilateral agricultural or medical sanctions without the concurrence of Congress in the form of a joint resolution. If the President imposes broad unilateral sanctions in the future that may or may not be a complete embargo, the President must exempt agriculture and medicine from the broad sanctions and treat these products differently. While his powers to declare national emergencies and impose sanctions are maintained as they relate to other U.S. products, that power will no longer apply in relation to the export of agriculture and medical products. The correct procedure under this Act will require Congressional approval unless Sec. 904 is applicable.

SECTION 904—EXCEPTIONS

This section provides a number of exceptions to Section 903 to ensure that the Administration, in certain limited instances, has the ability to impose sanctions in certain instances. While seven particular exceptions are provided, they are narrowly drawn in recognition of the conferees' expectation that food and medicine sanctions should only be used in extraordinary circumstances. Further, these exceptions should not be used to impose sanctions permanently as Section 905 makes clear. It is the intent of the drafters that these exceptions be narrow. Therefore, if a question exists as to whether the proposed sanctions might fall under one of the exceptions (for instance whether there are "hostilities"), it is the desire of the drafters that the President comply with Sec. 903 and seek Congressional approval. It is the intent of the drafters that the President not to use these exceptions liberally for to do so would frustrate the purpose of the bill—to ensure that sanctions on agriculture and medicine are used only when it is in the national security interest of the Untied States to do so.

Specifically with regard to paragraph (2), it is the intent of the drafters that this provision cover only dual-use items. This provision should be narrowly interpreted so as to allow as many exports as possible—keeping in mind that the products being considered for export are humanitarian products that can feed, clothe, and heal people.

SECTION 905—TERMINATION OF SANCTIONS

This section provides for a sunset of any food or medicine sanctions imposed under Section 903, not later than 2 years after the date the sanction becomes effective. Sanctions may be maintained only if the President recommends to Congress a continuation for not more than 2 years, and a joint resolution is enacted in support of this recommendation.

SECTION 906—STATE SPONSORS OF INTERNATIONAL TERRORISM

This section requires licenses for the export of agricultural commodities, medicine or medical devices to Cuba and to countries that are state sponsors of international terrorism.

These licenses shall be provided for a period of not less that 12 months. However, the sales of products under the license can span 24 months so that the exporter is able to ship products for 12 months after the license has expired as long as the contract was entered into during the initial 12 month period. This provision gives exporters flexibility to ship for 24 months as long as the contracts are entered into during the first 12 months.

The intent of the bill is for the Administration to develop a licensing system that is, to the extent possible, the least restrictive, least burdensome for the exporter. This section does not give the Administration the authority to put in place a case-by-case licensing system. The Administration must put in place a system for agricultural commodities, medicine, and medical devices that is no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of Treasury. It is the expectation of the sponsors that a presumption in favor of sales will to exporters, consistent with the purpose of the act—to support enhanced exports.

Consistent with this expectation, it is the understanding of the authors that the Department of Commerce would be the lead agency for all exports under this title.

Furthermore, any licensing of activities related to the sale or export of products covered by this Act should be under a licensing system that is the least restrictive possible. In the case of exports to Cuba, it is the understanding of the drafters that current restrictions on shipping to Cuba will continue to be waived for licensed exports.

Exports to the Government of Syria and the Government of North Korea are excepted from the licensing requirements of this section. While the provision mentions an exception only for sales to the "governments" of these countries, the Senate recognizes this as a drafting error and would encourage the Administration to except sales to the private sector in those countries as well. It would be inconsistent policy to lift licensing requirements to the governments while not lifting them for the private sector buyers in these countries.

This section also requires that procedures be in place to deny exports to any entity within such country that engages in the promotion of international terrorism. This language is intended to give the Administration very narrow discretion in the granting of licenses for exports to specific sub-entities that are directly involved in the promotion of terrorism.

Finally, this section requires quarterly and biennial reports on these licensing activities to determine the effectiveness of licensing arrangements. The drafters encourage the Administration to work closely with the U.S. private sector to establish licensing procedures and to determine the effectiveness of the procedures.

SECTION 907—CONGRESSIONAL PROCEDURES

This section requires that a report submitted by the President under Section 903 or Section 905 shall be submitted to the appropriate committee or committees of the House of Representatives and the Senate. A joint resolution in support of this report may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

SECTION 908—PROHIBITION ON UNITED STATES ASSISTANCE AND FINANCING

Section 908(a)(1) prohibits the use of United States government assistance and financing for exports to Cuba. However, consistent with the overall intent of the measure, this prohibition is not intended to modify any provision of law allowing assistance to Cuba.

The provision also restricts the use of government assistance for commercial exports to Iran, Libya, North Korea, and Sudan, unless the President waives the restrictions for national security or humanitarian reasons. In recent months, the Administration has taken several steps to liberalize these and other restrictions on agricultural trade with Iran, Libya, North Korea, and Sudan. As such, we believe it will be in the best interest of U.S. agricultural producers, as well as for the United States' balance of trade, for the President to use the waiver authority in subsection (a)(3) to promptly waive these restrictions before the current sanctions are lifted (120 days after enactment of this bill). If the President's waiver authority is not promptly exercised, the restrictions in subsection (a)(1) could act to restrict exports of agricultural commodities, medicines, and medical devices to these countries to a greater extent than current law. This is certainly not the intent of this legislation.

Specifically with regard to Cuba, subsection (b) of section 908 prohibits any United States person from financing U.S. agricultural exports to Cuba. However, in order to accommodate sales of agricultural commodities to Cuba, subsection (b) specifically authorizes Cuban buyers to pay U.S. sellers with cash in advance, or to utilize financing through third country financial institutions.

While they cannot extend financing to Cuban buyers, U.S. financial institutions are specifically authorized to confirm or advise letters of credit related to the sale that are issued by third country financial institutions. Under this procedure, third country financial institutions can manage the Cuban risk associated with these transactions. In turn, the third country financial institution issues a letter of credit free to be confirmed by a U.S. bank, which assumes no Cuban risk. This provision, which creates a "firewall" against "sanctioned-country risk," is consistent with the role played by third country banks in transactions with some other countries subject to U.S. sanctions.

U.S. financial institutions may act as exporters' collection and payment agents, confirm third country letters of credit, and guarantee payments to the U.S. exporters. The provision of such export-related financial services by U.S. financial institutions (commercial banks, cooperatives, and others) will allow U.S. farmers, their cooperatives, and exporters to be assured that they will be paid for exported commodities.

Subsection (b)(3) of section 908 requires the President to issue regulations that are necessary to carry out this section. In addition to waiving the restrictions on assistance as appropriate under subsection (a)(3), these regulations need to facilitate the export of agricultural commodities, medicine, and medical devices. In particular, the regulations need to accommodate these specifically authorized exports by waiving the restrictions with respect to vessels engaged in trade with Cuba found at 31 C.F.R. §515.207.

SECTION 909—PROHIBITION ON ADDITIONAL IMPORTS FROM CUBA

Section 909 reiterates that this Act does not change current regulations that prohibit entry into the United States of any merchandise that is of Cuban origin, has been transported through Cuba, or is derived from any article produced in Cuba. Despite the title of Sec. 909, the actual language of Sec. 909 does not codify the currently regulatory restrictions. Instead, the language simply states that Sec. 909 does not affect regulations found at 31 C.F.R. §515.204.

SECTION 910—REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA

This section requires the Secretary of Treasury to promulgate regulations to authorize travel to, from, or within Cuba for the "authorized" commercial sale of agricultural commodities. The sponsors of this measure believe that this section should be interpreted in a manner that expands travel currently allowed under the regulations in keeping with the overall Act's purpose of expanding "authorized" exports.

SECTION 911—EFFECTIVE DATE

This title shall take effect on the date of enactment and apply thereafter in any fiscal year. The bill does not expire with the expiration of the FY01 Appropriations bill. Unilateral agricultural or medical sanctions in effect as of the date of enactment shall be lifted 120 days after enactment.

MISSOURI FARM BUREAU FEDERATION,
Jefferson City, MO, October 18, 2000.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: We are very pleased the U.S. Senate will soon vote on the Conference Report for the fiscal year 2001 Agriculture Appropriations Bill. Missouri Farm Bureau, the state's largest general farm organization, strongly support this legislation. In fact, we have been hoping for this day ever since you introduced the Food and Medicine for the World Act in 1999.

We are grateful for the leadership shown by you and your staff regarding the lifting of unilateral trade sanctions for food and medicine. This measure will result in access to markets that have long been closed to our nation's farmers and ranchers. Frankly, it couldn't come at a better time; the combination of continued low commodity prices and increased fuel and interest expenses are having a devastating effect on both producers and rural communities.

As you know, we recently hosted Fernando Remirez De Estenoz, the First Deputy Minister and Chief of the Cuban Interests Section in Washington, DC, on a series of farm visits in southeast Missouri. During the visit, Ambassador Remirez made it clear that Cuba could provide a significant new market for U.S. agricultural products. The high quality of our production, coupled with favorable transportation rates, makes the U.S. extremely competitive in the Cuban market.

It has become clear that food must not be used as a weapon. Unilaterally denying U.S. agricultural producers access to foreign markets simply does not work in a global economy.

Again, we applaud your on-going leadership on this issue and believe it to be something that will provide long-term benefits to our nation's agricultural producers.

Sincerely,

CHARLES E. KRUSE,
President.

PORK PRODUCERS THANK SENATOR ASHCROFT

Missouri Pork Producers President Jim Guest today commended Senator John Ashcroft for his work in drafting language that opens the door to potential U.S. pork exports to Cuba.

"Senator Ashcroft has been a leader in the effort to reform outdated sanctions policies that harm American farm families," Guest said. Senator Ashcroft's determination has helped create an environment where Missouri pork producers will have the opportunity to compete for business in Cuba for the first time in 40 years."

Senator Ashcroft authored a sanctions reform provision that was far reaching in its scope and which passed the Senate. The Agriculture Appropriations Conference Agreement includes compromise language to allow the sale of food and medicine to Cuba and four other previously sanctioned nations. On October 11, the bill was overwhelmingly approved in the House and the bill is pending in the Senate. President Clinton has said he will sign the bill.

"Senator Ashcroft's vision has brought us to the point where we can begin to think of Cuba as a potential customer and that is a tremendous achievement," Guest said. "With 11 million people who enjoy pork, Cuba will become an important U.S. pork export market."

The Missouri Pork Producers has supported easing the trade embargo with Cuba, and ending the practice of using food and medicine as foreign policy tools. In 1998, the last year for which statistics are available, Cuba imported about 10,000 metric tons of pork from Canada, Mexico and the European Union.

OCTOBER 10, 2000.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: The undersigned organizations urge you to support passage of H.R. 4461, the FY01 agriculture spending bill.

In addition to funding important USDA food safety, agricultural research and trade enhancing programs, the legislation is critically important to farmers and ranchers because it includes:

$3.5 billion of critically needed emergency assistance for agricultural producers hurt by this year's poor weather conditions;

Sanctions reform to lift the embargo on food and medicine to Cuba, Iran, Libya, North Korea and Sudan. In addition, the language makes it much more difficult for future presidents to impose unilateral sanctions;

Doubling of the Loan Deficiency Payment/Marketing Loan Gain payment cap from $75,000 to $150,000 for one year; and

This bill is critically important to the ability of our producers to prosper in the future. We urge your support.

Sincerely,

American Farm Bureau Federation
American Soybean Association
National Association of Wheat Growers
National Barley Growers Association
National Cattlemen's Beef Association
National Corn Growers Association
National Cotton Council
National Milk Producers Federation
National Sunflower Association
Rice Millers' Association
U.S. Canola Association
U.S. Durum Growers Association
U.S. Rice Producers Association
U.S. Rice Producers' Group
Wheat Export Trade Education Committee

Mr. DURBIN. Mr. President, I rise today to briefly discuss the Fiscal Year 2001 Agriculture Appropriations conference report, H.R. 4461.

First, I would like to commend Senators COCHRAN and KOHL, the Senate Subcommittee chairman and ranking member. They have put together a very good underlying bill and have done so with bipartisan support and cooperation. From the very first hearing of the year, through conference, Chairman COCHRAN has endeavored to deliver a bill that is helpful to our farmers and ranchers and fair to the Food and Drug Administration. Again, I congratulate him on this important accomplishment.

I was a conferee on this bill, as I am a member of the Senate Agriculture Appropriations Subcommittee. However, I regret to say that I was unable to sign the conference report because of specific provisions on Cuba sanctions and prescription drug re-importation.

Specifically, I am distressed that the conferees did not support the Senate position on lifting food and medicine sanctions against Cuba. The House language limiting U.S. sales to a cash only or third-country financing basis will unnecessarily restrict the sales of food and medicine to Cuba.

I am further troubled by the language restricting travel by Americans to Cuba. During the Cold War, Americans were able to travel to the Soviet bloc countries, and if they were kept out, it was by the Communists, not by our own government. I believe Castro has more to fear from an invasion force of American tourists than from our sanctions policy. I cannot imagine how restricting the ability of Americans to go to Cuba could possibly advance our shared goal of peaceful change toward democracy and a free market economy in Cuba.

With regard to prescription drug re-importation, too many Americans struggle to afford prescription drugs that their doctors believe are necessary to alleviate or prevent illness. Unfortunately, those who can least afford these drugs because they do not have insurance coverage for prescription drugs generally pay far more than the "most favored" purchasers such as Health Maintenance Organizations, HMOs, and other big insurers.

Instead of dealing with the real issue of providing comprehensive, affordable drug coverage to all America's seniors and the disabled, this conference report takes a much more limited step. It is billed as a means to provide our constituents with access to better priced medicines by allowing for the re-importation of drugs sold at lower prices in other countries. This provision includes measures to ensure the safety of these re-imported products by requiring testing after re-importation. However, the language attached to this conference report still includes several pharmaceutical industry-backed loopholes that will undermine consumer ability to access cheaper drugs. These loopholes were added late in the process and have the potential to nullify the entire provision.

Drug companies will be able to limit supplies in foreign countries to thwart re-importation efforts. Nothing in the language of this conference report addresses this issue. In fact, the limitation on the countries from which wholesalers and pharmacists may re-import drugs will clearly aggravate this loophole. The language also omits provisions that would prevent the pharmaceutical industry from forcing foreign wholesalers to sell products at the inflated American price. Without such a provision, the drug industry will be able to prevent U.S. consumers from obtaining more affordable medicines. There is no effort to focus re-importation so as to benefit the most severely disadvantaged Americans: the elderly and the disabled.

I am convinced that Congress needs to address prescription drug coverage and the cost of pharmaceutical products here at home. Tortuous transport through other countries to re-import products that were originally manufactured here in the U.S. is not the most effective remedy for the high prices that American consumers pay today.

Mr. President, I would like to note with appreciation that this conference report includes important assistance for our nation's farmers who are facing another year of low prices.

The assistance farmers received last year helped many Illinois farmers. An October 1999 study by the University of Illinois projected that average net farm income for Illinois farmers would have been just $11,000 in 1999 without federal assistance. But with federal assistance, their income rose to $25,000.

Although the U.S. economy continues to thrive, farmers and those who live in rural America do not appear to be reaping the benefits. This measure provides $3.6 billion for weather-related crop losses and livestock assistance, and it increases funding for the Farm Service Agency to carry out vital farm programs and emergency measures. The conference report also doubles the loan deficiency limits to ensure farmers are able to receive the income support they need.

The conference report also contains $1 billion for P.L. 480—Food for Peace,

$697 million for the Food Safety and Inspection Service, $2.5 billion for USDA Rural Development programs, $9.5 billion for child nutrition programs—including a School Breakfast pilot program, and $1.2 billion for the Food and Drug Administration.

Mr. President, although I have some serious reservations with regard to Cuba sanctions and prescription drug re-importation, I am voting for this conference report because of its other valuable provisions that are simply too important to Illinois agriculture to delay.

Ms. SNOWE. Mr. President, I rise today in support of the prescription drug reimportation provisions included in the conference report for the FY 2001 agriculture appropriations bill. I also want to thank my colleagues, especially Senators JEFFORDS and DORGAN for their hard work and dedication to this important issue.

The United States is in the midst of a time of amazing prosperity. Nearly every week it seems that we hear of astounding new breakthroughs in biomedical research and in new prescription medications. And there is no question in anyone's mind that we have the best—the very best—health care in the world.

But our health care system is not without its flaws. Prescription drugs are revolutionizing health treatments, but their high cost is causing concern throughout the country. Everywhere we turn—from "60 Minutes" to Newsweek—we hear of the struggles that our nation's patients, especially the elderly, face, and the dramatic difference in costs of prescription medication between the U.S. and our neighbors to the North.

The high cost of prescription medications in the United States is forcing many of our nation's seniors to make unthinkable decisions that are harmful to their health and well-being. It is simply unacceptable that the elderly have to chose between filling a prescription or buying groceries.

A solution to the pressing problem of prescription drug coverage can't come soon enough. In 1998, drug costs grew more than any other category of health care—skyrocketing by 15.4 percent in a single year. And that's a special burden for seniors, who pay half the cost associated with their prescriptions as opposed to those under 65 who pay just a third.

Seniors are reeling from the burden of their prescription drug expenses—one of the latest studies shows that the average senior now spends $1,100 every year on medications. And with the latest HCFA estimates putting the number of seniors without drug coverage at around 31 percent of all Medicare beneficiaries—or about 12 out of nearly 40 million Americans—it's not hard to see why we can no longer wait to provide a solution. In fact, nearly 86 percent of Medicare beneficiaries must use at least one prescription drug every day.

Who are these seniors who don't have prescription drug coverage? Who are the ones traveling by the busload to Canada to buy their prescription drugs? These are people caught in the middle—most of whom are neither wealthy enough to afford their own coverage, nor poor enough to qualify for Medicaid. We know that seniors between 100 percent and 200 percent of the federal poverty level have the lowest levels of prescription drug coverage.

In my eyes, it is absolutely unconscionable that any senior would be arrested after purchasing their otherwise legal prescription medication in Canada. That is why I teamed up with Senators JEFFORDS and DORGAN to introduce the "Medicine Equity and Drug Safety Act" as an amendment to the FY 2001 agriculture appropriations bill. The amendment was accepted overwhelmingly by a vote of 74 to 21.

I am pleased that the conference report includes a compromise on this amendment. The conference provision allows pharmacists and wholesalers to import prescription drugs for sale to American customers that were made in the U.S. or in FDA-approved facilities. The provisions require stringent safety and efficacy regulations. Drugs may only be reimported from Europe, Canada, Japan, Australia, Israel, New Zealand, and South Africa. Controlled substances, such as morphine, cannot be imported.

Drugs that are going to be reimported must meet U.S. labeling requirements and there will be stringent reporting requirements on any reimportation. The new provisions prohibit manufacturers from entering into a contract to prevent reimportation. Drug reimportation will not be allowed unless the Secretary of HHS can certify that the reimported drugs are safe and effective. The FDA will not be allowed to send letters to individuals about their personal reimportation unless the FDA believes that the drugs the person is bringing back are not safe, not effective, or not labeled correctly. Finally, the Secretary of HHS must certify that reimported drugs will save consumers money.

Opponents of the reimportation of prescription medications have well-founded concerns about the safety of these medications. There is no doubt that the U.S. Food and Drug Administration is the world's premier agency in ensuring not only that drugs are safe and effective for their intended use, but that the actual manufacture of these drugs is done cleanly and safely.

So when Congress considers changing the law to allow the importation of either retail or personal use prescription medication, we must also consider the safety implications that are involved: Are other countries insisting on the same standards we are? Are other countries guaranteeing the effectiveness of the medication—medication that is purportedly identical in strength? Are other countries using the same ingredients and ensuring that there are no impurities in these ingredients?

The conference provision focuses on these safety considerations and includes substantial safeguards against the reimportation of lesser-quality prescription medication and stringent regulation to ensure that Americans have access to only the safest of products.

Clearly, seniors are traveling to Canada because the price of prescription medications is generally less expensive than in the United States. The difference in the prices between the Canadian and the American market for pharmaceutical products does not come because we are purchasing different drugs or different quantities of drugs. It is this point that I hear the most about from my constituents: why can a person buy the same exact drug, in the same exact dosage, and the same quantity, for so much less in Canada than they can in Maine?

The disparity in costs between U.S. and Canadian drug costs reflects our different markets, but also the government-run health care system that limits choices and proscribes doctors and care for Canadian consumers. The Canadian health care system is a government-run monopoly, an approach soundly rejected by the American public in 1994. In the U.S., costs are constrained through the market—not by the government—as health insurers, pharmacy benefit managers, and preferred customers like the U.S. Department of Veterans Affairs negotiate heavy discounts based on the size of their insurance pool.

Seniors in the U.S. have limited bargaining power to negotiate down drug costs because they are not part of a single pool. Yet if seniors were united in a single group, they could exercise substantial clout in the marketplace to negotiate lower drug costs.

There are 39 million Medicare beneficiaries—and these 39 million customers purchase a third of our nation's prescription medications. This represents a very large section of the market. Enacting prescription drug coverage for Medicare beneficiaries will make seniors a part of buyer groups with greater marketplace clout. This market force will allow seniors as a group to negotiate discounted pharmaceutical costs that will not only be the most economically sound solution, but will also guarantee seniors coverage of their prescription drugs.

When American seniors find they have no market power, they often determine that their only recourse is to buy their much-needed drugs in a completely different market. It is fundamentally unfair when seniors in

Maine feel they must drive across the Canadian border to obtain affordable prescription medications.

Allowing the reimportation of prescription medications is, at best, an interim approach. It can be implemented while Congress debates the larger issue of Medicare reform, and enacting meaningful prescription drug coverage for Medicare beneficiaries.

Again, Mr. President, I rise in support of these provisions and I thank the conferees for their willingness to address this vital issue and their dedication to hammering out a workable compromise.

Mr. ROTH. Mr. President, I rise today to express my grave concerns regarding a provision relating to our trade remedy laws that is a part of the agriculture appropriations conference report that is before us today. My concerns regarding this measure relate both to the way this provision found its way into this conference report, as well as to its substance.

With regard to procedure, I am troubled, to say the least, that a significant modification of our trade laws is being made with no consideration or deliberation by the committees of jurisdiction. I would have hoped that the Agriculture Subcommittee of the Appropriations Committee would have considered the importance of allowing the committee of jurisdiction—the Committee on Finance—to review this provision before deciding to adopt this measure in conference. After all, this amendment represents a dramatic change in the function and purpose of our trade laws.

Currently, our trade laws are designed to address any dumping or subsidized sales into our market by imposing an offsetting duty on imports. With the enactment of this procedure, however, not only will the domestic producer enjoy the benefit of having a surcharge applied to the sales of its foreign competitor, but they will also get a significant cash payment courtesy of the U.S. treasury. This is not an insignificant amount. According to the U.S. Customs Service, over $200 million of dumping and countervailing duties were assessed on imports last year.

What this will likely do is to encourage the filing of cases in circumstances that would not otherwise merit it. After all, the cash payment will not be made to the whole domestic industry. Instead, only those who supported the filing of the antidumping petition will be paid. Differentiating between different parts of a domestic industry in this way is unprecedented in our trade policy and completely unwarranted.

Now I understand that the money under this proposal is supposed to be funneled to research and development, and other legitimate purposes. But money is fungible, and I fear that we will only be encouraging litigiousness.

Who will benefit from this proposal? It is certainly not our consumers, who will pay significantly higher prices as a result, and who will likely have to suffer from an even greater number of cases being filed.

Our farmers and our other export industries will not benefit. After all, what will now happen with the enactment of this measure is that we will likely be obliged to pay in some future negotiation, such as market access on agriculture, to preserve what will undoubtedly be described as a private right of action to garner industry-specific government subsidies.

Ironically, the industries that traditionally rely on the dumping and countervailing duty laws will also likely get little benefit from this proposal. While I understand the frustration of some of those who have suffered from foreign dumping and subsidization, this measure, ironically, will do nothing to eliminate unfair trade practices or to ameliorate the conditions that allow these unfair trade practices to persist. We will only have undercut our own efforts to impose greater disciplines on European agricultural subsidies, Japanese support for its steel industry, or Korean support for their automobile industry. This is manifestly bad trade policy wholly apart from the serious technical deficiencies of the proposal.

And what will we say once our trading partners decide to follow our lead and adopt this same scheme in their trade remedy laws? Will we complain? Or will we sit quietly as our farmers and manufacturers begin to face yet another hurdle in their efforts to sell in foreign markets.

Mr. President, this is an ill-considered proposal that not only damages our broader trade policy interests, but it also up-ends the committee structure. I am a strong supporter of our trade remedy laws, but this proposal distorts our laws in a way that serves no constructive purpose. This is unfortunate and unnecessary, and I regret that the Agriculture Subcommittee chose to take this action.

Mr. COCHRAN. Mr. President, the conference report includes a provision that is designed to eliminate an inequity that has arisen regarding a special grade designation of rice known as sweet rice. This rice had been ineligible for price support for some time, but the Department of Agriculture changed the rules in December 1999 to make the 1999 crop eligible for marketing loans and loan deficiency payments for the first time. Unfortunately, producers of this rice had not been notified by the county offices of the crop's eligibility until after the period for obtaining loans and loan deficiency payments had expired.

The provision in the conference report is designed to correct this inequity. The provision would extend the eligibility date for such loans and loan deficiency payments and allow producers of such rice who lost beneficial interest in the crop on or before May 31, 2000, the final date for obtaining loans or loan deficiency payment, to obtain a loan deficiency payment based on the payment rate in effect on the date they lost the beneficial interest. Producers who lost the beneficial interest in their production after May 31, 2000 would be eligible to receive a loan deficiency payment based on the payment rate in effect on May 31. The conferees had agreed that this provision was necessary to make whole those producers of the crop who had lost the opportunity to obtain price support through no fault of their own.

Mr. COCHRAN. Mr. President, with sections 745 and 746 of this bill, the Congress intends to facilitate access for Americans to reimport U.S.-made prescription medicines, as long as it does not lower the safety standards that previous Congresses and Administrations have carefully developed in consumer, health and safety protection legislation over the years. Under these provisions, Americans are allowed access to U.S. products sold overseas at lower prices provided that those medicines, when reimported, are demonstrated to be safe and effective.

At the time the Senate considered this appropriations bill, the Senate adopted an additional safeguard to protect consumer health and safety. By a vote of 96 to 0, the Senate agreed to an amendment which Senator KOHL and I offered to the amendment of Senator JEFFORDS to include the Medicine Equity and Drug Safety Act of 2000 on this bill. That amendment is retained in this conference report, and requires the Secretary of Health and Human Services to make two determinations before the changes to the Federal Food, Drug and Cosmetic Act, FFDCA, in section 745(c) can be implemented. The Secretary is required to demonstrate to the Congress that implementation will: (1) pose no additional risk to the public's health and safety, and (2) result in a significant reduction in the cost of covered products to the American consumer.

As contained in section 745(c), section 804(l) enlists the expertise and conscience of the Secretary of Health and Human Services to make a specific and clear demonstration to assure these changes to the law will produce their intended result and do no unintended harm. In a written report to the Congress, the Secretary is to demonstrate the factual basis for his or her decision. That report should include relevant analysis and information that implementation of these changes in law will pose no additional risks to the American public's health and safety and will significantly reduce retail prices.

After all, the motivation for these changes in law is to let U.S. drugs be brought back from Canada and other countries where they cost less, allowing these drugs to be available to individual American consumers at lower prices. If reimportation results primarily in profits for importers and does not result in a reduction in the price of drugs to American consumers, then the intent of these provisions is not achieved.

I believe that with the additional safeguard provided by the original amendment adopted by the Senate, we can be more assured that this new drug reimportation system, if implemented, will not have adverse unintended effects on public health and safety and will achieve its intended result of making drugs more affordable for individual American consumers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont, Mr. JEFFORDS.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have come to the floor to urge my colleagues to support this Agriculture appropriations conference report. I want to thank Senator COCHRAN, the chairman of the Senate Agriculture Appropriations Committee, for his work on this important legislation. In particular, I want to thank him on behalf of the dairy farmers across the nation, New England and Vermont. Included in this agriculture spending bill is badly needed support for dairy farms. These dairy assistance payments will bring approximately six thousand, four hundred dollars for the average 80-cow dairy farm. At a time when the nation's dairy farmers are facing low milk prices, these payments will help make ends meet.

In Vermont, these payments will give our dairy farmers a much needed boost heading into the long winter. I also want to make a few brief remarks to reiterate my support for the prescription drug provision included in this bill, and to address some of the unfortunate rhetoric that I have heard during this debate.

We all know why this provision is in this bill. The American people are fed up with the situation that exists today, where Americans pay far more for FDA-approved, American-made prescription drugs than patients in any other country in the world. I am not here to demonize the drug industry. It's true that these companies are making some miraculous breakthroughs and improving the lives of many Americans. But why must Americans have to shoulder seemingly the entire burden of paying for research, development and a healthy return to shareholders? I believe it is time we put an end to this unfair burden. I don't think it is fair to expect Americans, especially our senior citizens living on fixed incomes, to pay the highest costs in the world for prescription medicines, many of which are manufactured within our borders. That's why more than a year ago I started working with the Food and Drug Administration, the agency responsible for overseeing the safety of the drug supply in this country to see if there were a way we could safely reimport prescription medicines into our country.

In July, on an overwhelming vote of 74–21, the United States Senate agreed to an amendment I offered with Senators WELLSTONE, DORGAN, GORTON, SNOWE, and others to do just that. Just three weeks ago, President Clinton endorsed the Jeffords language, saying "I support the Medicine Equity and Drug Safety Act of 2000 which the Senate passed" and "I urge you to send me the Senate legislation." The negotiators for the House and Senate on the agriculture appropriations bill have now completed their work. Unfortunately, the process used in reaching this agreement was marred by partisanship. That is regrettable. But the product is as strong as the one endorsed by the Clinton administration, and even stronger in some respects.

Some of my Republican colleagues have criticized this proposal for going too far. My Democratic friends have criticized this for not going far enough. The legions of lobbyists for pharmaceutical industry vigorously oppose this proposal, and tried their best to get it stripped from this legislation. I continue to believe that the proposal before the Senate today, while slightly different from my plan, is a strong and workable proposal. Critics have argued that the proposal has been weakened because it allows drug companies to frustrate the intent through manipulations of sales contracts. The fact is, this bill is stronger than either the House-passed or Senate-passed versions because it includes a clear prohibition of such agreements—something that was missing in the House and Senate bills. In fact, let me quote from that section of the bill: "No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a)."

I don't know how to be more clear and simple than that. But just in case my colleagues think that stronger language is needed, the bill grants to the Secretary the ability to react to unanticipated challenges through language in another section which requires that the Secretary issue regulations containing any additional provisions necessary "as a means to facilitate the importation of such products." Such broad authority will ensure that this provision works. In fact, less than 10 days ago, at the very time that the Clinton administration was changing its position on the Jeffords amendment, the New York Times reported that it planned to implement the Patient's Bill of Rights by regulation. It is hard to understand why the administration so eagerly sees regulatory authority where many do not, yet cannot see it when plainly written in the statute. Critics have claimed that the latest version of the bill contains a loophole regarding the labeling requirements. The fact is, the bill requires manufacturers to provide all necessary labeling information, and the provision that I just quoted gives the FDA very broad power to write any other rules necessary to accomplish the intent of the provision. Moreover, this labeling language is unchanged from the version that adopted by the Senate and endorsed by President Clinton.

Critics have claimed that the bill unfairly restricts the countries from which these products may come. The fact is that the bill lists 23 countries to start the process, and lets the FDA expand the list at any time. Critics have complained that this bill will expire after about 7 years. The fact is that this is a vast improvement over the House-passed version which would have expired after only one year. As we all know, major legislation is frequently required to be reauthorized on 5 year cycles in order to force Congress to make improvements, and popular effective laws always survive this process.

Mr. President, this bill, like any other, may not be perfect, but the fact is that it is stronger than the original Jeffords amendment. That is why John Rector, senior vice president for the National Community Pharmacists Association who has been a leader in the effort to reimport lower cost drugs and whose members would be importing under this provision. Mr. Rector recently indicated that this bill, "will result in the importation of far less expensive drugs." This is a workable bill, and that is why the pharmaceutical industry is fighting this tooth and nail—they know it will work. They would like nothing more than to see us to kill this bill. One of our colleagues in the House, who has complained that this provision does not go far enough, noted that this is "the first defeat ever suffered by the pharmaceutical industry in memory."

Now I ask you, if this bill is unworkable as the critics have charged, why is the pharmaceutical industry so opposed to the bill, and why are even our critics calling this a defeat for the industry? That should tell you something about what they really think the effect will be of this provision. As I said before, Mr. President, I am disappointed with how partisan this issue has become, but I am glad that the President has said he will sign the bill. I am calling on Congress to put partisanship aside and pass this bill. And I am calling on the Clinton administration to quickly write these regulations so that ordinary Americans can realize savings on prescription drugs as soon as possible.

Mr. President, I rise also today in support of two important food stamp provisions included in this conference report. These provisions are based upon S. 1805, the Hunger Relief Act of which I was proud to be an original cosponsor.

The language in the bill will allow low-income people who spend more than 50 percent of their income on housing to receive food stamp benefits at a level that more accurately reflects their need. Additionally, it will allow low-income people who need a car to find or keep work to still receive food stamp benefits and continue to own a reliable car.

These provisions will provide important relief for needy families in Vermont and all around the United States. In Vermont alone, 42,000 people, the great majority families with children or senior citizens, are on food stamps.

Both provisions in this conference report are important to my state of Vermont. First, the increase in the maximum amount of excess shelter expense deduction to qualify for food stamps is important as we have lately seen housing prices increasing rapidly in Vermont. Without the increase contained in the conference report, rapidly rising housing prices are diluting the effectiveness of the food stamp program because the true need for food stamps is not being adequately represented. The vehicle allowance provisions are vital in a rural state like Vermont where a reliable car is almost a necessity to get to or find work. Providing flexibility in the vehicle allowance will allow low-income individuals to qualify for food stamps while being able to continue to own a reliable car.

While I would have liked to have seen the entire Hunger Relief Act included in this appropriations bill, the inclusion of these two provisions is an important first step forward. I will continue to push for Congressional passage of the entire Hunger Relief Act, but wanted to express my gratitude to the conferees for the inclusion of these provisions which are so important to my constituents.

Mr. President, as the principal author of the drug importation amendment included in the Agriculture Appropriations bill, I am taking this opportunity to provide a detailed explanation of the provisions of the drug importation section.

The conference report to H.R. 4461 amends the Federal Food, Drug, and Cosmetic Act and expands the entities permitted to import certain drugs into the U.S. under Section 801 of the Act, to include pharmacists and drug wholesalers. The Secretary of Health and Human Services will promulgate regulations to carry out the importation provisions after consultation with the United States Trade Representative and the Commissioner of Customs.

Under the new section 804(b), the regulations promulgated by the Secretary must ensure that each drug product that is imported under this section complies with section 501, 502, and 505, and any other applicable provisions of the Federal Food, Drug, and Cosmetics Act (FFD&C Act) and is safe and effective for its intended use, as well as the provisions of this section. This provision also grants broad discretionary authority to the Secretary to include any additional provisions in the regulations that are necessary to protect the public health and to facilitate the importation of drug products under this section.

Subsections (c) and (d) outline extensive record keeping requirements that must be met in order to import under this law, including:

(1) the name, amount and dosage description of the active ingredient;

(2) the shipping date, quantity shipped, and points of origin and destination for the product, price paid by the importer, and price sold by the importer;

(3) verification of the original source and amount of the product received;

(4) the manufacturer's lot or control number;

(5) the name, address, and telephone number of the importer, including the professional license number of the importer (if any);

(6) lab records assuring that the product is in compliance with established standards;

(7) proof that testing was conducted at a qualifying laboratory; and

(8) any other information the Secretary determines is necessary to ensure the protection of the public health.

For a product that is coming from the first foreign recipient, the importer must also demonstrate: (1) that the product was received from a U.S. manufacturer, (2) the amount received and that the amount being imported into the U.S. is not more than the amount received, (3) for the first shipment, documentation showing that each batch was statistically sampled for authenticity and degradation, (4) for all subsequent shipments, documentation that a statistically valid sample of the shipments was tested for authenticity and degradation, and (4) that the product meets labeling requirements and is approved for marketing in the U.S..

For a product not coming directly from the first foreign recipient, the importer must have documentation demonstrating: (1) that each batch is statistically sampled and tested for authenticity and degradation, and (2) that the product meets labeling requirements and is approved for marketing in the U.S. All testing must be performed at an FDA-approved U.S. laboratory.

Subsection (e) requires that manufacturers provide information to importers sufficient to authenticate the product being imported and to meet the labeling requirements of the FFD&C Act. This provision is understood and intended to require manufacturers to provide such labeling information as is necessary for importers to comply with applicable labeling requirements sufficient for sale and marketing in the U.S. It is also understood and intended that the requirements and authority granted in this provision are supplemented, if necessary, by the broad discretionary authority contained in 804(b)(3) to facilitate the importation of drug products under this section. This information shall be kept in strict confidence. Pursuant to the "Enhanced Penalties" subsection below, violation of this subsection is punishable by 10 years in prison or a fine of $250,000 or both.

Subsection (f) refers to an initial list of countries with recognized regulatory structures from which drugs may be imported under this section. The list includes Canada, Australia, Israel, Japan, New Zealand, Switzerland, South Africa, and the EU (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, England, Liechtenstein, and Norway). The Secretary may expand the list at anytime, taking into consideration protection of the public health.

Subsection (g) requires the Secretary to suspend imports of specific products or by specific importers upon discovery of a pattern of importation of counterfeit or violative products, until an investigation has been completed.

Subsection (h) prohibits contracts or agreements that include any provision preventing the sale or distribution of imported drugs under this section. This provision is understood and intended to prevent manufacturers from "gaming" the system or interfering with importation under this section through contractual arrangements that utilize restrictions or disincentives for reselling the drugs into the U.S.

Subsection (i) requires the Secretary to conduct a study regarding the compliance of importers with the requirements of this section, and the incidents of importation of noncompliant shipments of prescription drugs under this section, as well as the effect of importations under this section on trade and patent laws. The Comptroller General will study the effect of this provision on prices of covered products.

Subsection (k) provides definitions for a number of terms in this act, and includes several changes and additions from Senate-passed version. The definition of "covered product" clarifies that certain controlled substances are not eligible for importation, and that biological products are also ineligible. In order that this act not create a disincentive for charitable contributions of drugs to foreign countries or humanitarian organizations, this subsection excludes such products from eligibility under this act.

This provision also recognizes that many parenteral drug products (drugs that are administered through IVs, injections, or other means other than orally) are considered by the Secretary to be more sensitive to improper storage and handling, and may be at a higher risk of degradation or present more difficulty in testing for authentication or degradation. Therefore, the 801(d)(1) importation restriction shall continue to apply to parenteral drug products, the importation of which, according to the Secretary, may pose a threat to the public health.

The definition of pharmacist is similar to that in the Senate-passed bill, and is presumed to include a licensed pharmacist, since such a pharmacy is required to have a licensed pharmacist of record.

Subsection (l) is similar to the amendment offered by Senator COCHRAN and adopted unanimously by the Senate during the floor debate. The provision, as included in this conference report, has been changed to require the Secretary to "demonstrate" (instead of "certify" in Senate-passed version) that implementation will "pose no additional risk" (instead of " pose no risk" in the Senate-passed version). The provision is otherwise identical to the Senate-passed version.

This act is no longer effective after 5 years from the effective date of the regulations promulgated hereunder. The 5 year clock will begin to run after the regulations are finalized and any litigation is completed.

The conference report includes a new subsection which clarifies that a violation of this section is a prohibited act under the FFD&C Act. This new provision also provides for enhanced penalties (10 years in prison and/or $250,000 fine) for manufacturers who fail to provide information necessary for testing or labeling of imports, and importers who divulge such information for any purpose other than verifying authentication or degradation tests.

The conference report includes a provision that passed the House earlier this year pertaining to the importation of prescription drugs imported for personal use. Current FDA practice has been to not confiscate certain drugs reimported for personal consumption, but, in many cases, to send intimidating warning letters that do not specify how the law is being violated. This bill includes provisions prohibiting the FDA from sending warning notices unless it includes a statement of the underlying reasons for the notice.

Finally, Mr. President, I would like to thank my colleagues that worked so closely with me on this issue. Specifically, I would like to thank Senators GORTON, WELSTONE, and DORGAN, and their staffs, Kristen Michal, John Gilman, and Stephanie Mohl for their countless hours of work on this provision. Without the bipartisan cooperation of my collegues, passage today of this provision would have been impossible.

I urge my colleagues to support this provision and support this Agriculture appropriations conference report.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I yield 4 minutes to Senator BYRD.

Mr. BYRD. Mr. President, now before the Senate is the conference report on H.R. 4461, the Fiscal Year 2001 Appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies. This conference report includes many items important to West Virginia, and to all states, relating to agricultural research and production, conservation, rural development, food assistance, human health, and many other priority areas. I congratulate Senator THAD COCHRAN, Chairman of the Agriculture Subcommittee, and Senator HERB KOHL, Ranking Member, for their hard work in finalizing this very important conference agreement.

This conference report provides a total of $74.458 billion in new non-emergency budget authority. This total includes $34.691 billion for agricultural programs (including reimbursement to the Commodity Credit Corporation for net realized losses); $873 million for conservation programs; $2.487 billion for rural development programs; $34.117 billion for domestic food programs; $1.091 billion for international trade assistance programs; and $1.168 billion for related agencies, including the Food and Drug Administration.

It is important to note that this conference report includes more than the annual Fiscal Year 2001 appropriations for programs under the jurisdiction of the Agriculture Subcommittee. This conference report also includes $3.642 billion in emergency spending. This funding is related, in large part, to action taken by the Senate Appropriations Committee on May 9, 2000, when the Committee approved Fiscal Year 2000 Supplemental Appropriations. The House of Representatives approved a similar FY-2000 Supplemental Appropriations bill on March 30, 2000.

Included in the $3.642 billion in emergency spending are provisions to provide assistance to those who have suffered from natural disasters which have occurred this year and to partially offset certain market losses suffered by the agriculture sector. When the Appropriations Committee considered supplemental spending more than five months ago, I offered a number of amendments, which were adopted, to provide a timely response to predicted summer drought conditions. One of those provisions would provide $450 million for livestock-related losses, more than double the amount available last year. Another item provided an additional $50 million in loans and grants to provide water supply in rural communities, especially those suffering from drought conditions. I am happy to report that this conference report includes these two items and levels of $490 million and $70 million, respectively.

One other item included in this conference report is a provision which I proposed on the subject of compensation to U.S. industries for losses sustained as a result of unfair foreign trade practices. The U.S. agriculture and manufacturing sectors have been able to avail themselves of legal remedies to challenge foreign actions, but have not had adequate means to recover from the losses resulting from those actions. Now, such a mechanism will be in place and U.S. farmers and workers of all trades affected by unfair trade practices will be able, in essence, to recover monetarily rather than simply having the right to file a complaint.

This extra step is necessary. Current law has simply not been strong enough to deter unfair trading practices, whether in the agriculture or manufacturing industries. Continued foreign dumping and subsidy practices have reduced the ability of our injured domestic industries to reinvest in their workers, equipment, or technology. My provision simply provides a mechanism to help injured U.S. industries recover from the harmful effects of illegal foreign dumping and subsidies. And, most importantly, if our foreign trading partners play by the rules, my provision will never have to be used.

Mr. President, this conference report includes many items important to all Americans, and I am happy to support it. Action on this measure is long overdue. Disaster assistance is badly needed to help people all across the nation who are suffering from drought, storms, floods, and crop loss due to infestations of pests and disease. I urge all my colleagues to join me in support of this conference agreement.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana, Mr. BREAUX.

Mr. BREAUX. Mr. President, congratulations to the chairman and Senator KOHL for the work they have done on this Agriculture appropriations bill. It indeed has been a very difficult endeavor. I plan to vote for final passage of this Agriculture appropriations bill because I think it is very important and there are many very important things in it dealing with agriculture, which is with what we would think an Agriculture appropriations conference report should deal.

I highlight, however, one thing that I think is very bad public policy; that is, the question of an amendment to this bill allowing for the importation of foreign drugs manufactured in foreign countries, under foreign standards, to be imported into the United States under the guise of "this is the solution" or even a partial solution to the high costs of prescription drugs and the unavailability of prescription drugs under our Medicare program for the 40 million senior citizens in this country who need prescription drugs.

Many people said when the bill left the Senate that this provision that was added was a sham. I thought it was a sham when it left and it has come back and it is a worse sham than when it left. This is "Son of Sham," or a double sham, in the sense that this makes absolutely no sense.

Members of both sides of the aisle have said: We are against drug price controls because that is un-American; that is not the way we encourage businesses to operate; we want businesses to compete against each other and the companies that can do the best job for the best price get the business. That is what the American system is all about.

Instead, we have in this bill a provision that says, we might not like price controls in this country, but we are going to import not only the drugs from other countries but their price control systems—as if that somehow makes it all right. The concept is other countries have price controls; therefore, it is cheaper. The fact is, in Canada, to which so many of our people point, there are some drugs that are cheaper because of price controls, but there are many other drugs that, in fact, cost more in Canada than they do here. In many cases, the drugs we have here are simply not available in Canada at all, or maybe a year or two after they are available in the United States, because of the adverse impact of a price control system we are now trying to import into this country.

In addition to that reason that this is bad policy, there are about 10 former Food and Drug Administration agencies that said: Wait a minute; hold on, Congress. What in the world are you doing? This is not a safe process you are legislating into law. We are not going to be able to determine the safety of these drugs. Maybe in Canada it would be all right, but what about Pakistan or what about a Third World country or what about a country we have very little to do with? Are we going to let the drugs come in from those countries as well, which this bill allows? How are we going to be able to guarantee that the same safety or precautions that are in effect in a Third World nation are in effect here in the United States in order to protect the consuming public? How are we going to know that the little pill that is the same color and approximately the same size has in it the same material that it has in this country, that has been approved by our Food and Drug Administration?

This may give some of our colleagues a feeling we have done something to solve the prescription drug cost problem for our seniors. It does not. It does not come close. This is not even a fig leaf of coverage for those who reply to: What have you done on the issue of prescription drugs? The answer is, we probably made the system worse by bringing in drugs the quality of which we cannot guarantee. We cannot guarantee where they came from, how they were produced, or who has been protecting them since they left the factory and ultimately found their way into the United States. The answer is not that complicated. What it takes is a lot of political courage to do what is right and to tell our seniors there are no real easy answers to this problem.

What we need to provide to America's seniors is the same thing that I have as a Member of the Senate, that every one of my colleagues has and every one of the Members of the other body has and the other 9 million Federal employees have; that is, coverage under their health insurance plans that cover prescription drugs. When I walk into a drugstore, I do not pay full retail price, not one of us does. We get a discount because we do volume purchasing under our Federal insurance plan. In addition to the volume purchasing, we also have a very small copay, which allows us, instead of having to pay full price, to pay only a fraction of the price. That is the same type of system we should put into effect for our Nation's seniors.

The PRESIDING OFFICER (Mr. VOINOVICH). The 5 minutes of the Senator has expired.

Mr. COCHRAN. Mr. President, I yield the distinguished Senator 2 additional minutes.

Mr. BREAUX. I don't want to belabor the point, but when I walk into a drugstore, the retail price may be $100. But because of volume purchasing, it may only cost me $70, and because I have coverage, I don't pay $70. I pay a small copayment of maybe $30. I walk out of the drugstore with $100 worth of drugs paying only $30 because I am covered. A Medicare recipient who has no coverage pays the full retail price of $100. That is what is wrong with the system as it is currently constructed.

The answer clearly is not to say we are going to allow people to import drugs from Bangladesh or Pakistan or other countries around the world where we cannot guarantee the quality. That is not the way to do it. It was a sham when it left the Senate. It is a sham as it is being presented to the Senate today. We should have the political courage to address this in a very serious way.

To those of our two colleagues who have worked so hard on this, I thank them for their understanding and their participation. I do not fault them for what has happened. It passed the House by a huge margin. It passed the Senate by a huge margin. It is not the right policy and doesn't solve the problem. I wanted to bring it to the attention of my colleagues.

Having said that, I intend to vote for the overall product because of the many good things it has in it for American agriculture and American farmers. I think our two leaders are to be congratulated for that product they bring before the Senate.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to share a few remarks about the Agriculture bill. I thank Senator COCHRAN and his committee for their work on a very difficult issue at a very difficult time for agriculture. There are no easy solutions to the problems farmers are facing. We know farmers are in trouble. One experienced farmer who heads the Alabama Farmer's Federation told me that without Federal help, he believes in just the next 2 years, one-third of the farmers in Alabama would have gone out of business. It has been costly, but I believe what we are doing is the right thing to do.

Also, before I make those remarks, I would like to say I did return, with quite a number of Senators this afternoon, from the memorial service at Newport News to recognize the sailors who lost their lives in this attack on the *Cole*. We have to remember the *Cole*. We have to remember them. For a whole lot of reasons it was a very meaningful experience for me and I believe for their survivors. I was able to meet a number of sailors who had been wounded. I think all of us in this country need to pause, periodically, to remember how much we owe to the men and women in uniform.

This year, farmers in my home State have faced the worst drought in over a century. In particular, farmers and cattlemen in the southeast region of the state, have been devastated. This drought has come after two previous years of drought. Scorching temperatures and virtually no rain have made it extremely difficult for these fine men and women to continue to farm. In Headland, AL, for example, only 18 inches of rain has fallen this year. This is a part of the State that normally sees over 45 inches by this time.

More rain has come lately but not nearly enough and not soon enough to compensate for the earlier losses. Corn yields are down 40 percent. The peanut crop has had a very bad year, and the cotton crop has been very bad.

It has not been a good year at all for Alabama farmers. This drought has been one of the most severe on record. At some point since March 1, all parts of Alabama have been classified "exceptional drought" by the U.S. Drought Monitor. This is the most severe drought rating.

The entire State has been declared a disaster by the Secretary of Agriculture, and the Department of Agriculture has done some good work in helping to respond to the crisis.

However, I continue to hear from farmers at home that they question how long they can actually stay in business if the situation doesn't improve. A combination of bad crop-years and low prices can be devastating. Some livestock producers have liquidated their herds. Nearly all of them had to sell their stock earlier and lighter than normal, costing them money. Over 50 percent of this year's hay harvest has been lost, and this is just in Alabama. There have also been droughts in other States such as Mississippi, Georgia and Texas.

The $3.6 billion in emergency disaster aid included in this conference report is needed to assist these families and others who have experienced losses from drought, fire and other natural disasters.

I am especially pleased that Senator COCHRAN and the conference committee agreed to retain my amendment in the Senate version of the bill to assist Alabama in its emergency hay and feed operations for livestock producers. The Commissioner of Agriculture and Industries, Mr. Charles Bishop; the Alabama Cattlemen's Association and Dr. Billy Powell, its leader; the Alabama Farmers Federation; and other organizations have worked together to provide assistance to struggling cattlemen throughout the summer. Unfortunately, the funding for this assistance has run out. The State funding has collapsed. The $5 million in this conference agreement will go a long way to help these cattlemen make it through the winter without having to sell off their herds, which undermines their ability to have a productive economic enterprise.

I am also pleased that the conference report contains funding for a number of fine agricultural research projects in Alabama and all over the country. These projects keep us on the cutting edge of agriculture, and it is the only way we will be able to compete successfully in the world market. It includes catfish disease research. Catfish is one of the biggest cash crops for agriculture in the State. Peanut allergy research is a critical issue for us. I am particularly pleased the funding for Satsuma orange research was retained in the conference report.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

Mr. COCHRAN. Mr. President, I yield the distinguished Senator what time he may consume.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the funding for Satsuma orange frost research will go a long way to nurturing this fledgling industry along the gulf coast.

At the beginning of the 20th century, Satsuma orange groves flourished throughout the gulf coast. Indeed, they were running advertisements encouraging people around the country to come down and grow Satsuma oranges. In fact, 18,000 acres of the sweet, easy-to-peel fruit were farmed during the twenties and thirties along the upper gulf coast. However, a period of severe winters around 1940 led to the decline of Satsuma production.

Today, fledgling Satsuma groves exist in Alabama, Louisiana, and Texas. Research by Auburn University, one of the finest research institutions in the world, is being conducted to determine how to make this fruit more frost resistant. There are some ideas percolating that may actually do that. This funding will give us the opportunity to revitalize this industry.

I am certainly pleased with the overall agricultural spending. We have a lot of emergency assistance for farmers this year because it has been a particularly bad year in some areas of the country, including Alabama.

Again, I thank Chairman COCHRAN for his leadership. He understands this issue; he understands this Senate. He has wrestled with these issues for years, and his leadership will help this bill pass with overwhelming support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I thank and congratulate the chairman of the subcommittee, Senator COCHRAN, for all of his work in crafting this conference report. I believe overall this measure does a very good job of providing funds for ongoing work at USDA, FDA, and the other agencies covered in this bill. It also provides much needed emergency relief for farmers and ranchers suffering from both market loss and natural disasters.

However, I am disappointed that the conference committee could not come to a better conclusion on two highly controversial issues involving trade sanctions and reimportation of prescription drugs.

With regard to the Cuba provision, I would have preferred the Senate language. That language received broad support in this body.

With respect to the reimportation of prescription drugs, I am concerned the language in this report has too many restrictions and may not result in lower drug prices for our seniors, as well as others.

While some of us disagree on the language of these two items, nevertheless this conference report does provide immediate and targeted economic relief to struggling producers. Some producers are receiving the lowest prices for their products in over 20 years.

With respect to the dairy industry, the emergency provisions included in the conference report do not solve the larger problems facing our industry. However, it is an appropriate and vital step in protecting family dairy farmers. I encourage all Senators to support this conference report.

The conference report accompanying the fiscal year 2001 Agriculture appropriations bill provides $78.5 billion in funding for the operations and programs of the U.S. Department of Agriculture, the Food and Drug Administration and other agencies. This conference report includes much needed emergency relief to assist farmers hurt by economic and weather-related losses. The conference report also includes legislative language regarding food and medicine sanctions and language regarding the reimportation of prescription drugs. I am pleased that the conference committee also accepted a provision that will make it easier for citizens to participate in the federal food stamp program.

From the beginning of this year's appropriation cycle I have been honored to work with the very distinguished Chairman, Senator COCHRAN. The Senator from Mississippi has done an outstanding job of steering this bill through the appropriation process and I believe that with his leadership we have achieved a very fair and balanced conference report.

There are two highly controversial issues relating to this conference report which prevented the House and Senate conferees from moving this bill prior to today. In fact, the FY 2001 Agricultural Appropriations bill was reported by the full Appropriations Committee on May 20, 2000 and was approved by the full Senate on July 20, 2000. With farmers and ranchers struggling with significant market losses and natural disasters, it was my hope that we would have moved this legislation to the President's desk prior to the August recess period.

With regard to the Cuba language, I am disappointed that the conferees did not accept the language that was included in the Senate version of this bill. The language approved by the Senate received broad support and would have created expanded opportunities for Americans to sell food and medicine to Cuba. The provision included in this conference report makes it more difficult for these sales to take place, by preventing U.S. financial institutions from providing financing. The provision also codifies travel restrictions on Americans going to Cuba, making it more difficult for farmers to travel to Cuba to negotiate a sale. Although I do not believe we should be lifting our broader embargo on Cuba until we see democratic reform in Cuba and the end of the repressive Castro regime, in the meantime, I believe that blocking the sale of food and medicine has done little to bring us closer to that goal and has the unintended consequence of harming the very people we want to help.

With regards to the reimportation of prescription drugs, I am extremely disappointed with the process by which the conference provision was developed. We started with a very bipartisan process to develop workable language, but unfortunately, that process was hijacked. Instead, decisions were made in backroom deals behind closed doors. Even when improvements were suggested that would improve the language, they were ignored. This process was a disgrace to the Senate and to our nation's seniors who would benefit far more from a bipartisan process.

American consumers are rightly concerned about the high costs of prescription drugs—especially when compared to prices in other countries. These high costs are forcing America's seniors to often choose between buying food or paying for their medicine bills. America's seniors have footed the bill for the pharmaceutical industry's high profits for far too long.

I believe reimportation could help alleviate the high costs for many seniors, but I am concerned that the language in this conference report has several loopholes that will prevent it from being fully effective. In particular, I am concerned that the sunset provision will have a chilling effect on pharmacists and wholesalers, who may not invest in reimportation because the ability to do so will end in five years. And I am very concerned that drug companies can still keep American prices high by demanding that foreign sellers charge American pharmacists and wholesalers the higher, American-set prices when they reimport drugs. All of these issues, of course, could have been resolved in a bipartisan process.

That said, I am hopeful that the spirit of the reimportation provision—to lower drug prices for American consumers—will become a reality as it is implemented. Let me remind the drug companies in this country that reimportation was overwhelmingly supported in both Houses of Congress. We fully expect drug companies to comply with the intent of the law, and not look for loopholes to continue to inflate their profits.

Most importantly, let me say that while reimportation is an important first step toward helping seniors with high drug prices, make no mistake: this is not a substitute for a Medicare prescription drug benefit. Anyone who claims that reimportation is the answer to the outrageous drug prices seniors face is out of step with reality.

Drug prices are a major problem—but so is coverage. With one-third of seniors lacking any drug coverage at all, it is critical that we pass a Medicare prescription drug benefit as soon as possible.

While some of us may disagree with the outcome on the Cuba sanctions and re-imported drug issues, this conference report does provide immediate and targeted economic relief to struggling farmers and ranchers. In my state of Wisconsin alone, we are losing three dairy farmers a day. While the dairy market loss payments included in this conference report does not solved the larger problems facing our industry, it is an appropriate and vital step necessary to protect our family farmers.

Section 805 of the conference report provides assistance to dairy farmers in an amount equal to 35% of the drop in the price this year from the previous five year average. Let me restate that, "35%" of the "drop" in price. By contrast, earlier this year the administration proposed a farm emergency package for program crops that would have provided payments to guarantee farmers of certain commodities "95%" of the previous 5 year average "total gross income".

I cannot overstate the devastation the current dairy price collapse is bringing to family farms all across America. Back home in Wisconsin, the crises is overwhelming. Recently, I received a call from a dairy producer named Tom LaGesse of Bloomer, Wisconsin. Mr. LaGesse informed me that in his small town, located in northwest Wisconsin, five producers within the span of one week went out of business. He also told me that if we do not provide immediate, and direct emergency payments within 60 days, he would be the next producer to go out of business. All too often we hear a lot of talk about saving the family farm but little action. Mr. President, these dairy payments will hopefully save Mr. LaGesse and many, many others like him.

I am aware that producers may have questions regarding the implementation of the dairy payments included in this conference report. That is why I would like to insert into the Record the following questions and answers that may address the concerns of producers across the country.

Questions and Answers Regarding Emergency Dairy Payments

Question: How soon after the President signs this bill into law can dairy producers expect to receive payments?

Answer: For existing dairy farmers who received Dairy Market Loss Assistance payments earlier this year, payments should go out fairly quickly. New producers who have not previously applied for or received Dairy Market Loss Assistance payments from USDA may wait a little longer.

Question: How will payments be calculated?

Answer: Each producer's payment will be calculated by multiplying their "eligible" production by the payment rate. The payment rate equals 35 percent of the decline in the market value of milk in 2000 from the previous five year average. During 1995–99, the market value of all farm milk as reported by USDA was $14.25 per hundredweight. USDA currently projects the all milk price will average $12.40 per hundredweight in 2000, so the projected payment rate would be .35 times $1.85 or about 65-cents per hundredweight.

Eligible production for existing producers who received payments under the earlier program will, in most instances, be their actual milk production marketed in either 1997 or 1998, whichever is higher, up to a limit of 3.9 million pounds. Eligible production for existing producers who received payments under the earlier program, but had no production in 1997 or 1998, will be their actual milk production marketed in 1999 up to a limit of 3.9 million pounds.

Existing producers in either of the above categories who had less than 12 months of production in the base year used to calculate their earlier payments will have the option of substituting their actual production marketed during the 12 months from October 1, 1999, through September 30, 2000, up to a limit of 3.9 million, if it is greater than their base period marketings used for the earlier payments.

Finally, eligible production for new producers who did not receive payments under the earlier programs will be their actual production marketed during the 12 months from October 1, 1999, through September 30, 2000, up to a limit of 3.9 million pounds.

Question: Does a producer have to fill out forms or can they expect to automatically receive their payment?

Answer: The Secretary of Agriculture will decide exactly how to administer the program and what will be required of producers. However, I believe he can automatically pay existing producers who participated in the earlier payment programs and that only those new producers and those few who have the option of updating their base period production should need to fill out new applications.

Question: How much should producers expect to receive?

Answer: First, a producer's payment does not depend directly on the number of cows on the producer's farm but on the producer's eligible production as described above. A producer can estimate his own payment by multiplying his eligible production by the estimated payment rate of 65-cents per hundredweight. An average milk cow produces 17,200 pounds of milk per year. Using this average, producers can expect about $112 per milk cow. A herd of 225 average milk cows will reach the 3.9 million pound limit and receive the maximum payment of about $25,000.

Also included in the conference report is a cranberry relief package that provides assistance to cranberry growers who are suffering with record low prices. This year, my state of Wisconsin will lead the nation in cranberry production. The language in the conference report provides $20 million for direct cash payments to growers and language directing the USDA to purchase $30 million worth of cranberry products.

The cranberry direct payments provision is similar to other market loss assistance provisions in the bill. In order to insure that the funds are equitably distributed in the market place, the provision includes a cap on payments that would be limited to not more than 1.6 million pounds per separate farm unit, regardless of farm ownership.

In recent weeks, the cranberry industry has been working very closely with USDA and the recipients of federal food distribution programs to support purchases of juice concentrate, frozen fruit, or other comparable high-concentration fruit products that will remove the highest quantities of surplus fruit from current inventory. The industry and USDA is working to ensure a nutritious and easy to use product available for the recipients of federal food distribution programs. I appreciate the close cooperation of the Department on this and urge them to move quickly to address this disastrous surplus situation through additional purchases of products containing high concentrations of cranberry products provided for in the bill.

I close by reminding my colleagues that I support the conference report. I also express my sincere appreciation to Senator COCHRAN for his leadership, his fairness, and expertise in the many programs and accounts included in this bill. I thank Senator COCHRAN's subcommittee staff for all their work on this conference report. I urge all Senators to join me in support of this important conference report.

I thank the Chair, and I yield the floor.

Mr. COCHRAN. Mr. President, what is the status of the time and the allocation between both sides?

The PRESIDING OFFICER. The Senator from Mississippi has 10 1/2 minutes, and the Senator from Wisconsin has 2 minutes 50 seconds.

Mr. COCHRAN. Mr. President, I appreciate very much the comments that have been made by a number of Senators about the development of this legislation and the efforts we have made to negotiate an agreement with the House and bring back this conference report for final consideration by the Senate today.

There have been some statements made on the floor today that I think require a response. There was some singling out of individual research projects by the distinguished Senator from Arizona as if these were pork barrel projects. One response has already been made, and that was by the distinguished Senator from Alabama as he talked about some of the specialty crops and specific agricultural and aquacultural activities in his State. He explained the importance of ongoing research initiatives that will help improve the opportunities for agricultural producers to grow those crops and engage in those agricultural and aquacultural pursuits, and to do so profitably, helping to guarantee safe and wholesome supplies of food and food products for people in that State and throughout the country.

We have had a very difficult time in agriculture this year, and because of research, we are able to overcome some of those difficulties and provide hope that in these areas of particular stress in agriculture and aquaculture, we will be able to offer better days in the future.

A considerable attempt and a determined attempt is made in this legislation to identify ways to help improve the opportunities for U.S. agricultural producers to stay in business, to deal with the problems of drought, of infestation of insects and pests, to deal with the problems of weeds and other threats to efficient operation and production of our agricultural lands.

There is nothing wrong with the Government providing Federal funds to help identify better ways of dealing with these problems in agriculture.

One other comment that particularly distresses me is the emphasis on criticizing the existing farm bill as if it is the reason farmers are having such a difficult time.

I recall several years ago when we first realized that in the Asian economies they were getting to the point where they were no longer able to import from our country agricultural commodities in the quantities that they had in the past because of the economic crisis. Particularly countries such as Korea, Japan, and other Asian economies were suffering—the so-called "tiger economies" of Southeast Asia. And to hear today a statement that for several years in a row we have had to adopt agricultural disaster and economic assistance programs because of the Freedom to Farm Act. Have Senators forgotten some of the problems that our agricultural producers and exporters have had to overcome that had absolutely nothing to do with the Freedom to Farm Act but everything to do with a worldwide economic crisis? That is the main problem that agriculture had in the first 2 years of this existing farm bill.

To hear some Senators today indicting, again, the Freedom to Farm bill for the results of this year's drought is another new stretch of the imagination and credibility of this institution. Senators know enough not to believe that.

The Senator from Alabama was pointing out how in his State the drought problems are the worst in memory—and not just this year but add to the problems that occurred last year—and you understand how serious, how desperate the situation is in agriculture in Alabama this year, to cite one example. It has nothing to do with the Freedom to Farm Act.

Many worked very hard to craft the farm bill of 1996, Democrats and Republicans in the Senate and in the House—of course, it was not unanimous. But they worked hard to develop the best possible legislation under which we could provide support and rules under which the Federal Government could make available incentives for production agriculture, stabilize prices, and have a predictable level of support from the Federal Government. The bill attempts to avoid the ups and downs, the whims, of one administration or the other, the vicissitudes of a Congress that is unpredictable at best on these matters. The bill prescribed well in advance, over a period of years, the level of assistance for commodity producers that were eligible for benefits—that was the result of that negotiation in the legislation that was produced.

And now to lay it all off on that, as if that is the reason for these difficulties, to me, goes too far and deserves a response. It ought to have a response. I am pointing out at least two instances where that indictment and that criticism is just not accurate, it is not supported by the facts, and it has nothing whatsoever to do with this legislation.

This legislation includes, however, $3.6 billion in additional assistance of an emergency nature to try to assist those who have had difficulties this year over and above those that were expected. Because of findings made by the Senate and the House and the administration, this justifies emergency funding, and it is included in this legislation.

So I am hopeful and I am confident that the Senate is going to recognize the legitimacy and the importance of adopting this conference report. It reflects a lot of hard work by members of our appropriations subcommittee that developed the legislation, working in a bipartisan fashion, and working with our colleagues in the other body after our bill was passed and we negotiated this conference report with them, to come up with the best possible work product under the circumstances that we find ourselves today.

But no matter how much money we appropriate for research, for disaster assistance, for export assistance, trying to help stimulate our sales in overseas markets, we cannot solve all the problems of agriculture by the passage of this one bill. Everybody knows that. But it is a major and important step, and it will benefit a lot of American agricultural producers.

There is also more in this bill than just production agriculture assistance, but it is an important aspect of this legislation. This is a $78 billion bill. Nearly $40 billion of the funds relates to agriculture, landowner assistance, research to try to help do the things you have to do to maintain efficiency, understand the new technologies, translate the research from the laboratory to the farm through extension programs so that we have the finest, the most efficient, the most dependable agricultural sector in the world. This bill achieves those goals.

We also, at the same time, provide food safety programs, an inspection service that is fully funded, a food safety initiative that is fully funded at the request of the administration, to make sure that we have a wholesome supply of food, and it is fit for consumption by Americans, and it is reasonably priced.

We achieve that goal in this legislation. There are many in our country who do not have the benefit of high incomes. We have low-income people who live in poverty areas who need food assistance. This legislation includes school lunch program and school breakfast program funding. It includes Women, Infants, and Children Program funding, Food Stamp Program funding, assistance to soup kitchens, to those who use surplus commodities to provide lunches and meals for people who cannot afford food, so that we do not have people who are out of work and out of food. This legislation provides that important benefit as well.

So, on balance, this is a good bill. It deserves the support of the Senate. I hope all Senators will support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I yield our time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 8, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—86

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Allard
Feingold
Gramm
Kyl
McCain
Nickles
Smith (NH)
Voinovich

NOT VOTING—6

Biden
Feinstein
Grams
Helms
Kennedy
Lieberman

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL TRIBUTE TO FREDERICK HART BY REVEREND STEPHEN HAPPEL

Mr. THURMOND. Mr. President, it was only a little over a year ago when this nation lost one of the most inspiring, talented sculptors of the 20th century. Frederick Hart's passionate spirituality and his extraordinary ability to transform human emotions into physical elements were reflected throughout his works of art, and his tragic death has left a tremendous void. I know that I convey the thoughts of all who had the privilege of knowing Rick as I again extend my condolences to his wife, Lindy, and their two sons, Lain and Alexander.

On October 6, 2000, Reverend Doctor Stephen Happel, Dean of the School of Religious Studies at Catholic University, paid tribute to Frederick Hart at a memorial service held in his honor at the Washington National Cathedral. Dr. Happel's poignant remarks are a testimony to a man who embraced the complexity of God and art, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CATHEDRAL YEARS

(Remarks of Stephen Happel, Memorial for Frederick Hart, National Cathedral, 6 October 2000)

"We have seen that without the involution of matter upon itself, that is to say, without the closed chemistry of molecules, cells and phyletic branches, there would never have been either biosphere of noosphere. In their advent and their development, life and thought are not only accidentally, but also structurally, bound up with the contours and destiny of the terrestrial mass," (P. Teilhard de Chardin, The Phenomenon of Man [New York: Harper Torchbook, 1961], 273). "The term of creation is not to be sought in the temporal zones of our visible world, but . . . the effort required of our fidelity must be consummated beyond a total metamorphosis of ourselves and of everything surrounding us." (P. Teilhard de Chardin, The Divine Milieu [New York: Harper & Row, 1960], 78). The evolution of everything cannot fulfill itself on earth except through reaching for something, someone outside itself. In doing so, literally everything is transformed.

These quotations from the Teihard de Chardin's Phenomenon of Man and The Divine Milieu were the human milieu that I found when I walked into Frederick Hart's life in 1973–74. He had joined an Inquiry Class at St. Matthew's Cathedral during a particularly difficult time in his life. Inquiry classes are traditional Catholic ways for people investigating new knowledge and spiritual meaning. Rick was living in his studio, a garage on P St with a bedroom attached, his first plan for the facade of the Cathedral rejected (along with all the other sculptors). He was looking for a comprehensive vision in which his own work could struggle to be born. Or better, his artistic work struggled to evolve and create a world, an environment that could grow like a green space in a desert, expanding to nourish the beautiful on the planet. And he was looking for some words to mirror the sculptural world he was inventing.

Frederick Hart arrived at the National Episcopal Cathedral in the 1960's as a mail clerk. He had decided, after trying his hand at painting, that sculpture was his vocation, but he needed a place to learn. The learning took place here on this spot, under the guidance of Roger Morigi, one of the last classic master stonemasons, whose techniques went back to Michelangelo and Leonardo da Vinci. Rick graduated from mail clerk to apprentice, when Roger, an often difficult, sometimes volcanic, professional father, found the fellow "promising." After Rick completed a bust of Philip Frohman, the architect of the Cathedral, as a gift for the Cathedral (1969), the clerk of the works, Richard Feller, recognized that this young (now 26) sculptor should be included in the competition for the facade sculpture. Rick continued to produce bosses, gargoyles, and the classic Erasmus, a Catholic reformer with an ironic tone (not unlike Rick's own) until April, 1975 when his second set of motifs for the central tympanum and the trumeau sculpture were approved.

I met Rick at that Inquiry Class at St. Matthew's Cathedral on Rhode Island Avenue. I gave a talk on the sacraments in which I spoke about how symbols are neither subjective nor secondary in our religious lives. I paralleled the power and effectiveness of artwork and the Sacraments. Each of them transform us if we let them, they invite us into the world they project in front of us. They announce a better world that has not quite arrived, but will if faith prevails.

Artistic and sacramental symbols are not substitutes for what is not there, but an incipient presence of the whole, pushing its way into our sometimes dull and quotidian conscious life. Even though the routine of work and domestic life can screen out what is truly beautiful and holy, symbols can break through and insist on being seen, heard, and touched.

Rick, like the symbols themselves, had a way of fidgeting into a conversation. Although he was respectful of the fact that we had never met, he could not quite resist asking lots of questions early on at the meeting. It did not take long for the two of us to discover that we were cultural and religious siblings, we were both committed to the ways in which religious symbols could change public life. After the "official" conversation was over, Rick, Darrell Acree, Father James Meyers and I went to the Dupont Village Pizza, regrettably no longer there, ordered pizza and (I have to say) more than one pitcher of beer while discussing art, the sacraments, and his plans for the Cathedral's facade. Somehow I'm quite sure that the Lord would not have understood our discussing the sacraments over the pizza and beer!

Rick was at the beginning of his new proposal. Basically, he just wanted to know whether his view of the world was theologically crazy. It was not; it was genial. Through the help of his friends, he had not only made his way from Childe Harold and the Benbow, local pubs, but he had also read Teilhard de Chardin and classic philosophies of art. In between these books and his wanderings, he would take his meager paychecks from the National Cathedral to build a garden with a fountain in the backyard of the garage and draperies to remake his interior world. The next winter the drapes were useful; they kept him warm when he wasn't sleeping with the two dogs that sufficed as a heater in the unheated studio.

Rick lived physically on the margins during those years. Deliberately, energetically; he found the "in-between" a creative locus in which he could explore the ways in which the body could evoke mind and heart, in which the material embodied the spiritual and eternal, in which the physical could struggle, emerge, and become other than it is. This was a man for whom ideas were a passion; and passions could become ideas. I had no trouble finding a life-long friend—or better, a friend for all of his life.

Later that evening I saw the gouache designs he had already completed for the project of Creation, Adam and Sts. Peter and Paul. But as in all cases with my experience of Rick's work as it evolved, the idea was somewhere within, grasping for life and open air, to live in the public world. Rick had to produce a "statement," as you know, for the competition. That night he and I spoke about how creation evolved, the role of human beings in this evolution, and the primary, initiating power of God's love. If you will, it was a course in Christian anthropology, a human nature aiming beyond itself, a human being unable to make sense of itself without reference to the Other—to God. I took the pieces he had produced, added some theological jargon and sent them back to him. He re-worked them again and sent them in along with the drawings. He won. We are living in the results of his labor.

Medieval Cathedrals emerged from a vastly different anticipated future. They were painted, very colorful places of worship, filled with multiple altars, incense, and song. An entry through the main doors at the Cathedral at Autun shows an either/or world—either heaven or hell. Christ the Judge seated on a throne presides in the midst of a heavenly court. On Christ's right, angels push souls into the mansions of heaven where Mary and the apostles reside; on the left, demons weigh souls and send them off to torment.

Rick's vision for the façade of the National Cathedral coincided with the courageous commitment of the building committee. The theme was creation, a new image for a National Cathedral in a new country. The vision was both/and—the material and the spiritual. How to imagine both a primordial past and a transformed future—at the same time? How to make the stone fly from earth into the infinite horizon of the Universe? How to unite the individual and the communal in a contemporary world where the radically autonomous, isolated subject is the ideal? Can what is new be rooted in history and tradition? For Rick, it was both/and in his sculpture, not either/or.

Creation in the stone embodiment of Frederick Hart is an ongoing event—what theologians call a *creatio continuia*—simultaneously "conservation" and "preservation" by God. This is not an image of a distant past event, astronomical or human, but the constantly emerging present life of the human community. Ex Nihilo symbolizes the choral dance, the human perichoresis in which we are all even now part of one another, linked body, soul, mind, and heart. The figures emerge from the ground, but are not yet completely defined. As Rick used to say, the Ground from which they come is as primordial as the figures that emerge. Without the involution of matter, sinew and bone folding and revitalizing themselves (as Teilhard said), the unique figures that are human beings would not appear.

Adam is the test case. The central trumeau figure is at once grasping for the air and being grasped. With closed eyes, he is the old Adam yearning with his right arm to push from the ground from which he comes; with the left, he is being pulled, however tentatively, from the swirling ooze, tugged by an invisible hand. The torso leans ever so slightly upward.

This Adam is both the old Adam—and on a longitudinal axis with the new Adam sitting in glory over the high altar on the reredos. He is also an Adam for an American context, both striving to enter the world and helped by One he cannot yet see. This is not a solo, antagonistic, power-hungry figure in the style of Nietzsche; this sculpture has its humanity in and with an Other, a partner who cooperates to bring it into existence.

Perhaps it is this theme that is subversive in Hart's sculptural theology; the sculpture invites, seduces, even provokes the viewer into participation in the world it is announcing. St. Paul, caught at the moment of transformation, the mystic transported to the seventh heaven, sinks below the emergence of the night sky from the swirling chaos. St. Peter, the only facade sculpture with his eyes open, draws his net to build the church under the creation of the day. Thus Hart presents time and space in a single sensuous continuum in which the history of the early Church unfolds from the call of Adam and all humanity pulled out of the visible chaotic ground.

In this sense, Rick's work here (and elsewhere) offends people. Not simply because it does not 'fit into' the current or recent art establishment—though the 70's were not a time for well-modeled, fine art. His work demands of the viewer a participation that insists on re-making the world. Again I quote Teilhard de Chardin: "To create, or organize material energy, or truth, or beauty, brings with it an inner torment which prevents those who face its hazards from sinking into the quiet and closed-in-life wherein grow the vice of egoism and attachment. An honest workman not only surrenders his tranquility and peace once and for all, but must learn to abandon over and over again the form which his labor or art or thought first took, and go in search of new forms." (P. Teilhard de Chardin, The Devine Milieu, 41) Frederick Hart knew this intimately, even painfully. The facade sculptures reach out from the center to the edges of day and night and extend themselves into the city and our world. They proselytize; they preach; they evangelize about how the world could be if values of beauty and truth were embraced. For Rick these were moral values.

Just as Enlightenment values of autonomy, individual history, and emotional independence were moral imperatives, so Rick Hart's work pushes beholders into their inner lives, asking for cooperation to build a world. Rick's sculptures embody the very boundaries he lived between; they provoke viewers into asking about the aura of the Other that envelops them in the material stuff of their day to day lives. But sensing the material as a symbol of the immaterial is not a current ideal. Cooperation is not a current norm. Newspapers are sold on conflict and disagreement; debates are structured on differences; business is won or lost on the basis of unique combative marketing; computer systems are structured on either-or options.

The theology of cooperation Rick espoused in his art, despite his love of playing the antagonist in conversation, was absolutely Trinitarian. The chorus of human activity was a symbol of the internal life of God. The God who creates us; the God whose Beloved Incarnate One we follow and worship; the Spirit that animates human history—all are One terrifying and vivifying, swirling fire. We live in the midst of the divine milieu, as Teilhard says; we cannot escape our God. "Is the Kingdom of God a big family? Yes, in a sense it is. But in another sense it is a prodigious biological operation—that of the Redeeming Incarnation." For Rick, God lives in the heart of matter, calling us, prodding us to share in the divine life of love, justice, and truth.

Rick's best work, his masterpiece on the facade of this building, invites the city to admire the house of prayer, but more to enter it. The sculptures set up the conditions under which a community, a city might transform itself. Enter the choric dance; establish a cooperative rhythm; be drawn like Adam to what you cannot see; drop the sword of contention and enter the mystical night—and maybe, just maybe, you will be able to build the day. You might find God.

Rick Hart was a friend. But I make no apologies for my praise of his work; I believe I have been privileged to know a great, passionate artist whose values emerged within his creative processes and embodied themselves there. As a result, I know that long after I am dead, the ideas and values he, I and others shared in friendship will awaken others. The symbols will remain—continuing to make parts into wholes, building a community of living stones from the stones he shaped, drawing us beyond ourselves into God.

TRIBUTE TO GOV. MEL CARNAHAN

Mr. HARKIN. Mr. President, it is with a heavy heart that I stand here today to pay tribute to a good friend, Mel Carnahan, Governor of Missouri, and express my sorrow at the loss of his son Randy and his longtime aide, Chris Sifford.

I had known Mel for a long time. I have followed his career with pride and admiration as his neighbor to the North. Mel's service to the State of Missouri spans four decades and even more elected offices. He started out as a municipal judge in his hometown of Rolla at the age of 26. He served in the Missouri State Legislature. He was State treasurer and Lieutenant Governor, and in 1992 became the 51st Governor of Missouri.

Like many of my colleagues, I had the privilege of campaigning with Mel this past year. As I watched Mel Carnahan on the trail and watched him talk with the people of Missouri and listen to their concerns and their hopes to gain their confidence and trust, I was reminded of something Adlai Stevenson once said:

> Every age needs men who will redeem the time by living with a vision of things that are to be.

Mel Carnahan was one of those men, and as Governor of Missouri, he had a vision for his State and for our country. We saw it in his work on education. We saw it in his work on Missouri's economy. He created thousands of jobs and moved some 100,000 people from welfare to work. We saw it in his work on crime and children's health insurance and so many other issues, how he stood up to the gun industry and stood strong for those who have the deck stacked against them.

He had a vision for this Nation which he took into his Senate race. He believed, as Hubert Humphrey stated, that the measure of government is in how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick and the needy. That is why he wanted to come to Washington. This was his vision.

Its very urgency makes it harder to accept the fact that he was taken from us before he could help make it a reality. His death is a loss for all of us in Congress who would have had the honor of working with him. It is a loss for the people of Missouri who would have had the privilege of being represented by him. It is a loss for the people of this Nation who would have had the good fortune of being served by him.

We cannot let our sorrow overwhelm us. We cannot let our sadness become bitterness, despair, or regret. That would not be a fitting tribute to Mel Carnahan. Rather, we owe it to him, to his country, and to his family to take up the torch of his life's work and to carry it on. We owe it to ourselves to let his memory be our solace, his record our guide, and his legacy our inspiration, to let the life of this good and decent man continue to light our way. That is the best and enduring memorial for our friend Mel Carnahan.

Earlier this year, I was flying in that very plane with Mel and his son Randy at the controls. Being a pilot myself, we talked a lot about flying. It was a night flight. We talked about the aircraft. I talked to Randy about the different instrumentation he had on his aircraft. Randy was a very qualified pilot. He knew what he was doing. Mel was, too. Mel had been taking flying lessons and had hoped to complete them at some time but had to interrupt them for his campaign.

For me, it makes the loss even so much more poignant and tragic since just a couple of months ago I was on that very plane with them. We do not know exactly what happened. Right now what went wrong is really of no consequence. What is of consequence is that we have lost three good lives in that tragic accident in Missouri.

My heart and my prayers are with Jean, his very lovely and very dedicated wife, their children Russ, Robin, and Tom, and with the family and friends of Chris Sifford who also lost his life in that tragic accident.

Mr. DODD. Mr. President, I rise to add my voice to those who have come to the Senate floor to pay tribute to Missouri Gov. Mel Carnahan.

Those of us who knew and admired Governor Carnahan share a profound sense of loss at the news of his untimely death and the deaths of his son Randy and longtime aide Chris Sifford in a plane crash on Monday night.

I had the pleasure to meet Mel Carnahan on several occasions in recent years. I knew him as a good man, as someone who spoke passionately and cared deeply about the people of his State, especially its children. He was a dedicated and talented public servant who never wavered in his belief that public service is a noble calling.

Few if any would question that Mel Carnahan's heart was with the working people of his State. In his first year as Governor, he called for a tax increase to fund the State's public schools. Allies and opponents alike said he was sealing his fate as a one-term Governor. The voters saw his decision for what it was: an act of political courage. They reelected him in a landslide.

In addition to work on behalf of the children of Missouri, he fought for better health and safety standards for seniors in nursing homes. He championed tough measures to fight crime. He brought about sensible welfare reform. And he successfully streamlined his State's government, redirecting hundreds of millions of dollars for job creation, education, and law enforcement.

The Democratic leader said earlier this week that Governor Carnahan was a man of such talent and insight that he would have succeeded in any field which he chose. Anyone who knew this man would, I believe, have to agree with that view; that he chose the field of public service and brought credit and esteem to a profession that is all too often criticized. It brought a better life for millions of Americans who reaped the harvest of his tireless efforts on their behalf.

I extend my deepest sympathies to the Governor's wife Jean, their family, the family of Chris Sifford, and the people of the State of Missouri.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 18, 1999: Michelle Alexander, 21, Charlotte, NC; Earl Baker, 22, St. Louis, MO; Karlton Cannon, 30, Chicago, IL; Michael Jones, 49, Knoxville, TN; Kenneth Pastuszak, 28, Detroit, MI; Brian Webster, 26, Detroit, MI; and Unidentified Male, 45, Honolulu, HI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

FEDERAL REGULATIONS

Mr. INHOFE. Mr. President, in fiscal year, FY, 2000, some 54 federal departments and agencies and over 130,000 federal employees spent over $18.7 billion writing and enforcing federal regulations.

The number of full-time positions in regulatory agencies reached an all-time high during the Clinton/Gore Administration. The era of big government is not over. In fact, it is in its hey day. In FY 2000, bureaucratic staffing set a new record, exceeding the previous all-time high of 130,039 in FY 1995.

Rochester Institute of Technology's Professor Thomas Hopkins estimates that the total cost of federal regulation will be $721 billion in 2000, which is equal to about 40 percent of all federal spending—representing a hidden tax of more than $6,800 per year for each American family. This represents direct compliance costs, not indirect costs such as the cost of lost productivity, increased cost of goods and services, as we are seeing with gas prices right now, and lower wages—among others.

These figures are very important for us in Washington to keep in mind—when we are developing laws and regulations. When considering the entire federal budget, $6,800 per year may seem like peanuts, but $6,800 is a great deal of money to millions of hard working Americans.

To put Professor Hopkins' estimates in perspective, current regulatory costs are about 40 percent of the size of the federal budget—which stands at an estimated $1.9 trillion in FY2000—and represent about 8 percent of America's gross domestic product. Moreover, Hopkins' estimates of annual U.S. regulatory costs exceed the entire 1998 GDP of such countries as Canada, $604 billion; Spain, $553 billion; Australia, $364 billion; and Russia, $275 billion.

Beyond the cost of regulations and the size of the federal bureaucracy, a very troublesome trend is occurring in the regulatory arena right now. In its last few days in office, the Clinton/Gore Administration is currently pushing through a number of new rules—particularly in the environmental arena. This last-minute regulatory push, also known as "midnight-regulation," serves two purposes for the Clinton/Gore administration: (1) to pander to the special interest groups and (2) to make regulatory decisions more difficult for the next administration.

This administration is playing a zero sum loss game with the regulatory process. While special interests and bureaucrats are winning, the American people are losing. When well thought out and reflecting consensus, regulations can certainly provide benefits to the American people. However, what is most disturbing is the fact that this administration will promulgate these regulations at any cost—at the financial cost of the American people—at the cost of making a mockery of rulemaking due process—even at the cost of environmental protection. This isn't just my opinion, other experts agree. Wendy Gramm, former Administrator of OMB's Office of Information and Regulatory Affairs, and Susan Dudley—both of whom are with George Mason University's Mercatus Center—recently wrote in an article in The Atlanta Journal, "when regulations are rushed into effect without adequate thought, they are likely to do more harm than good."

Eighty-eight rulemakings are in the process at the EPA.

On August 25, 2000, a Washington Post article's byline read, "[m]indful that Republicans could occupy the White House in less than six months, the Clinton administration is working feverishly to issue a host of new regulations supported by environmentalists and other liberal leaning groups . . ." The article goes on to state that, "[a]t the EPA alone, officials have listed 67 regulatory decisions looming before Clinton's second term expires in January."

In response to the Washington Post article, the National Manufacturers' Association requested this list of 67 pending "regulatory decisions." However, NMA's request was denied. Thanks to the leadership of Representative DAVID MCINTOSH, the Clinton/Gore Administration submitted the list of regulations. Representative MCINTOSH discovered that it was not 67 regulatory decisions—but rather 88! This does not include the numerous interim final regulations, policy statements, and guidance documents, which EPA is pushing through.

In fact, the average pages of regulations in the Federal Register is currently sky-rocketing. Currently, the Clinton/Gore Administration is averaging 210 pages of regulations per day in the Federal Register. The last time that the American people experienced such a flood of regulations was at the end of the Carter Administration—when the Federal Register had an average of 200 pages of regulations per day. Mr. President, there is a graph of the average number of regulations in the Federal Register during election years since the Ford Administration.

Here are some examples:

The Clinton/Gore administration's "Total Maximum Daily Load" or "TMDL" Rule.

The now final TMDL rule drew more than 30,000 public comments and has been the subject of 12 congressional hearings. An overwhelming majority of these citizens, including environmental, community, state, labor union, and business organizations, expressed their opposition to the rule. Their concerns have included such issues as the rule's effectiveness, costs, technical and scientific feasibility, and basic structure.

On June 30, 2000, in response to the testimony and thousands of letters that I and other Members of Congress received in opposition to EPA's proposed TMDL rule, Congress included a provision in the FY 2001 Military Construction Appropriations Act that would prohibit EPA from implementing this rule. This provision was a bipartisan attempt to direct the EPA to take a step back and address the concerns of the American people—not a sneak attack on the environment as many extremist environmental groups tried to portray it.

The U.S. Congress sent a clear message to the White House and EPA. However, the Clinton/Gore Administration allowed EPA to finalize its proposed TMDL rule shortly before President Clinton signed the FY 2001 Military Construction Appropriations Act into law. I have grave concerns about any Administration which seeks to make the will of Congress "meaningless"—which is what the White House was quoted as saying. The very thought of such an action is a vulgar abuse of power and blatant disregard for the legislative branch of our government.

The Clinton/Gore EPA's poorly thought-out sulphur/diesel rule.

For some reason the EPA is shocked and surprised that fuel prices are spiking because of the introduction of the new RFG phase 2 regulations. The trouble is the EPA continues to roll out new restrictions and regulations on gasoline and gasoline formulas without any regard to what the consequences are to the consumer. I am concerned that the Clinton/Gore sulfur diesel regulation is a perfect example. This is a regulation which will cause price spikes for fuel over the next ten years, and EPA has done a miserable job in predicting the consequences of this regulation. I believe there will be severe shortages of diesel fuel which will lead to higher prices for truckers, farmers, and the home heating market. It is highly likely that instead of installing the expensive desulfurization equipment many companies will choose to export their diesel instead of selling in the U.S., creating greater shortages. While they are discussing finalizing this rule, they are also discussing the need for a technology review in three years on the pollution devices for the trucks themselves. It seems the EPA is not sure if the technology will be available which requires the low sulfur diesel fuel. But this review will take place after the refiners begin installing the expensive low sulfur equipment.

The real shame in this is that it could be avoided if the EPA were more reasonable in their expectations. Instead of calling for a 97 percent reduction in sulfur, they could have taken a 90 percent reduction in sulfur which would have produced the same benefits for particulate matter at half the cost. While it is true that NOx would only be reduced by 75 percent instead of 95 percent. I think we need to stop and look at it, 75 percent reduction at half the cost is a bargain. Once again the EPA appears bent on chasing pennies of benefits for dollars of costs.

My subcommittee will be looking even more closely at the cost of EPA's programs on our nation's fuel supply. I really think the lasting legacy of Carol Browner might very well end up being these gasoline price spikes over the next ten years, unless something is done to restore some sanity to this process.

EPA's arsenic regulation.

The EPA is reconsidering its proposal for lowering the federal standard for arsenic in drinking water. The 5ppb standard, for which EPA is seeking comment, is scientifically unjustifiable. Many experts believe that "given the available information EPA has provided, a final standard below 20 ppb can not be justified." This rule is anticipated to cost $1.5 billion annually and require $14 billion in capital investments—threatening to bankrupt small towns. EPA's own analysis reveals will impose net costs on users of drinking water systems. Unfortunately, this regulation is just another example of the EPA putting the policy ahead of the science—at the cost of the American people.

Mr. President, I could go on and on about these midnight regulations.

The Clinton/Gore administration is circumventing regulatory rulemaking due process.

A fundamental safeguard provided by the Administrative Procedure Act (the "APA") is to ensure that federal agencies provide an opportunity for informed and meaningful public participation as part of the regulatory rulemaking process.

As if midnight regulations were not bad enough, the Clinton/Gore administration attempts to short-cut APA safeguards by the issuance of interim final rules, guidance documents, and policy statements. These documents, which do not go through the notice and comment rulemaking process required by the APA, are not subject to review by the courts. Often, these documents suggest that regulated entities must comply with requirements beyond the requirements found in law or regulation. Though agencies deny the fact these documents are legally biding, it is clearly an attempt to make law outside the rulemaking process—in a way which tries to shield agencies from judicial review.

For example, on April 14, 2000, the U.S. Court of Appeals, in Appalachian Power v. EPA, struck down EPA's "Periodic Monitoring" Guidance. Among it's findings, the Court found: (1) EPA was creating broad new authority through the guidance document; (2) EPA did intend the guidance document to have binding effect; and (3) the guidance was illegally issued outside the APA rulemaking procedures.

From 1992 to 1999, the Clinton/Gore EPA published over sixty-five interim final rules, guidance, and policy statements in the Federal Register. However, there are many more of these documents, which have never been published in the Federal Register—in violation of the Federal Register Act.

And the cycle continues . . . on August 28, 2000, EPA has just issued a guidance document on Environmental Justice. While I will reserve the policy discussion on environmental justice for another time, the process question arises again. Even though the Congress and many stakeholders urged EPA to issue an Environmental Justice Rule, which would be subject to the APA's opportunity for notice and comment as well as judicial review, the EPA refused to do so. Instead, the EPA again created a binding regulation, albeit through a guidance document, which is not subject to judicial review.

Additionally, in the case of many of the 88 rules, EPA will argue that the regulation has been a work in progress for years. EPA's claim begs the question, "Then why cram through the final product when EPA is juggling so many balls at once." Though some of the regulations may have been proposed before, it does not mean that the proposal is still relevant—which we see with EPA's Proposed New Source Review Rule. In this and other cases, EPA should re-propose the rule rather than going final with it's obsolete, out-dated proposed rule.

In conclusion, the Clinton/Gore Administration is in overdrive to make policy by administrative edict where it has failed to do so by the legislative process or by following the regular regulatory order. President Clinton and Vice President GORE can't really believe that the less the public participates the better—but they're acting like they do. The fact that the EPA is cramming though scores of rules and other regulatory decisions without public discourse is irresponsible. I call on the Administration to exercise regulatory restraint and stop exceeding its legal authority without undergoing appropriate rulemaking procedures.

Rushed and poor judgement and deliberate acts that exceed an agency's authority can cause serious disruptions in the course of American families' lives. Therefore, I, along with other Members of Congress, will explore the various options, which Congress could use to address this Administration's numerous egregious political and anti-democratic actions. Environmental protection is vitally important, but so is the integrity of our government.

STATE DEPARTMENT MEMORANDUM

Mr. McCAIN. Mr. President, yesterday, we learned that a memorandum from the Inter-Agency Coordinator for the State Department instructed the Voice of America to refrain from broadcasting an editorial denouncing the terrorist act that took the lives of seventeen American sailors on the U.S.S. *Cole* and expressing the United States' resolute opposition to all terrorism. Apparently she perceived in the editorial an insensitivity to the fact that "the seventeen or so dead does not compare to the 100+ Palestinians who have died in recent weeks where we have remained silent."

Mr. President, I was not aware that the United States had remained silent about the loss of life, both Israeli and Palestinian, in the current conflicts threatening the prospects for peace in the Middle East. Indeed, I believe the President and a good many members of Congress have been quite outspoken on the subject. Moreover, the losses incurred in that conflict and our responsibility to do what we can to help bring violence there to an end, does not preclude the United States from strongly, unequivocally addressing the first responsibility of any U.S. Government: the safety of American lives.

I understand that the State Department spokesman has issued a statement calling the official's extraordinarily offensive memorandum "wrong," "not approved through appropriate channels" and assuring that it in "no way reflects the views of the Secretary or the Department." Fine, we can let the matter rest there.

Let me add a thought, though. It's a free country, but the official in question is not free to represent her own controversial priorities as official U.S. policy. Should she be unable to meet this basic professional and civic responsibility, perhaps she should seek a place of employment that is more compatible with her views.

TREASURY-POSTAL/LEGISLATIVE BRANCH APPROPRIATIONS—CONFERENCE REPORT

Mr. JOHNSON. Mr. President, last week, the Senate passed a conference report which contained the Treasury-Postal appropriations bill, the legislative branch appropriations bill, and a repeal of the century-old telephone excise tax. This package was the first of the several "mini-omnibus" packages we will likely consider in the waning days of this Congress, and unfortunately, it demonstrates the fundamental problems associated with this type of legislating.

I voted against this mini-omnibus for several reasons. The Senate never had the opportunity to even consider the Treasury-Postal bill on the floor. Many issues that are critical to Senators could not receive deliberation because of the unwillingness of the leaders to allow the Senate to fulfill its constitutional directive of deliberating on the crucial issues facing the nation. I will not review the entire list of neglected issues again. That recitation has occurred elsewhere, and I am confident we will hear more about them in the coming days.

Suffice it to say, I deplore the procedure that permits unpassed appropriations bills to go right to conference. Other than the procedural irregularity, I opposed this conference report because it did not contain language to strike the congressional pay raise. It is unfathomable to me that at a time we cannot raise the minimum wage to bring a full-time worker above the poverty line, we once again raise salaries for Members of Congress. I have opposed any effort to raise congressional salaries in every year since 1994. I, and similarly-minded colleagues, were denied the opportunity to fully debate this issue. I cannot support this increase, especially under the current circumstances with so much unfinished business.

Unfortunately, many initiatives I support were also included in this package. Among them is the repeal of the telephone excise tax, a revenue used originally to help fund the Spanish-American war. This three percent surcharge is among the most regressive taxes, and I was proud to be an early cosponsor of the effort to repeal it. In addition to cosponsoring the original legislation, I voted to repeal this tax when the repeal was offered as an amendment to the estate tax repeal.

In a time of unprecedented surpluses, we must fix some of the inequities in the tax code. I am disappointed we have not managed to accomplish more. Once again, this is indicative of the overly partisan nature of Senate activity, and this partisanship has blocked fair tax reform. Nonetheless, I am pleased we have at least resolved the federal telephone excise tax, a reform which will save all Americans $51 billion over the next decade. I commend the major telephone providers for committing to pass fully these savings to consumers, and I once again regret that the unique and deplorable manner in which this Congress is fulfilling its responsibilities forced me to vote against this package.

CONGRATULATIONS TO KIM DAE-JUNG

Mrs. BOXER. Mr. President, I would like to congratulate Kim Dae-jung, the President of South Korea, on receiving the Nobel Peace Prize for 2000. This award is well-earned for a great leader whom many call the "Nelson Mandela of Asia." President Kim's life-long dedication to peace and reconciliation is evident in the fact that he had been nominated for this award on 14 different occasions. Last Friday's announcement made President Kim his nation's first Nobel laureate, a source of great pride for the people of South Korea.

Kim Dae-jung has led an extraordinary life, highlighted by an unwavering commitment to democracy. In fact, throughout his career, President Kim has been willing to risk his own life in standing up for the principles that allow South Korea to be the great nation it is today.

President Kim has indeed paid a heavy price for speaking out against totalitarian rule. Shortly after his first run for President in 1971, Kim was nearly killed in a car accident that many believed to be an assassination attempt. Two years later, he was kidnapped by South Korean agents, ostensibly because he was perceived as a threat to the status quo. He would have been killed, had the United States not intervened. In the years that followed, President Kim survived jailings, house arrest, exile and numerous beatings.

Three years ago, President Kim campaigned on an innovative, open approach to reconciliation with North Korea, which he called the "sunshine policy." This policy of building ties with the North is on a scale that has not been seen in the history of postwar Korea. After winning the election, President Kim, a forgiving and religious man above all, pardoned the former military rulers who tried to kill him as his first act in office. He has also been a positive force for South Korea's economy which was at a low point when President Kim was elected. The South Korean economy grew by 10.2 percent in 1999 and is projected to grow by 6 percent in 2000.

President Kim's "sunshine policy" culminated in a June summit between the leaders of North Korea and South Korea. The summit was a success, and set a tremendous precedent for the relationship between the two countries. Speaking of the meeting, President Kim said, "the Korean people are one; we have a common fate. There is nothing we cannot do if we make steady efforts with good faith and patience." The possibility for continued conversation between North and South gives me great hope that the two sides have taken the first steps to a true and lasting peace.

The rebuilding process between the Koreas has been enhanced by several small but meaningful achievements. North Korea and South Korea have pledged to work on rebuilding roads and rail lines between the two countries. Earlier this summer, a brief reunion occurred of families separated by the Korean war 50 years ago. Just last month, the entire world was moved when the North Korean and South Korean teams marched together in the opening ceremonies of the Sydney Olympics.

I had the opportunity to meet President Kim in 1986 when he was under house arrest. I was very moved by his courage and faith and thought that he would some day lead his beloved nation. It is with great happiness that I take this opportunity to congratulate Kim Dae-jung and the people of South Korea on this historic occasion.

A SALUTE TO THE SAILORS OF THE U.S.S. "COLE"

Ms. LANDRIEU. Mr. President, I am deeply saddened by the loss of the brave men and women of the U.S.S. *Cole*. October 12, 2000 will long be remembered as a day of heavy emotions for our armed forces and all American people. All of our hearts have been consumed with anger and sorrow at the senseless act of terrorism that, on that day, left seventeen United States sailors dead, and thirty-nine injured. All young, all promising, all dedicated to defending America's values and way of life.

But my heart is also filled with pride in these men and women. Our sailors served in the finest traditions of the Navy, selflessly dedicating themselves to serving our country with bravery and integrity. And I rise today to honor those who gave their lives in the line of duty. We will not forget your superb service and ultimate sacrifice.

As I extend my heartfelt sympathy to the families of the *Cole* Sailors, let me also say to the world that the United States will not rest until those responsible for this attack are held accountable for this atrocious destruction of innocent American life. Let there be no mistake. We will use every tool in our arsenal to track down and charge our adversaries for this cowardly act.

The British poet A.E. Housman wrote, "The troubles of our proud and angry dust are from eternity and shall not fail. Bear them we can, and if we can, we must." Housman's poem speaks to our strong tradition of persistence and moral courage to stand up for our values. Let our resilience signal to the world that no terrorist attack can encroach our resolve. We will not shrink to defeat, but grow stronger in our commitment to securing peace and stability throughout this nation's areas of interest. Seventeen U.S.S. *Cole* sailors did not suffer tragic deaths in vain. They died protecting freedom, and defending the greatest nation on Earth.

So now, I join my colleagues and the families of the U.S.S. *Cole* crew in solemn prayer for these brave sailors, the protectors of America's great democracy. God bless you and God bless America.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

Mr. JOHNSON. Mr. President, I am pleased the President recently signed into law the Federal Prisoner Health Care Copayment Act. As you know, Senator JON KYL and I introduced last year a bill to require Federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. My State of South Dakota is one of 38 States that have implemented State-wide prisoner health care copayment programs. The Department of Justice supported extending this prisoner health care copayment program to Federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and US Marshal Lyle Swenson about the equitable treatment between presentencing Federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to State and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing Federal prisoners to abuse health care resources at great cost to state and local law enforcement.

As our legislation moved through the Senate Judiciary Committee and Senate last year, we had the opportunity to work on specific concerns raised by South Dakota law enforcement officials and the US Marshals Service. I sincerely appreciate Senator KYL's willingness to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

I also worked with Senator KYL and members of the Senate Judiciary Committee to include sufficient flexibility in the Kyl-Johnson bill for the Bureau of Prisons and local facilities contracting with the Marshals Service to maintain preventive-health priorities. The Kyl-Johnson bill prohibits the refusal of treatment for financial reasons or for appropriate preventive care. I am pleased this provision was included to pre-empt long term, and subsequently more costly, health problems among prisoners.

The goal of the Kyl-Johnson Federal Prisoner Health Care Copayment Act is not about generating revenue for the Federal, State, and local prison systems. Instead, current prisoner health care copayment programs in 38 States illustrate the success in reducing the number of frivolous health visits and strain on valuable health care resources. The Kyl-Johnson bill will ensure that adequate health care is available to those prisoners who need it, without straining the budgets of taxpayers.

ADDITIONAL STATEMENTS

NATIONAL INVENTORS HALL OF FAME INDUCTEES

• Mr. VOINOVICH. Mr. President, I rise today to pay tribute to the inductees into the National Inventors Hall of Fame for the year 2000. Located in Akron, OH, the National Inventors Hall of Fame is America's shrine to those who have made significant contributions to our nation, and improvements to the quality of life for all mankind. As Governor of Ohio, I was proud to speak at the dedication ceremony for this magnificent facility in July of 1995, and I was pleased to have the Hall also serve as the backdrop for the Edison Innovator Awards my office presented to companies throughout the State of Ohio.

Inductees into the National Inventors Hall of Fame represent the epitome of ingenuity and inspiration, and this year's class is no exception. Inductees for the year 2000 include: Walt Disney, whose name has become synonymous with imagination and creativity; Reginald Fessenden, whose pioneering work in the area of wireless communication led to the modern radio broadcasting industry; Helen and Alfred Free, whose work developing the "dip-and-read" urinalysis test greatly eased the lives of those suffering from diabetes; J. Franklin Hyde, whose discovery of fused silica made possible the fiber optic cable so widely used today; William Kroll, who escaped Europe before the onset of World War II, and whose work in his home laboratory resulted in a process that allows titanium and zirconium to be produced; and Steve Wozniak, co-founder of Apple Computer and the inventor of the modern personal computer.

Build a better mousetrap, and the world will beat a path to your door. In modern parlance, one might say that technological advancement is the engine that drives our economy. It is the biggest contributor to increasing our standard of living here in the United States, and the best way to improve the lives of individuals the world over. This progress is essentially made possible through the protection of intellectual property that is afforded by the U.S. Patent and Trademark Office, the main force behind the founding of the National Inventors Hall of Fame. In today's rapidly changing world, the Patent and Trademark Office is the "safe haven" that encourages men and women to accept the challenge to build the better mousetrap through the protection of creativity and what our minds can produce.

Consider the accomplishments of the 158 inventors enshrined at the Hall. Consider the contributions they have made to society: to prolonging our lives and making them more enjoyable; to reducing our workload; and to allowing us to explore new continents and the heavens themselves. It is easy to see the power of invention and the tremendous impact inventors have on all of us.

As an Ohioan, I am always struck by the ingenuity and sheer determination of two Dayton bicycle workers who dared to believe that they could defy gravity with their winged invention. Little did the Wright Brothers realize that 66 years after their historic flight, man's inquisitive nature would improve upon their invention and put another Ohioan—Neil Armstrong—on the moon.

Invention is progress, and I salute the work of America's inventors, the U.S. Patent & Trademark Office and the National Inventors Hall of Fame in Akron, Ohio, for their continuing efforts to improve and enrich our lives.•

A TRIBUTE TO VIRGINIA SHEHEE

• Ms. LANDRIEU. Mr. President, I wish to join with my colleague, Senator BREAUX, in recognizing the great civic contributions of my dear friend, Virginia Shehee. It is so appropriate that the Biomedical Research Foundation of Northwest Louisiana should be gathering to honor this amazing woman, whose vision and energy led to the creation of the Foundation and the many benefits that it has produced for the citizens of Shreveport—Bossier and Northwest Louisiana.

I have known Virginia Shehee and come to treasure her example and her friendship in my service as a State official in Louisiana and in my first term as a U.S. Senator. To those of us who believe that Louisiana must move aggressively to be part of the knowledge-based economy, the evolution of Biomed and the opportunities it has come to represent stand as a model of civic leadership and foresight. It is the story of a community that dared to dream big dreams at a time in its history when those dreams seemed most remote.

But those dreams are coming true, and young people who once had to leave home to participate in the new economy are now finding significant career opportunities in Northwest Louisiana. Of all the community leaders who can share in the credit for this remarkable achievement, none has played a larger role than Virginia Shehee. Her grit and unyielding persistence led to millions of dollars in state and federal construction and program dollars for a Biomedical Research Institute. And her salesmanship and gentle charm have opened doors to a world of promising cooperative relationships and new corporate citizens for Shreveport.

Some years ago, not too long after the Institute opened its doors, Virginia led a blue-ribbon group of Shreveporters, some half her age, on an industry-hunting trip through the mid-Atlantic and New England. Nothing could capture the indefatigable energy of the leader of the trip more than the words of a lapel button, which someone distributed to participants after the trip: "I Survived Shehee's March!"

As the CEO of one of Louisiana's largest companies and as a leader in the insurance industry, as one of the earliest women members of the Louisiana Legislature, as a caring steward of our great state university, as a devoted wife and mother and as someone who gives utterly selflessly and endlessly to her community, Virginia Shehee has earned the love and admiration of all of us who are privileged to know her and work with her. It will be a great moment for me on the evening of Friday, November 3, when I get to be part of the evening in which the Shreveport community says, "Thanks, Virginia. Let Shehee's March continue."●

A TRIBUTE TO SPECIAL AGENT TOM LAPISH

● Mr. ABRAHAM. Mr. President, during the 106th Congress, the Detroit Field Office of the Federal Bureau of Investigation lost two of its most dedicated agents to battles with cancer. Both were respected not only for their professional accomplishments, but also for the manner in which they conducted themselves outside of their work, as each contributed considerably to the Detroit community. I rise today in honor and in memory of Special Agent Tom Lapish, one of these two men.

Special Agent Lapish entered on duty with the FBI in 1976. After a brief stay in Kansas City, he was assigned to the Detroit Field Office. In Detroit, he developed an expertise in white collar crime investigations, and was regarded as one of the Bureau's top agents in that arena. With a background in accounting, he thrived on the protracted, intricate nature of investigating complex fraud matters, and was formally commended for his investigative accomplishments on several occasions.

Not surprisingly, Special Agent Lapish was known for his attention to detail. He was also known for his high ethical standards. He stood for the ideals of the FBI motto—Fidelity, Bravery and Integrity—at all times. Even as his illness made him weak, he would contemplate going to the office to work on cases he had been assigned. In addition, he was very active within his church, helping to promote the Christian lifestyle which he believed so deeply in.

Special Agent Lapish was also an extremely gifted athlete, and his passion for soccer became legendary within the Detroit community. He served as the coach for nearly 30 soccer teams, and in this capacity mentored hundreds of young individuals. His impact on them was seen at his memorial service, which was crowded with soccer players paying final respects to their favorite coach. It can also physically be seen in the Detroit area, where a soccer field was posthumously named in his honor.

Special Agent Lapish passed away on May 18, 2000 at the age of 50. He is survived by his wife, Mary, and two sons, Matthew and Andrew.

The Federal Bureau of Investigation works hard to ensure that its agents set a strong moral example for the people they are entrusted to protect. There is no question that Special Agent Lapish was a leader in this regard. Dedicated to his Nation, his agency, his family and his faith, he was a role model in the Detroit community, and he will be deeply missed.●

IN RECOGNITION OF DR. CHARLES E. THOMAS

● Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Charles E. Thomas, pastor of New Hope Baptist Church upon the occasion of his retirement. During his time in the ministry, Pastor Thomas has shown a great commitment to both church and community.

Under Pastor Thomas's leadership and guidance, The New Hope Baptist Church has accomplished a great deal and continues to grow. The New Hope Day Care Center has been established and the edifice of New Hope has been renovated and expanded, creating a beautiful church with seating for over 1,200. Further, numerous programs have been implemented to enhance the lives of The New Hope members.

Pastor Thomas has also contributed much to the Newark community. He established the Minority Contractors and Craftsmans Trade Association and the New Hope Skills Center to enable individuals to pursue careers in carpentry, masonry, and machinery. In 1975, the New Hope Development Corporation was organized to build New Hope Village, a 170 family housing complex in Newark that provides affordable housing for lower income families.

For over 20 years, Pastor Thomas has dedicated himself to both his congregation and his community. His efforts have benefitted the lives of countless individuals, and he is richly deserving of our thanks and well wishes for his retirement.●

REVEREND DR. BENNIE THAYER

● Mr. GREGG. Mr. President, it is with great sadness that I rise to note the recent passing of the Reverend Dr. Bennie Thayer. Dr. Thayer was an extraordinary and inspiring figure in the eyes of all who knew him, and I would like to take this opportunity to describe for the record just a few of his achievements and his many attributes.

I have found it striking that the people who are now mourning Dr. Thayer's loss come from so many different backgrounds and walks of life. Clearly this was a man who touched many people in many different ways. Dr. Thayer was an ordained minister, the Senior Pastor at the United Methodist Church of the Redeemer in Temple Hills, Maryland. He also worked tirelessly to expand the political activities and economic opportunities for African Americans, both within his community and across the nation. His funeral last Saturday literally produced an overflow crowd—testimony to the high esteem in which he was held in religious communities, in political circles, and among many others.

Reverend Thayer was also the President and the CEO of the National Association for the Self-Employed, and it was in this capacity that I had come to know him. Along with Senator JOHN BREAUX, Congressman JIM KOLBE and Congressman CHARLIE STENHOLM, I co-chaired the CSIS National Commission on Retirement Policy. In the course of our work we took testimony from all sorts of groups—seniors' groups, youth advocacy groups, employer groups, and others—and it was through the gathering this testimony that my office first established regular contact with Reverend Thayer.

Among those who worked in the area of Social Security reform, Dr. Thayer stood out for his passionate and unswerving dedication to his cause. He also stood out in every other respect as well. He was an impressive, imposing figure of a man, with a deep and sonorous voice that he used to tremendous effect. And he was always there to do whatever was necessary to advance the work in which he so deeply believed. In the rough and tumble world of Social Security politics, it is easy to become discouraged or demoralized, but Dr. Thayer was unfazed by any setback. Regardless of the short-term fortunes, he always kept his eye on the long-term horizon, and applied all of his considerable gifts and his hard work to achieving it.

All of us who knew Dr. Thayer admired him deeply for his willingness to argue passionately for an unconventional position when he knew that he was right. What was striking about Dr. Thayer's oratorical style was that he always strove to appeal to the very best instincts in his listeners—never selfishness, never division, never despair—always hope, opportunity, advancement, responsibility, self-reliance, and giving all that one can. There's a poignant example of this in a recent speech that he gave in Nashville, Tennessee, "The Power of Small Business for Wealth Creation in the Minority Community"—when he talks about why he felt that African Americans should support reform of the Social Security system. To quote from his words:

"First, African Americans tend to start working at a younger age than whites. So we pay taxes into the system for more years than whites. And second, African-Americans also have shorter life expectancies than whites. The average African-American male currently has a life expectancy of less than the retirement age of 65! So many African-Americans will spend their entire working lives paying taxes into Social Security. But then, they won't draw out a dime in retirement benefits. Or accumulate any wealth to pass along to their children, or other heirs." This is typical of his approach: noting not what was in it for him—but what kind of legacy was being left behind.

The sad irony here is that Bennie himself died at the age of 61. When one heard Bennie speak those words, one didn't think that he was talking about himself. I think that everyone close to him assumed that he had come so far in life that he would beat the odds.

And indeed Reverend Thayer had come very far from his birthplace in Pickens County, South Carolina. He was fully 36 when he received his bachelor's degree from the University of Maryland, 54 when he received his master's in divinity, and 58 when he received his doctorate of divinity. His biography shows the mark of a man who was always striving, always working to create the next opportunity. But when you look carefully at the opportunities that he sought, they so frequently centered on creating new hopes for others—promoting economic opportunities with the National Association of the Self-Employed, spiritual guidance through his ministry, bequeathing wealth to our children and our grandchildren through reform of the Social Security system. This theme of striving to create a constructive and uplifting legacy ran throughout his life and throughout his work.

Dr. Thayer was an extraordinary man who led an extraordinary life. He is already deeply missed.●

HONORING THE WORK OF ANTHONY ROMOLO

● Mr. DURBIN. Mr. President, I rise today to recognize Tony Romolo, in whose honor the Anthony C. Romolo Training Center in Mt. Sterling, Illinois, is being dedicated this month.

Tony Romolo was the Center's founding administrator and is now the longest-serving training administrator within the Laborers' International Union of North America.

As administrator, Tony has been responsible for creating policies that have guided the procedures and management of the training center, including the development of training goals and priorities. His leadership has resulted in the training of thousands of laborers throughout Illinois.

The Laborers' Training Program was one of the first within the State of Illinois to receive accreditation from the Illinois Department of Public Health for teaching environmentally beneficial courses in asbestos abatement. Mr. Romolo also oversaw the creation of the Construction Craft Laborers' Apprenticeship Program that was approved February 3, 1997.

Tony Romolo's work has been diverse but unwavering in its commitment to improving the skills of our nation's workers. We are fortunate to have dedicated, hard-working men like Tony in our society today. Illinois is a better place because of his commitment to the working men and women of our state and country.●

TRIBUTE TO WORKERS AT THE PADUCAH GASEOUS DIFFUSION PLANT

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the thousands of workers, both past and present, at the Gaseous Diffusion Plants in Paducah, Portsmouth, and Oak Ridge for their patience and persistence through what has been, and continues to be, a challenging time.

When the reports of contamination broke in the August 8, 1999 edition of the Washington Post, my first thoughts were of the individuals and families who had suffered because of DOE's mistakes. I thought of the pain those workers must have endured from the illnesses and continue to endure in many cases, and the sense of loss families must have felt for those whose loved ones did not survive the harsh effects of contamination.

The story of the Harding Family, of Paducah, still haunts me. To think that a man suffered and died a painful death because of the carelessness of officials at the Department of Energy is incomprehensible. My heart goes out to the Harding Family for the loss of Mr. Joe Harding, and I hope that this dear family can take some solace in the knowledge that it was because of Joe's persistence that this story came to light. Because of Joe's willingness to speak in the face of high-powered opposition, at least 120 other workers who suffer effects of contamination will now be treated and compensated by the United States government. Joe paid the ultimate price in his death, and for that he deserves our sympathy, our respect, and our gratitude.

From that very first moment the story broke, I have been determined to make sure all current and former employees are tested for contamination and that sick employees receive the treatment they need and deserve. Of course, nothing can take the place of good health or life, but every effort should be made to provide compensation for DOE's wrongs.

I want the workers in Paducah, Portsmouth, and Oak Ridge to know that I am working here in the Senate to ensure that they are adequately tested and treated for any problems they experience as a result of contamination at the plant. I have continually sought funding, as a member of the Senate Appropriations Committee, and am pleased to have played a role in providing the funding to make health testing equipment, such as the vital lung screening van for Paducah, available to all of the dedicated workers who have served at the each of the Gaseous Diffusion Plants.

The mobile lung screening unit should serve as a symbol to each of the workers and their families that we will keep fighting for your health and safety, for your economic livelihood, and for the cleanup of the plant sites and surrounding neighborhoods.

On behalf of my colleagues in the Senate, I want to say thank you to the employees at the plants for their service to the United States. Your sacrifice to help us win the Cold War will never be forgotten.●

HONORING DR. ORLANDO EDREIRA

● Mr. TORRICELLI. Mr. President, I rise today to recognize the retirement of Dr. Orlando Edreira. Dr. Edreira's hard work and dedication as a Councilman in Elizabeth, New Jersey has had a lasting impact on communities throughout Union County and the State of New Jersey.

For more than four decades, Councilman Edreira has been contributing to the future of our children and the improvement of our communities as both an educator and a civil servant. He has contributed to hundreds of community projects and has been a member of numerous professional and community-based organizations in New Jersey. Councilman Edreira has also been a well-recognized and respected advocate for the Latino community of New Jersey throughout his career.

I salute Councilman Edreira's leadership in Elizabeth, which during his service has enjoyed a remarkable economic renaissance as new jobs and economic development have brought new life to one of New Jersey's historic cities. He is to be thanked for helping to sow these seeds of revitalization in the community.

Councilman Edreira's retirement from the Elizabeth City Council is a true loss for both the City of Elizabeth and the entire State of New Jersey. After a career marked by many accomplishments, I am pleased today to highlight his remarkable record of service on the occasion of his retirement. While we are losing one of our State's finest and most valuable leaders, we can take pride in the countless contributions that Councilman Edreira has made to one of New Jersey's most important communities.●

A TRIBUTE TO SPECIAL AGENT DAVID J. WILSON

● Mr. ABRAHAM. Mr. President, during the 106th Congress, the Detroit Field Office of the Federal Bureau of Investigation lost two of its most dedicated agents to battles with cancer. Both were respected not only for their professional accomplishments, but also for the manner in which they conducted themselves outside of their work, as each contributed considerably to the Detroit community. I rise today in honor and in memory of Special Agent David J. Wilson, one of these two men.

Before joining the Federal Bureau of Investigation in 1980, Special Agent Wilson served the Nation as a military police officer, earning the National Defense, Marksman and Sharpshooter service medals. Upon joining the FBI, he quickly earned top honors in his Academy Class for academics, physical fitness and marksmanship.

Special Agent Wilson spent the majority of his FBI career working in Detroit. He specialized in drug and white collar crime matters, and was highly regarded for his investigative skills. Indeed, he was a pioneer in the investigation of health care fraud, and his undercover work in the Detroit area yielded numerous successful prosecutions which saved and recovered millions of dollars for the State of Michigan in fraudulent medical billings. They also helped to prevent the illegal diversion of controlled substances by health care professionals.

Special Agent Wilson received many commendations, including two national awards, on account of his investigative prowess. In 1997, he was appointed to the position of Polygrapher for the Detroit Field Office, a position he held with great pride.

The City of Detroit was in many ways a perfect fit for Special Agent Wilson. He developed a unique interest in its history and architecture. An accomplished vocalist himself, he had a passion for music, and particularly for the "Motown" sound. He also had an appreciation for fine arts and for the theater, both of which were nurtured in Detroit. And, as an avid basketball player and fan, he was able to cheer on the Detroit Pistons during the greatest years that organization has known.

Special Agent Wilson passed away on August 29, 1999 at the age of 47. He is survived by his wife, Patricia, and two sons, Lerone and Paul.

The Federal Bureau of Investigation works hard to ensure that its agents set a strong moral example for the people they are entrusted to protect. There is no question that Special Agent Wilson was a leader in this regard. Dedicated to his Nation, his agency and his family, he was a role model in the Detroit community, and he will be deeply missed.•

HONORING SHERIFF JOHN T. PIERPONT

• Mr. ASHCROFT. Mr. President, I would like to honor John T. Pierpont for his outstanding service as Sheriff of Greene County, Missouri. I want to extend my personal appreciation and heartfelt thanks to John for his dedication and hard work.

There are few careers more noble than those spent in public service. Sheriff Pierpont's twenty years of service with the Greene County Sheriff's Office have meant a great deal to the people he has served. Prior to being elected Sheriff of Greene County, Mr. Pierpont served as U.S. Marshal for the Western District of Missouri for eight years. His service has extended well beyond the Sheriff's office and law enforcement to community and charitable organizations across Greene County and throughout our state.

Sheriff Pierpont has represented the state of Missouri and the Sheriff's Department with dignity, integrity, and professionalism. His commitment to the enforcement of Missouri law and the protection of our residents is to be commended. I am delighted to honor my friend and fellow Greene County resident, John Pierpont.

May God richly bless John and his family as they begin this next chapter in their lives.•

TRIBUTE TO MICHAEL DAWSON

• Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Michael Dawson, who, over the past 11 years, has been my press secretary, one of my most trusted advisors, and a man whose judgement has been a key component to my success, from the campaign trail, to the Statehouse of Ohio and to the Capitol of the United States. But most of all, Mike Dawson has been, and will always be, my friend.

I first got to know Michael in 1989, when I was pursuing the governorship of Ohio and he was working as a top aide to then-Congressman Mike DeWine during his campaign for Lieutenant Governor. I was immediately struck by his work ethic and his tenacity. During that campaign, it was reported that if Mike saw the lights on in the offices of our opponent when he was leaving the office, no matter what time it was, Mike would turn around, go back inside and continue to work. Mike refused to allow them to get the upper hand by putting in more time or effort.

Once the election was over, and I was elected Governor, there was little doubt in my mind that one of the people I had to have on my executive team was Mike Dawson. Since then, Mike has been with me through thick and thin and through good times and bad. Whatever the situation, and no matter how rough things got, Mike was always there providing me sound advice.

I will never forget Mike's dedication and professionalism during the Lucasville prison riots in April of 1993—a period I consider to be the darkest days of my administration. For eleven days, Ohio held its breath as the Lucasville prison erupted in violence. As I worked to find a peaceful solution to the crisis, one of the people I depended upon most for assistance was Mike Dawson. Not only did Mike serve as press secretary at that time, but he was also my executive assistant in charge of emergency management operations. In that position, Mike had a strong hand in working with the Department of Rehabilitation and Corrections, the Ohio Highway Patrol, and several other agencies in helping to put an end to the siege at the prison and restoring order. Mike initiated a task force to review what had gone wrong at Lucasville and to make recommendations on how to avoid similar Lucasville situations in the future. A special emphasis of the task force focused on the proper role of the media in covering prison situations.

Mike's service in emergency management operations was not limited just to the Lucasville riots. He was instrumental in Ohio's efforts to coordinate assistance to flood-ravaged areas of Ohio in 1997 and 1998, and was always right in the middle of things whenever Ohio was faced with an emergency situation during my two terms as Governor.

But no tribute to Mike would be complete without mentioning the work he has done as my press secretary. Mike has a relationship with Ohio's press corps and editorial writers that is legendary. All you would have to do, Mr. President, is ask any reporter who has covered my two terms as governor or my first two years in the Senate to find out what kind of a professional Mike really is.

Throughout the entire time that he has been my press secretary, Mike has always been accessible, always wiling to go the extra mile to furnish the information that will make a reporter's job easier and he has made it a point to be able to provide an answer to whatever questions the press ask. If Mike does not know an answer, he will find it, and he will make sure that he understands the entire issue well-enough to be able to explain it. Mike has always been relentless in wanting to guarantee that the press gets the story right the first time.

Of course, the Ohio press corps could write volumes of examples of Mike's tenacity in wanting a story reported correctly. If Mike felt he was right, he would argue his point until that reporter understood what he was talking about and where he was coming from. If Mike knew he was right, he would be relentless in his effort to not only convince the reporter to see his point of view, but to agree with it as well.

Mike's style has earned him the respect of reporters from all across Ohio. In fact, when I left the Governor's office to come to the Senate, Mike was lauded in a column written by Joe Hallett in the Cleveland Plain Dealer for how diligently he served as press secretary during my administration: probably the highest compliment any press secretary can receive from his peers.

That column put in print what I already knew and what I told millions of Ohioans on the night I was elected to the Senate—that Mike Dawson was the best press secretary in America. It was true then, and it is true today. In all the years I have known him, and in the hundreds, if not thousands, of stories that Mike handled for my gubernatorial administration, as well as here in the Senate, he has always kept the best interests of Ohio at heart. I have been truly blessed to have had Mike provide me such tremendous professional service over the years.

As I have been blessed with Mike's service, he has been blessed even more so with a wonderful and loving family. To witness the love that Mike has for his wife Laurel and his son Will makes it evident that they are the most important priorities in his life, and to see them all together makes it easy to realize that God's love truly shines upon them.

Mike is an Ohioan to the core, and he has always considered it his distinct privilege to work on behalf of the people of his state of Ohio in an effort to improve government and make government work more efficiently, and for the benefit of all Ohioans. When serving the people of Ohio, Mike was the first to arrive in the morning and the last to leave at night, and it was a given that Mike was on-call 24 hours a day, 7 days a week.

Today, though, Mike's responsibilities are focused a little more closer to home, and he and Laurel have decided to go back to their roots and raise Will in the Buckeye State. And while I am losing a valued member of my staff, I take great comfort in the knowledge that my friend Mike Dawson's service to the people of Ohio will continue. Mike has gone back to work for his former boss and my very dear friend, Senator MIKE DEWINE. I know that he will be successful in this new endeavor.

I consider myself a better person and a better public servant for having the opportunity to know Michael Dawson. He has been a loyal friend and a sage counselor whom I will truly miss.•

TRIBUTE TO WILLIAM F.X. McCONNELL

• Mr. HATCH. Mr. President, I rise today to honor a fellow Utahn, William F.X. McConnell of Salt Lake City, a remarkable man with a remarkable story. I am not sure that in this retelling I can do justice to his sacrifices or of those who fought along side of him during World War II's campaign for the Rhine River. But, I think my colleagues would be interested in this history and would like to join me in paying tribute to the bravery of these men.

In December 1944, Bill McConnell arrived in France and was assigned to the 168th Engineer Combat Battalion. Shortly thereafter, Bill McConnell and his battalion fought in the terrible Battle of the Bulge. His battalion paved the way for an allied victory by removing road blocks and tank traps, building bridges under fire, and other perilous assignments. But, these were not the most harrowing experiences to which McConnell was assigned. The worst was yet to come.

McConnell and his battalion were called to cross the Rhine River, an assault as dangerous as it was important. He was told that this would be a simple assault, with plenty of support provided. At 2:00 a.m. on March 26, 1945, he boarded a row boat to cross the Rhine River into Germany. During the crossing, a bank of lights on the German side of the river were suddenly turned on, spotlighting the American soldiers. German tracer bullets fell like deadly rain upon them. The promised support from the American side never came.

While rowing, McConnell was hit in the wrist. Bleeding profusely, he continued to row. Shortly thereafter, several tracer bullets ripped through his thigh and knee. Continuing to row, he was hit a third time by an unidentified object on the side of his face and head. This blow knocked him into the water where he was miraculously saved by an assault boat returning from the German shore. Still without cover, the occupants of the boat were forced to debark and trudge through an active sewer line in order to escape the German gunfire.

For this act of bravery, Bill McConnell was awarded a well-deserved Purple Heart. In addition, he has been honored with the American Campaign Medal, Good Conduct Medal, Distinguished Unit Citation, European Theater of Operations with four battle stars, and the Belgium Croix de Guerre (War Cross). These medals stand as a symbol of his dedication.

But, Bill McConnell's battle since the war has been to keep this military history alive. While the battle at Remagen and other locations during the war to defeat the Third Reich have been well-chronicled in books and on film, engagements such as the Rhine crossing are still unknown to many Americans.

Since the war, McConnell has worked tirelessly in support of veterans organizations. Shortly after returning from the war he worked as a national service officer with the Disabled American Veterans. For 25 years, he served in the Veterans Administration Adjudication Division, in positions including senior adjudicator, chairman of the rating board, and adjudication officer.

For more than 40 years, he has been the American Legion member in charge of placing U.S. flags on graves for Memorial Day. He has served as past state commander in Utah of the Disabled American Veterans. He is the founder of the Salt Lake City chapter and national service officer of the Military Order of the Purple Heart, where he volunteers to help veterans with their disability claims. Clearly, he is one who has helped many.

There are thousands of World War II veterans just like Bill McConnell, who fought courageously for freedom. But, William F.X. McConnell is one who happens to live in my home state. He exemplifies the dedication of all American soldiers, sailors, airmen, and marines—past, present, and future—who have always been on watch to defend our country and its vital interests.

Today, I want to thank Bill McConnell for his service in uniform and for his service to our nation's veterans. This stand as his own monument. I am pleased to call the Senate's attention to his bravery in battle and to his many contributions to veterans.•

MR. LEONARD E. AND MRS. LOUISE A. PLACHTA DAY

• Mr. ABRAHAM. Mr. President, November 11, 2000 is a very special day on the campus of Central Michigan University in Mount Pleasant, MI. The day has been proclaimed Mr. Leonard E. and Mrs. Louise A. Plachta Day, in honor of the former President and First Lady of the University. I rise today to recognize this occasion and to pay tribute to the magnificent couple being honored.

The couple arrived in Mt. Pleasant in 1972 when Mr. Plachta took a job as Professor of Accounting. He served as Assistant Dean of CMU's College of Business Administration from 1977 to 1979, when he took over the position of Dean. In January of 1992, he was appointed to serve as President of the University, and he served in this position until his retirement in July of 2000.

Mr. Plachta's 8-year tenure as President stands as one of the most productive stints in the history of the University. His financial restructuring of CMU has allowed it to remain one of the most affordable public universities in the State of Michigan. He initiated a number of programs to give students real-world experience to help prepare them for future employment, including developing a state-of-the-art Career Services Center and expanding internship opportunities for students.

He drew national attention for the Degree Partners Program, which is a guaranteed four-year degree agreement with students designed to save them money as well as get skilled professionals into the job market quickly. He also initiated one of the first leadership scholar programs in the country, a four-year educational protocol designed to help students develop ethical leadership skills they can apply in their professions.

Mr. Plachta oversaw significant upgrading of classrooms and facilities during his tenure. This included new, highly technological music and science buildings; new and renovated athletic facilities; and a pending Library and Information Services Center that will incorporate technology to link students with academic resources from around the world.

He also oversaw a complete reorganization of CMU's academic programs in order to increase interdepartmental cooperation and draw attention to the University's strengths. This reorganization included a new College of Communication and Fine Arts, a new College of Health Professions, redefined science programs through a new College of Science and Technology, and a revamped College of Business Administration, College of Education and Human Services, and College of Humanities and Social and Behavioral Sciences.

One of the greatest accomplishments of his tenure, though, has been the leadership role CMU has taken in terms of the chartering of public school academies, charter schools. More than 17,000 K–12 students, approximately 50 percent of whom are minorities or at risk children, are enrolled in 59 CMU-licensed schools throughout the State of Michigan, with families on waiting lists at nearly every school. In addition, the national Charter Schools Development and Performance Institute, housed at CMU, had its grand opening earlier this year, on May 1, 2000.

Mrs. Plachta has also greatly contributed to the CMU community. For twelve years, she worked as a member of the clerical staff. She provided superior guidance and caring support to nontraditional students as the nontraditional student services liaison, which is a volunteer position. Her knowledge in this position came honestly, as she earned a master's degree herself as a nontraditional student. And, as First Lady, she has been a much-loved ambassador for CMU and an outstanding member of the Mount Pleasant community, volunteering with numerous organizations and strongly supporting adult literacy programs.

Central Michigan University stands where it does today, poised for success in the 21st Century, in large part due to the efforts of Mr. and Mrs. Plachta. They have worked together to bring about positive change not only for the University, but also for the State of Michigan, on many different fronts, and I thank them for their extraordinary efforts. On behalf of the entire United States Senate, I congratulate Mr. Leonard E. and Louise A. Plachta on having a day designated in their honor, and I hope that they enjoy every minute of it.•

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 460. An act to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

H.R. 3926. An act to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission.

H.R. 4187. An act to assist the establishment of an interpretive enter and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4493. An act to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

H.R. 4521. An act to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes.

H.R. 4646. An act to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4965. An act to amend the Perishable Agricultural Commodities Act, 1930, to extend the time period during which persons may file a complaint alleging the preparation of false inspection certificates at Hunts Point Terminal Market, Bronx, New York.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center."

H.R. 5041. An act to establish the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act.

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse."

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building."

H.R. 5225. An act to revise the boundaries of the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service and to encourage cooperative management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse."

H.R. 5312. An act to amend the Controlled Substances Act to protect children from drug traffickers.

H.R. 5398. An act to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States.

H.R. 5410. An act to establish revolving funding for the operation of certain programs and activities of the Library of Congress, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institute to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum American Art.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 145. Concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital.

The message also announced that the House has passed the bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, with an amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1444) to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California, with amendments.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes, with an amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions, without amendment.

The message further announced that the House has agreed to the amendments of the Senate to the amendments of the House to the bill (S. 1402) to amend the United States Code, to enhance programs providing education benefits for veterans, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, without amendment.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, without amendment.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes, without amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes, without amendment.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses and appoints Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. SUNUNU, Mr. GOODE, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, and Mr. OBEY, as the managers of the conference on the part of the House.

The message also announced that pursuant to provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Speaker reappointed Mr. Gordon A. Martin of Roxbury, Massachusetts, on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention, to a 2-year term.

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 2686. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 1809. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1654. An act to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 1715. An act to extend and reauthorize the Defense Production Act of 1950.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

H.R. 2883. An act to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and other purposes.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. An act to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washingon.

H.R. 3995. An act to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5107. An act to make certain corrections in copyright law.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the “McKinney-Vento Homeless Assistance Act.”

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5308. An act to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11156. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tebuconazole; Extension of Tolerances for Emergency Exemptions” (FRL #6749–5) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11157. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Norflurazon; Extension of Tolerances for Emergency Exemptions” (FRL #6748–2) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11158. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Zinc Phosphide; Extension of Tolerances for Emergency Exemptions” (FRL #6748–1) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11159. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled “Citrus Canker; payments for Commercial Citrus Tree Replacement” (Docket No. 00–037–1) received on October 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11160. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “8(a) Business Development/Small Disadvantaged Business Status Determination; Rule of Procedure Governing Cases Before the Office of Hearings and Appeals” (RIN 3245–AE60) received on October 17, 2000; to the Committee on Small Business.

EC–11161. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Confirmation of Effective Date” (Docket No. 97C–0415) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11162. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Phaffia Yeast; Confirmation of Effective Date” (Docket No. 97C–0466) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11163. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal; Confirmation of Effective Date” (Docket No. 98C–0212) received on October 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11164. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Changes to Various VOC Regulations” (FRL #6886–5) received on October 13, 2000; to the Committee on Environment and Public Works.

EC–11165. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Post-1996 Rate of Progress Plans” (FRL #6877–5) received on October 13, 2000; to the Committee on Environment and Public Works.

EC–11166. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township” (FRL #6885–6) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11167. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Virginia; Approval of Removal of tSP Ambient Air Quality Standards” (FRL #6887–7) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11168. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Maryland; Nitrogen Oxides Budget Program” (FRL #6878–4) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11169. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Colorado and Utah; 1996 Periodic Carbon Monoxide Emission Inventories” (FRL #6889–2) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11170. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Texas; Water Heaters, Small Boilers, and Process Heaters; Agreed Orders; Major Stationary Sources of Nitrogen Oxides in the Beaumont/Port Arthur Ozone Nonattainment Area” (FRL #6886–1) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11171. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (Branchinecta sandiegoensis)” (RIN1018–AF97) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11172. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher” (RIN1018–AF32) received on October 17, 2000; to the Committee on Environment and Public Works.

EC–11173. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on Foreign Relations.

EC–11174. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license to Algeria and Israel; to the Committee on Foreign Relations.

EC–11175. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects" (RIN2502–AH46) (FR–4532–F–01) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11176. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC–11177. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–11178. A communication from the Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Bureau of Export Administration, transmitting, pursuant to law, the report of a rule entitled "Effect of Imported Articles on the National Security" (RIN0694–AC07) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11179. A communication from the Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Bureau of Export Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to Encryption Items" (RIN0694–AC32) received on October 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11180. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to the processing of continuing disability reviews (CDR) for fiscal year 1999; to the Committee on Finance.

EC–11181. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "July-September 2000 Bond Factor Amounts" (Revenue Ruling 2000–48) received on October 16, 2000; to the Committee on Finance.

EC–11182. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility" (RIN1545–AW74, TD 8905) received on October 16, 2000; to the Committee on Finance.

EC–11183. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Labeling of Flavored Wine Products" (RIN1512–AB86) received on October 17, 2000; to the Committee on Finance.

EC–11184. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Advisory Neighborhood Commission 3B for the period October 1, 1997 through December 31, 1999"; to the Committee on Governmental Affairs.

EC–11185. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Reproduction Fee Schedule" (RIN3095–AA87) received on October 13, 2000; to the Committee on Governmental Affairs.

EC–11186. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to the year 2000 commercial activities inventory; to the Committee on Governmental Affairs.

EC–11187. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the B–1B Defensive System Upgrade Program (DSUP); to the Committee on Armed Services.

EC–11188. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the fiscal year 2000 commercial activities; to the Committee on Armed Services.

EC–11189. A communication from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR Part 20, Financial Assistance and Social Services Programs" (RIN1076–AD95) received on October 13, 2000; to the Committee on Indian Affairs.

EC–11190. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Amendments to Gas Valuation Regulations for Indian Leases (MT and ND time limits)" (RIN1010–AC72) received on October 16, 2000; to the Committee on Indian Affairs.

EC–11191. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Repeat Intoxicated Driver Laws" (RIN2127–AH47) received on October 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11192. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6 Turbofan Engines; Docket no. 2000–NE–38 [10–2/10–16]" (RIN2120–AA64) (2000–0483) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11193. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (88); amdt. no. 2013; [10–5/10–16]" (RIN2120–AA65) (2000–0051) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11194. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (38); amdt. No. 2012; [10–5/10–16]" (RIN2120–AA65) (2000–0052) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11195. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports; technical amendment; Docket No. 28293" (RIN2120–AF71) (2000–0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11196. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace and for Aeronautical Studies; extension of comment period; interim final rule; docket no. FAA–00–7018; [10–6/10–16]" (RIN2120–AG17) (2000–0003) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11197. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Qualification Program; docket no. FAA–2000–7497 [10–10/10–16]" (RIN2120–AH01) (2000–0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11198. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Air Tour Limitations in the GCNPSFRA; Modification of the Dimensions of the GCNPFRA and FFZone; Disposition of a request for stay of compl. date; [10–11/10–16]" (RIN2120–ZZ30) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11199. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Strategic Booming Exercise in the Cape May Harbor, Cape May, NJ (CGD05–00–047)" (RIN2115–AA97) (2000–0086) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11200. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Thunderbird Air Show, Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY (CGD01–00–224)" (RIN2115–AA97) (2000–0087) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11201. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Delaware Bay and River (CGD05–00–048)" (RIN2115–AA98) (2000–0007) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11202. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Milford Haven, Virginia (CGD05–00–042)" (RIN2115–AE47) (2000–0049) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11203. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Florida East Coast Railway Bridge, Across the Okeechobee Waterway, Mile 7.4, at Stuart, Martin County, FL (CGD07–00–097)" (RIN2115–AE47) (2000–0050) received on October 16, 2000; to the

Committee on Commerce, Science, and Transportation.

EC–11204. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; CSX Railroad Bridge (South Fork of the New River), Ft. Lauderdale, Broward County, FL (CGD07–00–092)" (RIN2115–AE47) (2000–0051) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11205. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Allowing Alternative Source to Incandescent Light in Private Aids to Navigation (USCG–2000–7466)" (RIN2115–AF98) (2000–0001) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11206. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Scheme; In the Approaches to Los Angeles-Long Beach, California (USCG–2000–7695)" (RIN2115–AF99) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11207. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (USCG–2000–7790)" (RIN2115–ZZ02) (2000–0002) received on October 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11208. A communication from the Acting Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 C.F.R. Part 305" (RIN3084–AA74) received on October 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11209. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the Application of New Standards or Technologies to Reduce Aircraft Noise Levels; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with amendments:

S. 2731: A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies (Rept. No. 106–505).

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2917, a bill to settle the land claims of the Pueblo of Santo Domingo (Rept. No. 106–506).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. McCAIN for the Committee on Banking, Housing, and Urban Affairs.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. Gregg, Mr. Leahy, and Mr. Jeffords):

S. 3212. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. Crapo):

S. 3213. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate $3 or more on their income tax return to be used to reduce the public debt; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Harkin, and Mr. Kennedy):

S. 3214. A bill to amend the Assets for Independence Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998) to enhance program flexibility, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 3215. A bill to amend the Public Health Service Act to reauthorize women's health research award programs conducted through the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. Baucus):

S. 3216. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

By Mr. MACK (for himself and Mr. Brownback):

S. 3217. A bill to amend the Internal Revenue Code of 1986 to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL:

S. 3218. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. Levin, Mr. Thurmond, Mr. Kennedy, Mr. McCain, Mr. Byrd, Mr. Smith of New Hampshire, Mr. Robb, Mr. Inhofe, Mr. Lieberman, Mr. Santorum, Mr. Cleland, Ms. Snowe, Ms. Landrieu, Mr. Roberts, Mr. Reed, Mr . Allard, Mr. Hutchinson, Mr. Sessions, Mr. Bond, Mr. Bingaman, Mrs. Hutchison, Mr. Sarbanes, Ms. Mikulski, Mr. Kerry, Mr. Miller, Mr. Edwards, Mr. Voinovich, Mr. Wellstone, and Mrs. Feinstein):

S. Res. 378. A resolution honoring the members of the crew of the guided missile destroyer U.S.S. *Cole* (DDG–67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the Senate to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship; considered and agreed to.

By Ms. SNOWE (for herself, Mr. McCain, Mr. Robb, Mr. Inhofe, Mr. Thurmond, Mr. Bond, Ms. Landrieu, Mr. Roberts, Mr. Santorum, Mr. Hutchinson, Mr. Reed, Mr. Lieberman, Mr. Levin, Mr. Kennedy, and Mrs. Feinstein):

S. Res. 379. A resolution memorializing the sailors of the Navy lost in the attack on the U.S.S. *Cole* (DDG–67) in the port of Aden, Yemen, on October 12, 2000; extending condolences to their families and other loved ones; extending sympathy to the members of the crew of that vessel who were injured in the attack and commending the entire crew for its performance and professionalism in saving the U.S.S. *Cole*; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire (for himself, Mr. Gregg, Mr. Leahy, and Mr. Jeffords):

S. 3212. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

UPPER CONNECTICUT RIVER PARTNERSHIP ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce the Upper Connecticut River Partnership Act of 2000. This legislation is a truly locally-led initiative. I believe it will result in great environmental benefits for the Connecticut River.

The Connecticut River forms the border to New Hampshire and Vermont and provides for a great deal of recreational and tourism opportunities for residents of both States. This legislation takes a major step forward in making sure this River continues to thrive as a treasured resource.

To understand just how significant this legislation is, I would like to share with my colleagues some history about the Connecticut River program. In 1987–88, New Hampshire and Vermont each created a commission to address environmental issues facing the Connecticut river valley. The commissions were established to coordinate water quality and various other environmental efforts along the Connecticut river valley. The two commissions came together in 1990 to form the Connecticut River Joint Commission. The Joint Commission has no regulatory authority, but carries out cooperative education and advisory activities.

To further the local influence of the Commission, the Connecticut River Joint Commission established five advisory bi-state local river subcommittees comprised of representatives nominated by the governing body of their municipalities. These advisory groups developed a Connecticut River Corridor Management Plan. A major portion of the plan focuses on channeling federal funds to local communities to implement water quality programs, nonpoint source pollution controls and other environmental projects. Over the last ten years, the Connecticut River Joint Commission has fostered widespread participation and laid a strong foundation of community and citizen involvement.

As a Senator from New Hampshire and chairman of the Environment and Public Works Committee, as well as someone who enjoys the beauty of the Connecticut river, I am proud to be the principal author and cosponsor of this locally led, voluntary effort that accomplishes real environmental progress. Too often we depend on bureaucratic federal regulatory programs to accomplish environmental success. This bill takes a different approach and one that I bet will achieve greater results on the ground. I hope that other communities and neighboring states will look at this model as an example of how to develop and implement true voluntary, on the ground, locally-led environmental programs.

I want to thank my colleague from New Hampshire, Senator GREGG, and the two distinguished Senators of Vermont, Senators LEAHY and JEFFORDS, for joining me as original cosponsors to this legislation. I look forward to working with them as we move this important legislation through the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Connecticut River Partnership Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio 0. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102–212);

(4) the demonstrated interest in stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bistate Connecticut River Scenic Byway, which will foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the "Connecticut River Joint Commissions"—

(A) have worked together since 1989; and

(B) serve as the focal point for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bistate local river subcommittees appointed to represent riverfront towns, produced the 6-volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) this year, by Joint Legislative Resolution, the legislatures have requested that Congress provide for continuation of cooperative partnerships and support for the Connecticut River Joint Commissions from the New England Federal Partners for Natural Resources, a consortium of Federal agencies, in carrying out recommendations of the Connecticut River Corridor Management Plan;

(9) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and United States Fish and Wildlife Service; and

(10) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

SEC. 3. DEFINITIONS.

In this Act:

(1) RIVER.—The term "River" means the Connecticut River.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

SEC. 4. ASSISTANCE FOR STATES.

The Secretary of the Interior may provide to the States, through the Connecticut River Joint Commissions, technical and financial assistance in managing the River, including assistance in—

(1) developing a joint policy for water quality, flow management, and recreational boating for the portion of the River that is common to the States;

(2) developing protection plans for water quality in the tributaries that flow into the River;

(3) developing a coordinated, collaborative approach on the part of the States for monitoring the quality of the River for human use and ecological health;

(4) restoring and protecting priority riverbanks to improve water quality and aquatic and riparian habitat;

(5) encouraging and assisting communities, farmers, and other riverfront landowners in—

(A) establishing and protecting riparian buffers; and

(B) preventing nonpoint source pollution;

(6) encouraging and assisting communities in—

(A) protecting shoreland, wetland, and flood plains; and

(B) managing and treating stormwater runoff;

(7) in cooperation with dam owners—

(A) evaluating the decommissioning of uneconomic dams in the watershed; and

(B) restoring natural riverine habitat;

(8) protecting and restoring the habitat of native trout, anadromous fisheries, and other outstanding fish and wildlife resources;

(9) encouraging new and improved markets for local agricultural products;

(10) encouraging the protection of farm land and economically sustainable agriculture;

(11) developing and promoting locally planned, approved, and managed networks of heritage trails and water trails in the River valley;

(12) coordinating and fostering opportunities for heritage tourism and agritourism through the Connecticut River Scenic Byway;

(13) demonstrating economic development based on heritage tourism;

(14) supporting local stewardship;

(15) strengthening nonregulatory protection of heritage resources;

(16) encouraging the vitality of historically compact village and town centers;

(17) establishing indicators of sustainability; and

(18) monitoring the impact of increased tourism and recreational use on natural and historic resources.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. ALLARD (for himself and Mr. CRAPO):

S. 3213. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate $3 or more on their income tax return to be used to reduce the public debt; to the Committee on Finance.

TAXPAYERS CHOICE DEBT REDUCTION ACT

Mr. ALLARD. Mr. President, I have introduced S. 3213. I want to take a few moments to talk about this important piece of legislation for paying down the national debt.

As the 106th Congress comes to an end, I rise to make a few comments on the evolution of an issue of great concern to myself and to many Americans.

The issue is the $5,661,548,045,674 national debt we had as of October 2, 2000.

In August of 1993, while serving in the House of Representatives, I introduced House Joint Resolution 251 with the support of a number of my colleagues. The intention of this resolution was to amend the Constitution of the United States to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt. During my years in the House, I had the good fortune to work with many Republican colleagues who were committed to these fiscally sound and enormously important issues.

Today, a scant 7 years later, we are enjoying unsurpassed Federal budget surpluses and the many difficulties that accompany such prosperity. I am concerned that the running dialog in Washington is far too focused on today's spending, today's enormous Federal programs, today's immediate wants and needs. I am concerned that we are talking too much about spend today and not enough about the consequences of tomorrow. As we conclude the appropriations process, it is apparent that many Members of this body are eager to transform the Federal budget surplus into new Federal spending, creating more Federal programs that will begat future obligations.

I am primarily concerned that efforts to recklessly spend every nickel of the taxpayers' money will threaten the long-term fiscal health of our Nation, the Nation our children and grandchildren will inherit. The majority of my colleagues on this side of the aisle are focusing on returning the surplus to its rightful owners—the American people.

In recent months, the current administration has taken a hardline against tax cuts, making it clear that the President believes the Federal budget surplus belongs to Washington and not the hard-working men and women who send far more money to the Internal Revenue Service than they often save for retirement, college, or for buying a home.

I find it frustrating and the height of arrogance to assume that the Federal Government can do more with this money than the taxpayers. So many of my Republican colleagues have such a profound conviction regarding returning the money to the working man and woman that, in fact, they have been hesitant to engage in development of a comprehensive long-term debt repayment plan.

I have come to the floor before, and I will come to the floor again, to make clear what is required to manage the national debt in a comprehensive repayment strategy. The sheer enormity of the national debt demands such diligence. I admit that I have no desire to increase the growth of the Federal Government instead of paying down the debt. I am, as many of my colleagues, however, personally committed to cutting taxes.

I have come to the floor today for no other reason than to make one thing crystal clear: We can pay down the debt and cut taxes. It is not an either/or proposition. It takes planning, and it takes commitment. It takes a plan to repay the debt and a commitment to cut taxes and the discipline to refrain from pouring ever more money into newer or larger programs.

At the end of fiscal year 1999, the gross Federal budget was $5,656,270,901,615 and at the end of fiscal year 2000, the gross Federal budget was $5,674,178,209,886.

Our past fiscal irresponsibilities have created this overwhelming mess, and an unpleasant task lies before us. For the health and well-being of our national economy and the future security of our young people, we must commit to the elimination of this debt.

The journey of 5½ trillion miles begins with a single step. Early in the 106th Congress, I introduced the American Debt Repayment Act. A year later, I followed that legislation with the American Social Security Protection and Debt Repayment Act. I believe each of these bills provided a sensible first step toward debt repayment and the 5 trillion steps to follow.

Both pieces of legislation suggested we treat the Federal debt just as every American treats the largest purchase they will ever make. That is their home. In February of this year, I came to the floor with my friends, GEORGE VOINOVICH, ROD GRAMS and MIKE ENZI, with an amortization schedule for debt repayment to be offered to the budget resolution. Just as any American home buyer would amortize the purchase of their home with a mortgage, we offered a dutiful and moderate restriction on Federal spending combined with a specific debt repayment schedule. Our amendment was defeated. I believe the chief reason for the defeat of the amendment was the fear of being locked into a long-term repayment plan that would prohibit future tax cuts. The July 2000 budget economic and outlook update by the Congressional Budget Office disputes this understandable fear.

According to the CBO, assuming spending is frozen at fiscal year 2000 levels, the next 10 years will yield an on-budget surplus of $3.4 trillion. If this Congress had exercised some discipline this year and appropriated within a freeze, the on-budget surplus in fiscal year 2001, which we have just begun, is projected to be $116 billion.

One criticism of the long-term debt amortization plan that I brought to the floor was that it would prevent tax cuts and tie the hands of appropriators by absorbing all of the surplus. My most recent plan simply dedicates $15 billion of on-budget surplus to debt repayment and adds $15 billion each year thereafter. The sum total after 10 years of structured debt repayment is $825 billion from on-budget surplus.

This repayment schedule would have left $2.6 trillion remaining for tax cuts and new spending over the next 10 years.

It is important to note that these numbers do not take into account the off-budget surplus created by Social Security. I have said on the floor many times before that paying down the national debt is one of the best ways to provide long-term fiscal stability to Social Security.

In the past, I proposed restricted use of the Social Security surplus to help pay down the debt. This not only provides for the future stability of Social Security by paying down the debt but protects Social Security money from Federal discretionary spending.

Social Security surplus money should be used for debt repayment only until such time as Congress can initiate sensible reform to preserve the long-term integrity of Social Security. Social Security reform has been a priority of this Congress, and we can act to reduce the debt and reform this important program in one commitment.

When the new Congress convenes in 2001, I intend to continue to work with my colleagues on developing a sensible and concrete debt repayment plan. I am also interested in working with my colleagues on other innovative ways to reduce the national debt. Legislation was recently introduced in the House, and I am pleased to come to the floor today on behalf of myself and the Senator from Idaho, Mr. CRAPO, to introduce the Taxpayers Choice Debt Reduction Act.

Every year, millions of taxpaying Americans have the opportunity to designate on their tax form a $3 contribution to the Presidential Election Campaign Fund. This checkoff on all 1040 forms would allow for the taxpayers themselves to designate that $3, or $6 for joint filers, would be dedicated to a special Department of the Treasury account to pay down the national debt.

Checking the box on the tax document would not increase the amount of taxes to be paid, nor would it decrease any refund. Checking "yes" in this box would simply provide a directive from the taxpayer that 3 of the dollars they were paying in taxes be used solely to pay down the Nation's debt. Importantly, these funds would be beyond any money set aside by Congress for debt reduction.

In my annual town meetings around the State of Colorado, I often speak with my constituents over the enormous debt owed by this country. I can say with great confidence that this is an issue where the public desires action. It is my hope that with this legislation Congress will empower these concerned taxpayers to act on their impulse to eliminate the debt.

Before I yield the floor, I extend my thanks to all of my Senate colleagues who have expressed an interest in debt repayment during this Congress, particularly Senators VOINOVICH, ENZI, GRAMS of Minnesota, CRAPO, REID of Nevada, and FEINGOLD. I have enjoyed working with each of these Members over the course of the year as we have brought debt repayment amendments to the floor. I look forward to continuing to work on this important issue with my colleagues.

Mr. GREGG (for himself, Mr. HARKIN, and Mr. KENNECY):

S. 3214. A bill to amend the Assets for Independence Act (Title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998) to enhance program flexibility, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ASSETS FOR INDEPENDENCE ACT AMENDMENTS OF 2000

Mr. GREGG. Mr. President, in his 1991 book "Assets and the Poor: a New American Welfare Policy," Washington University Professor Michael Sherraden argues that people move forward economically through savings and investment, not through spending and consumption. Owning assets gives people a stake in the future—a reason to save, to dream, and to invest time, effort and resources in creating a future for themselves and their children. As Sherraden puts it, "income may feed people's stomachs, but assets change their heads."

I am pleased today to be joined by Senator HARKIN in introducing legislation designed to further promote innovative asset-building strategies for the poor.

Over the past two years, asset-building strategies have gained widespread, bi-partisan support at both the federal and state levels. Legislation has been introduced and laws have been enacted to develop and promote Individual Development Accounts (IDAs) among low income Americans. IDAs reward the monthly savings of working poor families who are trying to buy their first home, pay for post secondary education, or start a business.

In some respects, IDAs are like Individual Retirement Accounts for the working poor. IDAs are dedicated savings accounts that can be used for purchasing a first home, paying for post-secondary education, or capitalizing business. These investments are associated with extremely high rates of return that have the potential to bring a new level of economic and personal security to families and communities. Participants also are able to make emergency withdrawals in limited circumstances and must pay back such withdrawals within 12 months.

The individual or family deposits whatever dollar amount they can save (typically $5 to $20 a month) into the account. The sponsoring organization matches that deposit with funds provided by local churches and service organizations, corporations, foundations, and state or local governments. The sponsoring organization determines the ratio at which they will match an individual's contribution (not less than $0.50 and not more than $4 for every $1).

In 1998, Congress enacted legislation entitled the "Assets for Independence Act". This Act established a five year demonstration program to determine the social, civic, psychological and economic effects that individual development account, IDA, savings accounts can have on low income individuals and their families. The assets for independence demonstration program is presently the largest source of federal funding for individual development accounts.

The intent of this demonstration program is to encourage participants to develop and reinforce strong habits for saving money. To assist this, sponsor organizations provide participating individuals and families intensive financial counseling and counseling to develop investment plans for education, home ownership, and entrepreneurship. In addition, participating welfare and low-income families build assets whose high return on investment has the capacity for propelling them into independence and stability.

The community also benefits from the significant return on investment in IDAs: we expect welfare rolls to be reduced, tax receipts to increase, employment to increase, and local enterprises and builders can expect local businesses to benefit from increased activity. Neighborhoods will be rejuvenated as new micro-enterprises and increased home renovation and building drive increased employment and community development.

In fact, it is estimated that an investment of $125 million in assert building through these individual accounts will generate 7,050 new businesses, 68,799 new jobs, $730 million in additional earnings, 12,000 new or rehabilitated homes, $287 million in savings and matching contributions and earnings on those accounts, $188 million in increased assets for low-income families, 6,600 families removed from welfare rolls, 12,000 youth graduates from vocational education and college programs, 20,000 adults obtaining high school, vocational, and college degrees.

IDA programs currently exist in about 250–300 communities, with another 100 in development. Overall, at least 10,000 people are currently saving in an IDA and another 30,000–40,000 are expected to be reached by the year 2003. All but three states have IDA programs in their states or mechanisms in place to permit the start up of an IDA program.

The field of economic development has rapidly changed over the course of the last few years, and as a result, those administering IDAs on a national basis have sought to work within the structure defined by Congress. Unfortunately, because of changes in the field and certain unforeseen difficulties with the implementation of the demonstration in its current form, we have been asked to consider making a handful of technical changes that will help with program administration and make the program run more consistently and effectively.

Those changes include: (1) changing the legal accounting structure of IDAs; (2) expanding the potential field of grantees to include low-income credit unions and community development financial institutions; (3) providing additional flexibility for withdrawals from IDA accounts for the purchase of a home; (4) expanding the availability of funds for economic literacy training; and (5) adding a Federal poverty measure to the current eligibility criteria; and (6) making the AFIA and TANF Individual Development Account programs consistent with respect to the treatment of funds for purposes of determining eligibility for Federal programs based on need.

These are modest but needed changes in the law that will help Federal IDA programs function more as originally intended. I urge their adoption.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSETS FOR INDEPENDENCE ACT AMENDMENTS OF 2000—SECTION-BY-SECTION SUMMARY

NOTE: Except where otherwise specified, references in this summary to provisions of law are references to provisions of the Assets for Independence Act (the Act), title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998.

SEC. 2. MATCHING CONTRIBUTIONS UNAVAILABLE FOR EMERGENCY WITHDRAWALS.

This section amends section 404(5)(A) (which defines the term "Individual Development Account" (IDA) and specifies required IDA elements), in clause (v), to eliminate language which permits use of matching contributions by the qualified entity serving as IDA trustee for emergency withdrawals. As amended, clause (v) would permit use of matching contributions only for qualified expenses (as defined in section 404(8)). The amendment would eliminate the inconsistency between section 404(5)(A)(v) as currently drafted and section 404(3), which defines the term "emergency withdrawal" to mean a withdrawal by the eligible individual of some or all of the funds deposited by that individual for specified emergency situations.

SEC. 3. ADDITIONAL QUALIFIED ENTITIES.

This section amends section 404(7) (the definition of "qualified entity") to expand the category of entities eligible to operate IDA programs under the Act to include low-income credit unions (as designated by the National Credit Union Administration) and organizations designated as community development financial institutions by the Secretary of the Treasury (or the Community Development Financial Institutions Fund) that can demonstrate a collaborative relationship with a community-based organization.

SEC. 4. HOME PURCHASE COSTS.

Section 4(a) amends section 407(8)(B) (which includes the purchase of a first home in the definition of "qualified expenses" for which IDA funds can be withdrawn by the participant) to increase the purchase price limit to 120 percent of the average area purchase price for such a residence.

SEC. 5. INCREASED SET-ASIDE FOR ECONOMIC LITERACY TRAINING AND ADMINISTRATIVE COSTS.

Section 5 amends section 407(c)(3) by increasing from 9.5 percent of 15 percent the amount of funds that grantee organizations may use to provide economic literacy training and other administrative functions. Of this amount, not more than 7.5 percent may be used for administrative functions.

SEC. 6. ALTERNATIVE ELIGIBILITY CRITERIA.

This section amends section 408(a) (which sets forth IDA participation criteria) by adding an additional criteria for eligibility as an IDA program participant. Under this amendment, an individual with an income less than 200% of the poverty line (as defined by OMB), would be eligible to participate.

SEC. 7. REVISED ANNUAL PROGRESS REPORT DEADLINE.

Section 7 amends Section 412 © which currently requires the first Annual Progress Report to be delivered not later than 60 days after the end of the calendar year. This amendment would require the first report to be delivered not later than 60 days after the end of the project year.

SEC. 8. REVISED INTERIM EVALUATION REPORT DEADLINE.

This section amends section 414(d) which currently requires the first interim evaluation to be delivered not later than 90 days after the end of the calendar year in which the Secretary first authorizes a demonstration project. This amendment would require the first interim evaluation to be delivered not later than 90 days after the end of the project year.

SEC. 9. INCREASED APPROPRIATIONS FOR EVALUATION EXPENSES.

The section amends section 414(e) (which sets forth the amount the Secretary may set aside to evaluate the IDA program) by changing from 2% to not more than $500,000 the amount of IDA appropriations set aside for such evaluation.

SEC. 10. NO REDUCTION IN BENEFITS.

This section strikes section 415 which pertains to the treatment of funds deposited in IDA accounts for purposes of determining eligibility for Federal or federally assisted program based on need and replaces it with similar language found in P.L. 104–193, the TANF block grant. Currently, only funds contributed into an IDA by a sponsoring organization are disregarded for purposes of determining eligibility for federal needs tested programs. With this change, both an individual's own contributions and the contributions made on behalf of an individual by a sponsoring organization will be disregarded for this purpose.

By Mr. HARKIN:

S. 3215. A bill to amend the Public Health Service Act to reauthorize women's health research award programs conducted through the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

WOMEN'S HEALTH RESEARCH CAREER ENHANCEMENT ACT

Mr. HARKIN. Mr. President, I am pleased to introduce today the Women's Health Research Career Enhancement Act of 2000. This legislation addresses a critical shortage of qualified clinician researchers available to investigate the diseases and conditions that primarily affect women.

As the brother of two sisters lost to breast cancer and the father of two daughters, I know first-hand the importance of making women's health initiatives a top priority. More can and must be done to guarantee that women have the quality care they deserve. This includes making sure that qualified researchers are out there leading the search for cures and treatments.

In 1985, the United States Public Health Task Force on Women's Health Issues concluded that women's health care was getting short shrift by the lack of research focus on women's health concerns. Since then we have made good progress to expand women's health research, but more needs to be done.

In 1990, the U.S. General Accounting Office (GAO) found that the National Institutes of Health (NIH) had been slow and ineffective in implementing a policy to include women in research study populations. At the urging of myself and others, and in response to passage of the NIH Revitalization Act of 1993, the NIH began to take more comprehensive measures to increase research on health problems affecting women.

And more recently, at my request, along with Senators OLYMPIA SNOWE and BARBARA MIKULSKI, and Representative HARRY WAXMAN (D–CA), the GAO published a report last May assessing the NIH's progress on conducting research on women's health in the past decade. The GAO's report found that while NIH has made significant progress in implementing a strengthened policy on including women in clinical research, they have failed to fully analyze clinical data on women's health.

It is clear we can and must do more to advance a comprehensive women's health agenda.

A growing body of evidence is emerging that demonstrates significant differences between men and women and how they get sick and how they react to potential treatments. Women and men metabolize food, alcohol, medication and environmental toxins differently.

And certain diseases and conditions disproportionately affect women. For example, women comprise 80% of those suffering from osteoporosis. Seventy-five percent of those afflicted with autoimmune diseases are women. And although we have made significant progress, we are still fighting the terrible epidemic of breast cancer in this country, a disease that strikes 1 out of every 8 American women.

Women everywhere will benefit through more and better scientific research on the diseases and conditions that affect them. And our scientific enterprise will reap maximum returns when it involves teams of investigators with expertise in various disciplines. A comprehensive, targeted approach is necessary to develop a multi-disciplinary cadre of researchers with the interest and expertise to broaden the field of women's health research.

In addition, mentoring between junior and senior scientists is important to promoting an inclusive and diverse research environment. Mentoring relationships can lead to the retention and advancement of talented scientists from all segments of the population and enhance our investment in medical research.

Mr. President, my legislation authorizes two important initiatives to expand the number of qualified investigators in women's health research by providing improved career development opportunities through the National Institutes of Health (NIH):

First, the Building Interdisciplinary Research Careers in Women's Health Program—will support the career development of junior women's health scientists by providing new opportunities to improve their research skills in interdisciplinary settings. The NIH, through the Office of Research on Women's Health, will provide grants to research institutions to pair junior investigators with seasoned senior investigators, who will mentor them for 2–5 years.

Second, the Women's Reproductive Health Research Career Development Centers—will help build the next generation of investigators in obstetrics and gynecology by giving clinicians the experience they need to become women's health scientists. The NIH, through the National Institute of Child Health and Human Development and the Office of Research on Women's Health, will provide grants to research institutions and hospitals for the training of new women's health researchers.

The Women's Reproductive Health Research Career Development Centers program and the Building Interdisciplinary Research Careers in Women's Health grant program have already stimulated women's health research across a variety of disciplines. Authorizing and expanding these programs will speed breakthroughs in women's health research by building and improving the network of scientific investigators expert in the diseases and conditions that affect women.

Mr. President, I have a long tradition of supporting research and specifically women's health research both as Chairman and now Ranking Member of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee. This year we will provide an unprecedented, $2.7 billion increase for the National Institutes of Health, keeping us well on track towards our goal of doubling the NIH budget over 5 years.

But all the funding in the world will do us no good if we don't have talented investigators ready and able to take on the challenge of finding the cures and treatments for the diseases that afflict us. We must do more to make sure we grow and strengthen a diverse network of our best and brightest clinicians and scientists to keep pace with our increased investment in medical research. The bill I am introducing today will help to do just that. It has the support of the National Institutes of Health, the Society for Women's Health Research, the Women's Health Research Coalition and the American College of Obstetricians and Gynecologists. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research Career Enhancement Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Public Health Service's Task Force on Women's Health Issues concluded in 1985 that women's health care was compromised by the lack of research focus on women's health concerns. Since then, progress has been made to expand women's health research, but more can be done to strengthen our nation's capacity to aggressively investigate the diseases and conditions primarily affecting women.

(2) A growing body of evidence demonstrates dramatic differences between women's and men's biology, including symptoms of disease, mechanism of disease and responses to treatment.

(3) Women and men differ in disease presentation and treatment outcomes of coronary heart disease. Women comprise 80 percent of the population suffering from osteoporosis. Women comprise 75 percent of those afflicted with autoimmune diseases. Women and men metablolize food, alcohol, medication, and atmospheric toxins differently.

(4) Scientific research will reap maximum returns when it involves teams of investigators with expertise in various disciplines. A comprehensive, targeted effort is necessary to develop a multi-disciplinary cadre of researchers with the interest and expertise to develop the field of gender based health research so that it has the greatest impact on all women and men.

(5) Mentoring between junior and senior scientists is vitally important to promoting an inclusive and diverse research environment, leading to the retention and advancement of talented scientists from all segments of the population and enhancing the nation's investment in treatments and cures for the diseases and conditions that affect Americans.

(6) The Women's Reproductive Health Research Career Development Centers and the Building Interdisciplinary Research Careers in Women's Health grant programs have stimulated women's health research across a variety of disciplines.

(7) Expanding the initiatives described in paragraph (6) will speed breakthroughs in women's health research by building and improving the network of scientific investigators who are experts in the diseases and conditions that affect women.

SEC. 3. BUILDING INTERDISCIPLINARY RESEARCH CAREERS IN WOMEN'S HEALTH.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"SEC. 310A. BUILDING INTERDISCIPLINARY RESEARCH CAREERS IN WOMEN'S HEALTH.

"(a) PURPOSE.—It is the purpose of the section to provide funding to enable the Director of the Office of Research on Women's Health, in coordination with the Director of the National Institute of Child Health and Human Development and other Institutes and centers of the National Institutes of Health, to carry out the Building Interdisciplinary Research Careers in Women's Health program (as authorized under section 301) to support the career development of scientists who are commencing basic, translational, clinical, behavioral or health services research relevant to women's health in an interdisciplinary scientific setting.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2006 to enable the Director of the Office of Research on Women's Health to carry out program described in subsection (a).

"(c) REQUIREMENTS FOR GRANTS.—

"(1) ELIGIBILITY.—In making awards under the program described in subsection (a), the Director of the Office of Research on Women's Health, acting through the Director of the National Institute of Child Health and Human Development and other Institutes and centers of the National Institutes of Health, shall, with respect to an institution, consider—

"(A) domestic profit and nonprofit, non-Federal, public or private organizations;

"(B) the extent to which the institution has the clinical specialities and subspecialities, and the clinical and research facilities, sufficient to meet the objective of the program of bridging clinical or post-doctoral training with a career in interdisciplinary research relevant to women's health; and

"(C) other factors determined appropriate by the Directors.

"(2) RULE OF CONSTRUCTION.—With respect to the program described in subsection (a), nothing in this subsection shall be construed to prohibit the application by the Director of the Office of Research on Women's Health of eligibility or other requirements, including requirements applied to applicants under such program in the fiscal year prior to the date of enactment of this section.".

SEC. 3. WOMEN'S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

"SEC. 310B. WOMEN'S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.

"(a) PURPOSE.—It is the purpose of this section to provide for the funding of Women's Reproductive Health Research Career Development Centers to enable the Director of the National Institute of Child Health and Human Development, in collaboration with the Director of the National Institutes of Health, to—

"(1) assist in improving the health of women and infants by training new researchers in reproductive health science;

"(2) address concerns raised in a recent study by the National Research Council about the declining number of physician-investigators; and

"(3) provide newly trained obstetric-gynecologic clinicians with training and support, through the Women's Reproductive Health Research Career Development Centers, to assist in such clinicians in their pursuit of research careers to address problems in women's obstetric and gynecologic health.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2006 to enable the Director of the National Institute of Child Health and Human Development to fund Women's Reproductive Health Research Career Development Centers for the purposes described in subsection (a).

"(c) RULE OF CONSTRUCTION.—With respect to the program described in subsection (a), nothing in this section shall be construed to prohibit the application by the Director of the National Institute of Child Health and Human Development of eligibility or other requirements, including requirements applied to applicants under such program, in the fiscal year prior to the date of enactment of this section.".

Mr. CRAIG (for himself and Mr. BAUCUS):

S. 3216. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

INTEGRITY OF THE U.S. COURTS ACT

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to correct a fundamental flaw within the North American Free Trade Agreement (NAFTA) dispute resolution mechanism, known as Chapter 19. As many of my colleagues are aware, Chapter 19 has revealed itself to be unacceptable in its current form. The Integrity of the U.S. Courts Act, that I introduce today with my colleague Mr. BAUCUS, is necessary to make certain bilateral dispute resolution decisions from the NAFTA are made pursuant to U.S. trade laws.

At present, antidumping and countervailing duty determinations made by NAFTA members are appealed to ad hoc panels of private individuals, instead of impartial courts created under national constitutions. These panels are supposed to apply the same standard of review as a U.S. court in order to determine whether a decision is supported by substantial evidence on the agency record, and is otherwise in accordance with the law. This standard requires that the agency's factual findings and legal interpretations be given significant deference. Unfortunately, in spite of the panels's mandate, they all too often depart from their directive and fail to ensure that the correct standard of review is applied.

The Integrity of the U.S. Courts Act would permit any party to a NAFTA dispute involving a U.S. agency decision to remove appellate jurisdiction from the Extraordinary Challenge Committees (ECC) to the U.S. Court of International Trade. Doing so would resolve some of the constitutional issues raised by the Chapter 19 system, expedite resolution of cases, and ensure conformity with U.S. law.

The infirmities of Chapter 19 are real, and have been problematic from the beginning. The Justice Department, the Senate Finance Committee, and other authorities are on record of having expressed serious concern about giving private panelists—sometimes a majority of whom are foreign nationals—the authority to issue decisions about U.S. domestic law that have the binding force of law. These appointed panelists, coming from different legal and cultural disciplines and serving on an ad hoc basis, do not necessarily have the interest that unbiased U.S. courts have in maintaining the efficacy of the laws, as Congress wrote them.

One of the most egregious examples of the flaws of Chapter 19 is reflected in a case from early in this process, reviewing a countervailing duty finding that Canadian lumber imports benefits from enormous subsidies. Three Canadian panelists outvoted two leading U.S. legal experts to eliminate the countervailing duty based on patently erroneous interpretations of U.S. law—interpretations that Congress had expressly rejected only months before. Two of the Canadian panelists served despite undisclosed conflicts of interest. The matter was then argued before a Chapter 19 appeals committee, and the two committee members outvoted the one U.S. member to once again insulate the Canadian subsidies from U.S. law.

The U.S. committee member was Malcolm Wilkey, the former Chief Judge of the Federal Court of Appeals for the D.C. circuit, and one of the United States' most distinguished jurists. In his opinion, Judge Wilkey wrote that the lumber panel decision "may violate more principles of appellate review of agency action than any opinion by a reviewing body which I have ever read." Judge Wilkey and former Judge Charles Renfrew (Also a chapter 19 appeals committee member) have since expressed serious constitutional reservations about the system. While some have claimed that Chapter 19 decides many cases well, its inability to resolve appropriately large disputes, and its constitutional infirmity, demand a remedy.

It is clear that the time is long past due to remedy Chapter 19. From the outset, the NAFTA agreement contemplated that given the sensitive and unusual subject matter, signatories might have to alter their obligations under Chapter 19. The Integrity of the U.S. Courts Act is a reasonable solution to a serious problem.

I urge my colleagues to join Senator BAUCUS and me in our effort to fix this problem that is unfairly harming American industry, and more important, the U.S. Constitution. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Integrity of the United States Courts Act of 2000".

SEC. 2. JUDICIAL REVIEW OF BINATIONAL PANEL DECISIONS.

(a) IN GENERAL.—Subtitle A of title IV of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3431 et seq.) is amended by inserting after section 404 the following new section:

"SEC. 404A. REVIEW OF BINATIONAL PANEL DETERMINATIONS.

"(a) BASIS FOR REVIEW IN COURT OF INTERNATIONAL TRADE.—

"(1) IN GENERAL.—If, within 30 days after publication in the Federal Register of notice that a binational panel has issued a determination following a review under article 1904 of a decision of a competent investigating authority in the United States, a party or person within the meaning of paragraph 5 of article 1904 alleges that—

"(A)(i) the determination of the panel was based on a misinterpretation of United States law;

"(ii) a member of a panel was guilty of a gross misconduct, bias, or a serious conflict of interest, or otherwise materially violated the rules of conduct,

"(iii) the panel seriously departed from a fundamental rule of procedure, or

"(iv) the panel manifestly exceeded its powers, authority, or jurisdiction set out in article 1904, as in failing to apply the appropriate standard of review, and

"(B) any of the actions described in subparagraph (A) has materially affected the panel's decision and threatens the integrity of the binational panel review process,

then such party or person may file an appeal with the United States Court of International Trade, seeking review of the binational panel determination, pursuant to section 516A of the Tariff Act of 1930.

"(2) REVIEW IN COURT OF INTERNATIONAL TRADE WHERE BINATIONAL PANEL DOES NOT ACT.—If a request for a panel review has been made under article 1904 and a panel is not convened within 315 days of the request, the Party requesting the panel review or person within the meaning of paragraph 5 of article 1904 may file an appeal of the antidumping or countervailing duty determination with respect to which the request was filed with the United States Court of International Trade.

"(b) DECISIONS OF THE COURT.—

"(1) IN GENERAL.—In any appeal filed under subsection (a)(1) for review of a binational panel determination, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the panel's decision, determine whether any of the actions described in subsection (a)(1)(A) has been established. If the court finds that any of those actions has been established, the court shall vacate the original panel decision and enter judgment accordingly. If the actions are not established, the court shall affirm the original binational panel decision. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that were before the panel.

"(2) DECISIONS WHERE PANEL NOT CONVENED.—In the case of an appeal filed under subsection (a)(2) for review of a determination of a competent investigating authority, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the investigating authority's determination, determine whether the determination was made in accordance with article 1904. If the court finds that the determination was not in accordance with article 1904 or is not supported by the legal and factual analysis, the court shall vacate the investigating authority's determination and enter judgment accordingly. If the court finds that the determination was in accordance with article 1904 and is supported by the legal and factual analysis, the court shall affirm the investigating authority's determination. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that would have been before a panel had the panel been convened.

"(c) EXCLUSIVE JURISDICTION.—If a party or person within the meaning of paragraph 5 of article 1904 timely files a notice of appeal to the Court of International Trade pursuant to this section, then jurisdiction exclusively resides with the United States Court of International Trade, and such determinations are not subject to review by an extraordinary challenge committee under paragraph 13 of article 1904.

"(d) APPLICABILITY.—Subsections (a)(1), (b)(1), and (c) apply to all goods from NAFTA countries which were subject to an antidumping duty or countervailing duty determination of a competent investigating authority in the United States.".

(b) CONFORMING AMENDMENT.—The table of contents of the North American Free Trade Implementation Act is amended by inserting after the item relating to section 404 the following:

"Sec. 404A. Review of binational panel determinations.".

SEC. 3. JURISDICTION OF THE COURT OF INTERNATIONAL TRADE.

Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)(I), by striking "or (viii)" and inserting "(viii), (ix), or (x)"; and

(B) in subparagraph (B), by adding at the end the following:

"(ix) A final determination of a binational panel convened pursuant to article 1904 of the NAFTA.

"(x) A final determination of an investigating authority described in section 404A(a)(2) of the North American Free Trade Agreement Implementation Act.";

(2) in subsection (a)(5), in the matter preceding subparagraph (A), by inserting

"(other than a determination described in subsection (g)(3)(A)(vii))" after "apply"; and

(3) in subsection (g)(3)(A)—

(A) in clause (v), by striking "or" at the end;

(B) in clause (vi), by striking the period and inserting ", or"; and

(C) by adding at the end the following:

"(vii) a determination of which either a party or person within the meaning of paragraph 5 of article 1904 of the NAFTA has requested review pursuant to section 404A of the North American Free Trade Agreement Implementation Act.".

SEC. 4. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any final determination of a binational panel convened pursuant to article 1904 of the North American Free Trade Agreement or to a final determination of a competent investigating authority with respect to which section 404A(a)(2) of the North American Free Trade Agreement Implementation Act applies, notice of which is published in the Federal Register on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was withdrawn as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2341

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2393

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2440

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2699

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2699, a bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2773

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. LEAHY), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mr. BOND), the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2964

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2964, a bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes.

S. 3009

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3152

At the request of Mr. ROTH, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3169

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3175

At the request of Mr. CRAIG, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3175, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 3180

At the request of Mr. EDWARDS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3180, a bill to provide for the disclosure of the collection of information through computer software, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 353

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 353, a resolution designating October 20, 2000, as "National Mammography Day."

S. RES. 373

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Res. 373, supra.

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

S. RES. 375

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 375, a resolution supporting the efforts of Bolivia's democratically elected government.

SENATE RESOLUTION 378—HONORING THE MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE" (DDG–67) WHO WHERE KILLED OR WOUNDED IN THE TERRORIST BOMBING ATTACK ON THAT VESSEL IN ADEN, YEMEN, ON OCTOBER 12, 2000, EXPRESSING THE SYMPATHIES OF THE SENATE TO THE FAMILIES OF THOSE CREW MEMBERS, COMMENDING THE SHIP'S CREW FOR THEIR HEROIC DAMAGE CONTROL EFFORTS, AND CONDEMNING THE BOMBING OF THAT SHIP

Mr. WARNER (for himself, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. BYRD, Mr. SMITH of New Hampshire, Mr. ROBB, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Ms. SNOWE, Ms. LANDRIEU, Mr. ROBERTS, Mr. REED, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. BOND, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. SARBANES, Ms. MIKULSKI, Mr. KERRY, Mr. MILLER, Mr. EDWARDS, Mr. VOINOVICH, Mr. WELLSTONE, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 378

Whereas the guided missile destroyer U.S.S. COLE (DDG-67) was severely damaged on October 12, 2000, when a boat bomb exploded alongside that ship while on a refueling stop in Aden, Yemen;

Whereas the explosion resulted in a 40-by-45 foot hole in the port side of the ship at the waterline and left seven of the ship's crew dead, ten who as of October 17, 2000, are missing and presumed dead, and over three dozen wounded;

Whereas the U.S.S. COLE had stopped in Aden for routine refueling while in transit from the Red Sea to the Persian Gulf to conduct forward maritime presence operations in the Persian Gulf region as part of the U.S.S. George Washington battle group;

Whereas the members of the United States Navy killed and wounded in the bombing were performing their duty in furtherance of the national security interests of the United States;

Whereas United States national security interests continue to require the forward deployment of elements of the Armed Forces;

Whereas the members of the Armed Forces are routinely called upon to perform duties that place their lives at risk;

Whereas the crew members of the U.S.S. COLE who lost their lives as a result of the bombing of their ship on October 12, 2000, died in the honorable service to the Nation and exemplified all that is best in the American people; and

Whereas the heroic efforts of the surviving crew members of the U.S.S. Cole after the attack to save their ship and rescue their wounded shipmates are in the highest tradition of the United States Navy: Now, therefore, be it

Resolved, That the Senate, in response to the terrorist bombing attack on the U.S.S. COLE (DDG–67) on October 12, 2000, while on a refueling stop in Aden, Yemen, hereby—

(1) honors the members of the crew of the U.S.S. COLE who died as a result of that attack and sends heartfelt condolences to their families, friends, and loved ones;

(2) honors the members of the crew of the U.S.S. COLE who were wounded in the attack for their service and sacrifice, expresses its hopes for their rapid and complete recovery, and extends its sympathies to their families;

(3) commends the crew of the U.S.S. COLE for their heroic damage control efforts; and

(4) condemns the attack against the U.S.S. COLE as an unprovoked and cowardly act of terrorism.

SENATE RESOLUTION 379—MEMORALIZING THE SAILORS OF THE NAVY LOST IN THE ATTACK ON THE U.S.S. "COLE" (DDG-67) IN THE PORT OF ADEN, YEMEN, ON OCTOBER 12, 2000; EXTENDING CONDOLENCES TO THEIR FAMILIES AND OTHER LOVED ONES; EXTENDING SYMPATHY TO THE MEMBERS OF THE CREW OF THAT VESSEL WHO WERE INJURED IN THE ATTACK AND COMMENDING THE ENTIRE CREW FOR ITS PERFORMANCE AND PROFESSIONALISM IN SAVING THE U.S.S. "COLE"

By Ms. SNOWE (for herself, Mr. McCAIN, Mr. ROBB, Mr. INHOFE, Mr. THURMOND, Mr. BOND, Ms. LANDRIEU, Mr. ROBERTS, Mr. SANTORUM, Mr. HUTCHINSON, Mr. REED, Mr. LIEBERMAN, Mr. LEVIN, Mr. KENNEDY, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 379

Whereas the Arleigh Burke class destroyer U.S.S. Cole (DDG-67) was attacked in the port of Aden, Yemen, on October 12, 2000, apparently by terrorists who, by insidious ruse, drew along side the vessel in a small boat containing powerful explosives that detonated next to the hull of the vessel;

Whereas the horrific explosion in that attack resulted in the loss of 17 sailors and injury to another 39 sailors, all of them being members of the Navy serving in the crew of the U.S.S. Cole;

Whereas those sailors who lost their lives made the ultimate sacrifice in the service of the United States and the Navy;

Whereas all of the remaining members of the crew of the U.S.S. Cole responded valiantly and courageously to save their ship from sinking from the explosion and, in so doing, proved themselves to be "Determined Warriors", the motto of their ship; and

Whereas the men and women of the crew of the U.S.S. Cole, like all of the men and women of the Armed Forces, are the current patriots who stand ever vigilant against the attacks of those who seek to undermine peace and stability in an uncertain world: Now, therefore, be it

Resolved, That (a) the Senate memorializes those sailors of the Navy who were lost in the despicable attack on the U.S.S. Cole (DDG-67) on October 12, 2000, in the port of Aden, Yemen, as follows:

(1) Richard Costelow, Electronics Technician First Class, of Morrisville, Pennsylvania.

(2) Cherone Louis Gunn, Signalman Seaman Recruit, of Rex, Georgia.

(3) James Rodrick McDaniels, Seaman, of Norfolk, Virginia.

(4) Craig Bryan Wibberley, Seaman Apprentice, of Williamsport, Maryland.

(5) Timothy Lamont Saunders, Operations Specialist Second Class, of Ringold, Virginia.

(6) Lakiba Nicole Palmer, Seaman Recruit, of San Diego, California.

(7) Andrew Triplett, Ensign, of Macon, Mississippi.

(8) Lakeina Monique Francis, Mess Management Specialist, of Woodleaf, North Carolina.

(9) Timothy Lee Gauna, Information Systems Technician Seaman, of Rice, Texas.

(10) Ronald Scott Owens, Electronics Warfare Technician Third Class, of Vero Beach, Florida.

(11) Patrick Howard Roy, Fireman Apprentice, of Cornwall on the Hudson, New York.

(12) Kevin Shawn Rux, Electronics Warfare Technician Second Class, of Portland, North Dakota.

(13) Ronchester Manangan Santiago, Mess Management Specialist Third Class, of Kingsville, Texas.

(14) Gary Graham Swenchonis, Jr., Fireman, of Rockport, Texas.

(15) Kenneth Eugene Clodfelter, Hull Maintenance Technician Third Class, of Mechanicsville, Virginia.

(16) Mark Ian Neito, Engineman Second Class, of Fond du Lac, Wisconsin.

(17) Joshua Langdon Parlett, Engineman Fireman, of Churchville, Maryland.

(b) The Senate extends condolences to the members of the families, other loved ones, and shipmates of those devoted sailors who made the ultimate sacrifice in the service of the United States.

(c) It is the sense of the Senate that all of the people of the United States join the Chief of Naval Operations and the other members of the Navy in mourning the grievous loss of life among the members of the crew of the U.S.S. Cole resulting from the attack on that vessel.

SEC. 2. The Senate—

(1) recognizes the loss, sacrifice, valor, and determination of the surviving members of the crew of the U.S.S. Cole;

(2) extends sympathy to the 39 sailors of that crew who were injured in the attack on their vessel; and

(3) commends the members of the crew for their remarkable performance, professionalism, skill, and success in fulfilling their duties to support and save the U.S.S. Cole following the attack.

SEC. 3. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Chief of Naval Operations, the commanding officer of the U.S.S. Cole, and the family of each member of the United States Navy who was lost in the attack on the U.S.S. Cole (DDG-67) in the port of Aden, Yemen, on October 12, 2000.

AMENDMENTS SUBMITTED

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

FRIST AMENDMENT NO. 4323

Mr. SESSIONS (for Mr. FRIST) proposed an amendment to the bill (S. 1639) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earthquake Hazards Reduction Authorization Act of 2000".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking "and" after "1998", and

(2) by striking "1999." and inserting "1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.".

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 10 of the Earthquake Hazards Reduction Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee;

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999;"; and

(4) by inserting after paragraph (2) the following:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,".

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled "An Act To authorization appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking "1999." and inserting "1999, $2,600,000 for fiscal year 2001, $2,710,000 for fiscal year 2002, and $2,825,000 for fiscal year 2003.".

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, and (5) $19,000,000 for engineering research and $11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002 and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.".

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.".

SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2002;

"(B) $33,700,000 for fiscal year 2003;

"(C) $35,100,000 for fiscal year 2004;

"(D) $35,000,000 for fiscal year 2005; and

"(E) $33,500,000 for fiscal year 2006.

"(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2002; and

"(B) $10,300,000 for fiscal year 2003.".

SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated $28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

"(1) $24,400,000 for fiscal year 2002;

"(2) $4,500,000 for fiscal year 2003; and

"(3) $17,000,000 for fiscal year 2004.".

SEC. 6. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking "in this paragraph" in the last sentence of paragraph (1) of subsection (b) and inserting "in subparagraph (E)"; and

(3) by adding at the end the following new subsection:

"(c) BUDGET COORDINATION.—

"(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 7. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 8. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 9. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

SEC. 10. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

FRIST AMENDMENT NO. 4324

Mr. SESSIONS (for Mr. FRIST) proposed an amendment to the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 2000".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development for fire and emergency services personnel.". None of the funds authorized for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 302 of this Act.".

SEC. 3. STRATEGIC PLAN.

(a) Requirement.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) Contents of Plan.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 4. RESEARCH AGENDA.

(a) Requirement.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) Contents of Report.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) Use in Preparing Strategic Plan.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 302.

SEC. 5. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.".

SEC. 6. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 304, is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.".

SEC. 7. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) In General.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) Contents of Assessment.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) An analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 8. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by section 2, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 9. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 made with funds authorized by this Act (or any Act amended by this Act), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 10. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 Act.—

(1) In general.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking "(a) The" in section 24 (15 U.S.C. 2214) and inserting "The"; and

(D) by striking subsection (b) of section 24.

(2) References to secretary.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 3 (15 U.S.C. 2203)—

(i) by inserting "and" after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking paragraph (2) of section 15(a) (15 U.S.C. 2214(a)) and inserting the following:

"(2) the Director's Award For Distinguished Public Safety Service (Director's Award')";

(C) by striking "Secretary's Award" each place it appears in section 15 (15 U.S.C. 2214) after subsection (a) and inserting "Director's Award"; and

(D) by striking "Secretary" each place it appears in section 15 (15 U.S.C. 2214) after subsection (a), in section 16(a) (15 U.S.C. 2215(a)), and in section 21(c) (15 U.S.C. 2218(c)) and inserting "Director".

(b) Department of Commerce.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting "and" after "Census;" in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 11. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) In General.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Contents of Report.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 12. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) Repeal.—Section 4 of Public Law 103–195 (107 Stat. 2298) is hereby repealed.

(b) Effective Date.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 13. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) Purposes.—Section 151302 of title 36, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) primarily—

"(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

"(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);";

(2) by inserting "and Federal" in paragraph (2) after "non-Federal";

(3) paragraph (3)—

(A) by striking "State and local" and inserting "Federal, State, and local"; and

(B) by striking "and" after the semicolon;

(4) by striking "firefights." in paragraph (4) and inserting "firefighters;"; and

(5) by adding at the end the following:

"(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

"(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety."

(b) Board of Directors.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) Status and Compensation.—

"(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

"(2) Members of the board shall serve without compensation."; and

(2) by redesignating subsection (h) as subsection (g).

(c) Officers and Employees.—Section 151304 of title 36, United States Code, is amended—

(1) by striking "not more than 2" in subsection (a); and

(2) by striking "are not" in subsection (b)(1) and inserting "shall not be considered".

(d) Support by the Administrator.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking "The Administrator" and inserting "During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator"; and

(2) by striking "shall" in subparagraph (B) and inserting "may".

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that a staff member, Sally Phillips, be granted the privilege of the floor for debate during consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF GOVERNOR MEL CARNAHAN

Mr. BOND. Mr. President, I rise today to share with my colleagues the sadness that all of us in Missouri feel this week. This has been a very, very sad week for us.

Late Monday evening, we lost our Governor, Mel Carnahan, along with his son, Randy, and a top aide, Chris Sifford, who were killed tragically in a plane crash.

Nearly having completed two terms as Governor, Mel Carnahan was in a heated race for the Senate with our colleague, John Ashcroft. Mel Carnahan was a devoted husband, father, and grandfather as well as a public servant who had devoted much of his career and much of his adult life to serving the people of our State.

The news of Governor Carnahan's very untimely and tragic death serves as a reminder to all of us of the preciousness of life and its unpredictability.

Our thoughts, our prayers, and our sympathy go out to his wife Jean, to his daughter Robin, to his sons, Russ and Tom, and his grandchildren during this difficult time. We also extend our deepest sympathies to all the people who worked closely with him and considered him their close friend. None of us can pretend to understand the pain they must feel at this time.

But I hope they will find comfort in knowing that their husband, father, grandfather, and friend will have a lasting impact on many lives. The fruits of Mel Carnahan's efforts will be felt in our State for many years to come. He presided over a period of economic growth in our State. He worked hard to reform Missouri's welfare system, crime laws, and educational system.

Mel Carnahan and I were friends for a long time—probably 30 years. It is no secret that we were often political opponents. We disagreed on a lot of things, and he was a tough opponent; no question about that.

A couple of years ago when I was getting ready to run for reelection, there was some thought that we might have to run against each other. But at that time, he chose to stay in Jefferson City and serve the people of Missouri for the remainder of his term as Governor. When asked why he entered public service, Governor Carnahan said he was inspired by the words of Adlai Stevenson, who said public service was a "high calling," and he urged young people to get involved.

Mel Carnahan lived his belief that public service was a "high calling." He brought the best of himself to the job. He loved Missouri and Missourians. He loved rural Missouri and his adopted hometown of Rolla, MO. He always wanted the best for our State. While the two of us may only have agreed on a handful of issues in 30 years, when it came time to defend the interests of Missouri, we fought arm in arm together. Some of you may recall a few battles we had on behalf of Missouri and the neighbors of the Missouri River in a battle against the Fish and Wildlife Service.

But in the end, a man's position on the issues of the day is only a small measure of his life.

In this age of multimillion-dollar campaign advertising budgets and media consultants, Gov. Mel Carnahan still believed in keeping in touch with individual Missourians. He died while attempting to get to a campaign event in a small town in Missouri that maybe few outside our State ever heard of. As Governor, he crisscrossed our State endlessly, visiting schools and farms, veterans, and highway dedications. He worked hard and Missourians loved him for it. Twice they elected him by large margins to the highest office in our State.

I particularly admired and appreciated the friendship we had as political opponents, as people committed to public service in our State.

I was with him on Saturday at the homecoming for the University of Missouri. We shared a common interest on that day; our football team didn't do well. But Mel Carnahan, with a ready smile and a lovely wife, was there. We enjoyed our time together as we appreciated and looked back on the tremendous accomplishments he had and the contributions he made to the State of Missouri.

At a commencement speech in his town of Rolla last year, Governor Carnahan told graduates, "Each of you was put on this Earth for a reason . . . life is precious and fragile . . . and each of us has such a short time to make our mark on the world that we must not waste it."

Surely Mel Carnahan wasted no time. He made the most of every minute, and our lives are richer for it, and for his friendship.

Our thoughts and prayers are with his family and his friends in Missouri.

Mr. CONRAD. Mr. President, I too want to speak about the former Governor of Missouri, Mel Carnahan.

Over the last 3 weeks, I was engaged, along with my colleague, Senator DORGAN, in intense negotiations with Governor Carnahan and the two Senators from Missouri with respect to a major water project in our State, the Dakota Water Resources Act.

We had the opportunity to talk to Governor Carnahan directly, and we talked to his top staff repeatedly. I found him to be a fierce advocate for the people of Missouri, just as I have found Senator BOND and Senator ASHCROFT to be fierce advocates for the people of Missouri.

We have had a difficult time reaching conclusion on our water project because of objections from the State of Missouri. But the representatives of that State—Senator BOND, Senator ASHCROFT, and Governor Carnahan—worked in good faith with us, all the while protecting vigorously and aggressively the interests of their State. I respect that. That is what representatives are supposed to do.

I found Governor Carnahan to be absolutely ferocious on the issues that he thought were important to the people of his State. When I heard the news that he had been killed in a tragic plane accident, it saddened me. It saddened our family because we are certain that the Carnahans are suffering greatly. And the people of Missouri have had a terrible loss.

It reminded me of a similar incident with a Missouri Senate candidate more than 20 years ago, Congressman Litton, who was also killed in a light plane crash in that State. It almost makes one wonder if Missouri is somehow star crossed with leaders of that caliber—so widely respected by the people of their States—being lost in these tragic accidents.

I send my best wishes to the Carnahan family and to people all over the country who are grieving at the loss of the Governor of that great State. We are thinking of the family and thinking of the friends and staff of Governor Carnahan.

As I say, I have had several weeks in which I talked frequently to the Governor's chief of staff and the head of his department of natural resources. I found them to be very good people, very decent people—very difficult to negotiate with but very good people. We share their loss.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

WORLD PEACE

Mr. LAUTENBERG. Mr. President, I take a few minutes to discuss something that has been in front of our eyes and in front of our minds these last couple of weeks; that is, the turmoil we are witnessing in the Middle East. Those horrible pictures of young people engaged in violence and paying a terrible price for the consequence of that violence. Not just the young people—women, children, young men.

I think it is fair to say that everyone who sees what is taking place wishes it weren't happening. The question is raised about our responsibility and what do we do about it. Is there an opportunity for us to lend peace a hand, to see whether or not we can encourage the reduction of violence, the elimination of the confrontation with stones and tanks and guns, to see if there isn't something more that we could do than to simply be a witness.

Mr. President, I commend President Clinton's efforts. He has been such a wonderful peacemaker in his term of office.

I have been to the places he has exerted some effort, i.e., Ireland. I was there many years ago and met with people in the north and met people from the Republic. I talked to Catholics and Protestants and tried to help make adjustments in our funding support so it would be more balanced, balanced towards those people who needed help while asking those who did not to at least participate in a nonviolent manner to get the killing and the mayhem stopped.

President Clinton took the initiative there. He sent Senator Mitchell, one of our very good friends from this place, a distinguished Senator; a distinguished judge before he came to the Senate. He worked tirelessly. He would get the two sides to at least stop shooting at one another and come to the negotiating table. It has had a shaky peace arrangement, but at least people are not dying. And if they are, it is an exceptional occasion and not the usual thing.

I was in Kosovo and Bosnia with other Members of the Senate and saw the unacceptable behavior of the leadership there, as they committed the genocidal acts against innocent people. We became engaged, and it was a tough fight to become a part of the peacemaking structure. We didn't always agree with our friends in Europe about whether or not it was in their interests or our interests. I think we have seen that too many times.

I was a veteran during the war a long time ago. I enlisted in the Army. Even in those early days in the last century when Hitler started to invade neighboring countries, killing people, separating groups from one another so they could be attacked in an organized fashion, there were people, I understand, as I read the history, who questioned whether it was something in which the United States should become involved. Before we knew it, we had no choice. When our ships were attacked in Pearl Harbor, we were in it 110 percent, with some 15 million people in uniform. We fought hard. Hearts were broken. Families paid a price. Young people died—among others, but those who were involved in the military were young.

In the last half of the 20th century, democracy flourished in some of those places. We still have troops in Germany, in Japan, in South Korea—50 years later.

Sometimes, I must tell you, I do not understand it when questions are raised here about our role: Are we going to be the policeman of the world? Does it have our interest in it?

I remember the debate on Kosovo and Bosnia. There were many who said we have no business being there. I disagreed. I disagreed strongly, and I encouraged us to do what we did. President Clinton and Vice President GORE led the charge, if I may say, by making certain we protected our pilots and our military servicepeople wherever they were in the area as we took on the task of stopping a mad, genocidal attack on people in Kosovo and at times before that in Bosnia itself. It was a wonderful conclusion that we lost no one in combat, but we stopped the killing of innocent people. Kosovo is being rebuilt. Again, maybe it is a shaky peace but a peace. That is the critical issue. The question was raised, as I said, was that in our national interest? Are we going to be the policeman of the world?

Now we are faced with another situation. When terrorism rears its ugly head, and when those who want to violate the safety and well-being of ordinary citizens and take it into their hands to determine who is wrong and who is right commit atrocious acts, it does almost always come home to roost. It is proven that at some point in time it is in our national interest. Our national interest is to protect our people. Maybe in the process we reach out to protect others so violence does not spread and we are not looking at wholesale attacks on innocent people.

The other day when the U.S.S. *Cole* was struck by madmen who detonated bombs that tore the U.S.S. *Cole* apart, left a hole in the hull of the U.S.S. *Cole*, in a ship that was designed to withstand torpedoes and other pieces of military weaponry, and killed 17 people, if one read the biography of so many of them who died, they were young: 19, 20 years old. I enlisted when I was 18. It is so very young. And 37 more, I think the number is, were wounded, many of them seriously wounded, and just brought home. Today I know there was a memorial service in Norfolk, VA, for those who died. The President was there. He made certain he got back from Egypt on time to be there.

I wonder how many people are saying, do we have an interest, a national interest in what is taking place there when terrorism is allowed to flourish, and included in that activity are American citizens, those who were there to maintain the peace?

The other day we passed a piece of legislation which I had the privilege of authoring that compensated victims of terrorist activity, families who lost people I knew, who lost a daughter in Israel in an attack on a bus outside the Gaza Strip. She was 20 years old, there on business, innocent, studying, trying to learn something about a heritage that she and her family were proud of —killed by a terrorist's bomb.

Iran was held in our courts to be the country of responsibility. We took further action based on legislation that had passed through this House that enabled people to bring suits against those countries, to attach their assets that may have been in America. A resolution was adopted and the President is going to be signing a bill into law very shortly permitting the distribution of funds to those families. They didn't want the money but they didn't want other families to have to suffer the same consequences they did.

Now we look at the President's attempt to bring peace to Israel and the Palestinians. We do not know whether that effort is going to work. But we do know that the President did the right thing to assert the presence of America and to say we want to see peace in this area.

We are friendly with both sides in the dispute there, perhaps friendlier, as I think we should be, in many ways to the democratic nation of Israel because it is a democracy and people have choices about things. But we do not want to see Palestinians killed. It pained us all to see the picture of that young boy who was shot in a crossfire. It pained us all to see a couple of soldiers, who were doing no harm, taken to a jail and held there as prisoners until a mob was able to get their hands on them and lynch them, mutilate them—lynched them not with a rope but lynched them in terms of taking their lives in a mob attack, parading their bodies through the streets, mutilating them even as they lay dead.

It is time for us to ask those who can stop this violence, who can at least slow it down, at least encourage peace, to step up and do so and not hold out a friendly American hand to those who will not.

I welcomed Mr. Arafat here in 1993. I was amazed to see Prime Minister Rabin; the President of the United States; and the Chairman of the Palestinian Authority, Yasser Arafat; shaking hands because I had only known about Yasser Arafat in an earlier time when he wore a gun on his hip and went to the United Nations and held the gun up as a manifestation of his view of how disputes are resolved.

Now we see what is happening, even though there was a tacit agreement to try and stop the violence and the Israelis were cooperating. They permitted the reopening of the Gaza airport. I was there the week before that airport was opened. I was so positive about it bringing an opportunity to the Palestinian people in Gaza to have their economy lifted, to have their hopes and spirits lifted at the same time, that perhaps an improvement in their way of life and their economy might be possible because they live in desperate conditions.

We have seen the violence, the rioting, the abuse, the stone throwing. Stone throwing is not an acceptable way of resolving disputes. It does not matter what the weapon is; it is a weapon; and it is designed to intimidate and punish a people with whom there is a disagreement. The Israelis retaliated. They have a responsibility, in my view, to protect their people and protect their property, protect their integrity as a democratic nation.

I did not see any Israeli gloating about the fact that a Palestinian life was taken. We saw some action by some of the so-called settlers in territories in the West Bank who took action against their Palestinian neighbors, and the Prime Minister rebuked them and said: No Jewish Israelis, no Israelis should be taking mob rule into their own hands and harming people or killing them.

He came out against it.

Chairman Arafat in 1993, when he stood on the lawn at the White House, signed a statement that violence was no way to resolve differences, and he took an oath, practically speaking, that he would do whatever he could to abolish it.

What we have seen in the last few days is inconsistent with that position, and we ought to notice it. When the U.N. took up a resolution that blamed Israel for all the problems, I was disappointed that the United States did not veto that resolution. But I know in this administration, this President, the Vice President, and the Secretary of State, all have peace in mind. I thought perhaps that was the reason we did not veto this resolution but, rather, abstained. Therefore, I do not second-guess the decision, but I hope if there are more such lopsided resolutions, the United States will veto it and not permit it to continue.

It is fair to say the Israelis are making a genuine effort to stop the violence. And on the Palestinian side, they want it stopped. We heard Prime Minister Barak talking about it. They do not want to kill Palestinians. They do not want to injure people on the other side of the issue, but it is fair to say, Mr. Arafat, I was one in the Senate who supported financial assistance for the Palestinians when they signed the agreement to establish a peaceful relationship. I was one of those who encouraged it. I was one of those who said the Palestinians needed some hope and some expectation that their lives would improve, that their standard of living would be better, that their children could get an education, that they could have the proper health services they needed.

I was filled with hope. I wanted to make certain that we showed our good faith by doing something positive for the Palestinians.

I know Israel very well. I have visited there many times, and I know a lot of people there. Yitzhak Rabin was a personal friend of mine. When he was killed by one of his own people, it was a tragedy felt round the world.

The nation of Israel continued to try to make peace. Prime Minister Barak, the most heavily decorated soldier in the Israeli military, the most highly decorated soldier, is a prominent peacemaker. He wants to establish peace. He has seen war at its worst. That is why he has the medals that reflect heroism, bravery, and valor, but he did not like the killing. He did what he had to do to protect his country, and he is doing the same thing now, trying to protect his country and is trying to do it without violence, without responding violently to the attacks of his country. He is pleading for there to be peace, some measure of tranquillity on both sides.

So as we mourn the loss of our young people, the sailors from the U.S.S. *Cole*, we wish those who are ill, who are wounded, who are injured, a full and speedy recovery.

We also wish we can be witnesses to a more peaceful discussion about where the relationship between Israel and the Palestinians will go. They can get along—they must get along—to try to resolve every difference. Whether it is with slingshots and stones or rifles or artillery pieces, it is not an appropriate way to resolve those problems.

But I do respect Israel's right to defend itself, and I do respect the wishes of many of the people in Palestine, the Palestinian community, to have their freedoms enumerated very clearly—their capacity to raise their families, to have an opportunity for the appropriate education and standard of living that all people want.

But I call on Mr. Arafat, Yasser Arafat, with whom I have shaken hands many times—and in the tradition of the Middle East, we kissed each other on the cheek in good will when I was there at Gaza at the opening of the airport, when I was there to see the economic development that was taking place; I had so much respect for the things he was trying to do for his people—I send out a plea to him to gather whatever strength he has to take the leadership of the Palestinian Authority and do what he is supposed to as the chairman; that is, call for reconciliation, call for the end of the violence. Get back to the negotiating table. Air your differences. Ask the United States to help. Do not invite imbalance in resolutions and things such as that. Do not search for those who have a bias in this case to present programs for peace. But do what you said you would do, Mr. Arafat, when you came here in 1993, when we sat around dinner tables together, when I visited you in Jericho, and we talked in such friendly fashion that I walked away believing we were seeing the accomplishment of miracles, small though they may be.

So I wish both sides the best wish I can, and that is for peace, to take care of your families, save your children by not taking other people's children, by not taking other people's lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. NICKLES. Mr. President, I heard my colleague from New Jersey making a very eloquent statement concerning the violence in the Middle East. I certainly share his concern and his wish that peace will be restored amongst the Palestinians and the Israelis.

I also heard him compliment the President on his efforts. And I compliment the President on his efforts in trying to contain the violence. But I am critical of the administration for a couple of things. I am critical of the administration for not vetoing Security Council Resolution 1322, which passed the Security Council on October 7. We could have vetoed this resolution. It was a biased resolution. It was an unbalanced resolution, a resolution that criticized Israel and did not criticize the Palestinians. The Palestinians have been very involved in creating a lot of the violence. This is a one-sided resolution. This administration did not veto it, for whatever reason.

Now the United Nations is considering another resolution, from what I understand from press reports and so on, that very strongly condemns Israel and is somewhat silent on the Palestinians.

Mr. President, I ask unanimous consent this Security Council resolution 1322 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Resolution 1322 (2000)

(Adopted by the Security Council at its 4205th meeting on 7 October 2000)

The Security Council,

Recalling its resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, and 1073 (1996) of 28 September 1996, and all its other relevant resolutions,

Deeply concerned by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

Reaffirming that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and urging the two sides to cooperate in these efforts,

Reaffirming the need for full respect by all of the Holy Places of the City of Jerusalem, and condemning any behaviour to the contrary,

1. Deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;

2. Condemns acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life;

3. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. Calls for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process;

5. Stresses the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and welcomes any efforts in this regard;

6. Calls for the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides;

7. Invites the Secretary-General to continue to follow the situation and to keep the Council informed;

8. Decides to follow closely the situation and to remain seized of the matter.

Mr. NICKLES. But it is interesting, the second statement says it:

> Condemns acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life.

No. 3, it:

> Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations. . . .

It does not say for the Palestinians and it does not say for Mr. Arafat to abide by its obligations, and it does not talk about the Palestinians and their use of force.

I heard my colleague from New Jersey talk about the fact that Palestinians had a couple of Israelis who were murdered.

So my point is that the President of the United States should have urged our representative at the United Nations to veto this, use our veto in the Security Council to veto this very unbalanced, very biased, very anti-Israel resolution. And they did not do it. I think that was a mistake.

Now we see more violence. This recent attack on the U.S.S. Cole on October 12 killed 17 and wounded dozens. I think many of us were shocked by that. I heard some of the statements by the Secretary of State, by the Secretary of Defense, by the President: Boy, we're going to hold those people, those terrorists, those cowards who committed this cowardly deed and killed innocent U.S. soldiers, accountable.

Well, Mr. President, I have heard those words before. In many cases in past history, those words have been a lot stronger than our deeds. That bothers this Senator. I look back at some of the terrorist activity that has happened in the Middle East over the last few years directed at the U.S. citizens and soldiers, and I am thinking: Wait a minute, I have heard those exact same words: We are going to hold these people accountable. And I look at what has happened.

In 1993, we had President Bush—at that time he was former President Bush. He traveled to Kuwait in April of 1993. He was there April 14 through 16. The Kuwaiti Government captured a van loaded with 180 pounds of explosives. This was an attempt to assassinate former President Bush. This administration launched 23 cruise missiles to show they were really upset about that, most of which hit in the sand; some may have hit the targets, or at least they are saying that—but a pretty mild response.

Again, was it directly targeted at those people who were directly responsible, or was it the United States kicking up and showing, well, we are a little peeved about this? Did we hold those people directly responsible who tried to assassinate President Bush? The answer is no. Did we capture those people who were directly involved in that? I believe the answer is no.

If the intelligence community knows more about this than I do, I would be happy for them to inform this Senator. But I do not believe the individuals who were directly involved in that terrorist activity were held accountable, that they were tried, that they were punished for that action.

What about the bombing of Khobar Towers? This happened June 25, 1996 as a result of a car bomb. The destruction looked very similar to the bombing in Oklahoma City, another car bomb that blew up the Federal building in Oklahoma City and killed 168 people. The car bomb outside the Khobar Towers killed 19 Americans, and it wounded 364.

I remember the President, I remember the Secretary of Defense, I remember the Secretary of State say: We will not stop until these cowards are brought to justice.

How many people have been brought to justice from the Khobar Towers bombing of 1996? The answer is, no one. The answer is, one person has been arrested. He is now in a Saudi jail—one person. A lot more than one person was responsible for the Khobar Towers bombing, a lot more than one person.

What has been the result? Have we held people accountable? No. That was the most massive terrorist attack against military personnel, certainly since the bombing in Lebanon. What did we do? Well, basically nothing. Basically nothing.

What about the bombings of the Embassies in Kenya and Tanzania? That was August 7, 1998. Bombs exploded at the U.S. Embassies in both Kenya and Tanzania, killed 252 people, including 12 Americans. Again, we heard this President, this Secretary of State, this Secretary of Defense say: We will hold them accountable. What did we do? Once again, we lobbed some cruise missiles, and we hit, I guess, a terrorist camp in Afghanistan. I guess the principal terrorist we were aiming at was not there. Maybe some people were killed. Maybe those people were directly involved in the bombing; maybe they weren't. That is not very targeted, in my opinion. We also bombed a pharmaceutical plant that we may be making significant payments on because people determined maybe it wasn't directly involved. I don't know.

My point is, this administration has made very strong statements that we are going to hold people accountable for attacking U.S. facilities, U.S. soldiers. We did it again with the U.S.S. *Cole*. Frankly, we haven't done it. Our country hasn't done it. Maybe we lobbed some cruise missiles and maybe we directly or indirectly hit some people who might have been responsible, but it is a little questionable.

I think it almost sends a signal of weakness, if we don't hold people accountable. I think the rhetoric has been good. I think the language has been good. I don't think the results have been good. I think if there is a U.N. resolution that is biased and anti-Israel, it should be vetoed. I certainly believe we should find out those people who are responsible for the bombing of the U.S.S. *Cole*, and we should hold them accountable. We should find the people who are responsible for the bombing of the Khobar Towers, and we should hold them accountable. They should pay a penalty, a price, and, frankly, that has not happened.

I see my colleague wanting to speak.

Mr. LAUTENBERG. If the Senator will allow me a few minutes, I appreciate that. It is very nice of him to do so.

I listened carefully. I have respect for our friend from Oklahoma. He has been here, despite his youth, for a long time. He knows how this place works.

President Bill Clinton went immediately to the scene of the violence, to Egypt, to the region where so much is taking place, to plead and beg and to force a peaceful resolution, to stop the violence. That is what he said: Stop the violence. He wasn't drawing the terms. It is not fair to say that we have done nothing.

We went into Afghanistan with bombs. We attacked what we thought was the appropriate target. Yes, we missed when we went to the Sudan, but is that a criticism of our troops, of our pilots? Are they saying that mistakes don't happen in conflict or in a wartime exercise? I am not talking about practice. I am talking about the exercise of defense. Would we restrict the rights of our citizens to travel? Do we say that our warships can't circulate around the world? Do we say we have to stay home, come back here and just hide in our harbors so that we don't have any problems? Our people who enlist always know there is some-risk. They have been asked to do tough duty.

I am not sure about how the votes went when we decided to go to Kosovo, in deference to my colleague and friend from Oklahoma. I think there was a vote not to go to Kosovo by lots of people. I am not sure how the Senator from Oklahoma voted, but I do know there was sharp resistance: It was not in our national interest to stop the killing; it wasn't in our national interest to be on the side of antigenocide, to stop the mutilation of communities and families and people and the abuse of women, the likes of which has rarely been seen in history.

It is not fair to say we have done nothing. We have tried. We have sent dozens of investigators to Yemen, and we have already made some progress. It is in the papers. I am not telling anything from the Intelligence Committee. But we have already found explosives in an apartment there. We are on the trail.

When Pan Am 103 went down, brought down by terrorists, we found, from the tiniest fiber of thread from a jacket, people who were the likely perpetrators.

This is not an idle administration. I would never say, because I am a Democrat and we have a Republican President, that there were times that I voted against going to war. There were times that I voted going for it. Because whenever I have a vote such as that, I look to the eyes of my son, when he was 22, and I say: This isn't a war I would send you to and, therefore, I am not sending other parents' sons. I enlisted when I was 18. My father was on his deathbed. My mother was 36 years old. I felt it was my responsibility to serve my country.

I think one has to be careful when we start suggesting that nothing is happening. As to the Khobar Towers, the example the Senator cited, it is outrageous that we haven't found the perpetrators of those killings of our troops. But I want to point a finger at Saudi Arabia, the country that we sent our troops to protect in 1990. We sent them out there, 450,000 or maybe even over 500,000, to protect the Saudis, our good friends, who are holding us by the throat with their oil prices. That is where they are. What have they done to help us find the perpetrators of the murder of our troops? Not very much, I can tell you that.

I have watched this very closely. So I will point fingers where they belong. Those pointed fingers didn't belong against the Bush administration who served until 1992 and they don't belong at the Clinton administration. Those examples are invalid.

We have done what we have to do. We are fully committed, every one of us, to finding those who did that dastardly bombing against the U.S.S. *Cole*. I predict we will find them, and we are going to get help from people we never expected. When the trade towers went down in New York City, I was commissioner of the port authority. We had offices, before I came to the Senate, in that building. Unfortunately, a couple of the perpetrators came from my side of the Hudson River. But we searched until we found the people, just as we did in Oklahoma. We searched until we found the people. We can't push buttons and instantly solve these crimes that are planned by crazies, masterminded by people who have lots of skills in the wrong areas.

We do our share; we really do. I think it is unfair to cast a net. Yes, I disagree with the decision on the vote of the U.N., but I trusted this administration, I trusted our Government to say, OK, the reason we don't want to do it is to create a further imbalance, to further enrage the Palestinian young people, to further the violence that is going on there. We have hopes for peace. Our mission is peace, not to make more war.

So while we disagree—in hindsight it is always easy to disagree—the fact is, President Clinton picked up bag and baggage, went there overnight to try to bring the parties together. He is not disengaged by a longshot. We are not taking the Palestinian side in any issue. We are friends of Israel, but we are also cognizant that the Palestinians are humans. We don't want harm brought to them, either.

I am sorry to get so passionate about this, but I have strong views and I just disagree with our colleague from Oklahoma.

Mr. NICKLES. Mr. President, I didn't hear total disagreement. I think I heard my colleague say he agreed with me that the administration should have vetoed the U.N. resolution that strongly condemned Israel and was silent about Palestinian violence. We agree.

I think he also said he agreed with me that we should be very assertive in trying to find those people responsible for the Khobar Towers, for that bombing that was so damaging, that killed 19 Americans, wounded a couple hundred others. We haven't had success. He is critical of the Saudi Government. So am I.

The point being, our language and our rhetoric in some cases has exceeded our results. When we had two American embassies that were bombed, what did we do? We lobbed a few cruise missiles. We don't know if those hit the people who were directly responsible or not.

The point is, if you are going to hold people accountable, you want to hold the people who are directly accountable for committing the crime against American citizens who killed American citizens, and we haven't done that in the two latest cases of terrorism. Frankly, if you don't hold them accountable, I think that sends a bad signal.

I would agree with my colleague from New Jersey, we should certainly hold people accountable for the U.S.S. *Cole*. Likewise we should hold people accountable on Khobar Towers and on American embassies, and that hasn't happened yet. That was my point.

THE AGRICULTURE CONFERENCE REPORT

Mr. NICKLES. Mr. President, I want to comment on the Agriculture conference report that just passed overwhelmingly today in the Senate. It already passed the House and it will be going to the President to be signed. In my opinion, there are a couple of provisions in this bill that really should not have been included and are serious mistakes that may come back to haunt Congress or will require Congress to change their actions.

One of them deals with private contracts. I happen to believe very strongly in private contracts. I came from the business sector, the private sector. When Congress interferes in private contracts, it ought to have a good reason. It ought to know what it is doing. Frankly, it should hardly ever do so. In this case, we put some language in this bill that I venture to say very few of our colleagues—maybe only a couple—even know it exists or what its ramifications will be.

There is language in the Agriculture conference report that doesn't deal with Agriculture but deals with reimportation of drugs. Yes, we debated reimportation language on the Senate floor, but we didn't debate this contracting issue.

Senator JEFFORDS offered an amendment dealing with reimportation of drugs. However, the amendment offered by Senator JEFFORDS contained some serious flaws, which led me to oppose the amendment. For example, the original Senate language included a provision that would have established two separate standards for drugs that were sold in the United States. One standard, which is current law, with regard to drugs that are manufactured and sold in the U.S. And a separate, and in my opinion, inferior standard for drugs that are imported or reimported into the U.S. Fortunately, the conference agreement corrected the flaws of the original Jeffords language and will require that all drugs, including those imported by businesses other than the manufacturer, must fully comply with Section 505 of the Federal Food, Drug and Cosmetic Act. This means that every importer must ensure that all safety standards which are included in a new drug approval application (NDA) are fully met for every drug which is imported into the U.S. Additionally, the conference agreement retained Senator COCHRAN's amendment that perfected and improved the Jeffords amendment to require that the Secretary ensure that if drugs are imported, U.S. safety standards will be used to ensure that these drugs pose no risk to the public health and that consumers will benefit from any potential savings prior to this law going into effect. I supported the Cochran amendment and I am pleased that this bill included that language.

However, in conference, new language was added that was not in either the House bill or the Senate bill. It wasn't in any of the language adopted on the Senate floor. This language states:

> No manufacturer of covered products—[prescription drugs]—may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products under this subsection.

What does that mean? Well, it means that this Congress could either abrogate or direct contracts which don't meet this new federal test. I think that is a serious problem. This could make it illegal for a patent holder to insert a clause into a private licensing agreement with a foreign distributor that prevents a foreign distributor from reselling that product for any reason.

This proposal could prohibit any private agreement that limits or restricts the sale of drugs, including quantities, territories, resale conditions, or other normal terms of commerce.

I think this Congress is inappropriately intruding into commerce in ways that we don't have any idea what we are doing, what the ramifications may be and may in fact be unconsitutional. But that's not all. Additionally, the language we have adopted would direct the U.S. Government to sanction companies that structure their business relationships with foreign distributors in a manner inconsistent with the legislation. A lot of these businesses have been doing business with people to resell their drugs, and we are going to say they are not doing it right so we can fine them. We may in fact require them to sell to anybody. Can they resell in any way they want to? Not according to this language. So a manufacturer can lose total control of its products and this may at some point result in a number of counterfeit drugs and other safety problems. How is this type of provision consistent with the basic concept of private property and freedom to contract? It is not. It really makes no sense. Have we had any hearings on this? No. If you restrict this kind of contract for pharmaceutical companies, why in the world can't you do it for any other contract? So somebody says, wait a minute; this just deals with pharmaceutical products. Frankly, if Congress can insert itself into contracting language, are we going to do the same thing on contracts between auto dealers or other private business.

There is a little bill floating around that would try to do that. We can do it on other contracts where maybe we deem we have superior wisdom to all the business groups out there or anybody who has a contract, that we know better. What does this language mean? What is its impact? We are going to go and give the authority to fine somebody if they don't comply. Wow. This is in an appropriations bill. It didn't come through the Judiciary Committee or a committee composed of people who work on contracts or work on judicial issues. We are setting up that kind of a program, and I am embarrassed for us to do that.

This type of legislating sets a horrible precedent for other businesses as well. It is not appropriate for this Congress to force American manufacturers to sell their products to consumers that they do not want to sell to under contract terms that the federal government approves. This type of requirement is unfair and lacks common sense. I predict it will raise serious constitutional questions as well and may interfere with the exercise of intellectual property rights. It is unfortunate that this language was included in this bill. I think this is a serious mistake.

It is somewhat similar to another mistake, in my opinion, included in this bill, which is title X, the continued dumping and subsidies offset. It is a brand new provision. It is a provision inserted in the Agriculture conference. It deals with subsidies and with dumping. Those are trade issues, trade sanctions, usually handled in the Ways and Means Committee in the House and the Finance Committee in the Senate. This didn't go through either. I will tell my colleagues this provision could not pass the Finance Committee. It could not pass the Ways and Means Committee.

This runs directly contrary, frankly, to free trade and the idea of trying to expand trade. This says if you have a dumping complaint, and if you happen to win, the benefits go back directly to that company, directly to the individuals involved. So there is a reward and incentive that if you file a dumping complaint and win, you will receive benefits. This encourages lawsuits on dumping because you can win the "lottery." Here they come. It doesn't make sense. It is probably not WTO consistent. This says "consistent with the rights under the World Trade Organization." I venture to say that it is not consistent with WTO rights in any way, shape, or form. It will probably be thrown out by the courts.

Why are we doing this? I am on the Finance Committee, and did we have a hearing on this? No, we did not. Did the Ways and Means Committee have a hearing on this? I don't believe so. But all of a sudden, it is inserted into a conference report which is not amendable. Some colleagues say they don't like this process. I don't like this process either. I think it is bad legislation. I think it can come back to haunt us, and we could be talking about hundreds and hundreds of millions of dollars from this provision alone.

Again, how many colleagues are even aware that this is in the bill? We have committees of jurisdiction, such as the Judiciary Committee, that should be dealing with contracts and they should have handled this contracting issue. My guess is that they would have scrubbed it and done a better job. The Finance Committee, which deals with trade, would totally reject this idea of rewarding people if they file successful dumping lawsuits.

Mr. President, it is with regret that I say there are other aspects of this Agriculture appropriations bill, which has grown substantially, that bother this Senator. We would end up passing a bill that increases budget authority over the President by 22 percent in outlays and 24 percent in budget authority. That bothers me. It bothers me when we see growth in the discretionary portion of this bill to that extent—to be growing at 24 percent I don't think is affordable or responsible. I could go on.

Also, there are expansions of entitlements. I remember earlier this year when we passed emergency assistance, and we busted that. We busted it big time. I understand there are a lot of problems. We had a drought as bad as anybody. Texas suffered from a drought and so did we. This is fiscally irresponsible, in my opinion. And because of the provision dealing with dumping and the abrogation of contracts, or the changing of contracts, and the total cost of this bill, regretfully, this Senator had to vote against the Agriculture conference report.

I see my colleague from Alabama is here. I am prepared to wrap up. How long does he wish to speak?

Mr. SESSIONS. Fifteen minutes.

Mr. NICKLES. I will give the Senator from Alabama the pleasure of closing the Senate then.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama is recognized.

THANKING THE ASSISTANT MAJORITY LEADER

Mr. SESSIONS. Mr. President, the assistant majority leader is becoming the conscience of this Senate. It is a thankless task to say no on bills as popular as the Agriculture bill—something that was important for my State. I voted for it and I respect it. I think it is also important if we are going to have any respect for our ultimate budget requirements, the people in our leadership need to stand up and speak out, and I appreciate him doing so. He provides great leadership for us.

CONGRESS' OVERSIGHT RESPONSIBILITIES

Mr. SESSIONS. Mr. President, I am concerned that we as a Congress have not been as effective in our oversight responsibility as we should. I want to share some remarks on that subject in a minute. The distinguished assistant majority leader made some remarks about our failure to identify, prosecute, and hold to account individuals who have committed terrorist acts against American service men and women and citizens. That is an important issue. In fact, we have not been effective at it.

I remember when the attack was made on the Sudan pharmacy, the pill factory there. I remember the attack made on the facility in Afghanistan not long after that. The committee on which I serve had a hearing where the Director of the FBI, Louis Freeh; former Director of the CIA under President Clinton, Mr. Woolsey; and Jean Kirkpatrick discussed that event.

Prior to that time, I had publicly stated that I did not believe President Clinton had utilized these attacks to distract attention from the domestic problems he was having at home. People were suggesting it was a "wag the dog" syndrome—an attack that may not have been justified but helped distract public attention from his own troubles. I said no about that. But I must admit after having heard at that hearing these distinguished Americans discuss how that attack was conducted that I was very troubled. I really did not believe it made a lot of sense to just lob missiles into a factory and hope that was justified factually; that it was a factory that may have had something to do with it; and, who would be injured. That kind of thing was very troubling, and certainly had no realistic impact or potential to hurt Bin Laden who may have been involved in that. In fact, he is under indictment now for terrorist acts.

Then in Afghanistan, we just shot off some missiles. We don't know whether or not anybody was hurt. That is all it was. So we retaliated. We had done something. We didn't really do anything. That is the fact. We really did not do anything. Nobody involved in that terrorist act that we know of to this day has been held to account because of it.

We have to be prepared to work hard to identify who was involved in those activities, and to do everything we can to arrest them and bring them into custody, and, if not and if they resist, to be able to take them out wherever they may be.

That is just the plain fact of it. Bin Laden, for example, has openly declared war on the United States. The attack on this vessel—the U.S.S. *Cole*—was more than just a terrorist attack. It was an act of war. We have every right, and we have a duty as any great nation does to defend itself and its ability to send its ships on the open seas, and to enter port in which it should be safe. We have every right, and we have a duty to respond to that. If we don't do so, who will be next? Who else will be hurt? I left the memorial service at Norfolk just today. It was a very moving ceremony with all of those sailors standing on the *Eisenhower*. When the Chief of Naval Operations for the Atlantic finished his speech, he said, "Remember the *Cole*." When the ceremony was over, one of those sailors on that great aircraft carrier yelled "Remember the *Cole*." It is our responsibility to remember those 17 who are no longer with us and the ones who are injured. We cannot allow this kind of activity time and time and time again, as Senator NICKLES said, to be carried out and nothing happen.

I am glad he talked about that. We need to do better.

OVERSIGHT OF GOVERNMENT BUILDINGS AND LEASES

Mr. SESSIONS. Mr. President, I believe it is our responsibility as Members of Congress to do unglamorous work called oversight. It is our duty to make sure our governmental agencies are, on a daily basis, spending money wisely and not ripping off the American taxpayer. I believe that is a constitutional duty. I believe we are legitimately criticized in this body for not being more aggressive about that. I have tried to resolve it. I am going to do better. I am going to take some action with regard to what I consider to be poor expenditures of money.

I initiated a project in my office I call "Integrity Watch." We examine suspected cases of waste, fraud, and abuse in the Federal Government. I think that is healthy.

I have exposed the enormous costs associated with the building of a new United Nations mission in New York. That building came in at $88 million. It is nothing more than an office space for governmental employees who work at the U.N., and for two-thirds of the year almost half as many people are there. Only half the year will the space be nearly utilized.

It came in on a per square foot basis as the most expensive building that this Government has ever built—more expensive than our great Federal courthouses, some of which have been criticized like the one in Boston. It is more expensive per square foot than those great Federal courthouses.

Today I alert my colleagues to a problem I have noted. I hope we are not seeing a pattern of abuse of taxpayers.

The General Services Administration, the Government's landlord, is responsible for purchasing, leasing, and refurbishing the buildings that house Federal agencies and Departments. My concern is that too often Congress is simply rubber stamping leasing requests of GSA without exercising careful oversight responsibilities. Specifically, I am concerned about the proposed expenditure of Federal funds to lease space for the Department of Transportation and the procedure being used in that process.

In 1996, GSA came to Congress to receive authorization to secure a new lease for DOT. The current lease was to expire on March 31 of 2000. The prospectus GSA provided to Congress was very simple. It plainly stated that GSA "proposes a replacement lease of 1,199,000 to 1,320,000 rentable square feet of space and 145 official inside parking spaces for the Department of Transportation."

That was basically it.

On November 6 of 1997, the Senate Committee on Environment and Public Works, of which I was a member at that time, approved a resolution authorizing GSA to secure an operating lease for the headquarters. The resolution was just as simple as the prospectus. It was a one-page resolution authorizing GSA to enter into an operating lease not to exceed 20 years for approximately 1.1 million net usable square feet of space plus 145 official parking spaces at an estimated annual cost of $55 million plus escalations.

Almost 2 years after GSA was given the go-ahead to procure the lease, the agency issued a 250-page solicitation for offers asking people to make proposals to secure this space for DOT. Buried in this SFO—Solicitation for Offers—are a number of alarming statements used by GSA in making its decision which may have a profound impact on the cost and the quality of the building, and, more importantly, the expense that we as taxpayers will pay over the next few decades.

It strikes me that GSA may well be deliberately ignoring their 1997 mandate, or at least violating the spirit and intent of the congressional authorization. One only needs to review the 250-page SFO to determine that GSA has decided unilaterally to go far beyond what they were authorized to lease by Congress.

Specifically, the requirement in the SFO that proposals are to provide a level of quality consistent with "the highest quality commercial office buildings over 250,000 square feet in Washington, DC."

I don't believe a Federal office building has to be equal to the highest quality private office space in this city. Federal dollars are paying for the building—taxpayer dollars—and that requirement cannot be justified.

Additionally, the congressional authorizing resolution said nothing about GSA securing a lease equal to the highest quality commercial building. They weren't given that commission.

I am also concerned about what appears to be the lavish excesses included in the performance specifications. Just for example, the SFO explains that the passenger elevators—this is not a ceremonial building; this is an office building—are to be made of "premium quality natural stone or terrazzo," and that the walls in each passenger elevator are to be "a combination of premium quality architectural wood paneling, premium quality natural stone, and finished metal."

I think this shows a real sense of disconnect from the American people, even of arrogance. Most families in the United States work hard to achieve the American dream of building and owning a home but can't afford to place "premium quality architectural wood paneling" in their home. Why should their hard-earned tax dollars that are extracted from them be spent so that Government workers can ride up and down these elevators with "premium quality natural stone" floors?

Additionally, I am concerned that other Government agencies will come to expect this same "highest quality, best-in-class" office space in Washington, DC, whether in a leased or renovated Government building. This could have a snowballing effect and create a procurement and budgetary drain on the country.

I am also disturbed by GSA's clear statement that price and cost to the Government are significantly less important than the scoring on technical factors.

In Alabama, families who are building a home first start with a budget. Once they begin to design a home, if they cannot afford a "premium quality natural stone or terrazzo" floor for the dining room, they may be forced to settle for a less expensive alternative. For the majority of families in this country, price and cost are the determining factors in all their decisions when they are building a new home. Why should the Government think it should act differently?

It is my belief that among the finalists who can clearly and credibly show that they meet the space and program requirements of the SFO, price and cost should clearly be the determining factor ultimately in making the lease award. To select a building on any other basis than best value seems, to me, quite unjustifiable.

In the next few weeks, GSA will make their decision on the location of the Department of Transportation headquarters building. I will be sending a letter to Senator BOB SMITH, the outstanding chairman of the Senate Committee on Environment and Public Works. I thank Chairman SMITH for taking a hard look at the U.N. building, too, in his role as the committee chairman. I will ask him and his committee to work with me to look into the procedures and standards that were passed by Congress in 1997 versus the solicitation for offer being used by GSA today for the Department of Transportation building.

I am afraid that under the current system, GSA is working with vague guidelines from Congress, very vague guidelines. In fact, their language, as I noted earlier, was "$55 million plus escalations." That is not a crack in the door. That is a wide-open door, big enough to drive a truck through. I think they are using these vague guidelines, and these guidelines allow them to be free to set their own standards, potentially allowing them to commit to a building of unjustifiable expense.

I believe this Congress has a responsibility to our constituents to oversee and ensure all Government leases and all Government expenditures across the board, and that they are awarded to provide the Government the best quality. If we refuse to look at this, I believe we will have failed the taxpayers who will be paying for this bill. We will be potentially burdening them with an exorbitant price tag for simple office space beyond reason and justification.

I believe if we allow GSA to proceed with their current plans, we will not have followed through on our requirements of oversight to ensure that these moneys for lease space are properly approved. We want good space for the employees at the Department of Transportation. I hear they are happy where they are. They are not asking to go to a new building or have a new building. We need to be sure that we give them a new 15-year lease, wherever it is, and that it is comparable in price. We ought not to spend a whole bunch of money to get a fancy new building somewhere at much greater expense than what they have if they are happy where they are. This is not a building that is old; it is about 30 years old. We need to look at that. I will be writing the chairman. I think we need to talk more about that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 659, John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

I further ask unanimous consent the nomination be confirmed, the motion to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

CENTRAL INTELLIGENCE

John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER FOR STAR PRINT

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. Res. 376, previously agreed to, be modified and star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT

Mr. SESSIONS. I further ask unanimous consent that the report to accompany S. 2580 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZING GRANTS UNDER THE WATER RESOURCES RESEARCH ACT OF 1984

Mr. SESSIONS. I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 4132, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4132) to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4132) was read the third time and passed.

RELEASE OF MR. EDMOND POPE

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 404, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 404) calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 404) was agreed to.

The preamble was agreed to.

RECOGNIZING AND ADMITTING ISRAEL'S MAGEN DAVID ADOM SOCIETY

Mr. SESSIONS. I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 863, S. Res. 343.

The PRESIDING OFFICER. The clerk will report the resolution by title.

A resolution (S. Res. 343) expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society, with its emblem, the Red Shield of David.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas Israel's Magen David Adom Society has since 1930 provided emergency relief to people in many countries in times of need, pain, and suffering, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable humanitarian services in Kosovo, Indonesia, Ethiopia, and Eritrea, as well as Greece and Turkey in the wake of the earthquakes that devastated these countries;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member, with its emblem;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protective emblems under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions," and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949;

Whereas in the six fiscal years 1994 through 1999, the United States Government provided a total of $631,000,000 to the International Committee of the Red Cross and $82,000,000 to the International Federation of Red Cross and Red Crescent Societies; and

Whereas in fiscal year 1999 alone, the United States Government provided $119,500,000 to the International Committee of the Red Cross and $7,300,000 to the International Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Red Cross and Red Crescent Movement;

(2) the International Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society;

(3) the Magen David Adom Society should not be required to give up or diminish its use of its emblem as a condition for immediate and full membership in the International Red Cross and Red Crescent Movement; and

(4) the Red Shield of David should be accorded the same recognition under international law as the Red Cross and the Red Crescent.

CONDEMNING THE ASSASSINATION OF FATHER JOHN KAISER

Mr. SESSIONS. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 146, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 146) condemning the assassination of Father John Kaiser and others in Kenya and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consents the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 146) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's "overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

225TH BIRTHDAY OF THE U.S. NAVY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 373, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 373) recognizing the 225th birthday of the United States Navy.

There being no objection, the Senate proceeded to consider the resolution.

• Mr. GRAMS. Mr. President, today it is my pleasure to pay tribute to the United States Navy as it celebrates the 225th anniversary of its founding. The Navy can be proud of a distinguished heritage, a heritage longer than that of the United States itself. Because of the dedicated service of our nation's sailors, Americans can feel secure that our shores are free from foreign aggression, and the world's oceans and seaways are open for peaceful commerce. The recent terrorist attack on the U.S.S. *Cole*, resulting in the death or presumed death of 17 sailors, reminds us of the personal risk that the members of our Navy bravely face every day, in peacetime as well as wartime.

On October 13, 1775, the Second Continental Congress authorized the acquisition of ships and establishment of a navy. Within a few days, a Naval Committee was established to coordinate the purchase of ships and the recruitment of personnel, and to draft rules regulating the Navy's administration. Although the Continental Navy of the Revolutionary War was rather humble compared to today's Navy—it was made up of only 40 vessels at its peak—it played an important role in the miraculous success of the American Revolution. The Navy was able to seize almost 200 British ships as prizes, including many off the British coast, and this forced the British to divert valuable warships to the protection of transport convoys. It was in one of these raids that the legendary John Paul Jones uttered his immortal words: "I have not yet begun to fight!" And this spirit of unflagging courage and selfless discharge of duty has animated the hearts of every sailor since.

Our Founding Fathers saw the role of the Navy as important enough to merit specific mention in Article I, Section 8 of the Constitution, which empowers Congress to "provide and maintain a Navy." As American history has unfolded since then, the U.S. Navy has distinguished itself in every major armed conflict in the history of our country, from the War of 1812 and the Civil War all the way to the Gulf War and the conflict in Kosovo.

As we enter the 21st century, the U.S. Navy is without question the preeminent sea power in the world. On October 2, 2000, the active fleet contained 318 ships and 4,108 aircraft, and over 373,000 active-duty personnel filled the Navy's ranks. The U.S. Naval Academy in Annapolis provides its midshipmen with an academically rigorous curriculum, and no less important, leadership and character development. This rigorous preparation continues at a more advanced level at the Naval War College, which teaches the latest naval doctrine and strategy to senior and mid-level officers. Thanks to these prestigious institutions, the U.S. Navy boasts the finest and best qualified naval officers in the world, and the ability to face with confidence any challenge to American security.

According to the Navy, its mission is to "maintain, train and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas." No matter where a sailor serves, whether on an aircraft carrier, submarine, battleship, cruiser, or naval base, his or her contribution is vital to fulfilling this mission. The Navy's worldwide reach allows our country to maintain U.S. national security through dominance of the seas, a dominance made possible by a combination of highly trained service members and highly sophisticated technology.

I'd like to take this opportunity to thank in particular those Minnesotans who have served, or are currently serving, in the Navy. I am proud of them, and they should know that their sacrifices on behalf of the cause of freedom are not taken for granted by their friends and neighbors in Minnesota.

I'm sure my colleagues will join me in recognizing the rich heritage and dedicated service of the United States Navy on its anniversary.●

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 373) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 373

Whereas on Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution which stated "That a swift sailing vessel, to carry ten carriage guns, and a proportionable number of swivels, with eighty men, be fitted, with all possible dispatch, for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct.";

Whereas the founders recognized the essential nature of a Navy to the strength and longevity of the Nation by providing authority to Congress "To provide and maintain a Navy" in article I of the Constitution;

Whereas a Naval Committee was established to build a fitting Navy for our fledgling country, acquire and fit out vessels for sea, and draw up regulations;

Whereas the Continental Navy began a proud tradition, carried out for 225 years by our United States Navy, to protect our island Nation and pursue the causes of freedom we hold so dear;

Whereas, for the past 225 years, the central mission of the Navy has been to protect the interests of our Nation around the world on the high seas, to fight and win the wars of our Nation, and to maintain control of the sea lines of communication enabling this Nation and other free nations to grow and prosper;

Whereas, whether in peace or at war, United States citizens around the world can rest assured that the United States Navy is on watch, ever vigilant, and ready to respond;

Whereas, for the past 225 years, Navy men and women, as both ambassadors and warriors, have won extraordinary distinction and respect for the Nation and its Navy on the high seas, among the ocean depths, on distant shores, and in the skies above;

Whereas the core values of "Honor, Courage, and Commitment" are the guides by which United States sailors live and serve;

Whereas the United States Navy today is the most capable, most respected, and most effective sea service in the world;

Whereas 75 percent of the land masses in the world are bounded by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our Naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of the support of the United States of America; and

Whereas, no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 225th birthday of the United States Navy;

(2) expresses the appreciation of the people of the United States to the Navy, and the men and women who have served in the Navy, for 225 years of dedicated service;

(3) honors the courage, commitment, and sacrifice that Americans have made throughout the history of the Navy; and

(4) gives special thanks to the extended Navy family of civilians, family members, and loved ones who have served and supported the Navy for the past 225 years.

UNANIMOUS CONSENT AGREEMENT—S. 2508

Mr. SESSIONS. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the minority leader, the Senate proceed to the consideration of Calendar No. 723, S. 2508 and it be considered under the following terms: 30 minutes for debate on the bill equally divided in the usual form; the only amendments in order be a substitute amendment No. 4303, submitted by Senator CAMPBELL. Further, I ask unanimous consent that a Feingold amendment be in order to the substitute relative to non-Indian water users and limited to 30 minutes equally divided in the usual form.

I further ask unanimous consent that following the above debate time, the Senate proceed to vote in relation to the Feingold amendment; further, the substitute amendment then be agreed to, as amended, if amended, the bill then be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 760, S. 1639.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1639) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earth, Wind, and Fire Authorization Act of 2000".

TITLE I—EARTHQUAKE HAZARDS REDUCTION ACT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking "and" after "1998"; and

(2) by striking "1999." and inserting "1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 shall be used to support the National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,953,000 for the fiscal year ending September 30, 2002; and $22,105,000 for the fiscal year ending September 30, 2003.".

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $47,360,000 for fiscal year 2001; $49,965,000 for fiscal year 2002; and $52,713,000 for fiscal year 2003.";

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999;"; and

(4) by inserting after paragraph (2) the following:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,".

(c) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, and (5) $19,000,000 for engineering research and $11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation $20,045,000 for engineering research and $12,555,000 for geosciences research for fiscal year 2002 and $21,147,000 for engineering research and $13,246,000 for geosciences research for fiscal year 2003.".

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Eearthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, $2,332,000 for fiscal year 2001, $2,460,000 for fiscal year 2002, and $2,595,300 for fiscal year 2003.".

SEC. 102. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 103. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2001;

"(B) $33,700,000 for fiscal year 2002;

"(C) $35,100,000 for fiscal year 2003;

"(D) $35,000,000 for fiscal year 2004; and

"(E) $33,500,000 for fiscal year 2005.

"(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2001; and

"(B) $10,300,000 for fiscal year 2002.".

SEC. 104. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish a Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through net-working software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, $28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

"(1) $24,400,000 for fiscal year 2002;

"(2) $4,500,000 for fiscal year 2003; and

"(3) $17,000,000 for fiscal year 2004.".

SEC. 105. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking "in this paragraph" in the last sentence of paragraph (1) of subsection (b) and inserting "in subparagraph (E)"; and

(3) by adding at the end the following new subsection;

"(c) BUDGET COORDINATION.—

"(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 106. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 107. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 108. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

TITLE II—NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT

SEC. 201. DEFINITIONS.

For purposes of this title, the term—

(1) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(2) "Secretary" means the Secretary of Commerce.

SEC. 202. NATIONAL WEATHER SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities activities of the National Weather Service $634,872,000 for fiscal year 2001, $669,790,000 for fiscal year 2002, and $706,628,000 for fiscal year 2003, to remain available until expended. Of such amounts—

(1) $466,471,000 for fiscal year 2001, $492,127,000 for fiscal year 2002, and $519,194,000 for fiscal year 2003 shall be for Local Warnings and Forecasts;

(2) $1,000,000 for fiscal year 2001, $1,055,000 for fiscal year 2002, and $1,113,000 for fiscal year 2003 shall be for Advanced Hydrological Prediction System;

(3) $619,000 for fiscal year 2001, $653,000 for fiscal year 2002, and $689,000 for fiscal year 2003 shall be for Susquehanna River Basin Flood Systems;

(4) $35,596,000 for fiscal year 2001, $37,554,000 for fiscal year 2002, and $39,619,000 for fiscal year 2003 shall be for Aviation Forecasts;

(5) $5,250,000 for fiscal year 2001, $5,539,000 for fiscal year 2002, and $5,843,000 for fiscal year 2003 shall be for Weather Forecast Offices (WFO) Facilities Maintenance;

(6) $38,001,000 for fiscal year 2001, $40,091,000 for fiscal year 2002, and $42,296,000 for fiscal year 2003 shall be for Central Forecast Guidance;

(7) $3,068,000 for fiscal year 2001, $3,237,000 for fiscal year 2002, and $3,415,000 for fiscal year 2003 shall be for Atmospheric and Hydrological Research;

(8) $38,802,000 for fiscal year 2001, $40,936,000 for fiscal year 2002, and $43,188,000 for fiscal year 2003 shall be for Next Generation Weather Radar (NEXRAD);

(9) $7,423,000 for fiscal year 2001, $7,831,000 for fiscal year 2002, and $8,262,000 for fiscal year 2003 shall be for Automated Surface Observing System (ASOS); and

(10) $38,642,000 for fiscal year 2001, $40,767,000 for fiscal year 2002, and $43,010,000 for fiscal year 2003 shall be for Advanced Weather Interactive Processing System (AWIPS).

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction activities of the National Weather Service $75,360,000 for fiscal year 2001, $77,754,000 for fiscal year 2002, and $71,012,000 for fiscal year 2003 to remain available until expended. Of such amounts—

(1) $9,580,000 for fiscal year 2001, $16,798,000 for fiscal year 2002, and $15,931,000 for fiscal year 2003 shall be for Next Generation Weather Radar (NEXRAD).

(2) $5,125,000 for fiscal year 2001, $5,125,000 for fiscal year 2002, and $5,125,000 for fiscal year 2003 shall be for Automated Surface Observing System (ASOS).

(3) $17,300,000 for fiscal year 2001, $17,300,000 for fiscal year 2002, and $9,645,000 for fiscal year 2003 shall be for Advanced Weather Interactive Processing System (AWIPS);

(4) $13,085,000 for fiscal year 2001, $17,505,000 for fiscal year 2002, and $19,285,000 for fiscal year 2003 shall be for Center Computer Facilities Upgrades;

(5) $7,000,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, and $7,000,000 for fiscal year 2003 shall be for Radiosonde Replacement;

(6) $9,526,000 for fiscal year 2001, $9,526,000 for fiscal year 2002, and $9,526,000 for fiscal year 2003 shall be for Weather Forecast Office (WFO) Construction;

(7) $6,244,000 for fiscal year 2001, $4,500,000 for fiscal year 2002, and $4,500,000 for fiscal year 2003 shall be for NOAA Weather Radio Expansion; and

(8) $5,500,000 for fiscal year 2001 shall be for the Evansville Infrastructure Protection.

SEC. 203. ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Operations, Research, and Facilities environmental research and development activities of the Office of Oceanic and Atmospheric Research $201,963,000 for fiscal year 2001, $213,071,000 for fiscal year 2002, and $224,790,000 for fiscal year 2003 to remain available until expended.

(2) CLIMATE AND AIR QUALITY RESEARCH.—Of the amounts authorized under paragraph (1), $154,356,000 for fiscal year 2001, $162,846,000 for fiscal year 2002, and $171,802,000 for fiscal year 2003 shall be for Climate and Air Quality Research, of which—

(A) $14,986,000 for fiscal year 2001, $15,813,000 for fiscal year 2002, and $16,683,000 for fiscal year 2003 shall be for Interannual and Seasonal Climate Research;

(B) $30,525,000 for fiscal year 2001, $32,204,000 for fiscal year 2002, and $33,975,000 for fiscal year 2003 shall be for Long-Term Climate and Air Quality Research;

(C) $67,095,000 for fiscal year 2001, $70,785,000 for fiscal year 2002, and $74,678,000 for fiscal year 2003 shall be for Climate and Global Change;

(D) $5,000,000 for fiscal year 2001, $5,275,000 for fiscal year 2002, and $5,565,000 for fiscal year 2003 shall be for Global Learning and Observations to Benefit the Environment (GLOBE); and

(E) $12,750,000 for fiscal year 2001, $13,451,000 for fiscal year 2002, and $14,191,000 for fiscal year 2003 for High Performance Computing and Communications.

(3) ATMOSPHERIC PROGRAMS.—Of the amounts authorized under paragraph (1), $47,607,000 for fiscal year 2001, $50,225,000 for fiscal year 2002, and $52,988,000 for fiscal year 2003 shall be for Atmospheric Programs, of which—

(A) $37,075,000 for fiscal year 2001, $39,114,000 for fiscal year 2002, and $41,265,000 for fiscal year 2003 shall be for Weather Research;

(B) $4,350,000 for fiscal year 2001, $4,589,000 for fiscal year 2002, and $4,842,000 for fiscal year 2003 shall be for Wind Profiler; and

(C) $6,182,000 for fiscal year 2001, $6,522,000 for fiscal year 2002, and $6,881,000 for fiscal year 2003 shall be for Solar-Terrestrial Services and Research.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Procurement, Acquisition, and Construction environmental research and development activities of the Office of Oceanic and Atmospheric Research $7,000,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, and $7,000,000 for fiscal year 2003, for the Geophysical Fluid Dynamics Laboratory Supercomputer.

SEC. 204. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $108,201,000 for fiscal year 2001, $114,152,000 for fiscal year 2002, and $120,430,000 for fiscal year 2003 to remain available until expended.

(2) SATELLITE OBSERVING SYSTEMS.—Of the amounts authorized under paragraph (1), $63,412,000 for fiscal year 2001, $66,900,000 for fiscal year 2002, and $70,579,000 for fiscal year 2003 shall be for Satellite Observing Systems, of which—

(A) $5,500,000 for fiscal year 2001, $5,803,000 for fiscal year 2002, and $6,122,000 for fiscal year 2003 shall be for Global Disaster Information Network (GDIN);

(B) $4,000,000 for fiscal year 2001, $4,220,000 for fiscal year 2002, and $4,452,000 for fiscal year 2003 shall be for Ocean Remote Sensing; and

(C) $53,912,000 for fiscal year 2001, $56,877,000 for fiscal year 2002, and $60,005,000 for fiscal year 2003 shall be for Environmental Observing Services.

(3) ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.—Of the amounts authorized under paragraph (1), $44,879,000 for fiscal year 2001, $47,252,000 for fiscal year 2002, and $49,851,000 for fiscal year 2003 shall be for Environmental Data Management Systems.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $445,828,000 for fiscal year 2001, $515,271,000 for fiscal year 2002, and $554,945,000 for fiscal year 2003 to remain available until expended of such amounts—

(1) $136,965,000 for fiscal year 2001, $136,965,000 for fiscal year 2002, and $103,010,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites (POES), K, L, M, N, and N'.

(2) $76,654,000 for fiscal year 2001, $156,731,000 for fiscal year 2002, and $236,471,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, the National Polar-Orbiting Operational Environmental Satellite System (NPOESS).

(3) $323,209,000 for fiscal year 2001, $221,575,000 for fiscal year 2002, and $215,464,000 for fiscal year 2003 shall be for the procurement and launch of, and supporting ground systems for, Geo-stationary Operational Environment NEXT follow-on Satellites (GOES N–Q).

SEC. 205. MINORITY SERVING INSTITUTIONS.

There are authorized to be appropriated $17,000,000 for fiscal year 2001, $17,935,000 for fiscal year 2002, and $18,921,000 for fiscal year 2003 for Minority Serving Institutions in the Atmospheric, Environmental, and Oceanic Sciences.

SEC. 206. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

TITLE III—FIRE ADMINISTRATION AUTHORIZATION ACT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) $69,753,000 for fiscal year 2001;

"(J) $46,096,000 for fiscal year 2002; and

"(K) $47,479,000, for fiscal year 2003.".

None of the funds authorized for fiscal years 2001 and 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 302 of this Act.

SEC. 302. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2000, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be

achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 303. RESEARCH AGENDA.

(a) Requirement.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and nonprofit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) Contents of Report.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) Use in Preparing Strategic Plan.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 302.

SEC. 304. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.".

SEC. 305. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 304, is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.".

SEC. 306. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) In General.—The administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) Contents of Assessment.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 307. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by section 301, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

AMENDMENT NO. 4323

(Purpose: To authorize appropriations for earthquake reduction activities, and for other purposes)

Mr. SESSIONS. Mr. President, Senator Frist has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. Sessions], for Mr. Frist, proposes an amendment numbered 4323.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4323) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1639), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the Record.)

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1550 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, the United States has over 2 million fires annually. Each one can devastate a family or business. I should know. Last year, I lost my home in Charleston, SC to fire. The statistics—approximately 4500 deaths, 30,000 civilian injuries, more than $8 billion in direct property losses, and more than $50 billion in costs to taxpayers each year—do not tell the whole story. A fire can take away a lifetime of things that have true value only to the person who has suffered the loss. The tragic thing is that most of these fires are preventable.

H.R. 1550 would authorize appropriations for the United States Fire Administration for fiscal years 2001, 2002, and 2003. The Fire Administration provides invaluable services—such as training, data, arson assistance, and research for better safety equipment and clothing—to the more than 1.2 million paid and volunteer firefighters throughout the Nation.

The administration's FY 2001 budget request for the Fire Administration was $69 million, $25 million of which was for grants to local fire departments. S. 1941, the Firefighter Investment and Response Enhancement Act, authorizes $100 million in FY 2001 and $300 million in FY 2002 for these grants. That bill was ordered to be reported by the Commerce Committee on Spetember 20, 2000. Subsequently, the text of S. 1941, as reported, was included in the Department of Defense Authorization Act. Therefore, the substitute amendment to H.R. 1550 now under consideration does not include funding for grants to local fire departments within the Fire Administration's FY 2001 authorization.

The bill also provides additional funding for counterterrorism training, requires the Fire Administration to submit a strategic plan and a plan for research, and makes technical corrections to the Fire Prevention and Control Act of 1974 and the National Fallen Firefighters Foundation Act. I support H.R. 1550 and urge its immediate passage.

AMENDMENT NO. 4324

(Purpose: To authorize appropriations for the Fire Administration, and for other purposes)

Mr. SESSIONS. Mr. President, Senator FRIST has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. FRIST, proposes an amendment numbered 4324.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1550), as amended, was read the third time and passed.

HONORING THE MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE" WHO WERE KILLED OR WOUNDED IN THE TERRORIST BOMBING ATTACK ON THAT VESSEL

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 378, submitted by Senator WARNER for himself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 378) honoring the members of the crew of the guided missile destroyer U.S.S. *Cole* (DDG-67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the Senate to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 378

Whereas the guided missile destroyer U.S.S. COLE (DDG-67) was severely damaged on October 12, 2000, when a boat bomb exploded alongside that ship while on a refueling stop in Aden, Yemen;

Whereas the explosion resulted in a 40-by-45 foot hole in the port side of the ship at the waterline and left seven of the ship's crew dead, ten who as of October 17, 2000, are missing and presumed dead, and over three dozen wounded;

Whereas the U.S.S. COLE had stopped in Aden for routine refueling while in transit from the Red Sea to the Persian Gulf to conduct forward maritime presence operations in the Persian Gulf region as part of the U.S.S. George Washington battle group;

Whereas the members of the United States Navy killed and wounded in the bombing were performing their duty in furtherance of the national security interests of the United States;

Whereas United States national security interests continue to require the forward deployment of elements of the Armed Forces;

Whereas the members of the Armed Forces are routinely called upon to perform duties that place their lives at risk;

Whereas the crew members of the U.S.S. COLE who lost their lives as a result of the bombing of their ship on October 12, 2000, died in the honorable service to the Nation and exemplified all that is best in the American people; and

Whereas the heroic efforts of the surviving crew members of the U.S.S. Cole after the attack to save their ship and rescue their wounded shipmates are in the highest tradition of the United States Navy: Now, therefore, be it

Resolved, That the Senate, in response to the terrorist bombing attack on the U.S.S. COLE (DDG-67) on October 12, 2000, while on a refueling stop in Aden, Yemen, hereby—

(1) honors the members of the crew of the U.S.S. COLE who died as a result of that attack and sends heartfelt condolences to their families, friends, and loved ones;

(2) honors the members of the crew of the U.S.S. COLE who were wounded in the attack for their service and sacrifice, expresses its hopes for their rapid and complete recovery, and extends its sympathies to their families;

(3) commends the crew of the U.S.S. COLE for their heroic damage control efforts; and

(4) condemns the attack against the U.S.S. COLE as an unprovoked and cowardly act of terrorism.

Mr. SESSIONS. Mr. President, I will just add that I know how deeply Senator WARNER feels about this. I am very appreciative that he submitted this resolution. Senator WARNER served in both the Marines and the Navy, serving as Secretary of the Navy, and now serves as chairman of the Armed Services Committee. He and a substantial delegation of Senators and Congressmen attended the services today for those sailors we lost on the Cole.

We need to remember the Cole, and we need to remember the hundreds of thousands of service men and women who are serving us around the globe who cannot be fully protected where they are. I think this is an important resolution today. It is appropriate that this Senate pauses to remember them.

MEMORIALIZING THE SAILORS OF THE NAVY LOST IN THE ATTACK ON THE U.S.S. "COLE"

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 379, submitted earlier by Senator SNOWE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 379) memorializing the sailors of the Navy lost in the attack on the U.S.S. Cole (DDG-67) in the port of Aden, Yemen, on October 12, 2000; extending condolences to their families and other loved ones; extending sympathy to the members of the crew of that vessel who were injured in the attack; and commending the entire crew for its performance and professionalism in saving the U.S.S. Cole.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today to express how deeply saddened and angered I am by the apparent terrorist attack on the U.S.S. *Cole* on October 12th. Earlier today, along with many of my distinguished colleagues, I attended a memorial service in Norfolk, Virginia, the homeport of *Cole*. It was an emotional event. The nation lost 17 of its sons and daughters in the prime of their lives.

And we ask why? Why did this happen? I am hopeful that the details of the facts of this despicable act will be determined by the vigorous ongoing investigation. But I will tell my colleagues why—it is because we have national interests throughout the world and we have established a world wide military presence to protect these interests. We rely on these courageous young men and women who have volunteered to serve in our military to make the sacrifices necessary to protect these national interests. Mr. President, these young men and women of the U.S.S. *Cole* who were lost have made the ultimate sacrifice.

As the chair of the Seapower Subcommittee, I submitted a Senate resolution to memorialize those Sailors who were lost and to extend our heartfelt condolences to their families, shipmates, and other loved ones, to express our concern for the Sailors injured in the attack and wish them a speedy and full recovery, and to commend the entire crew for the performance and professionalism in saving their shipmates and their ship. You all remain in our prayers.

With this apparent terrorist attack, once again, we were brutally reminded of the dangers and risks that our young men and women who serve in uniform face each hour of the day as they safeguard our nation's security interests around the world. In difficult times, one's true colors are revealed—and so I applaud the valiant and courageous actions of the entire crew of the U.S.S. *Cole* as they fought to save their shipmates and their ship from this despicable act.

The courageous crew of the *Cole* embodies the motto of their ship as "Determined Warriors." As we watched those first pictures unfold before our eyes I was struck by their professionalism, skill, and pride in fulfilling their duties. In that photo which shows a close up of the gaping hole at the waterline, I notice Sailors working on the deck just above, at once no doubt shocked and saddened by the loss of their shipmates, yet doing their jobs running pumps, securing lines, and carrying out the myriad other duties in this emergency with courage and determination.

Although I will reserve my judgement on the specific cause of this tragedy until the formal investigation has concluded and those responsible have been identified, there should be no mistake: those who want to disrupt peace and deter our nation from our global responsibilities must know that we will leave no stone unturned in our search to determine who is culpable. They must and will be held accountable. And I feel strongly that the US should keep all options open in determining the appropriate actions for holding those responsible accountable for this cowardly action.

The courage and resoluteness in the face of adversity shown by the gallant crew of the U.S.S. *Cole* is a national characteristic of Americans and when we are attacked under such circumstances, we all become "determined warriors."

The men and women of our armed forces are today's patriots who remain ever vigilant against those who seek to undermine peace and stability in the uncertain world in which we live. I have said before and I continue to believe that one of the United States' greatest blessings is that so many of her young men and women elect to stand vigil knowing full well the sacrifices they may be called upon to make. Certainly, America is stronger for their sacrifice and remains forever indebted.

Mr. President, again it is with the deepest sorrow that I rise today to mourn the loss of our brave Sailors—my heart goes out to their families as well as those who have suffered injuries and their loved ones. May God grant them comfort and solace in the days ahead. It is my hope that, with this enrolled resolution, they will know that the entire nation grieves with them.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas the Arleigh Burke class destroyer U.S.S. Cole (DDG-67) was attacked in the port of Aden, Yemen, on October 12, 2000, apparently by terrorists who, by insidious ruse, drew along side the vessel in a small boat containing powerful explosives that detonated next to the hull of the vessel;

Whereas the horrific explosion in that attack resulted in the loss of 17 sailors and injury to another 39 sailors, all of them being members of the Navy serving in the crew of the U.S.S. Cole;

Whereas those sailors who lost their lives made the ultimate sacrifice in the service of the United States and the Navy;

Whereas all of the remaining members of the crew of the U.S.S. Cole responded valiantly and courageously to save their ship from sinking from the explosion and, in so doing, proved themselves to be "Determined Warriors", the motto of their ship; and

Whereas the men and women of the crew of the U.S.S. Cole, like all of the men and women of the Armed Forces, are the current patriots who stand ever vigilant against the attacks of those who seek to undermine peace and stability in an uncertain world: Now, therefore, be it

Resolved, That (a) the Senate memorializes those sailors of the Navy who were lost in the despicable attack on the U.S.S. Cole (DDG-67) on October 12, 2000, in the port of Aden, Yemen, as follows:

(1) Richard Costelow, Electronics Technician First Class, of Morrisville, Pennsylvania.

(2) Cherone Louis Gunn, Signalman Seaman Recruit, of Rex, Georgia.

(3) James Rodrick McDaniels, Seaman, of Norfolk, Virginia.

(4) Craig Bryan Wibberley, Seaman Apprentice, of Williamsport, Maryland.

(5) Timothy Lamont Saunders, Operations Specialist Second Class, of Ringold, Virginia.

(6) Lakiba Nicole Palmer, Seaman Recruit, of San Diego, California.

(7) Andrew Triplett, Ensign, of Macon, Mississippi.

(8) Lakeina Monique Francis, Mess Management Specialist, of Woodleaf, North Carolina.

(9) Timothy Lee Gauna, Information Systems Technician Seaman, of Rice, Texas.

(10) Ronald Scott Owens, Electronics Warfare Technician Third Class, of Vero Beach, Florida.

(11) Patrick Howard Roy, Fireman Apprentice, of Cornwall on the Hudson, New York.

(12) Kevin Shawn Rux, Electronics Warfare Technician Second Class, of Portland, North Dakota.

(13) Ronchester Manangan Santiago, Mess Management Specialist Third Class, of Kingsville, Texas.

(14) Gary Graham Swenchonis, Jr., Fireman, of Rockport, Texas.

(15) Kenneth Eugene Clodfelter, Hull Maintenance Technician Third Class, of Mechanicsville, Virginia.

(16) Mark Ian Neito, Engineman Second Class, of Fond du Lac, Wisconsin.

(17) Joshua Langdon Parlett, Engineman Fireman, of Churchville, Maryland.

(b) The Senate extends condolences to the members of the families, other loved ones, and shipmates of those devoted sailors who made the ultimate sacrifice in the service of the United States.

(c) It is the sense of the Senate that all of the people of the United States join the Chief of Naval Operations and the other members of the Navy in mourning the grievous loss of life among the members of the crew of the U.S.S. Cole resulting from the attack on that vessel.

SEC. 2. The Senate—

(1) recognizes the loss, sacrifice, valor, and determination of the surviving members of the crew of the U.S.S. Cole;

(2) extends sympathy to the 39 sailors of that crew who were injured in the attack on their vessel; and

(3) commends the members of the crew for their remarkable performance, professionalism, skill, and success in fulfilling their duties to support and save the U.S.S. Cole following the attack.

SEC. 3. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Chief of Naval Operations, the commanding officer of the U.S.S. Cole, and the family of each member of the United States Navy who was lost in the attack on the U.S.S. Cole (DDG-67) in the port of Aden, Yemen, on October 12, 2000.

Mr. SESSIONS. Mr. President, the Senator from Maine, Ms. SNOWE, chairs the Seapower Subcommittee in the Armed Services Committee, of which I am honored to be a member. I likewise appreciate very much her interest in expressing our sympathy to the families of those sailors who were lost.

ORDERS FOR THURSDAY, OCTOBER 19, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10:30 a.m. on Thursday, October 19. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30, with the time equally divided between the two leaders or their designees, with Senators speaking for up to 5 minutes, with the following exceptions: Senator ASHCROFT for the first 15 minutes; Senator DURBIN or his designee, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that the Senate recess from 12:30 until 2:15 to accommodate a party caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, I say on behalf of the majority leader, following the recess on Thursday, the Senate may consider the VA-HUD appropriations conference report, if available; a continuing resolution, if received from the House; or a procedural vote with respect to the bankruptcy reform issue. Therefore, rollcall votes will occur during Thursday's session of the Senate.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:29 p.m., recessed until Thursday, October 19, 2000, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 18, 2000:

CENTRAL INTELLIGENCE

JOHN E. MCLAUGHLIN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

HOUSE OF REPRESENTATIVES—*Wednesday, October 18, 2000*

The House met at 4 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, sometimes we are bewildered by what occurs around us. Forgive us, if we think our difficulties are so extraordinary. The fear of pain reveals us as human. We are vulnerable when anticipating troublesome times.

If we are to suffer, Lord, let it not be for our misdeeds, mistaken judgments or because we have infringed on the rights of others. If any one of us is suffering, let there be no disgrace.

You reveal Yourself as the God of compassion, You are close to all who suffer. Be their strength that in Your name, they may persevere in seeking justice and doing what is right.

Even the weakest among us, by being faithful, can give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. GILMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. GILMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1066. An act to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1109. An act to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

The message also announced that pursuant to Public Law 106-65, the Chair, on behalf of the Majority Leader, and in consultation with the Chairman of the Senate Committee on Armed Services, announces the appointment of the following individuals to serve as members of the Commission on the National Military Museum:

John G. Campbell, of Virginia.

Henriette V. Warfield, of Virginia.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2000, at 9:27 a.m.

That the Senate passed without amendment H.R. 2296.

That the Senate passed without amendment H.R. 5212.

That the Senate passed without amendment H. Con. Res. 428.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

UNITED NATIONS CONSIDERING RESOLUTION CONDEMNING ISRAEL REGARDING ONGOING VIOLENCE IN MIDDLE EAST

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, most of our colleagues are fully aware that Israel is being treated abysmally at the hands of the United Nations, principally in the General Assembly. Regrettably, the Palestinians have promoted and have adopted anti-Israel and anti-peace process resolutions.

Today, unfortunately, is no different. Despite UN Secretary General Kofi Annan's recent statement that, "words can inflame or soothe, and everyone needs a restoration of calm and quiet so as to create the best possible atmosphere for resumption of peace talks," the UN General Assembly is presently in an emergency session in which they will be considering, despite U.S. opposition, a resolution condemning Israel regarding the ongoing violence in the Middle East.

As our U.S. Ambassador to the UN, Richard Holbrooke, stated, "the General Assembly wants to beat up on Israel" once again. It sounds to me that it is similar to the UN's "Zionism is Racism" resolutions of old. Accordingly, I urge our colleagues to join in condemning this latest act of incitement at the UN.

CHINA BOLDLY TRYING TO PICK OUR PRESIDENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, news reports say a Chinese spokesman said, "America is our enemy, and we must prepare to fight them." Now, if that is not enough to infuriate Ronald Reagan, the spokesman further stated, "China does not want to see George Bush get elected." He said, "Bush will support and bolster Taiwan, and Bush will, in fact, build a missile shield around America, weakening China." I say that is a compliment to George Bush.

Because think about it, last election, China got away with funneling cash illegally to the Democratic National Committee. No investigation. This time they are boldly trying to pick our President. Beam me up, Congress. It is time to mandate an independent investigation into this Chinese business.

Mr. Speaker, I yield back the lessons we should have learned at Pearl Harbor.

NATIONAL SECURITY THREATENED BY A LETTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, here we go again. The Clinton-Gore administration is illegally threatening vital national security interests of the American public.

This time the illegality involved a letter written by Russian Prime Minister Viktor Chernomyrdin to Vice President GORE about a secret, illegal nuclear arms deal with an unidentified terrorist nation "that was not to be conveyed to third parties, including the United States Congress."

Yes, sadly, Vice President GORE kept his promise to the Russian Prime Minister instead of his promise to the American public.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

He did not tell Congress about the letter or about Moscow's continued sale of nuclear equipment to Iran, a blatant violation of the Nuclear Nonproliferation Act.

Instead of being open and honest with Congress about this high level national security threat, GORE simply filed the letter away and kept silent.

Mr. Speaker, America deserves an administration that will work with Congress to protect the national security interest of our Nation.

Mr. Speaker, I yield back Mr. GORE's flagrant disregard for our Constitution, our security, and our country.

COSPONSOR H. RES. 635, EXECUTIVE STEEL DEFENSE RESOLUTION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I ask all of my colleagues to consider cosponsoring House Resolution 635, the Executive Steel Defense Resolution. We currently have 205 cosponsors calling upon the President of the United States to initiate a section 201 trade case to bring to an end illegally traded steel in the U.S. domestic market.

Despite investing $35 billion to modernize, despite the loss of 240,000 jobs, despite cutting back capacity by 20 percent, despite doubling productivity since 1983 because of collusion overseas, because of illegal dumping from countries overseas, particularly during the intervening time from 1998 until now, we have seen six bankruptcies of steel companies. We have seen an additional 6,000 steelworkers lose their jobs. We have seen capacity utilization decline from 90 percent to 75 percent.

We cannot afford to wait till the next Congress. We cannot afford to wait for the next administration. I call upon President Clinton to immediately file a section 201.

REMEMBERING COURAGEOUS SAILORS ABOARD U.S.S. "COLE"

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, today we remember those courageous sailors aboard the U.S.S. *Cole* whose dedication and conviction to freedom and democracy cost them their lives. We honor the sacrifice of those who were killed and pray for the speedy recovery of those who were injured and for the families of all those brave Americans.

To EMC Fred Stozier of Jacksonville, my thoughts are with him and his family as he recovers from his injuries.

We can never be completely immune from the darker forces of terrorism that lurk in every corner of the world. We must counter these threats with a complete commitment to preparedness and strength. Our adversaries must know we will not shy away from our responsibility to preserve our national security and the precious ideals of democracy. The sacrifice of these Americans on the altar of freedom will never be forgotten. May God bless their souls and may God bless America.

UNITED STATES IN THIRD YEAR OF IMPORT STEEL CRISIS

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, what happens when a crisis is not resolved, a crisis that is allowed to grow, both in scope and intensity? In time, that crisis will become a disaster. Such a time is near at hand for our domestic steel industry.

We are in the third year of an import steel crisis. Our steel companies and workers are buckling under the weight of unprecedented, record-breaking foreign imports, much of it illegal. Thousands of our workers have been laid off. Six of our steel companies in the last 2 years have gone bankrupt. With this year's imports running higher than ever, the continued existence of a viable steel industry in this country is at risk.

The only way to avert such a disaster is to cut imports, to reverse the trend which is threatening an industry that is vital to our economy and our national defense.

That is why I join the gentleman from New York (Mr. QUINN) in introducing the bipartisan Executive Steel Defense Resolution. That is why I have joined the gentleman from Indiana (Mr. VISCLOSKY); the gentleman from Ohio (Mr. REGULA); the gentleman from Ohio (Mr. NEY); the gentleman from West Virginia (Mr. WISE), from my home State; the gentleman from Pennsylvania (Mr. KLINK); the gentleman from Pennsylvania (Mr. MASCARA); and the gentleman from Pennsylvania (Mr. DOYLE) in the bipartisan effort to achieve relief against disastrous steel import levels.

We call on the President to initiate a 201 proceeding, Mr. Speaker.

EFFORTS TO REDUCE PUBLIC DEBT AND PROTECT SOCIAL SECURITY AND MEDICARE HELD HOSTAGE BY ADMINISTRATION

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, our efforts to reduce public debt and protect the Social Security and Medicare Trust Funds are being held hostage by the Clinton-Gore administration.

It has been 36 days since Congress proposed locking away Social Security and Medicare surpluses and dedicating 90 percent of the total surplus to paying off the public debt; and still no response from President Clinton and Vice President AL GORE.

There is a good reason they have not responded. They want to overspend.

President Clinton has threatened to veto seven appropriations bills because he claims they do not spend enough. Vice President GORE's budget proposal spends the entire surplus and raids the Social Security Trust Fund.

The President and Vice President should put debt reduction and protection of Social Security and Medicare ahead of spending and support the 90–10 debt reduction plan proposed by the Republican Congress.

REMEMBERING CHERONE LOUIS GUNN, KILLED ON U.S.S. "COLE"

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, on October 12, a terrorist bomb left, not only a hole in the side of the U.S.S. *Cole*, but a hole in the lives of families and friends of the 17 sailors killed by the blast. This is especially true of friends and family of 23-year-old Signalman Seaman Recruit Cherone Louis Gunn.

Seaman Gunn's life was marked by service to family, friends, community and Nation. His neighbors in Rex, Georgia remember him for always being available to help the local youth.

His passion to serve his community fueled his ambition to serve in law enforcement.

His desire to serve his Nation was expressed by his decision to follow his father's footsteps and join the Navy, where he would gain valuable experience which would help him enter law enforcement upon the end of his tour of duty.

□ 1615

Mr. Speaker, Cheron Louis Gunn always sought to serve his country, knowing the risk inherent in the military and in law enforcement. Yet he did not shrink from making his commitment.

I wish to offer my condolences to the Gunn family. It may be inadequate consolation, but it is important to remember that Seaman Gunn serves as a bright example of the qualities of honor and self-sacrifice which inspire the men and women of our Armed Forces.

CORRECTING ENROLLMENT OF H.R. 2348, AUTHORIZING BUREAU OF RECLAMATION TO PROVIDE COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR UPPER COLORADO

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 151) to make a correction in the enrollment of the bill, H.R. 2348, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BLILEY). Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 2348) entitled "An Act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.", the Clerk of the House of Representatives shall make the following correction:

Strike section 4 and insert:

"SEC. 4. EFFECT ON RECLAMATION LAW.

"Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not—

"(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

"(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligations; or

"(3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5308, FIVE NATIONS CITIZENS LAND REFORM ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 5308) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, the Clerk be authorized to make the following correction that I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALDEN of Oregon:

At the end of section 403, add the following new paragraph:

"(2) OTHER CONSTRUCTION NOT VALID.—Nothing in this subsection is intended to or shall be construed to create, affect, or imply the existence or nonexistence of authority of any federally recognized Indian tribe over—

"(A) any other federally recognized Indian tribe;

"(B) the members of any other federally recognized Indian tribe; or

"(C) any land in which any other federally recognized Indian tribe or any member of any other federally recognized Indian tribe has or is determined by the Secretary or a court of competent jurisdiction to have any interest.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that when proceedings resume on the unfinished business of the motion to suspend the rules and pass the Senate bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes, as amended, that the amendment be deemed to include the corrections that I have placed at the desk.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALDEN of Oregon:

Strike Title IV of the bill and insert instead—

"TITLE IV—CONVEYANCE OF KINIKLIK VILLAGE

"SEC. 401. CONVEYANCE OF KINIKLIK VILLAGE.

"(a) That portion of the property identified in United States Survey Number 628, Tract A, containing 0.34 acres and Tract B containing 0.63 acres located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less, and further described as Tracts A and B Russian Creek Church Mission Reserve according to U.S. Survey 628 shall be offered for a period of one year for sale by quitclaim deed from the United States by and through the Forest Service to Chugach Alaska Corporation under the following terms:

"(1) Chugach Alaska Corporation shall pay consideration in the amount of $9,000.00;

"(2) In order to protect the historic values for which the Forest Service acquired the land, Chugach Alaska Corporation shall agree to and the conveyance shall contain the same reservations required by 43 CFR §§2653.5(a) and 2653.11(b) for protection of historic and cemetery sites conveyed to a Regional Corporation pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act.

"(b) Notwithstanding any other provision of law, the Forest Service shall deposit the proceeds from the sale to the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102-154 and may be expended without further appropriation in accordance with Public Law 102-229.".

Mr. WALDEN of Oregon (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Oregon?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until 5 p.m.

☐ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLILEY) at 5 p.m.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE"

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 631) honoring the members of the crew of the guided missile destroyer U.S.S. *Cole* (DDG-67) who were killed or wounded in the terrorist bombing attack on that vessel in Aden, Yemen, on October 12, 2000, expressing the sympathies of the House of Representatives to the families of those crew members, commending the ship's crew for their heroic damage control efforts, and condemning the bombing of that ship, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 631

Whereas the guided missile destroyer U.S.S. COLE (DDG-67) was severely damaged on October 12, 2000, when a boat bomb exploded alongside that ship while on a refueling stop in Aden, Yemen;

Whereas the explosion resulted in a 40-by-45 foot hole in the port side of the ship at the waterline and left seven of the ship's crew dead, ten of who as of October 17, 2000, are missing and presumed dead, and over three dozen wounded;

Whereas the U.S.S. COLE had stopped in Aden for routine refueling while in transit from the Red Sea to the Persian Gulf to conduct forward maritime presence operations in the Persian Gulf region as part of the U.S.S. George Washington battle group;

Whereas the members of the United States Navy killed and wounded in the bombing were performing their duty in furtherance of the national security interests of the United States;

Whereas United States national security interests continue to require the forward deployment of elements of the Armed Forces;

Whereas the members of the Armed Forces are routinely called upon to perform duties that place their lives at risk;

Whereas the crew members of the U.S.S. COLE who lost their lives as a result of the bombing of their ship on October 12, 2000, died in the honorable service to the Nation and exemplified all that is best in the American people; and

Whereas the heroic efforts of the surviving crew members of the U.S.S. COLE after the attack to save their ship and rescue their wounded shipmates are in the highest tradition of the United States Navy: Now, therefore, be it

Resolved, That the House of Representatives, in response to the terrorist bombing attack on the U.S.S. COLE (DDG–67) on October 12, 2000, while on a refueling stop in Aden, Yemen, hereby—

(1) honors the members of the crew of the U.S.S. COLE who died as a result of that attack and sends heartfelt condolences to their families, friends, and loved ones.

(2) honors the members of the crew of the U.S.S. COLE who were wounded in the attack for their service and sacrifice, expresses its hopes for their rapid and complete recovery, and extends its sympathies to their families;

(3) commends the crew of the U.S.S. COLE for their heroic damage control efforts; and

(4) condemns the attack against the U.S.S. COLE as an unprovoked and cowardly act of terrorism.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 631.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Missouri (Mr. SKELTON), pending which I yield myself such time as I may consume.

Mr. Speaker, it is with a profound sense of sadness that I join my colleague, the gentleman from Missouri (Mr. SKELTON), in offering this resolution for consideration by the House.

Last Thursday, October 12, 2000, a small boat exploded alongside the U.S.S. *Cole* during a brief refueling stop in the port of Aden in Yemen. The blast ripped a 40 by 45 foot hole in her side, killing 17 sailors and wounding some three dozen more.

This unprovoked and cowardly act of terrorism was perpetrated against an American warship while en route to the Persian Gulf to conduct maritime operations in the legitimate pursuit of our national security interests abroad.

The resolution before the House condemns this senseless act of violence against our military forces and expresses the sympathies of the House of Representatives to the families of those crew members who were killed or wounded in the attack.

What can you say? What can you do? How can you really express to the families of these young men and women our profound sympathies and appreciation for their commitment?

Mr. Speaker, as we meet today, hundreds of thousands of young Americans from all corners of our great Nation are serving in the military, overseas and here at home. They go about their daily duty quietly and without fanfare. Yet, until something like this happens, we, as a Nation, tend to forget what they do every single day of the year to uphold our values, to protect our freedom and deter those who seek to do us harm.

Mr. Speaker, we forget; freedom is not free.

The resolution before us today appropriately, I think, recognizes and honors the price of freedom paid by the members of the crew of the U.S.S. *Cole*.

We are free and secure as a Nation today because of all the men and women of our military who fought to gain our freedom and independence, in the very first instance during the Revolutionary War, and have gone all over this world in war and peace since that time defending that freedom, every day. People who are no longer with us, they have done it.

Mr. Speaker, I do not know. I think as we honor these today, who have paid the price for freedom, and their families too, I think of all the others who have gone before too, who have paid the price, with their lives, their limbs, their health, many were prisoners of war, many are still missing in action, we should remember every single day we live that the price of freedom has been paid by other people, so that we can be free today.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such 3 minutes.

Mr. Speaker, Members speak on this floor for many reasons. We debate, we advocate, we commemorate, we celebrate.

Today, though, I rise to give honor to a crew of brave Americans, the crew of the U.S.S. *Cole*, and to give warning.

I want to honor those who gave their lives or were wounded while serving their country in a distant port, far away from home and in the cause of furthering the national security interests of our country. I also want to honor the surviving crew members, who stayed with the crippled ship and worked valiantly to recover their wounded or missing shipmates and to repair the damage to their ship.

And while I say I speak to give them honor, truly it is they who honor us. They and the millions of others who wear our country's uniform, who honor America by their gift of service and dedication.

I also want to extend my deepest sympathies to the families and to the friends of those who perished in this tragedy. Although I know they are saddened by their loss, they should take comfort in that their loved ones died pursuing the most noble of callings, serving in the Armed Forces of the United States. They should know that we in Congress, and indeed the people of this great Nation, are grateful for their extraordinary service and sacrifice.

Finally, Mr. Speaker, I rise today to give warning. Those who committed this barbarous act are already being judged beyond our capacity to review. But to those whose dark and craven hearts conceived it, hear this: While you may walk free today in a sunshine you have denied so many others, so many families, so many communities, know simply and surely that you will be held accountable.

Our memory is long, our reach is no less so. This outrage cost lives, Mr. Speaker, and it left others in peril. We hear that this many men were hurt, or that many women were hurt. No, Mr. Speaker. They are all American sailors, one and all, and an injury to anyone is an insult to America.

I do not doubt that such insult was the goal of the perpetrators. But they should understand that they will pay a price for this heinous act. Justice and the memory of those whose lives have been lost demand no less.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of this resolution. My heartfelt condolences go out to the families of the men and women who were killed or wounded in this cowardly act, an act that was despicable and premeditated.

This tragedy is a distressing reminder though of how dangerous the world has become since the end of the Cold War. As the unprovoked attack on the U.S.S. *Cole* demonstrates, the men and women of the Armed Services are exposed daily to very real threats of death, violence and destruction. For these reasons, our men and women in uniform, indeed, all Americans, must remain vigilant in the defense of freedom and our interests. Equally important, we must do everything we can to provide for our military personnel the resources necessary to protect them as they defend our interests around the world and that of our allies.

While these brave defenders of freedom will greatly be missed, their spirit and legacy lives on. It is their values and their beliefs of duty, honor, courage and commitment to God, country, family and our fellow men and women that serve as an example for all of us to live and aspire.

I urge the President to take appropriate action against the perpetrators once the investigation is concluded and to take appropriate measured response.

Mr. Speaker, I rise in strong support of this resolution, and my heart goes out to the deceased sailors of the U.S.S. *Cole*.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, you have just heard it again. We said it last Thursday on this floor; the world is still a very dangerous place.

Many members of the Virginia delegation last Saturday met with the families of the wounded and the deceased in Norfolk, and many of us in this body just returned from Norfolk where we attended services honoring those who gave their lives on the U.S.S. *Cole*.

First, our condolences and prayers go out to the sailors who were hurt or killed and their families. We will continue to provide them with the best care and assistance that we possibly can.

For all of us from Hampton Roads, the fact that the U.S.S. *Cole*'s home port is Norfolk, and I use the present tense, because that ship is coming home, the fact that U.S.S. *Cole* is a Norfolk ship brought this terrible tragedy a little closer to home.

It reminds us how much these young men and women in uniform really mean to us. They are our sons and our daughters, husbands and wives, fathers and mothers, neighbors and friends.

Knowing what happened makes us feel immeasurable pride in their lives, inconsolable grief for their deaths, and gratitude for the homecoming of their shipmates. Their ship made a sacrifice for which we feel an unbearable sense of loss.

In the Bible, when his friends died in battle, King David said: "They were beloved and pleasant in life, and in death they were together; they were swifter than eagles, they were strong as lions." That is exactly what we say.

And now it is our responsibility to love and support their families, protect and defend their country, and honor their memory forever.

But those who survive may face the toughest challenge, and I want them to know that all Americans are deeply grateful for their service to our country.

Indeed, this world is still a very dangerous place.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ORTIZ), a member of the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, I rise today with a heavy heart in support of House Resolution 631, to honor the men and women of the U.S.S. *Cole*.

□ 1715

Mr. Speaker, I thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, as well as the leadership, for moving rapidly and allowing the House of Representatives to speak to this important national moment.

I represent Navy country in south Texas, so we have a special perspective of their service and a loss in a hostile action. Two of the soldiers who lost their lives in the insidious act of terror were south Texas' Specialist Third Class Ronchester Mananga Santiago of Kingsville and Fireman Gary Graham Swenchonis, Jr. of Rockport, Texas.

Texas also lost Information Systems Technician Seaman Timothy Lee Gauna of Rice.

Two women from south Texas were also on the ship, Elizabeth Sanchez LaFountaine of Brownsville, who sustained a broken leg, and Esther Arriaga Hood of Corpus Christi, who is still aboard the *Cole*.

Texans are proud that our sons and daughters seek to serve a larger purpose by volunteering to serve in the United States military service. It is, Mr. Speaker, a noble undertaking, but it often means that those sons and daughters pay a heavy price to serve and protect the United States' interests.

Our hearts wrench at the thought of our neighbors answering the door to see the drawn faces of naval officers there to deliver the most devastating news a parent can ever hear.

This should bring home the reality of all others that service in our military today is a highly dangerous prospect for our soldiers and sailors.

Just because we are not at war does not guarantee a level of safety for those who serve in our military. This tragic incident has brought together the ship's crew in a way no other experiences could, the way only sailors have seen and been in battle together can understand.

These young people have learned to depend upon each other in the aftermath of this cowardly act. They worked tirelessly to save the U.S.S. *Cole* after the explosion.

Mr. Speaker, we mourn the young people who perished. We will hold up those who were injured, and we will continue to pray for the safety of men and women in uniform around the world. We offer our condolences to the families.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), a member of the committee.

Mr. ABERCROMBIE. Mr. Speaker, it is with deep admiration that I rise to express gratitude and respect for the sacrifices given of the men and women serving on board the U.S.S. *Cole*.

Speaking as the senior Democrat on the Subcommittee on Military Personnel of the Committee on Armed Services, I want to indicate that these men and women, like thousands of other Americans across the world, volunteered each and every day to defend and protect this Nation. Sadly, on October 12, several sailors of the U.S.S. *Cole* paid the ultimate sacrifice in defense of our country while carrying out their duties.

My heart and prayers are with these sailors' friends, families and loved ones.

Despite the explosion that ripped through the U.S.S. *Cole* and wounded many members of the crew, these dedicated sailors continue to defend their ship and rescue other wounded shipmates. Their actions exemplify the perseverance of Americans and the finest tradition of our Armed Services.

I want to commend and pay tribute to these selfless Americans for their service and dedication and wish them a speedy recovery.

Mr. Speaker, terrible events such as these put a face to patriotism. They remind us that those in uniform around the world are young men and women from our towns and cities who volunteer in service to their country. Last year, they graduated from high school down the street; perhaps they worked at the corner store. Today they unflinchingly stare danger in the face with selfless dedication.

This tragedy reminds us of the human element of our armed forces and highlights the importance of maintaining a focus on those policies that best serve these young patriots, our military personnel, and enhance the quality of their lives.

Finally, this tragedy offers a window into the composition of today's military. I want to quote, Mr. Speaker, in conclusion, a piece from yesterday's Boston Globe: "The faces of the 17 sailors who were killed aboard the U.S.S. *Cole* by a terrorist bomb attack last week are a portrait of today's America, a mosaic of colors of which the U.S. military is justly proud. To call out their given names is to sing a contemporary chorus of 'This Land is Your Land.' Two of the casualties even represent a grim kind of civil rights milestone: They are the first women killed in naval action."

Mr. Speaker, the crew of the U.S.S. *Cole* embodies what is great in America—our people and their courage, dedication, commitment, and sacrifice. To the crew of the U.S.S. *Cole*, their families, friends and loved ones, thank you for your service to a most grateful nation.

Mr. SPENCE. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, our hearts go out and our prayers go out to the families of the 17 men and women who were lost in this tragic incident in the Red Sea. Coming from a naval family myself, born on a Navy base and raised with a father who went off to sea months at a time, I understand the challenges that not only the active duty personnel go through but also the trials and tribulations of those who are left behind, the families, the loved ones.

This is a great Nation that demands great sacrifices to maintain its greatness, and I think we underestimate the price of our greatness so often. This last week, we were able to see exactly what kind of price Americans have to pay for our greatness. San Diego has some of the largest military installations in the world, Mr. Speaker. In fact, it is the largest naval facility on the West Coast.

San Diego is especially proud of our military tradition; but this week, we are grieving for the loss of our native daughter, Lakiba Nicole Palmer. Ms. Palmer was only 22 years old and a seaman recruit fresh out of boot camp. She was looking forward to a bright new future and a challenging new career.

Along with another woman, Seaman Palmer sadly are the first women killed in a hostile action against an American combat ship.

Mr. Speaker, what is particularly tragic for this family and to our community is that she was looking so much towards her service as an American sailor. She was an athlete at San Diego High School in my district, Mr. Speaker, and she was a member of the all-academic team on the track in 1995. It was known that she was a fierce competitor who always tried harder than anyone else.

Mr. Speaker, our hearts go out to the family of this young lady and our sympathies to the family. And I just ask every one of us to remember when we vote here in the House at what price the freedom of representative government comes to and what a great responsibility we have, not just to our colleagues and our citizens, but also to our men and women who stand in harm's way every day and every night.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES), a member of the Committee on Armed Services.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time and thank him for his leadership, as well as the gentleman from South Carolina (Chairman SPENCE), at this terrible tragic time for our country.

Mr. Speaker, I rise in strong support of H. Res. 631, honoring the crew of the U.S.S. *Cole* and extending our sympathy to their families and their loved ones. My wife, Carolina, and I attended the memorial service held this morning for the brave sailors who have lost their lives in this tragic and despicable act of terrorism.

All of our thoughts and our prayers are with them and their family members as they persevere under these very difficult times. My thoughts this morning, on a gray and somewhat drizzly midmorning ceremony, were that we simply do not do enough for our men and women in uniform and for their families.

It is truly unfortunate that it takes the loss of fine American men and women like these sailors to remind us again of the dangers and sacrifices that the men and women of our armed forces face each and every day. However, at the memorial service this morning, it was also reminded that we sometimes forget the everyday sacrifices that the families and the loved ones of our service members make each and every time their husbands, wives, sons, and daughters deploy.

We simply do not do enough for our men and women in uniform and their families. I am moved by their strength under these difficult circumstances and a difficult time and their commitment to the importance of their loved ones' mission and service to their country.

In return for that strength, we can only offer them our prayers and our guarantees that our country will not stop until we find the individuals responsible for this horrific act of senseless violence and bring them to justice.

Mr. Speaker, in closing, I fervently believe we do not do enough for our men and women in uniform and for their families.

Mr. SKELTON. Mr. Speaker I yield 2 minutes to the gentleman from the Norfolk, Virginia, area (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I join my colleagues in paying homage to the brave young crew members of the U.S.S. *Cole* who made the ultimate sacrifice for their country, as well as those who are still missing and others who were injured and, of course, the families of all of these fine sailors.

Mr. Speaker, this is a particular tragedy for Virginia, because the U.S.S. *Cole* is home-based to the Norfolk Naval Base in Virginia. We were honored to have the President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chairman of the Joint Chiefs of Staffs, both of our United States Senators, as well as all of the local congressmen in Norfolk today for the memorial service.

Mr. Speaker, while it is imperative that we take swift action to bring those responsible to justice, we must not jump to hasty conclusions. We should remember that after the Oklahoma bombing, an innocent man was arrested for that heinous act, simply because of his ethnicity.

When we determine who is responsible for this attack, we will remember President Clinton's frequent admonition that America takes care of its own. When we determine who is responsible, our response will make those who did it sorry they did it, and we will cause others who might be thinking of doing the same to change their minds.

Mr. Speaker, all of the crew members of the U.S.S. *Cole* are to be saluted for their bravery and dedication to duties. These casualties remind us that freedom is not free. Their service to our Nation will long be remembered.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I gladly join my fellow colleagues in supporting this commemoration and this resolution.

I grew up in a military family. I remember when I was a young boy, I was 10 years old, my father was stationed in Japan. We lived in a small enclave of military families. All the kids' fathers were pilots, and one day the news came that the Chinese had shot down one of our friend's father's plane, and I still remember the heartache and the crying and the tears just as a little boy.

I remember seeing that and wondering what it was all about. But this family would no longer have a father, a wife would no longer have a husband, and there would be a vacant place around the Thanksgiving table and the Christmas tree. These sacrifices that our military people make, I do not think anybody knows the name of that gentleman and many gentlemen like him, men and women who have given their lives during the Cold War and since in order to protect our country.

They are truly heroes; and wherever they go, whatever job there is in the military, they know they are taking the chance, the chance of giving their lives and leaving their own loved ones alone in order to protect all of us and our loved ones. And how much greater tribute and how much greater sacrifice and how much greater service can there be than that?

□ 1730

So this resolution and the sacrifice of the American sailors who perished and suffered injuries on the U.S.S. *Cole* is something that we have to commemorate. This represents the voice of Congress, this resolution, in expressing our condolences to the families of those heroes who made the ultimate sacrifice for their country.

Unfortunately, the official radio of the United States government, the Voice of America, has been prevented by our State Department, this administration, from doing the same thing that we are now doing in this resolution.

On October 16, the State Department, in an official message to the Voice of America, denied approval of the Voice of America editorial that would have been broadcast worldwide expressing the sorrow of the American people over the loss of our sailors, the damage done to the U.S.S. *Cole* and the loss of life of our brave defenders.

I am submitting for the RECORD a copy of this disgraceful State Department message to Voice of America saying that they cannot commemorate, cannot broadcast, this opinion about our brave men and the sacrifice they made. I will read that, for those who are listening and are reading the CONGRESSIONAL RECORD.

Mr. Speaker, this is from the State Department to a request from the Voice of America to have an editorial memorializing these brave Americans who gave their lives for us.

It said: "This editorial will reach an audience that is caught up in violence in Israel and the Occupied Territories. The 17 or so dead sailors," that is American dead sailors, "does not compare to the 100+ Palestinians who have died in recent weeks where we have remained silent."

I would suggest it is the job of this administration and of the State Department to care more about our American military personnel who give their lives than it is to care about things, tragic events that are going on overseas. If our military people give their lives for their country, they should expect that we will memorialize them in a fitting way, and that this administration and that the State Department will not get in the way because of some far-flung event in another part of the world.

This is an insult. This is an insult to those brave people who gave their lives. As we remember them today, let us pass this resolution. Let us say our prayers for those families, and let us be very sincere in this effort. I am sorry that I had to read this State Department position here today, but I think it is important for the American people to know just what the attitude of this administration is toward our people who are defending this country and give their lives for us.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA), a distinguished member of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, I have a young sailor, a bosun's mate, Richard Ying, that was hurt severely aboard the U.S.S. *Cole*. My staff has talked to him several times. I tried to call and he was in rehabilitation. He is back home, and they expect him to be back in Windber, Pennsylvania, by Friday.

The gentleman from Florida (Mr. YOUNG) and I had anticipated trying to go to visit the U.S.S. *Cole* over the weekend just to see how it was going. All of us sympathize with the families who lost loved ones, and all of us feel badly about the ones that were wounded.

But there is something else here that shows how good our troops are operating. It was marvelous. I went aboard the U.S.S. *Roberts* when it hit a mine. It had a hole about the size of a bus in the side. This hole was even bigger, 40 feet. People do not realize how close it came to sinking. We are talking about a ship that was in the harbor in water that was calm, and it almost sank. If it had not been for the heroic effort of this crew, actually using buckets to bail out the water, we would have probably lost that ship.

So I want to commend the men and women that served on the *Cole* for the phenomenal job they did in saving this ship. All of us hate to see our men and women in harm's way. We have responsibilities and we cannot withdraw from those responsibilities. But one thing for sure, that ship was saved by the dedication of the men and women who served aboard the *Cole*.

I add my commiseration and sympathy to the families, but I want to commend the captain and the shipmates aboard the U.S.S. *Cole* for the phenomenal job they did in saving that magnificent vessel.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we all know by now, 17 sailors were either killed or are missing from the attack on the U.S.S. *Cole*. Information Systems Technician Seaman Timothy Gauna, a constituent of mine from Rice, Texas, is among the missing. Like all the sailors aboard the U.S.S. *Cole*, he was serving his country bravely and honorably when this vicious attack took place.

I join the Gauna family, and all the families of the missing sailors, in hoping that they will soon be accounted for.

Immediately after the attack, Mr. Speaker, I had the chance to visit personally with seaman Gauna's family. I spoke with a mother who is proud of her son's courage and patriotism. I talked to various family members who admire Tim's dedication to America.

I do not know all the sailors on the U.S.S. *Cole*, Mr. Speaker, but I know the family of Seaman Gauna. They, like all of the U.S.S. *Cole*'s sailors and their families, have America's gratitude and our prayers.

I was moved by the memorial service today in Norfolk that a number of us attended. There the entire Nation joined injured sailors, some fresh from the hospital, their IVs still attached to their arms, in paying tribute to their fallen and missing comrades.

But our obligation to these brave men and women is greater than that, Mr. Speaker. We must continue to be vigilant in the face of threats from terrorists around the world. We must find the criminals responsible for this cowardly act, and they must be brought to justice. Make no mistake, Mr. Speaker, these terrorists will soon learn that America responds quickly and forcefully whenever we are attacked.

The FBI has now more than 60 agents in place investigating this attack, and the Navy has assigned six U.S. warships to Aden harbor to assist the U.S.S. *Cole* and its exhausted crew.

Mr. Speaker, every time anyone in uniform gets into a ship, a plane, or a tank, they risk their lives in defense of America. For that, we owe these great men and women of the United States Armed Forces our most profound gratitude. They have it, Mr. Speaker, as well as the solemn promise that America stands with them always and everywhere.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and the chairman of the committee for this resolution.

Mr. Speaker, this morning I joined my colleagues to memorialize our fallen and missing sailors of the U.S.S. *Cole*. What I am most reminded of, as I saw the humanity and love and respect permeating and moving throughout that huge and enormously sad audience, was the greatness of America.

The Chaplain who offered the invocation reminded us that freedom is not free. This morning was a moment personally of profound grief, for my State of Texas suffered great losses. But the country suffered a loss, because these were bright and young and energetic and aspiring young people, none over the age of 26.

So I join in the support of this resolution, and I join this Nation in expressing sadness, loss, and resolve. I celebrate the lives of these young people, some found, some still missing.

It is impossible to capture the pain of the family members, mothers and fathers, grandmothers and grandfathers, aunts, uncles, cousins, sisters and brothers who bear this great loss. But I do believe we can speak today for this Nation that gathers around and embraces each other in time of trouble.

We must salute the Navy, along with the entire military. These young sailors who dedicated their lives to the Navy, and like gladiators of old, took pride in their service to country, and wore their patriotism as a shield so the world could sleep under a blanket of freedom.

Mr. Speaker, I think it is important to say to those who have done this dastardly act that we have no fear, and that those who would do this evil act, that we will find them and they will pay the appropriate price. We must be safe, but the only way that we are safe is with these strong men and women who have offered themselves to protect our freedom.

There is a poem, Mr. Speaker, that I would like to offer, "Genuine Grace in Command":

"Define me a legend,
A soldier of infinite truth;
Define for me a soldier of valor, successful or obtuse,
Enlighten me of nobility,
A birthright of kings and queens.
Fill all the pages of history books with stories forever sung.
I swear I can hear them saying:
It is simple, the reason we fight:
Freedom, liberty, integrity,
These were given as our birthright."

As I close, Mr. Speaker, in my salute to these fallen and missing heroes and to their families, let me simply repeat Psalm 23.4:

"Even as I go through the valley of the shadow of death, I will fear no evil, for Thou art with me."

We in this Nation, we as a Congress, we as family members, we fear no evil, for Thou art with us.

Mr. Speaker, this morning I traveled to Norfolk, Virginia where I took part in a memorial service with President Clinton, Defense Secretary Cohen, Attorney General Reno, Secretary Danzi, Members of Congress from both the House and the Senate, members from all the military branches, the sailors and family from the U.S.S. *Cole*, the Norfolk Naval community, to honor our fallen sailors who dedicate their lives to ensuring our freedom here in the United States.

This morning was a moment of profound grief for me as I joined the country in expressing sadness, loss and resolve; and the celebration of the lives of our fallen sons and daughters through love and prayers. It is impossible for me to describe the pain that the family members and the country bears over this great loss. But I can speak of the love that this Nation has for those who dedicated their lives to the Navy, and like the gladiators of old, took pride in their service to country, and wore their patriotism as a shield so the world could sleep under a blanket of freedom.

As I think of our brave fallen soldiers, I am reminded of a poem entitled Genuine Grace in Command:

Define for me a legend, a soldier of infinite truth, define for me a soldier of valor, successful or obtuse? Enlighten me of nobility, a birthright of kings and queens? Fill all the pages of history books, with stories forever sung!
But while you regale nameless faces of glory, times over and over again! I beg you remember the individuals, who's honors I now proudly present!
I speak here of soldiers with humility, yet clearly a leaders. Quietly commanding, entirely through their presence within. Their desires were not for greatness, simply the survival of team! Their goal not for fame or fortune, but to share their gift till the end!
Many times we are left with a memory, which overshadows us all! Many times we are left and dishearten, wondering why we fought for the cause?
And yet here were soldiers who never questioned, the mission life had set them on! Perhaps the greatest gift they gave us was the understanding of truth!
I swear I can hear them saying, it's simple the reason we fight. Freedom, liberty, integrity, these were given as our birthright.
We must fight to preserve what was given us, even fight unmercifully to the end!
We shall provide their tomorrow even their better life! Let it not dishearten you, the lack which they seem to know. There will come a day when we are remembered for what we had to show!

To the sailors of the U.S.S. *Cole* who sacrificed their lives for us, you will be remembered for the sacrifice you showed the world.

I pay tribute to our missing and lost U.S. Sailors:

Electronics Technician Chief Petty Officer Richard Costelow, of Morrisville, Pennsylvania.

Hull Maintenance Technician Third Class Kenneth Clodfelter, of Mechanicsville, Virginia.

Mess Management Specialist Seaman Lakeina Francis, of Woodleaf, North Carolina.

Information Systems Technician Seaman Timothy Gauna, from Rice, Texas.

Signalman Seaman Apprentice Cherone Gunn, of Rex, Georgia.

Seaman James McDaniels, of Norfolk, Virginia.

Engineman Second Class Mac Nieto, of Fond Du Lac, Wisconsin.

Electronics Warfare Technician Third Class Ronald Owens of Vero Beach Florida.

Engineman Fireman Joshua Parlett, of Churchville, Maryland.

Seaman Apprentice Lakiba Nicole Palmer of San Diego, California.

Fireman Apprentice Patrick Roy of Cornwall on Hudson, New York.

Electronics Warfare Technician Second Class Kevin Rux, of Portland, North Dakota.

Mess Management Specialist Third Class Ronchester Santiago, of Kingsville, Texas.

Operations Specialist Second Class Timothy Saunders, of Ringold, Virginia.

Fireman Gary Swenchonis, Jr., of Rockport, Texas.

Ensign Andrew Triplett, of Mason, Mississippi.

Seaman Apprentice Craig Wibberley, of Williamsport, Maryland.

They were the best America had to offer, for they took upon themselves an oath taken by men and women from the beginning of time, and that is the oath of service to country.

For those of you who have caused this misery, I assure you, this country will not rest until you are found and brought to justice. The United States will not shy away from its commitment for ensuring peace, freedom and stability in the Middle East and around the world.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for introducing this important resolution at this time.

I am pleased to join in supporting this timely bipartisan resolution condemning the terrorist attack on the U.S.S. *Cole* and honoring its courageous crew and those who lost their lives or were injured, and recognizing the heroic efforts that were made to save this ship despite massive damage to its hull.

The terrorist attack on the U.S.S. *Cole*, which was docked in Yemen for refueling, reminds us all that despite our best efforts, it is not always possible to harden every U.S. target abroad.

It also highlights the need for increased intelligence capacity in these dangerous parts of the world.

Our U.S. embassy in Yemen is a highly secure facility with substantial set backs, making it hard to hit with terrorist bombs. The search for softer targets is how the determined new terrorists now operate as we harden more and more traditional U.S. diplomatic targets abroad.

Greater intelligence efforts are essential as these ruthless terrorists search for our soft underbelly. In this day of local criminal elements supporting terrorist networks through collaboration in the drug trade, and in supplying stolen vehicles, explosives, and safe houses, we often overlook one key source of better intelligence on terrorists; that is, the police in the tough regions such as the Middle East.

We need better and closer cooperation on the police front, both in fighting the crime and terrorism from abroad targeting our Nation, and we need their help.

Under Director Louis Freeh, the FBI has been trying to help some moderate and friendly Arab nations get an international law enforcement style type regional police training at the police academy, the ILEA, off the ground in the Middle East. These police schools help create the vital cop-to-cop relations and links on the ground that result in greater crime-fighting information and information-sharing with our U.S. law enforcement entities, and especially among the various regional police agencies.

Washington bureaucratic inertia stalled these FBI efforts in the Middle East until our House Committee on International Relations recently urged action on that initiative. Movement is now underway for a Middle East regional police training school, costing the taxpayer no monies to satisfy State Department bureaucratic concerns.

Another lesson from the U.S.S. *Cole* attack is the need for prompt and aggressive law enforcement response to preserve evidence, to interview witnesses, to pursue leads before the terrorists and their followers flee to safe havens. We must make certain that those responsible are brought to justice.

I am proud that our committee played a key role in giving the FBI new commercial leasing authority for transport planes for a quick response to these kinds of attacks.

□ 1745

I commend our FBI, our diplomatic security and other agencies for their quick action to help secure facilities in Aden and the efforts to apprehend those responsible for this heinous crime.

I want to again commend the authors of this resolution in bringing this issue to the floor today as our Nation honors the crew of the U.S.S. *Cole*. With all of us working together, I am certain we can bring those responsible to justice for this attack and work to ensure that we minimize the likelihood of any other similar attack in the future.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I think that, in this hour, it perhaps does us good to put aside for a minute the geopolitical discussions advanced by the gentleman from New York (Chairman GILMAN), my friend speaking before me, and concentrate instead on the loss that we have suffered, memorialize and honor the service of the men and women of the U.S.S. *Cole*, and grieve with them the loss of their classmates.

When the terrible news about this terrorist attack flashed across the television sets of this country, we had a sick feeling across the entire country about this senseless loss of life in a pathetic, cowardly terrorist act.

This feeling of sadness became much deeper when we learned that one of the dead was one of our own. Kevin Shawn Rux from Portland, North Dakota. Kevin was 30 years old. He was an electronic warfare technician, second class. He was the son of a Navy man, the nephew of another Navy man, and he was in his 11th year of service to our country in the United States Navy.

Earlier, in the week, Kevin had called his wife Olivia in Norfolk, Virginia to extend his love on their 10th anniversary. He was halfway across the world, serving his country. On his anniversary, perhaps his last visit with Olivia, he extended his love in this fashion.

We cannot really fully appreciate, until a tragedy drives us to really think about it, the measure of commitment and sacrifice that the men and women in our military make. I mean they are some of our finest. They are in really up-close personal ways some of our very finest.

Some of those who went to high school with Mr. Rux were quoted as saying, "He was a friendly, good student, wrestler, not a trouble maker, had his head screwed on straight." His former wrestling coach was quoted as saying, "Kevin was a tough little cookie. He was all business. He was consistent. He was always there. He knew his role."

Well, those observations of a high school wrestling coach were very true of his service to our country in the Navy as well. He had his head screwed on straight. He was always there. He was a tough little cookie.

What a tragedy for his wife and his family. What a tragedy for us in North Dakota. What a tragedy for our country to have lost sailors the caliber of Mr. Rux.

So I ask that we in this time think and pray for the departed and their families. They have served their country very well.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, today I rise to both celebrate and mourn the loss of life of those who carried our freedom and beliefs across the seas aboard the U.S.S. *Cole*.

One of the 17 who died was 35-year-old Richard Costelow who grew up in my county of Bucks County, Pennsylvania. Richard attended Morrisville High School, and he graduated in 1983. As one of his teachers remembered him, Richard "gave 100 percent every day. That kind of kid doesn't come along too often."

Richard joined the Navy in 1988 and worked his way up to the ranks to electronic technician, first class. As the President mentioned at this morning's memorial service, he spent 5 years in the White House Communications Office and received the prestigious National Defense Service Medal.

My heart goes out to the Costelow family, his wife Sharla, and their three boys as well as to his parents and extended family.

Today we mourn this tragic loss, but we will never forget those who served to protect the ideals we as a Nation hold dear.

Mr. Speaker, it is particularly grotesque that these young men and women killed and injured in this event were in service of the greatest beacon of freedom ever in the history of the world, and that so often those who commit these acts of terrorism are individuals who themselves are victimized by brutal leaders who, while keeping their boot on the faces of the people of their countries, use the United States as a scapegoat for the frustration and the agony that their own people feel.

Someday we will conquer this ignorance, and someday all of the peoples of the world will be free. Until that day comes, we will rely on the Richard Costelows of the world to protect us from those who live in ignorance.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services for yielding me this time.

Mr. Speaker, I rise in support of House Resolution 631 in honor of the crew members killed and wounded on the U.S.S. *Cole*.

As a member of the House Committee on Armed Services, I am continually impressed by the dedication to duty of those serving in the armed services. These young men and women volunteer. They volunteer, and they put their lives on the line to defend the freedoms that many of us take for granted.

Last week, this Nation was reminded of their sacrifice. Seventeen people died, and 39 were injured serving aboard the U.S.S. *Cole* when a cowardly act of terrorism changed their lives forever and the lives of their families.

This incident opens up old wounds such as the 1983 bombing of the Marine barracks in Lebanon that killed 241 and the 1996 bombing of the Khobar Towers that killed 19.

Our Nation is blessed with many virtues. Unfortunately, these incidents affirm that none are as precious as the men and women who risk their lives in the service of this country.

It has been said "For those who manned the battle line the bugle whispers low, and freedom has a taste and price the protected never know."

Our hearts go out to the families of the brave men and women we honor today. They are now part of the soul of our great Nation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, well, again, thanks to the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), ranking member.

Seventeen young crew members in the U.S. Navy were serving their country. In an instant, their lives were taken as a result of this terrorist attack on the U.S.S. *Cole*. Of those killed, most were young. Most came from our typical American hometown. They all left families and friends to mourn them. My thoughts and prayers go out to those families and friends. We, as a country, grieve with them.

I feel, I think, some of this grief as I remember that day in 1957 when we received word that my brother's plane had gone down, and he was killed. The family is never quite the same.

A senseless tragedy like this attack on the U.S.S. *Cole*, I think, allows us to reflect on all those military service members and their families who sacrifice so much while serving this great country.

Our brave men and women in all the branches of the armed services stand ready to defend America, not only within our borders, but throughout unpredictable international waters and lands.

Let us continually stand behind them and support them and humbly recognize their sacrifices. I think too often we take their services for granted. We would not be enjoying the freedoms we have now without the sacrifices of so many during our great country's history.

I hope we will often remember how important America's military is to ensure the freedoms and liberties we have in this country.

Again, my very sincere condolences go out to the family and the loved ones of those service men and women who had their life taken. May God help them through this difficult time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, we all send our deep-felt thoughts to the families of those who are lost and injured. Any of us who have military facilities in our districts know that the daily sacrifice that the men and women in uniform give to this Nation is something that keeps us free and frankly keeps the world free. Without American service personnel, this world would not be a world filled with burgeoning democracies.

But for those families whose tragic loss by these cowardly terrorists, every Member in this Chamber, everyone in the administration will take every effort to make sure that they are caught and punished.

America is the leading force in the world for freedom, and often we are the leading target of the mad men of this world. They will not succeed. We will join together with other freedom-loving Nations, and we will end terrorism. We will win this fight, and we will do this united with many of our friends across the globe.

All of my constituents and all my colleagues again send our prayers to the families and our gratitude to all the men and women in uniform.

The SPEAKER pro tempore (Mr. BLILEY). The Chair announces that the gentleman from South Carolina (Mr. SPENCE) has 7½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 3 minutes remaining.

The gentleman from South Carolina (Mr. SPENCE) has the right to close.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development of our Committee on Armed Services.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the distinguished chairman for yielding me time. I thank both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), our distinguished ranking member, for this particular legislation.

I rise with a deep sense of sorrow shared by all of our colleagues on both sides of the aisle in remembering those brave Americans who paid the ultimate price for the freedom and democracy that we enjoy.

It is appropriate, Mr. Speaker, that, during this time of reflection on the lives of these individuals, these young sons and daughters and mothers and fathers, these young relatives of so many families in America that have been taken away from us, that we reflect on the value of our military and the role they perform every day of the year.

Mr. Speaker, we lost 17 brave Americans. We lost dads who left kids. We lost daughters who left behind moms and dads. We lost people who were involved in their community and charity events and church organizations. We lost future leaders of America. Perhaps even among them was a Member of Congress. I heard the President say today that one of the individuals actually had worked at the White House, helping with the computer system.

These were not just sailors. These were individuals who were destined to become a part of the American fabric, who were going to eventually assume their leadership role in both the military and also in civilian life. Tragically, they were cut down.

□ 1800

I would ask our colleagues to remember the individuals that are being honored here tonight and the entire crew of the ship, and that we think about the implications of having a Navy where one-third of our ships are right now deployed, and over one-half of those ships underway steaming across the seas to distant lands to protect America. We have military personnel in dozens of cities and countries around the world today performing important functions of keeping peace, allowing us to have that forward presence and making sure that the world is stable.

Sometimes I think we take that for granted as a nation, and it takes this kind of incident to remind us that these are human beings; that we have the responsibility to give them the proper benefits, the responsibility to give them the proper equipment, and the proper training.

I agree with what the President has been saying and what Governor Bush has been saying and Vice President Gore. We do have the best military in the world, and it is the best-trained military in the world. But I can tell my colleagues that I am concerned. We cannot cut our Navy back from 585 to 317 and keep the level of deployments up. We cannot continue to have 35 deployments in 9 years all over the world and not expect additional pressures like what we have seen.

Mr. Speaker, there needs to be a full investigation of this incident, and there needs to be a full accounting for those who perpetrated the act and the reasons why this act occurred.

But today we remember those brave souls, those brave heroes, and I join with my colleagues in extending our warmest and deepest sympathy to the families and loved ones of these brave sailors. I ask all of us in America to reflect on the importance of our military and make a renewed commitment in honor of those brave 17 Americans and the entire crew of the *Cole* that we will continue to provide the full support of all Americans in providing the funding for an adequate military, for the proper quality of life, for proper health care, and for all those other commitments that America needs to make to its uniformed personnel.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me this time, and I rise in strong support for this resolution introduced by the chairman of the House Committee on Armed Services and the ranking member.

At a tragic time like this, it is important to remember that freedom is not defended by ships or airplanes or tanks, freedom is defended by people: people from all walks of life and people from all around the country; people who are capable of doing individual things and making their contribution to the Nation. These sailors who were victims of a very cruel and vicious act are amongst freedom's best, are amongst America's best.

Terrorist acts are supposed to inspire terror. I think that this resolution, I think the comments of many of the Members today, I think the sentiments of the American public, I think the moving memorial service earlier today indicates that America is anything but terrorized by this act. Instead, we are galvanized to do the best that we can by our men and women in uniform, to continue the policy of trying to extend freedom around the world and to protect it wherever it is threatened.

So today at this time I think we want to extend our deepest and sincerest condolences to the families and again to pay tribute to these fine young Americans.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. PICKETT), a member of the Committee on Armed Services.

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Today, in Norfolk, Virginia, we were touched as a Navy family, community, and Nation as we mourned the brave American sailors who paid the ultimate sacrifice on board the U.S.S. *Cole* in the name of liberty and freedom. These men and women, our fathers and sons, brothers and sisters, mothers and daughters, were violently attacked as they stood watch for their country. Instantly, the promise and hope of 17 voices were forever quieted by an act of hate. Even now, the captain, officers, and crew of the U.S.S. *Cole* are working around the clock to save their ship. Let there be no mistake, the United States condemns those responsible for these acts and will relentlessly pursue the attackers until their identity is known and justice is served.

Sometimes, Mr. Speaker, in times of peace and prosperity, which we largely enjoy today, it is easy to forget the perils our men and women in uniform face each day. Our sailors, soldiers, airmen, and Marines put their lives on the line not just when they are deployed in harm's way in the world's volatile areas like those aboard the *Cole*, but also each day as they train to get ready for such missions. These brave Americans heard the call of duty to serve their country, and like all men and women in the service, the U.S.S. *Cole* answered that call to travel to far-off lands to keep the peace and carry American ideals to places where they are so desperately needed. Their bravery is exemplary of the American spirit and one reason the United States serves as a beacon of hope and freedom to others around the world.

To these servicemen and women courageously serving their country, we say thank you. We will find these attackers and they will be brought to justice.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. ROEMER), who is a member of the Permanent Select Committee on Intelligence.

Mr. ROEMER. Mr. Speaker, I thank my good friend on the Committee on Armed Services for yielding me this time.

I know my entire State and my district back home in Indiana send their thoughts and prayers not only to the 17 families but all our families that are present overseas today and tomorrow doing the great job they do to protect this great Nation.

As a member of the Permanent Select Committee on Intelligence, a few days ago I received a briefing out at Langley, and I know that the intelligence community is working tirelessly, day in and day out, to follow every lead to gather all the evidence and the facts so that we can find out who did this and make sure when we find out that there is swift justice. We will find the culprits and the cowards that inflicted this on our people, and justice hopefully will be done soon.

Our prayers go to our service personnel and to our intelligence and military community to help us address this very serious situation.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Missouri (Mr. SKELTON) has expired. The gentleman from South Carolina (Mr. SPENCE) has 4½ minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I yield 30 seconds of that time to the gentleman from New Jersey (Mr. ANDREWS), a member of our committee.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time, and let me extend my profound and personal sense of grief and appreciation to the families of those brave Americans who served on the *Cole*.

Let me say this. I know these words will be of little comfort to those who have suffered such a great loss, but to those who question the character of the young people in America today, I would say that we have a resounding answer. We had young people who were willing to enlist voluntarily in the service of their country and give their lives. They have done so with great honor. We are very proud of them, and their families should know they have given their lives nobly and will not be forgotten.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it was the Roman orator Cicero who once said that gratitude is the greatest of all virtues. This morning in a ceremony next to the U.S.S. *Eisenhower* at Norfolk, Virginia, commemorating the lives of those 17 sailors, feelings came to each of us; feelings of sympathy for the families of those injured and those deceased, admiration for the sailors who carried on and saved their ship and did so well by doing their duty, and anger, anger at those who perpetrated this deed. And yet that anger will fade into determination to cause America to seek justice.

I will repeat the words of Admiral Robert Natter, as he spoke during the ceremony: "All Americans should remember. Remember the *Cole*."

Mr. SPENCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are gathered here on this very solemn occasion to honor these people who have paid the price for our freedom. How can we honor them? What can we say? What can we do?

I think one thing we can do as a Nation is to assure those families of these young men and women, and the ones who were injured and all the other members of our armed forces today who are paying the price every day in all kinds of ways all over this world. The price for what? Freedom.

We have heard many of us use the word freedom many times today. And some might wonder, what does that have to do with it? That is what it is all about. These young men and women not only today but in the past who served our country have not only given us our freedom but defended it every day all over this world at great sacrifice. Why is that freedom so important? Without it, where would we be?

Some wonder about some of us who are so strong for national defense, that is why. Freedom is so important. Without freedom, we would not have the environment necessary to consider all the other problems we have in this country to deal with. First, we must have our freedom. In a free society we can then go about dealing with the rest of our problems. But I never, never, never get away from the fact that we, every day, take for granted what other people before us over the years have done in giving us and defending our freedom for us today who have not paid that price.

As I said earlier, I think every day we should honor people, not just one day every so often when these kinds of things happen. We should every day pay honor to those who have given us our very freedom.

Mr. GEPHARDT. Mr. Speaker, events are sometimes so horrible that words alone do not fully describe the pain and sorrow that is in all of our hearts. The tragedy aboard the U.S.S. *Cole* was just such an event. This act of cowardice and malice against 17 Americans who were simply doing their duty is beyond all reason.

These brave soldiers died in the line of duty, and the resolution before us honors those who so valiantly gave their lives in the service of their country.

It is a simple gesture, but it is so necessary.

Our fallen sailors are the true heroes of our society.

They worked day after day and week after week to protect our nation from harm. They spent their time promoting peace in the world. They were symbols of American values—democracy, diversity, human tolerance and understanding, opportunity and freedom.

Today, America is stronger because of your brave service overseas—and the world is a better place because of your sacrifice.

We say as a country that we will not let heinous acts of terrorism deter us from our mission of peace in the Middle East and around the world. We will not rest until the people responsible for this crime are brought to justice. And we will not shrink from our duties in the world—we will continue to maintain our presence and promote freedom, democracy, and better relations among all people.

I want to extend my deepest sympathies to the victims' families. Our thoughts and prayers are with you. You, too, have made the ultimate sacrifice, and we as a country are forever in your debt. Our hearts and gratitude also go out to the injured and their families who have also suffered from this attack.

I salute the brave souls who fought to reclaim their ship—to save their vessel under the most difficult, wrenching circumstances. They are a tribute to our armed forces and they embody the best values in our society.

Finally, I want to say, humbly, that America will never forget our fallen heros. We will always honor the sacrifice you have made so that others might live in peace.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in strong support of H. Res. 631, honoring our servicemen and women who were victims of the terrorist attack on the destroyer U.S.S. *Cole*.

I was saddened and outraged by the cowardly attack carried out against the U.S.S. *Cole* on October 12 off the Yemeni Coast. First and foremost, my thoughts and prayers are with the families and friends of those who laid down their lives serving their country and representing the highest traditions of the United States Navy.

As I sat and watched the television that dark Thursday morning, I could not help but feel for the loved ones of the fallen. I hope that time and reflection and God's healing hand can put their pain at ease.

The 17 sailors who perished and the over three dozen wounded were carrying out a mission of vital national interest to America. They were part of a carrier battle group that projects our forward maritime presence by taking station in the Persian Gulf region. These brave Americans's knew they were going into a volatile region. They were made ever more aware of their situation as fighting broke out between the Israeli government and Palestinians. However, members of our armed forces are regularly called upon to carry out their assignments that place them in harms way. Still, when even one American dies in the line of duty, it is a time for reflection and sorrow.

The heroic damage control efforts of the U.S.S. *Cole*'s crew after the explosion saved not only the ship, but lives. After the blast that ripped a 40 by 45 foot hole in the port side of the ship and exploded windows on land, the crew was able to maintain composure and stop the flooding. I can only image what it must have taken for a sailor aboard to see the havoc but still have the courage and presence of mind to do their duty by sealing off the bulkheads and evacuating the injured.

The terrorists that carried out this cowardly mission perished in the blast, but there are numerous responsible parties that financed, trained, and planned the attack. Our government must locate these perpetrators and bring them to justice no matter where they are in the world as soon as possible.

America must always be vigilant for those who wish to do harm to our troops and citizens. We must never let those who harm U.S. citizens go unpunished. However, America will not be deterred by this act from carrying out missions that are vital to our national interests in the region.

Mr. KIND. Mr. Speaker, I join my colleagues in honoring the entire crew of the U.S.S. *Cole*, and in offering my heartfelt condolences to the families of those sailors who gave their lives in service to their country.

As often as I can, I offer my sincere appreciation and admiration to the men and women who proudly serve in uniform on behalf of the United States of America. The efforts of these fine Americans, both in peacetime and in war, not only have allowed this nation to achieve its stature as the greatest institution of democracy and liberty the world has ever known, but have ensured the high level of security and prosperity we now know.

However, on this day we must sadly confront the harsh reality that national security is not without risk. Today we are reminded that our soldiers, sailors and airmen are, in fact, our front line of defense in an unpredictable and sometimes dangerous world. We realize, as is carved in granite at the National Korean War Memorial, "peace is not free." Sometimes the cost of peace comes at a very high price.

The sailors of the U.S.S. *Cole*, those cruelly snatched from this Earth, those injured in the blast, and those still on board who bravely worked to assist their mates and who continue to struggle to maintain their ship, represent the noblest principles of our nation and of our history.

Almost 140 years ago, when consecrating the graves of Americans who gave their lives in the fields of Gettysburg, President Abraham Lincoln said: "The world will little note nor long remember what we say here, but we must never forget what they did here." Few words ring as true through the ages, or as appropriate on this solemn day.

Today, my colleagues and I grieve and pray with the families who lost loved ones on board the *Cole*, and with the sailors recovering from injuries sustained in the vicious attack. Our nation's resolve to find those responsible for this tragedy is strong, and our will to ensure justice is unbending. All Americans, across this nation and at all points of the globe, must never forget the ultimate sacrifice of these men and women and of their families. But, I submit, each of us must also strive to better remember and honor the acts of bravery and sacrifice our men and women in uniform commit each and every day.

Mr. GREEN of Texas. Mr. Speaker, I rise today to mourn the brave young men from Texas who died in last week's attack against the U.S.S. *Cole*—Ronchester M. Santiago of Kingsville, Timothy L. Gauna of Rice, and Gary G. Swenchonis, Jr. of Rockport.

These young men, none older than 26, were pillars of their communities who joined the U.S. Navy to serve their country and protect our national security. Specialist Third Class Santiago, a cook aboard the *Cole*, was remembered as an excellent student and well-respected by his peers.

Seaman Gauna, an information systems technician, was a standout on his high school basketball and baseball teams. He also served as a bilingual teacher's aide at a local elementary school after graduation, before joining the Navy.

Fireman Swenchonis, who had not joined the Navy until January 1999, was remembered as a good student, always willing to volunteer or lend a helping hand.

They are just three of the 17 sailors killed or presumed dead in this despicable act of terrorism. Our sympathies are with the families of those sailors, along with the families of the injured, including Kesha Stidham of Austin, who lies in critical condition.

As the Navy continues to recover its dead, the FBI, along with military and Yemeni authorities, are working around the clock to find those who are responsible. I congratulate them on their quick work so far and hope that additional leads and arrests will be forthcoming.

Let those who conceived this brutal act, however, heed our words. America will not stand idly by as her young men and women are slaughtered by cowardly men in cowardly acts. You will be found, you will be brought to justice, and you will be punished.

Mr. Speaker, our resolve will not be affected by this attack. The United States will continue to work for peace and stability to the Middle East, and we will continue to oppose those who seek to deal in the currency of violence and terror.

Mr. EVERETT. Mr. Speaker, I would like to pay tribute to Petty Officer First Class Douglas Hancock, a brave young sailor from Enterprise who was injured in the disgusting and cowardly act of terrorism that was the attack on the guided missile destroyer U.S.S. *Cole* (DDG–67).

In the early hours of October 12, 2000, a worried Grady White called my office asking for my assistance in determining whether his grandson was injured or killed in the attack. Due to some confusion over who was listed on Douglas' notification list, the Hancock family was worried they might not be contacted. The Navy did an admirable job keeping all the families of the crew members of the U.S.S. *Cole* informed under the circumstances. However, when CNN ran footage of injured sailors being carried into the hospital, Mrs. Becky Hancock, Douglas' mother, was both relieved and worried when she recognized Douglas' face as one of the injured sailors.

Douglas Hancock suffered a broken jaw and cuts from the explosion. He was one of the 37 injured. He was not among the seven confirmed dead or the ten missing and presumed dead. He is going home to his close-knit family and friends.

I salute Petty Officer Douglas Hancock and the rest of the U.S.S. *Cole*'s crew for their bravery and service to our nation.

Mr. HORN. Mr. Speaker, it is with great sadness that we honor the brave young men and women who lost their lives in last week's shocking attack on the U.S.S. *Cole* in the Port of Aden, Yemen. This terrorist attack provides us with another painful reminder that the United States military must always remain vigilant in a world often hostile to our country's interests.

Our military is constantly threatened by enemies of peace throughout the world. From peace-keeping operations in the Balkans, to preventing communist aggression on the Korean Peninsula, to keeping a cautioned eye on the increasing turmoil in the Middle East—our military is spread disturbingly thin. In order to deter our enemies and protect the lives of our courageous servicemen and women, Congress must continue to make every effort to strengthen our armed forces' ability to stop these types of attacks from happening in the first place.

This tragedy also reminds us that though we are living in an era of relative peace and prosperity, we must never take it for granted. America would not be free today without the sacrifices of the brave individuals who choose to serve our country for many reasons, but who all share the risk and sacrifice this service brings. The men and women of our armed forces exemplify personal courage by facing fear, danger and adversity every day. And they carry out their duties with honor, integrity, and respect.

Our hearts, and our prayers, go out to the families of the young men and women killed in Yemen, and to all American military men and women serving our nation all over the world. Their sacrifice and their spirit call upon each generation of Americans to recognize and appreciate those who pay the ultimate price for our nation's freedom. We will always remember and honor their sacrifice.

Mrs. KELLY. Mr. Speaker, almost a week ago, people all over the world awoke to the news of a terrorist strike against one of our naval ships. Like countless other Americans, I was stunned by the early reports. Over the next several hours and days, the gravity of the situation became clearer. The Navy has reported that seventeen sailors were killed by this blast and another 33 were injured. Today, I join many with my colleagues in rising to honor these men and women who gave their lives to protect our nation and all she stands for.

Today, the families of those lost honored them at a memorial service in Norfolk, Virginia, the *Cole*'s home port. Throughout the ceremony we were reminded of the sacrifice by not only those in uniform, but their families as well. Unfortunately this sacrifice is often forgotten, but it is never unappreciated. It is truly an extraordinary person who is willing to commit to this type of service and dedicate his/her life to something larger than him/herself. It is an individual's commitment to the service of this country that we are reminded of as we mourn those who gave their lives. My own district also suffered the loss of a loved one in this attack. Patrick Roy, a onetime resident of Cornwall on Hudson, New York was a Fireman Apprentice on the U.S.S. *Cole*, and I offer my deepest sympathies to his friends and family.

I want to applaud the efforts of the remainder of the *Cole*'s personnel who did their job, manned their stations and saved their ship even while they knew that they had suffered the possible terrible loss of shipmates and members of their naval family.

The United States military has served as liberator and protector and has provided a source of hope for millions around the world in times of peace and in war. While it may be of little solace to those who have lost a loved one, the men and women of the *Cole* who gave their lives in an effort to serve as a protector will remain beacons of hope and will be remembered as heroes. My deepest condolences go out to all of the friends and families who have lost a loved one in this cowardly attack.

Mr. SWEENEY. Mr. Speaker, today I commend the valiant sailors of the U.S.S. *Cole* and to express my deepest condolences to the families and loved ones who suffered losses due to an act of terrorism.

On October 12, 2000, the Navy family suffered a tremendous loss, when the U.S.S. *Cole* fell victim to terrorism while attempting to refuel at the Port of Aden in Yemen. My heart continues to go out to the families and friends of the American sailors who were killed, injured or are still missing. I comment our valiant sailors who responded quickly to this tragedy, minimizing casualties and damage to their ship.

It was an honor to assist three families from my District as they waited to hear news on their loved ones. Fortunately, the families and friends of Petty Officer Kevin Benoit of Cairo, NY, Ensign & Deck Division Commander Gregory McDearmon of Ballston Lake, NY, and Chief Petty Officer Charles Sweet of Broadalbin, NY, after hours of waiting, received word that their loved ones were safe.

It is important that we always remember that these brave men and women are serving our Nation and we should pay tribute to them. These sailors have made the ultimate sacrifice in service to their country. This is a loss felt by the entire nation.

This tragedy highlights the constant dangers faced by our armed forces around the world. Our country must remain vigilant in protecting them from future terrorist or other attacks. Our government must work diligently to protect and provide aid to those who are injured and work with the families who are going through a period of grieving.

Again, Mr. Speaker, our prayers go out to the sailors, their families and friends.

Mr. FROST. Mr. Speaker, last Thursday a terrible and cowardly act of terrorism was made against America and our armed forces. The U.S.S. *Cole*, which had entered the Yemeni port of Aden, was blindsided by a small boat in a group helping to moor the ship for refueling. The boat was loaded with explosives and blew up alongside the U.S.S. *Cole*.

Mr. Speaker, 17 sailors were either killed or are missing from the blast, and 39 were injured.

Information Systems Technician Seaman Timothy Gauna, a constituent of mine from Rice, Texas, is among the missing. Like all the sailors aboard the U.S.S. *Cole*, he was serving his country bravely and honorably when this vicious attack took place. I join the Gauna family, and all the families of the missing sailors, in hoping that they will soon be accounted for.

Immediately after the attack Mr. Speaker, I flew down to North Texas to visit Seaman Gauna's family. There, I spoke with a mother who is proud of her son's courage and patriotism. And I talked to various family members who admire Tim's dedication to America.

I do not know all the sailors on the U.S.S. *Cole*, Mr. Speaker, but I know the family of Seaman Gauna. They—like all of the U.S.S. *Cole's* sailors and their families—have America's gratitude, and our prayers.

That's why I was so moved by the memorial service today in Norfolk, Virginia. There, the entire nation joined injured sailors—some fresh from the hospital, their IV's still attached to their arms—in paying tribute to their fallen and missing comrades.

But our obligation to these brave men and women is greater than that, Mr. Speaker. We must continue to be vigilant in the face of threats from terrorists around the world. We must find the criminals responsible for this cowardly atrocity, and they must be brought to justice.

Make no mistake, Mr. Speaker, these terrorists will soon learn that America responds quickly and forcefully whenever we are attacked. The FBI now has more than 60 agents in place investigating this attack and the Navy has assigned six U.S. warships to Aden harbor to assist the U.S.S. *Cole* and its exhausted crew.

Mr. Speaker, every time anyone in uniform gets into a ship, a plane, or a tank, they risk their lives in defense of America. For that, we owe the great men and women of the United States Armed Forces our most profound gratitude. They have it, Mr. Speaker, as well as the solemn promise that America stands with them—always and everywhere.

Mr. LEWIS of California. Mr. Speaker, when we are confronted by the despicable, cowardly attack on the U.S.S. *Cole* during a simple refueling stop in a troubled port, our first reaction is anger and a desire to punish those who are responsible.

But today I believe we should put those thoughts aside and consider instead on the sacrifice made by those members of the *Cole*'s crew, and reflect on how our country—and the entire world—depends on such sacrifices by all our men and women in uniform around the globe.

These crew members put themselves at risk to bring peace to a region that could self-destruct at any time if our warships were not present. The U.S.S. *Cole* was in Yemen, a nation with a history of antagonism to the United States, to help establish a new relationship of trust and friendship. They put their lives on the line not only to keep the peace, but spread its benefits.

The force of the explosion gouged a 40-foot-by-40 foot hole in the side of the *Cole*. If this attack had occurred to a ship of almost any other navy in the world, the ship would have sunk with many lives lost. But the *Cole*'s crew showed the intense training, high skill level and sheer determination that we have come to expect of all of America's armed forces. Twice in three days they contained the damage, keeping the ship afloat and saving many of their injured colleagues.

Because of the unselfish dedication of Americans like those on the U.S.S. *Cole*, the United States is one of the few nations in history that can reduce military tensions anywhere simply with the presence of our warships. The hearts of peace-loving people around the world are lifted at the sight of a U.S. Navy ship steaming into port. And sadly, the angry dreams of those who would disrupt the peace focus on destroying those peacekeepers, as well.

The crew of the U.S.S. *Cole* knew that they could be in danger in an unsettled region, and would not be deterred from performing their duty as our front-line peacekeepers. We are aware that there are those who will go to any extreme, including trying to sink the *Cole*, in a desperate effort to undermine America's commitment to bring peace to this war-torn part of the world. When the attack came, the crew of the *Cole* would not allow their ship to sink.

Our nation is deeply saddened by the loss of the brave men and women who gave their lives so that peace may spread around the world. But we say to the enemies who would attack us in the hopes of spreading war: Look carefully at the lesson of determination that is the U.S.S. *Cole*. We will not be deterred.

Mr. THOMPSON of California. Mr. Speaker, I join Chairman SPENCE and Ranking member SKELTON, and all Americans, in honoring the crew of the U.S.S. *Cole* and expressing the nation's sympathies to the families of those killed or injured.

Like my colleagues, I was struck by the photographs of the 17 sailors killed or presumed dead that appeared in the newspapers in the days following the terrorist attack against the *Cole*. Even the eldest of them—aged 35—died all too young.

As has been stated elsewhere, the photos put faces to the phrase "in harm's way." Particularly young faces.

The phrase is also part and parcel to another: "doing one's duty."

We know from service members that the phrase "doing one's duty" is more than a combination of words. It is also reflective of a spirit, a commitment, a calling that attracts the very best of our youth to military service.

And it is not a phrase not taken lightly.

The crew of the U.S.S. *Cole* is but one of hundreds of units of men and women deployed around the world. Each knows the risk of such service. Each also knows of the contribution they make to our nation's defense and the defense of freedom around the world.

But, all too often, the contribution and sacrifice these men and women make is taken for granted. Too often, we have only assembled after a tragic incident like the bombing of the *Cole* to belatedly express our appreciation and thanks.

Let us resolve to thank the men and women of our Armed Forces everyday for their dedication, sacrifice, and courage. And let us remember 17 members of the crew of the U.S.S. *Cole* for making the ultimate sacrifice.

To their families and friends, we assure you that their memory will not be forgotten. And the values for which they gave their lives will be forever cherished, honored and protected.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to honor the sacrifice and the memory of the crew of America's guided missile destroyer U.S.S. *Cole* who were killed or wounded on October 12 as a suspected terrorist bomb ripped through the ship's hull. The State of Texas mourns the loss of three of its sons: Fireman Gary Graham Swenchonis, Jr. of Rockport, TX; Information Systems Technician Timothy Guana of Rice, TX; and Petty Officer 3rd Class Ronchester Santiago of Kingsville, TX. We Texans add our sadness and pride in our Nation to the family of Americans in saluting the honor and valor of all seventeen patriots and the remaining crew of the U.S.S. *Cole*.

The Nation especially grieves the loss of our first female sailors killed in hostile action aboard a U.S. combat ship. It is important to acknowledge that this historic sacrifice was made by two African American women. Lakeina Monique Francis of Woodleaf, North Carolina, a 19 year-old Mess Management Specialist Seaman, followed in her father's footsteps to serve her country in the Navy. Lakiba Nicole Palmer of San Diego, California was a 22 year-old Seaman Recruit. History will record their sacrifice as a milestone of great proportions. For today, there can be no doubt that America's sons and America's daughters will lay down their lives for freedom and peace around the globe. I urge this Congress to resolve that as this story is written and retold, the names of these women must not be forgotten as has too often been the case for the legacy and sacrifice of African American women throughout our Nation's history.

I stand with my colleagues to offer sincere condolences to every loved one who survives each of the seventeen patriots we honor through this resolution. Their supreme sacrifice compels us to live for peace and redouble our efforts to broker a lasting Middle East peace with the strongest determination.

Mr. Speaker, on this occasion, I pray God's blessing on the memories of these sailors, God's comfort for their families, and may God bless an America that is more resolute that ever to preserve the peace!

Mr. DOOLEY of California. Mr. Speaker, I rise today to honor the brave American sailors aboard the U.S.S. *Cole* whose lives were taken off the coast of Yemen on October 12, 2000. I would like to express my deepest sympathies to the sailors' families during this difficult time.

We will never forget the sailors and the sacrifice they have made for our country. It is through their courageous service that all Americans are allowed to live in freedom.

I would also like to honor the other sailors aboard the U.S.S. *Cole*, both those injured and non-injured. This tragedy should be a reminder to all Americans that on a daily basis our men and women serving in the military are continually putting their lives on the line for our country in many parts of the world. Even in times of relative peace, the potential dangers faced by our service members never cease to exist.

This horrible incident is of particular concern to me because my District is home to Naval Air Station, Lemoore. Men and Women in my district proudly serve their country and bravely confront serious dangers. I know that the tragedy aboard the U.S.S. *Cole* evokes a painful reminder of these dangers to all military families. My thoughts are with the Navy families in my district who are mourning the loss of their fellow service men and women.

I am hopeful we will find those who were responsible for this cowardly act and hold them accountable. We owe it to the lost sailors and their families.

Today, as the families and friends of the victims come together in Norfolk, Virginia to honor their loved ones, I would like to offer my condolences and prayers. They will not be forgotten.

Ms. PELOSI. Mr. Speaker, I rise to extend my heartfelt support for House Resolution 631, honoring the crew of the U.S.S. *Cole*. Today on a gray and sad day in Norfolk, Virginia and around the country, our nation mourns the loss of life and celebrates the service of sailors on the U.S.S. *Cole*.

My thoughts and prayers go out to the families of the seventeen sailors killed, and the thirty six injured in the terrorist bombing attack off the coast of Yemen. Our nation owes a profound debt of gratitude to these proud sailors who lost their lives or suffered injury defending the American people and the values of freedom and democracy on which our nation stands.

I extend my deep admiration to the entire crew of the U.S.S. *Cole* for the bravery and professionalism they displayed in caring for their wounded and stabilizing their ship. This tragedy underscores the commitment and sacrifice of our nation's fighting men and women who put their lives in danger on a daily basis for the security of our country.

This attack was an unconscionable act of cowardice and those responsible will be sought out and swiftly brought to justice. The United States will stay the course, acting as the leading force of stability and freedom in the fight against terrorism.

We will not be bowed or intimidated by this attack, as will carry the memory of the U.S.S. *Cole* in our hearts to strengthen our resolve and continue the struggle for world peace. Just as these seventeen sailors protected us in life, we shall honor and protect the memory of their sacrifice by standing firm against this type of senseless violence.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 631 will be followed by several 5-minute votes on motions to suspend the rules that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 531]

YEAS—386

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon

Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—46

Barrett (WI)
Becerra
Brown (FL)
Campbell
Cardin
Chenoweth-Hage
Conyers
Delahunt
Dooley
English
Fattah
Forbes
Franks (NJ)
Gephardt
Goode
Graham
Gutierrez
Hansen
Hostettler
Houghton
Jones (OH)
Kasich
Kennedy
Klink
Kolbe
Lazio
Lipinski
McCollum
McIntosh
Miller (FL)
Nethercutt
Ney
Oxley
Pascrell
Pitts
Rodriguez
Ros-Lehtinen
Sanders
Shaw
Spratt
Stupak
Talent
Turner
Walsh
Weygand
Wise

□ 1833

Mrs. CUBIN changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 17, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 415, by the yeas and nays;

H.R. 3218, by the yeas and nays;

Concurring in Senate amendments to H.R. 3671, de novo;

H.R. 4148, de novo; and

S. 964, de novo.

The Chair will reduce to 5 minutes the time for each electronic vote in this series.

NATIONAL CHILDREN'S MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 415.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 415, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 0, not voting 56, as follows:

[Roll No. 532]

YEAS—376

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel

Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—56

Barrett (WI)
Bilbray
Bonilla
Brown (FL)
Campbell
Cardin
Chenoweth-Hage
Conyers
Cubin
Delahunt
Dooley
English
Fattah
Forbes
Franks (NJ)
Gephardt
Goode
Graham
Gutierrez
Hansen
Herger
Hostettler
Houghton
Hoyer
Kasich
Kennedy
Klink
Kolbe
Lazio
Lipinski
Lucas (OK)
McCollum
McIntosh
Miller (FL)
Napolitano
Nethercutt
Ney
Oxley
Packard
Pascrell
Pitts
Radanovich
Rodriguez
Ros-Lehtinen
Sanders
Schakowsky
Shaw
Sherwood
Stearns
Stupak
Talent
Turner
Walsh
Watt (NC)
Weygand
Wise

□ 1840

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 532, I was unavoidably detained. Had I been present, I would have voted "yea."

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3218.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 3218, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 47, as follows:

[Roll No. 533]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—47

Barrett (WI)
Brown (FL)
Campbell
Cardin
Chenoweth-Hage
Conyers
Cubin
Cunningham
Delahunt
Dickey
Dooley
English
Fattah
Forbes
Franks (NJ)
Gephardt
Goode
Graham
Gutierrez
Hansen
Hostettler
Houghton
Jones (NC)
Kasich
Kennedy
Kleczka
Klink
Kolbe
Lazio
Lipinski
McCollum
McIntosh
Miller (FL)
Nethercutt
Ney
Oxley
Pascrell
Pitts
Rodriguez
Ros-Lehtinen
Sanders
Shaw
Stupak
Talent
Turner
Weygand
Wise

□ 1847

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FISH AND WILDLIFE PROGRAMS IMPROVEMENT AND NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT OF 2000

The SPEAKER pro tempore (Mr. PEASE). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3671.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3671.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4148, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4148, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 964, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 964, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Without objection, and pursuant to section 491 of the Higher Education Act, 20 USC 1098(c), the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term:

Mr. Henry Givens, St. Louis, Missouri.

There was no objection.

CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. WALSH submitted the following conference report and statement on the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–988)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4635) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Section 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5482, as introduced on October 18, 2000.

(2) H.R. 5483, as introduced on October 18, 2000.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

; And the Senate agree to the same.

JAMES T. WALSH,
TOM DELAY,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID E. PRICE,
BUD CRAMER,
DAVE OBEY,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,
TED STEVENS,
PETE V. DOMENICI,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
ROBERT C. BYRD,
HARRY REID,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

This conference agreement includes more than the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001. The conference agreement has been expanded to include the Energy and Water Development Appropriations Act, 2001, as well as the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001. Both of these Acts have been enacted into law by reference in this conference report; however, a copy of the referenced legislation has been included in this statement for convenience.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5482 as introduced on October 18, 2000. The text of that bill follows:

A BILL Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a) (1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, *and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.*

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the "General operating expenses" appropriation in the following amounts: $78,000 from the "Office of Inspector General", $358,000 from the "National cemetery administration", $1,106,000 from "Medical care", $84,000 from "Medical administration and miscellaneous operating expenses", and $38,000 shall be reprogrammed within the "General operating expenses" appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the "Medical care" appropriation shall be transferred to the "General operating expenses" appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the "Medical care" appropriation to the "General operating expenses" appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the "Construction, minor projects" appropriation and not to exceed $2,000,000 from the "Medical care" appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for "Medical care" appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $13,430,000,000, of which $9,230,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 ("the Act" herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies:

Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual Contributions for Assisted Housing" or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be *transferred to the Working Capital Fund for developing and maintaining information technology systems.*

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for "Urban Empowerment Zones", as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,409,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing", for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the

Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing

Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community development fund" account, $150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, and $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further, That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

"(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking "and 2000" and inserting "2000, and thereafter".

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting "and any other reasonable limit prescribed by the Secretary" immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 443. ENVIRONMENTAL REVIEW.

"For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.".

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after "December 31, 2002" the following: ", except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date".

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking "and";

(2) in subparagraph (F), by striking "or their designees." and inserting "and";

(3) by adding the following new subparagraph at the end:

"(G) the Director of the Enforcement Center; or their designees.".

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.".

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading "Public Housing Demolition, Site Revitalization, and Replacement Housing Grants" for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: ", including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources";

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word "and" at the end;

(B) in subparagraph (J), by striking the period and inserting "; and"; and

(C) by adding after subparagraph (J) the following:

"(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative."; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).".

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: ", including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources"; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following ", including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)".

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out "fiscal year 2000" and inserting in lieu thereof "fiscal years 2000 and 2001".

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the "or" at the end;

(2) in clause (vi), striking the period at the end; and

(3) adding at the end the following new clause:

"(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, (III) for more than 10 years, has been classified as a metropolitan city for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

"(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.".

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading "Community Planning and Development—Community Development Block Grants" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking "PUBLIC HOUSING" and inserting "PUBLIC AND INDIAN HOUSING";

(2) in subsection (a)—

(A) by inserting after "residents," the following: "recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act," and

(B) by inserting after "public housing residents" the second place it appears the following: "and residents of housing assisted under such Act",

(3) in subsection (b)—

(A) by inserting after "project" the first place it appears the following: "or the property of a recipient under such Act or housing assisted under such Act";

(B) by inserting after "public housing residents" the following: "or residents of housing assisted under such Act"; and

(C) in subsection (b)(1), by inserting after "public housing project" the following: "or residents of housing assisted under such Act"; and

(4) in subsection (d)(2), by striking "State or local" and inserting "State, local, or tribal".

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after "public housing" the following: "and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996".

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking "1993" and all that follows through "City of Los Angeles" and inserting "1993 through 2001 to the City of Los Angeles".

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking "mortgage" and all that follows through "involving" and inserting "mortgage closed on or before December 31, 2002, involving".

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

"(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.".

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking "or as a result of a lack of access to private financial markets"; and

(2) in subsection (b)(2), by inserting "refinance," after "acquire,".

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after "contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project" the following: "(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)".

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

"SEC. 402. DISCHARGE COORDINATION POLICY.

"The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.".

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in the matter preceding subparagraph (A), by inserting a comma after "homelessness";

(2) by striking "Not" and inserting the following: "Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not".

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act" (42 U.S.C. 12701 note) is amended in subsection (a) by striking "Commission on Affordable Housing and Health Care Facility Needs in the 21st Century" and inserting "Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century".

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following:

"The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis."; and

(2) in section 209 by striking "1994" and inserting "2005".

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

"(13) PHA PROJECT-BASED ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

"(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

"(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

"(i) the public housing agency plan for the agency approved under section 5A; and

"(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

"(D) INCOME MIXING REQUIREMENT.—

"(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

"(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

"(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

"(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

"(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

"(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

"(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

"(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

"(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

"(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

"(ii) the provisions of subsection (c)(2)(C) shall not apply.

"(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

"(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

"(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

"(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.".

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking "any family (A) who is otherwise eligible for such assistance, and (B)" and inserting "(A) any family (i) who is otherwise eligible for such assistance, and (ii)"; and

(2) by inserting before the period at the end the following: "and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older".

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "demonstrate the effectiveness of providing" and inserting "provide"; and

(B) in the second sentence, by striking "demonstration" and inserting "the";

(2) in subsection (b)—

(A) in paragraph (1), by striking "determine the effectiveness of" and inserting "provide"; and

(B) by striking paragraph (5), and inserting the following new paragraph:

"(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.";

(3) in subsection (c)—

(A) in paragraph (1), by striking "test the effectiveness of" and inserting "provide"; and

(B) by striking paragraph (4) and inserting the following new paragraph:

"(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.";

(4) by striking subsection (d);

(5) by striking "pilot" and "PILOT" each place such terms appear; and

(6) in the section heading, by striking "**demonstrations**" and inserting "**programs**".

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, *including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.*

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the "Act") (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the "P.A.V.E. the Way" project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer.

stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for "Disaster relief", $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking "September 30, 2000" and inserting "December 31, 2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended

(42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "December 31, 2001".

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for "Human space flight" may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act *as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.*

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by December 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting "or to restructure and improve the efficiency of the workforce" after "the National Aeronautics and Space Administration" and before "the Administrator";

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

"(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements."

(c) by deleting subsection (i) and inserting in lieu thereof—

"(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

"(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

"(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

"(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

"(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive."; and

(d) in subsection (j), by deleting "September 30, 2000" and inserting in lieu thereof "September 30, 2002".

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 2000", and inserting "December 31, 2001".

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

"SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

"(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

"(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available for the period of which originally appropriated.".

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking "Payments" in the second sentence of subsection (a) and inserting "Except as provided in subsection (c), payments"; and

(B) by adding at the end the following new subsection:

"(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting "(a)" before "The Secretary,"; and

(2) by adding at the end the following:

"(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.".

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

"(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.".

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

Titles I–VI of this Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001".

The language and allocations set forth in House Report 106–674 and Senate Report 106–410 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Unless specifically addressed in this report, the conferees agree to retain the reprogramming thresholds for each department or agency at the level established by the fiscal year 2000 conference agreement.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

READJUSTMENT BENEFITS

Appropriates the budget request of $1,634,000,000 as proposed by the Senate instead of $1,664,000,000 as proposed by the House. The conferees retain bill language as proposed by the Senate ensuring that all administrative services are charged to the general operating expenses appropriation.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $162,000,000 as proposed by the Senate instead of $161,484,000 as proposed by the House.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

Retains the transfer of $28,134,000 as proposed by the House instead of $27,907,000 as proposed by the Senate from medical care to the general operating expenses appropriation for expenses of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication.

Retains bill language delaying the availability of $900,000,000 for equipment and land and structures until August 1, 2001 and remaining available until September 30, 2002 as proposed by the Senate instead of $927,000,000 as proposed by the House.

Retains bill language making $500,000,000 available until September 30, 2002 as proposed by the Senate instead of $900,000,000 as proposed by the House.

Deletes bill language limiting $3,000,000,000 for maintenance and operations expenses. The conferees strongly support the redirection of medical resources from the maintenance and operations of unneeded buildings to support direct patient care. The conferees understand that for fiscal year 2001 VA is anticipating spending less than $3,000,000,000 in this area. The conferees direct that VA carefully monitor maintenance and operation expenditures and that significant efforts to reduce those expenditures be undertaken prior to and in conjunction with full CARES evaluation and implementation over the next several years. A report that identifies these fiscal year 2001 costs by network and the efforts to reduce these costs this year should be submitted by March 31, 2001.

Retains bill language proposed by the House prohibiting the transfer of medical care funds to the Department of Justice for the purpose of pursuing tobacco litigation.

The conferees direct the Department to submit one report within four months of enactment of this Act addressing the concerns regarding hepatitis C expenditures, testing and treatment contained in House Report 106–674 and Senate Report 106–410.

The House report contained language directing the VA to reimburse hepatitis C treatment as a complex care component starting in fiscal year 2001. The conferees recognize VA for releasing $20,000,000 from the National Reserve in June 2000 to address the growing need for treatment and the geographic differences in prevalence of the disease. The conferees also note the action by the Department in August 2000 to amend the VERA policy to reimburse hepatitis C treatment as a complex care component effective fiscal year 2001. The conferees direct the Department to continue adjusting testing and treatment funds as more is learned about the prevalence of the disease and keep the Committees on Appropriations informed about funding levels and decisions.

The conferees urge the Department to establish up to five centers of excellence for motor-neuron diseases such as Parkinson's disease and multiple sclerosis.

The conferees urge the implementation of the telemedicine project in Huntsville, Alabama.

The conferees direct that the Department include in the fiscal year 2002 budget justification estimates for all national programs, projects and initiatives totaling $5,000,000 or more. The conferees further direct that the Department include in the fiscal year 2001 operating plan its efforts to implement management efficiencies, including instituting best practices on a national basis.

The conferees direct the Department to continue the demonstration project involving the Clarksburg VAMC and the Ruby Memorial Hospital at West Virginia University.

The conferees direct that of the amounts provided, not to exceed $250,000 may be used to host The Sixth International Paralympic Committee Scientific Congress on "Sport and Human Performance Beyond Disability." The conferees believe this conference is within the mission of VA considering the Department's current programs, which support disabled athletes.

The conferees support the expansion of the Joslin Vision Network to additional pilot sites in fiscal year 2001. Estimated costs for fiscal year 2001 are $5,000,000.

The conferees encourage VA to initiate a national demonstration project of excellence in the care of aging veterans with rehabilitative needs involving a collaborative effort between the Atlanta Veterans Affairs Medical Center, Emory Healthcare, and its affiliated network of community-based services, Atlanta Senior Care.

The conferees are aware that the VA undertakes numerous pilot projects in hospitals and VISNs across the country in hopes of providing better access to medical care more efficiently to our nation's veterans. The conferees trust that the Department's leadership carefully reviews the costs and benefits of pilot projects to determine the project's feasibility and value for standard operation prior to inclusion in the Department's budget justification. No funds may be obligated for new pilot projects authorized by law in fiscal year 2001 exceeding $10,000,000 in cost until a reprogramming request is submitted by the Department and approved by the Committees on Appropriations.

The conferees are concerned with the issues raised in the GAO report "Disabled Veterans' Care, Better Data and More Accountability Needed to Adequately Assess Care" regarding VA's ability to measure compliance with maintaining a certain level of care for special disability programs such as spinal cord injury and mental illness. The conferees urge the VA to re-examine GAO's recommendation to establish a work group to monitor these programs. In addition, the conferees direct VA to develop outcome measures applicable to each VISN to evaluate the Department's performance in these areas.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $351,000,000 for medical and prosthetic research as proposed by the House instead of $321,000,000 as proposed by the Senate.

The conferees are aware of the impact that drug addiction has on the veterans population and are pleased with the VA's leadership role in pursuing and developing new treatments for addiction. The conferees strongly encourage the VA to increase its support for addiction research efforts in this area, and note that an effective research program must include large clinical trials, as well as, biochemical and neuro-pharmacological basic research.

The conferees are encouraged by the progress made by the VA and the National Technology Transfer Center (NTTC) during the past year in identifying promising VA technological advances that offer the potential for commercial applications. The conferees direct that this partnership should be continued at the current level of effort and that a targeted partnership identification process is essential to the successful marketing and licensing process.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,050,000,000 for general operating expenses as proposed by the Senate instead of $1,006,000,000 as proposed by the House. Retains bill language proposed by the Senate making $45,000,000 available until September 30, 2002, instead of $50,050,000 as proposed by the House.

Deletes without prejudice the provision proposed by the House regarding transfers. The conferees have no objection to fund transfers authorized by law.

Retains bill language as proposed by the Senate allowing administrative services provided for rehabilitation services to be charged to the general operating expenses account.

The conferees direct that of the amount provided, $826,488,000 is for the Veterans Benefits Administration. Funding priority should be given to hiring additional FTEs for improving claims processing time and accuracy.

The conferees are aware that there is a pressing need for renovating the Lafayette Building at 811 Vermont Avenue to the benefit of both the VA and the Export-Import Bank. The House report included language requesting a feasibility study to be conducted on the potential utilization of enhanced-use leasing authority by the VA as a means of renovating the Lafayette Building. In lieu of the feasibility study recommended by the House, the conferees direct the General Services Administration to work with the VA and the Export-Import Bank on an expedited basis to develop a renovation plan considering all alternatives authorized by law for the Lafayette Building which would ensure the continued ability of both agencies to collocate in the building and submit a joint report to the Committee by June 1, 2001.

The conferees have provided funds for the coreFLS and HR LINK$ projects and expects VA to implement these initiatives as top priorities. The conferees direct VA to submit a report by December 1, 2000 on the milestones and funding commitments for the projects through fiscal year 2002.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Appropriates $109,889,000 for the National Cemetery Administration as proposed by the Senate instead of $106,889,000 as proposed by the House.

Retains House language transferring not to exceed $125,000 from the national cemetery administration appropriation to the general operating expenses appropriation for expenses of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication instead of $117,000 as proposed by the Senate.

Retains language proposed by the House and stricken by the Senate providing a travel limitation of $1,125,000 for the National Cemetery Administration.

The conferees are aware of the provision in the Veterans Millennium Heath Care and Benefits Act (P.L. 106–117) requiring VA to conduct a national cemetery needs survey. The conferees direct the National Cemetery Administration to complete this survey expeditiously and include in a report to the Committees on Appropriations the geographic areas in need of a cemetery within 75 miles of veterans populations, when the currently-available cemeteries will close, and a priority ranking for establishing new cemeteries. The survey should include the Albuquerque area of New Mexico.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

Retains House language transferring not to exceed $28,000 from the Office of Inspector General appropriation to the general operating expenses appropriation for expenses of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication instead of $30,000 as proposed by the Senate.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $66,040,000 for construction, major projects instead of $62,140,000 as proposed by the House and $48,540,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

+$1,000,000 for advanced planning of a national cemetery in Pittsburgh, Pennsylvania.

+$2,500,000 for advanced planning of a national cemetery in Atlanta, Georgia.

+$15,000,000 for land acquisition for a national cemetery in South Florida.

+$12,000,000 for cemetery construction in Oklahoma City, Oklahoma.

+$1,000,000 for design of a nursing home at the Beckley, West Virginia VAMC.

−$26,600,000 from Palo Alto NHCU.

−$0 for the medical design fund.

+$1,400,000 for National Cemetery Administration advance planning.

−$1,735,000 from the working reserve.

The conferees encourage the Department to begin planning efforts for a national cemetery in New Mexico.

CONSTRUCTION, MINOR PROJECTS

Appropriates $162,000,000 for construction, minor projects as proposed by the Senate instead of $100,000,000 as proposed by the House.

The conferees reiterate the expectation that VA will review and approve all minor construction projects in a manner that is consistent with the process applied by the Capital Investment Board which reviews major projects, and consistent with the Capital Asset Realignment for Enhanced Services (CARES) initiative. A central office work group, consisting of both VHA and other Department officials, is to review all minor projects using criteria consistent with those developed for CARES. If the total costs of projects being initiated at any facility or integrated health care system exceeds $4,000,000, the recommendations of the work group must be approved by the Deputy Secretary.

The conferees urge the Department to give highest priority to projects improving female patient privacy in VA health facilities.

The conferees recommend $150,000 for construction of a sunscreen structure for the National Memorial Cemetery of the Pacific.

PARKING REVOLVING FUND

Retains language proposed by the Senate permitting operation and maintenance costs of parking facilities to be funded from the medical care appropriation.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by the Senate instead of $90,000,000 as proposed by the House.

The conferees note that the VA has not yet promulgated regulations for the state grant program as directed in the Veterans Millennium Health Care and Benefits Act (P.L. 106–117). Until those regulations are issued, many state and local governments which seek to obtain these grants are severely disadvantaged by the lack of criteria available to determine eligibility. The conferees direct the VA to move expeditiously to issue the regulations mandated by P.L. 106–117.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

The conferees encourage the Department to work with California as the state applies for a state cemetery grant.

ADMINISTRATIVE PROVISIONS

Retains language proposed by the Senate requiring receipts collected under the Veterans Millennium Health Care and Benefits Act (P.L. 106–117) to be maintained in the collections fund subject to appropriation.

Retains language proposed by the House extending the availability of previously appropriated funds for artificial neural networks research with the Department of Defense until September 30, 2003.

Retains language proposed by the House transferring funds from the Office of Inspector General ($78,000), national cemetery administration ($358,000), medical care ($1,106,000), and medical administration and miscellaneous operating expenses ($84,000) accounts, and reprogrammed within the general operating expenses account ($38,000) to general operating expenses for HR LINK$ services.

Retains language proposed by the House transferring $1,600,000 from medical care to general operating expenses for general counsel services.

Deletes language proposed by the House directing Capital Investment Board pre-approval for large procurement actions and a report on the establishment of mental illness, education and clinical centers.

Retains language proposed by the Senate transferring up to $1,200,000 from medical care to general operating expenses for Hines Data Center services.

Retains language proposed by the Senate transferring up to $4,500,000 from minor construction and up to $2,000,000 from medical care to the parking revolving fund for surface parking lot projects.

Retains language proposed by the Senate establishing a 60-day wait period for any action related to VISN 12 realignment after the Secretary makes a recommendation and consults all pertinent stakeholders.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $13,940,907,000 for the housing certificate fund, instead of $13,275,388,000 as proposed by the House and $13,171,000,000 as proposed by the Senate. The conference agreement includes:

$12,972,000,000 for expiring section 8 housing assistance contracts, section 8 amendments, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act;

$452,907,000 to provide 79,000 "incremental" section 8 housing assistance vouchers, to increase the number of low-income individuals and families receiving assistance. The conferees note that HUD took more than 12 months awarding new vouchers despite the fact that a formula dictates their distribution. The delay can be attributed, in large part, to including the voucher Notice of Funding Availability (NOFA) with the "Super NOFA," which is rarely published until March—six months into the fiscal year. HUD is encouraged to issue the NOFA earlier, so that vouchers can be awarded within eight months of enactment of this appropriations measure. The Committees will be following HUD's progress making these awards, and will act appropriately if the funds are not awarded with alacrity.

$40,000,000 to provide section 8 housing vouchers to non-elderly, disabled residents who are affected by the designation of public and assisted housing as "elderly-only" developments as proposed by the Senate instead of $25,000,000 as proposed by the House;

$192,000,000 is for section 8 contract administrators as proposed by the House. The Senate did not provide a specific appropriation for this activity; and

$266,000,000 is for tenant protection vouchers, including for relocating residents impacted by a HOPE VI project.

Deletes language proposed by the House providing $37,000,000 for Shelter Plus Care renewals. A new account called "Shelter Plus Care" was created for this purpose.

Deletes language proposed by the House providing $66,000,000 for low-income tax credit vouchers. The Senate did not include a similar provision.

Deletes language proposed by the House providing $660,000 for systems needed to monitor PHAs that increase the payment standard of vouchers. The Senate did not include a similar provision.

Includes language proposed by the House transferring $11,000,000 to the Working Capital Fund for developing and maintaining information technology systems. The Senate did not include a similar provision.

Includes language proposed by the House to cancel obligated balances of terminated contract authority. The Senate did not include a similar provision.

Deletes language proposed by the Senate providing that funds for administrative fees may be used to cover costs of administering section 8 programs. The House did not include a similar provision.

Inserts new language appropriating $7,000,000 to complete the funding required for the Jobs-Plus Demonstration program.

Rescinds $1,833,000,000 in excess section 8 recaptures.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $3,000,000,000 for the public housing capital fund instead of $2,955,000,000 as proposed by the Senate and $2,800,000,000 as proposed by the House. Like last year, the conferees recommend increasing this account above the request, and above levels provided in the House and Senate bills, recognizing the serious unmet needs for capital improvements to the nation's public housing.

Transfers $43,000,000 from this account to the Working Capital Fund for the development and maintenance of information technology systems.

Recognizing that public housing for the elderly serves the poorest, the most racially and ethnically diverse, the oldest, and the largest number of seniors of the assisted housing programs, the conferees reiterate the House report regarding the potential importance of the Elderly Plus demonstration which proposes to retrofit these buildings.

PUBLIC HOUSING OPERATING FUND

Appropriates $3,242,000,000 for the public housing operating fund instead of $3,139,000,000 as proposed by the House and $3,192,000,000 as proposed by the Senate. Like the increase to the public housing capital fund, this increase reflects the conferees' commitment to providing adequate resources to public housing—in this case for basic costs like water, gas and electric utilities, security, and routine maintenance.

The conferees remain troubled by the Department's implementation of the "Public Housing Assessment System" (PHAS). The system has had problems with the reliability of the inspections, the training and skills of some contract inspectors, and the effectiveness of quality assurance measures. Accordingly, the conferees direct HUD to continue to assess the accuracy and effectiveness of the PHAS system and to take whatever remedial steps may be needed, including implementing the recommendations made by GAO in its July 2000 report. Specifically, the conferees direct HUD to revise its April 2000 quality assurance plan to ensure that quality assurance activities it contains will provide HUD with the information it needs to evaluate (1) inspection contractors' compliance with provisions in their contracts and quality control program, (2) inspectors' performance in applying HUD's inspection protocol, (3) the accuracy of the inspections and resulting scores, and (4) the performance of the program as indicated by the precision and replicability of the inspection protocol. Further, the conferees direct HUD to perform a statistically valid test of PHAS, conduct a thorough analysis of the results, and have the methodology and results reviewed by an independent expert. The Department should provide a report to the Committees on Appropriations by March 1, 2001, that describes the results of these reviews and the steps taken to improve the accuracy and reliability of PHAS. In the interim, HUD should not take any adverse actions against housing authorities solely on the basis of PHAS scores.

DRUG ELIMINATION GRANTS FOR LOW—INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $310,000,000 for drug elimination grants as proposed by the Senate instead of $300,000,000 as proposed by the House.

Includes $20,000,000 for the New Approach Anti-Drug program as proposed by the Senate instead of no funding as proposed by the House.

Includes $3,000,000 for technical assistance grants instead of $5,000,000 as proposed by the House and Senate. This account was reduced from the requested level of $10,000,000, and the House and Senate proposed levels of $5,000,000. The conferees are displeased about HUD's refusal to provide information in a timely way about the amount of funds expended and/or obligated on HUD's gun buyback program—an unauthorized activity according to a legal opinion by the Comptroller General of the United States. Even if HUD's attorneys interpret existing legal authority differently from the Comptroller General, refusing to provide information to the Committees, especially about matters clearly within their purview, is unacceptable and will be dealt with accordingly.

Includes $2,000,000 for the Boys and Girls Clubs of America for operating expenses and start up costs of clubs operating in or near public housing, or in housing assisted under the Native American housing block grant program.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING

(HOPE VI)

Appropriates $575,000,000 for the revitalization of severely distressed public housing program as proposed by the Senate instead of $565,000,000 as proposed by the House.

Recognizing the importance of affordable basic financial services in low-income neighborhoods, the conferees urge grantees to encourage and facilitate the establishment of community credit unions as part of HOPE VI housing revitalization projects. The conferees further direct HUD to provide technical assistance in meeting this goal, working in cooperation with appropriate staff of the National Credit Union Administration (NCUA).

The conferees commend HUD's decision to continue support for the Campus Affiliates Program, a unique partnership of HUD, the Housing Authority of New Orleans, higher education, and the private sector. This program has begun to meet the needs of public housing residents in New Orleans by providing assistance and activities that foster self-sufficiency. The conferees expect HUD to continue to participate in this activity.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $650,000,000 for Native American Housing Block Grants as proposed by the Senate instead of $620,000,000 as proposed by the House.

Appropriates $6,000,000 for technical assistance grants as proposed by the House instead of $4,000,000 as proposed by the Senate. The conferees agree not to provide $2,000,000 to the National American Indian Housing Council (NAIHC) as proposed by the House or $4,000,000 as proposed by the Senate.

Transfers $2,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the House. Similar language was not included by the Senate.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Historically, Native Americans have had limited access to private mortgage capital because much of the land in Indian country is held in trust by the Federal government. As such, the land cannot be encumbered or alienated. The Indian Home Loan Guarantee Program was created to address the lack of mortgage capital by authorizing HUD to guarantee loans made by private lenders. Getting a loan, however, depends on the borrower securing a leasehold on tribally-held lands. This leasehold, which is used as security for the mortgage, can only be obtained after the Bureau of Indian Affairs (BIA) conducts a title status report (TSR). HUD cannot endorse the guarantee until a final TSR is completed and is part of the financial package.

Fortunately, HUD and BIA have made considerable progress making their program requirements more compatible with one another; however, if the loan guarantee program is to be used to its greatest potential, additional progress needs to be made, especially on the length of time it takes to complete a TSR. HUD and BIA should continue their dialogue on removing any impediments to this process.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $258,000,000 for housing opportunities for persons with AIDS instead of $250,000,000 as proposed by the House and $232,000,000 as proposed by the Senate. Of the amount, one percent is appropriated for technical assistance as proposed by the House instead of .75 percent as proposed by the Senate.

Includes language that requires HUD to renew all expiring HOPWA contracts funded under the non-formula component of the HOPWA program so long as the project meets all other program requirements. The conferees believe that it is critical to maintain the federal investment in existing projects to the maximum extent feasible.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development instead of $27,000,000 as proposed by the Senate, and $20,000,000 as proposed by the House.

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

The conferees are aware that the President and the Speaker of the House of Representatives have agreed to a framework for a "New Markets Initiative" that includes providing $37,000,000 in credit subsidy for APIC. As part of this conference agreement, the conferees agree, when the initiative is enacted, to provide these funds through a supplemental appropriation measure, or through another appropriate vehicle.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Inserts new language providing $75,000,000 for grants to urban empowerment zones to be used in conjunction with economic development activities detailed in the strategic plans of each empowerment zone. Neither the House nor the Senate included a similar provision.

Inserts new language providing $15,000,000 to the Secretary of Agriculture for grants to designated empowerment zones. Neither the House nor the Senate included a similar provision.

As with APIC, the conferees agree to provide an additional $110,000,000 for EZ/ECs when the New Markets Initiative is enacted.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $5,057,550,000 for the community development fund instead of $4,505,000,000 as proposed by the House and $4,800,000,000 as proposed by the Senate.

Inserts language proposed by the House creating the Community Development Fund

(CDF) and identifying the various set-asides in the account. The conferees agree to the following earmarks;

$4,409,000,000 for formula grants under the community development block grant program;

$71,000,000 for grants to Indian tribes instead of $67,000,000 as proposed by the House and Senate;

$45,500,000 for section 107 grants. The House provided $39,500,000 for section 107 grants and the Senate provided $41,500,000 for section 107 grants. The conference agreement provides the following earmarks within section 107:

$3,000,000 is for community development work study;

$10,000,000 is for historically black colleges and universities;

$8,000,000 is for the Community Outreach Partnerships program;

$7,000,000 is for insular areas;

$3,000,000 for tribal colleges and universities;

$3,000,000 for Alaska Native-Serving Institutions and native Hawaiian- serving institutions;

$6,500,000 is for Hispanic-Serving Institutions; and

$5,000,000 is for management information systems;

$2,600,000 for the National American Indian Housing Council instead of $3,000,000 as proposed by the House and $2,200,000 as proposed by the Senate;

$10,000,000 for the National Housing Development Corporation (NHDC), for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing. The conferees direct NHDC to establish benchmarks for performance (addressing matters such as the amount of capital and loan funds raised, the degree to which federal investment is leveraged through non-federal sources, and the number of units of housing acquired and transferred to new owners who will continue and protect the housing's affordability for low-income residents), and to report to the Committees on Appropriations regarding performance and progress in meeting those benchmarks;

$28,450,000 for the Capacity Building for Community Development and Affordable Housing program, authorized by section 4 of P.L. 103–120, as in effect before June 12, 1997, instead of $23,450,000 proposed by the House and $25,000,000 proposed by the Senate. Of the amount provided, at least $5,000,000 shall be for capacity building activities in rural areas as proposed by the Senate instead of $4,000,000 as proposed by the House. Additionally, $3,450,000 is for Habitat for Humanity International as proposed by the House. The Senate did not provide funds for this program;

$60,000,000 for Youthbuild as proposed by the Senate instead of $45,000,000 as proposed by the House. This amount includes $4,000,000 for capacity building activities and $10,000,000 for underserved and rural areas as proposed by the Senate. The House did not include similar language;

$20,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program Extension Act of 1996, as proposed by the House. The Senate did not include funds for this item;

$44,000,000 for the Neighborhood Initiatives program instead of $10,000,000 as proposed by the House and no funding as proposed by the Senate, of which:

$5,000,000 is for the Institute for Software Research for construction related to a high-technology diversification initiative;

$10,000,000 is for the City of Syracuse for the Neighborhood Initiative Program;

$2,000,000 is for the Louisville Community Development Bank for the Louisville Neighborhood Initiative;

$5,000,000 to the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives;

$2,500,000 for the Omaha Housing Initiative to create affordable housing and encourage homeownership in Omah, Nebraska;

2,000,000 for the Community Development Corporation of Kansas City and Health Midwest Partners for Change in Kansas City, Missouri for the revitalization initiative on the northwest corner of 63rd Street and Prospect Avenue;

$2,850,000 for the Missouri Botanical Gardens in St. Louis, Missouri for development and revitalization activities associated with McRee Town;

$2,500,000 for Downtwon Now for revitalization efforts of the Old Post Office District in St. Louis Missouri;

$2,000,000 for the Kansas City Neighborhood Alliance in Kansas City, Missouri for the Neighborhood Preservation Initiative in the Blue Hills and Vineyard neighborhoods;

$1,500,000 for the City of South Bend, Indiana for the redevelopment of the Studebaker Corridor;

$1,500,000 for the Midtown Development Corporation in Kansas City, Missouri for the redevelopment of the Mount Cleveland Community;

$850,000 for the City of Spartanburg, South Carolina for Arkwright/Forest Park revitalization;

$300,000 for the City of Beloit, Wisconsin for the Beloit urban renewal project;

$500,000 for the City of Waterloo, Iowa for the redevelopment of blighted portions of the downtown area;

$500,000 for Patterson Park Development Corporation for the purchase and rehabilitation of homes in the Patterson Park neighborhood in Baltimore, Maryland;

$1,000,000 for the City of Des Moines, Iowa for planning of the redevelopment of the Riverpoint area;

$1,200,000 for City of Milwaukee, Wisconsin for revitalization of the Menomonee Valley industrial area;

$500,000 for the City of Woodbury, New Jersey for downtown economic development activities;

$1,000,000 for the City of Wildwood, New Jersey for revitalization of the Pacific Avenue Business District;

$500,000 for the City of Gardena, California for planning of downtown redevelopment;

$300,000 for the City of Chicago, Illinois for the South Chicago Housing Initiative;

$500,000 for the city of Detroit, Michigan for the Detroit River Promenade Project.

$29,000,000 is appropriated separately for credit subsidy for section 108 loan guarantees as proposed by the Senate instead of $28,000,000 as proposed by the House. Limits loan guarantees to $1,261,000,000 as proposed by the Senate instead of $1,217,000,000 as proposed by the House;

$2,000,000 is for the Utah Housing Finance Agency for temporary housing necessary for the 2002 Olympic Games to be held in Salt Lake City, Utah, as proposed by the Senate. The House did not have similar language;

$15,000,000 is to be transferred to the Working Capital Fund for the development of information technology systems;

$292,000,000 for economic development initiatives. The targeted grants shall be made as follows:

$500,000 for The Palace Theater for its renovation in Manchester, New Hampshire;

$300,000 for the Manchester Historic Association for the restoration of the Millyard Museum in Manchester, New Hampshire;

$700,000 for Lewis and Clark College in Portland, Oregon for construction and program activities at Bicentennial Hall in Portland, Oregon;

$1,000,000 for the Omaha Housing Initiative to create affordable housing and encourage homeownership in Omaha, Nebraska;

$1,000,000 for the LOVE Social Services Center in Fairbanks, Alaska for a facility to serve disadvantaged youth and provide other services;

$250,000 for the Portland Oregon Visitors Association for the Pioneer Courthouse Square Lobby Renovation project in Portland, Oregon;

$250,000 for Portland State University for the Portland State Engineering Building and Central City Streetcar;

$1,100,000 for the Field Museum in Chicago, Illinois for the development of the "Sue" exhibit, a showcase of a 67 million-year-old T-Rex;

$1,000,000 for the Community Action Agency of Southern New Mexico, Inc., for construction of a regional food bank and supporting offices;

$700,000 for the City of Santa Fe, New Mexico, to construct a permanent site for the Santa Fe Area Farmers Market at the historic Santa Fe rail yard;

$250,000 for the Boys and Girls Club of Las Cruces, New Mexico to upgrade existing facilities;

$500,000 for Tatum, New Mexico to replace its community center;

$150,000 for the Bataan Death March Memorial renovations in Las Cruces, New Mexico;

$1,000,000 for Granite Falls, Minnesota to aid in recovery efforts from a tornado and severe thunder storms;

$1,020,000 for the University of Idaho for the construction of the Center for Science and Technology in Idaho Falls, Idaho;

$200,000 for Elmore County, Idaho for meeting water system needs in the town of Atlanta;

$1,000,000 for the City of Salmon, Idaho for land acquisition, construction, and alteration for the Sacajawea Interpretive, Cultural, and Education Center;

$500,000 for the Clearwater Economic Development Association in Northern Idaho, for implementation of the Lewis and Clark Bicentennial Plan;

$500,000 for Lewis-Clark State College for start-up activities associated with the Idaho Virtual Incubator;

$1,200,000 for MSU-Billings for the acquisition of a College of Business facility to house economic development activities;

$1,000,000 for Billings, Montana for the completion of the Billings depot project;

$100,000 for Miles Community College in Miles City, Montana for a feasibility study regarding the conveyance of a VA medical facility;

$500,000 for the Jefferson County Local Development Corporation in Whitehall, Montana for economic development activities;

$350,000 for the Human Resources Development Council in Bozeman, Montana for the restoration of a historic property for community services offices;

$300,000 for the City of Columbia Falls, Montana for the restructuring of the Old Main Veterans Facility;

$1,500,000 for the City of Memphis for the construction of the Stax Museum of American Soul Music in Memphis, Tennessee;

$500,000 for the City of Chattanooga, Tennessee, Department of Parks Recreation, Arts, and Culture for revitalization efforts in Alton Park;

$700,000 for Winston-Salem-Forsyth County, North Carolina for the development of the Science Center and Environment Park of Forsyth County, North Carolina;

$700,000 for the redevelopment of Midwest City, Oklahoma from damage from a tornado;

$250,000 for the Allen County Historical Society for the redevelopment of the Funston Museum complex in Iola, Allen County, Kansas;

$1,000,000 for the Detroit Rescue Mission Ministries for the purchase and renovation of a building;

$500,000 for Northern Initiatives to capitalize an Upper Peninsula Michigan Equity Fund to assist in the development of small businesses;

$250,000 for the City of Jackson, Michigan for downtown redevelopment;

$250,000 for William Tyndale College in Tyndale, Michigan for a learning resource center;

$500,000 for the University of Utah for the planning and design of the Museum of Science and Nature;

$700,000 for the Covenant House Michigan for the construction costs of a permanent Rights of Passage facility;

$1,000,000 for West Valley City, Utah for the construction of the West Valley City Multi-Cultural Community Center.

$500,000 for the Heart Mountain Wyoming Foundation for an interactive learning center in Powell, Wyoming;

$500,000 for the Vermont Rural Fire Protection Task Force of Randolph, Vermont for the purchase of equipment;

$500,000 for the Southern Vermont Recreation Center Foundation in Springfield, Vermont;

$500,000 for the Vermont Housing and conservation Board for the development of affordable housing in Northern Vermont;

$500,000 for Marlboro College for a technology incubator facility in downtown Brattleboro, Vermont;

$500,000 for the Vermont Housing and Conservation Board for the development of affordable housing in Williston, Vermont;

$500,000 for the Town of Hartford, Vermont for the development of the Railroad Row Historic District in downtown White River Junction, Vermont;

$500,000 for Vermont Technical College for economic development in Randolph, Vermont;

$250,000 for the Town of Fairfield, Vermont for the development of the President Chester A. Arthur visitor facility;

$800,000 for the City of Montrose, Colorado for the development of affordable low-income housing;

$900,000 for the Trinity Repertory Company in Providence, Rhode Island for the conversion of an abandoned banking building;

$300,000 for Upper Darby Township, Pennsylvania to assist residents with homes that are sinking due to soil subsidence;

$150,000 for the Urban Redevelopment Authority of Pittsburgh, Pennsylvania for economic development on Pittsburgh's North Shore;

$100,000 for the City of Hazleton, Pennsylvania for economic development and revitalization activities;

$750,000 for the City of Johnstown, Pennsylvania for downtown economic development;

$300,000 for the City of Philadelphia, Pennsylvania to assist in the relocation of families in the Logan neighborhood whose homes were built on an improperly filled creek bed;

$500,000 for Ford City, Pennsylvania for brownfield revitalization;

$300,000 for the City of Chester, Pennsylvania for the redevelopment of DeShong Park;

$250,000 for Erie, Pennsylvania for the Discovery Square museum expansion;

$500,000 for the Please Touch Museum in Philadelphia, Pennsylvania for relocation costs;

$200,000 for the Boys and Girls Club of Allentown, Pennsylvania for the Northern Lehigh Community Center;

$400,000 for Allegheny County, Pennsylvania for the redevelopment of the Braddock-Swissvale-Rankin industrial site;

$500,000 for the National Museum for American Jewish History in Philadelphia, Pennsylvania for expansion efforts;

$500,000 for the Reading Berks Emergency Shelter in Reading, Pennsylvania for the construction of a transitional housing facility for the homeless;

$250,000 for the City of Lancaster, Pennsylvania for the development of the Lancaster Square project;

$100,000 for Clarion County, Pennsylvania for continued development of Liberty Towers Senior Activities Facility;

$250,000 for the Nueva Esperanza Community Development Corporation in Philadelphia, Pennsylvania for economic revitalization of commercial and industrial facilities;

$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless program;

$250,000 for Universal Community Homes for economic development activities in Philadelphia, Pennsylvania;

$250,000 for the City of Philadelphia to address the safety concerns related to abandoned and structurally impaired homes

$600,000 for the City of East Providence, Rhode Island to develop recreational facilities at Crescent Park;

$300,000 for the City of State Line, Mississippi for downtown infrastructure and economic revitalization;

$1,000,000 for the City of Madison, Mississippi for the renovation of the historic downtown of Madison, Mississippi;

$500,000 for Mississippi State University for the renovation and expansion of facilities for the Stoneville, Mississippi Research and Education Complex;

$500,000 for the City of Canton, Mississippi for the establishment of a State film complex;

$2,000,000 for the rehabilitation and restoration of Cain Hall on the campus of Hinds Community College in Raymond, Mississippi;

$400,000 for Nashua, New Hampshire for the redevelopment of the Mines Fall Park;

$1,000,000 for the City of Bangor, Maine for the installation of steel bulkheading on the Penobscot River;

$1,000,000 for the City of Portland, Maine for funding the Bayside Development Project;

$550,000 for Vinalhaven Elder Care Services, Inc. in Maine for the development of an elder care facility;

$500,000 for the City of Dayton, Ohio for the restoration of the Main Street historic district;

$500,000 for Cleveland Tomorrow in Cleveland, Ohio for the restoration of the Euclid Beach Carousel;

$700,000 for the City of Xenia, Ohio for the redevelopment of the area from damage due to a tornado.

$700,000 for the Cleveland Botanical garden for the development of a glass house conservatory;

$500,000 for Skagit County for the preservation of farmland in Skagit County, Washington;

$1,000,000 for the Pacific Science Center in Seattle, Washington to complete the Mercer Island Slough Environmental Education Center;

$500,000 for the Seattle Art Museum in Seattle, Washington for site development;

$1,000,000 for the City of Lincoln, Nebraska for the construction of the Northbridge Center for Children and Youth;

$500,000 for the Southwest Border Region Partnership for an assessment of the border region's future economic health;

$250,000 for the Centro de Salud familiar La Fe in El Paso, Texas for community outreach activities to assist low-income families;

$1,000,000 for the City of Houston for redevelopment activities within Freedman's Town;

$250,000 for the Boys and Girls Club of Brownsville, Texas for building repairs and community services;

$250,000 for the George Gervin Youth center in San Antonio for the construction of a youth center;

$500,000 for the City of Beaumont, Texas to revitalize the Charlton-Pollard neighborhood;

$500,000 for the Bayfront Arts and Science Park in Corpus Christi, Texas for the expansion of the park;

$250,000 for West Texas A&M University to develop an integrated services center in Amarillo, Texas;

$250,000 for Sam Houston State University for the redevelopment of the Sam Houston Memorial Museum;

$7,000,000 for the University of Louisville for the expansion of the university's main library;

$1,000,000 for Oklahoma City, Oklahoma for the Oklahoma City Murrah Revitalization project;

$1,000,000 for the National Council on Agricultural Life and Labor in Dover, Delaware for a variety of housing assistance programs;

$1,000,000 for the University of Alabama, Tuscaloosa, Alabama for the Gorgas House Renovation Project;

$100,000 for the Hammoundville Armory in the Town of Valley Head, Alabama for the renovation of a historic facility to enhance economic development and tourist activity;

$500,000 for Monroeville, Alabama for the Monroe County Courthouse Restoration Project;

$1,000,000 for the Mobile Public Library, Mobile, Alabama for the renovation of facilities as part of a neighborhood redevelopment project;

$500,000 for the City of LaFayette, (Chambers County) Alabama for the Chambers County Courthouse Restoration Project;

$100,000 for Union Springs, Alabama for the rehabilitation of facilities for downtown restoration/revitalization;

$250,000 for the Mobile Historic Development Commission for the Oakleigh District Revitalization Project;

$250,000 for the National Community College for the Deaf and Blind in Talladega, Alabama for the renovation of facilities for development of economic education program;

$500,000 for Tuscaloosa, Alabama for the Tuscaloosa Alberta City Project;

$500,000 for the City of Brundidge, Alabama for the completion of Pike County Covered Arena;

$500,000 for the City of Mobile, Alabama for the Battlehouse Restoration Project;

$700,000 for Kansas State Historical Society, Topeka, Kansas for the restoration of the home of William Allen White;

$1,000,000 for the development of the Life Center at Franklin Pierce College in Ridge, New Hampshire;

$100,000 for the Housing Partnership in Portsmouth, New Hampshire to provide below market rents and to rehabilitate deteriorated buildings;

$400,000 for the Northern Forest Heritage Park in Berlin, New Hampshire to develop facilities;

$2,600,000 for the City of Meridian, Mississippi for the rehabilitation of the opera house;

$300,000 for the City of Laurel, Mississippi for the development of a veterans museum;

$100,000 for the City of Jackson, Mississippi for the revitalization of LeFleur's Bluff;

$500,000 for Rowan Oak for the restoration of the home of William Faulkner in Oxford, Mississippi;

$500,000 for the George Ohr Museum in Biloxi, Mississippi for the development of an African-American art center;

$500,000 for Ocean Springs, Mississippi for the restoration of the old high school administration building;

$500,000 for Mississippi State University School of Architecture in Starkville, Mississippi for rural revitalization;

$2,500,000 for the University of Alaska for a pilot training simulator;

$450,000 for Bird TLC in Alaska for the construction of Potter's Marsh Conservation Center;

$2,000,000 for Catholic Community Services in Alaska for the reconstruction of a homeless shelter and to acquire new housing stock for battered women;

$270,000 for the Fairbanks Hospitality House in Fairbanks, Alaska for the purchase and renovation of an emergency shelter;

$500,000 for Kids are People, Inc. for a transitional living program for homeless youth and an emergency shelter in Wasilla, Alaska;

$3,000,000 for the Alaska Pacific University for the restoration of a historic property in Anchorage, Alaska;

$250,000 for Marceline, Missouri for downtown redevelopment activities;

$500,000 for Ozark Action, Inc. of Missouri for low-income rural housing;

$400,000 for Sedalia, Missouri for the Katy Depot Restoration Project;

$200,000 for the Bond Family Housing Center in St. Louis, Missouri for the Transitional Housing Program;

$200,000 for Trenton, Missouri for community redevelopment, including renovation and restoration activities of modifying the Plaza hotel into a senior citizen apartment building;

$500,000 for Sullivan County, Missouri for water supply and interconnection projects;

$2,000,000 for James S. McDonnell Planetarium in St. Louis, Missouri for renovation;

$100,000 for Clarksville, Missouri for improved year-round facilities related to the Mississippi River and the American Bald Eagle;

$250,000 for the Center for Emerging Technologies in St. Louis, Missouri for incubator space development;

$300,000 for the Columbia Housing Authority in Missouri for installation of fire suppression sprinkler systems in Oak and Paquin Towers;

$200,000 for the Bonne Terre, Missouri for infrastructure improvement of an industrial development;

$100,000 for the Lamar Community Betterment Association for an open air pavillion in Lamar, Missouri;

$100,000 for the Roxy Theater Youth Center in Hopkins, Missouri for renovation;

$250,000 for the Bootheel Youth Museum in Malden, Missouri for expansion;

$500,000 for renovation of the Ridgway Center at the Missouri Botanical Gardens;

$2,000,000 for Arkansas State University at Mountain Home, Arkansas for the construction of a multipurpose auditorium;

$1,000,000 for Marion County, Indiana for the construction of the Sexually Transmitted Disease and HIV Prevention and Research Center;

$850,000 for the South Carolina Association of Community Development Corporations in Charleston, South Carolina for job creation, small business development and quality of life improvements within the State of South Carolina;

$850,000 for the University of South Carolina in Columbia, South Carolina to enlarge the main building at the University of South Carolina School of Public Health;

$500,000 for Helping Hands Hawaii in Honolulu, Hawaii for community based activities including the delivery of goods and services to Hawaii's needy;

$750,000 for Waipahu Community Association in Waipahu, Hawaii for renovations and the establishment of a Waipahu festival market fair;

$500,000 for the Kauai Economic Development Board in Lihue, Hawaii for site acquisition, design, construction and equipment for the West Kauai Technology Center;

$250,000 for the Maui Academy of Performing Arts in Puunene, Hawaii for the acquisition and renovation of the facility;

$250,000 for the Homestake Opera House in Lead, South Dakota for renovation of the interior of the Homestake Opera House;

$250,000 for the City of Fort Pierre, South Dakota for development of the Lewis and Clark Waterfront Trail;

$250,000 for Cedar Youth Services in Lincoln, Nebraska to complete construction of the Northbridge Center for Children and Youth;

$250,000 for Family Housing Advisory Services Project Jericho in Omaha, Nebraska for affordable housing activities;

$500,000 for the Lowell Cultural and Performing Arts Downtown Initiative in Lowell, Massachusetts for development of the site for the Lowell Performing Arts Center;

$500,000 for the City of Boston, Massachusetts for its Main Streets Program;

$500,000 for the City of New Bedford, Massachusetts for construction and renovation of the Portugese American Cultural Center;

$325,000 for the City of Racine, Wisconsin for construction of the Racine Root River Pathway;

$300,000 for the Historic Third Ward Association in Milwaukee, Wisconsin to establish a public market;

$250,000 for Jentry-McDonald Corporation in Baltimore, Maryland for capital improvements to the Jentry-McDonald House;

$250,000 for the City of Takoma Park, Maryland for the construction of the Takoma Park Computer Center;

$250,000 for Montgomery County, Maryland for costs associated with the Wheaton Small Business Technology Center;

$500,000 for the Central Montana Foundation to upgrade, install technology, and facilitate occupancy of One Stop Center in Lewistown, Montana;

$250,000 for the City of South Bend, Indiana for economic development activities related to the Studebaker Auto/Oliver Plow Works project;

$1,000,000 for the City of Belen, New Mexico for construction of a community center;

$350,000 for Rio Arriba County, New Mexico for an environmental impact statement;

$150,000 for Pueblo Cochiti, New Mexico for the construction of a community center;

$500,000 for Pueblo of Acoma, New Mexico for the construction of a multi-purpose facility;

$500,000 for the City of San Francisco, California for preservation and restoration of the Old Mint;

$500,000 for Booker T. Washington Outreach, Inc. in Monroe, Louisiana for construction of an Elderly Living Center;

$250,000 for UNITY for the Homeless in New Orleans, Louisiana for the Oasis project;

$2,400,000 for Wheeling Jesuit University in Wheeling, West Virginia for construction of science/computer centers;

$1,800,000 for the City of Hinton, West Virginia for construction of a high technology office building and small business incubator;

$250,000 for the Tubman African American Museum in Macon, Georgia for construction of the Tubman African American Museum;

$250,000 for the Lemmon Area Charitable and Economic Development Corporation in Lemmon, South Dakota for economic development activities;

$100,000 for the Mathilda Geppert Childcare Center in Vermillion, South Dakota for development of a child day care center;

$75,000 for the Spearfish Economic Development Corporation in Spearfish, South Dakota for infrastructure development in the city's industrial park;

$300,000 for the City of Brandon, South Dakota to construct a community library;

$1,500,000 for the City of Aberdeen, South Dakota for construction of a community center;

$500,000 for the Sioux Falls Empire Fair Association in Sioux Falls, South Dakota for infrastructure improvements to the W.H. Lyons Fairgrounds;

$250,000 for the City of Redfield, South Dakota for infrastructure improvement at its industrial park;

$250,000 for the West River Foundation in Sturgis, South Dakota for a statewide business development initiative;

$100,000 for South Dakota Housing Development Authority in Pierre, South Dakota for the development of an employer assisted housing program;

$500,000 for Fairfield University in Fairfield, Connecticut for continued construction of an Information Technology Center;

$250,000 for Prince George's County, Maryland for the Prince George's County Technology Commercialization Center;

$100,000 for the American Visionary Arts Museum in Baltimore, Maryland for expansion of the museum;

$1,500,000 for the Discovery Center in Williston, North Dakota for construction of a visitor center and reconstruction of former barracks at Fort Buford State Historic Site;

$500,000 for the Rural Economic Area Partnership Zones in North Dakota;

$250,000 for North Dakota State University in Fargo, North Dakota for development of a campus-based technology park;

$500,000 for the City of Taylorville, Illinois for an emergency services center;

$1,000,000 for Loyola University in Chicago, Illinois for development of a life sciences center;

$200,000 for the Merit Music Program in Chicago, Illinois to expand Project BEGIN;

$400,000 for the City of Freeport, Illinois for Brownfields cleanup;

$100,000 for the City of Benton, Illinois for streetscape and beautification of downtown Benton;

$250,000 for the City of Charlotte, North Carolina for economic development activities within Charlotte's Wilkinson Boulevard Corridor;

$250,000 for Asheville-Buncome Technical College in Asheville, North Carolina for construction of a small business incubator;

$250,000 for the Museum of Latin American Art in Long Beach, California to expand and upgrade existing facilities;

$250,000 for FAME Renaissance in Los Angeles, California to continue work on a small business incubator;

$750,000 for the City of Fresno, California for the Fresno Community Health Centers regional medical center;

$250,000 for the City of Inglewood, California for the Market Street Senior Center;

$250,000 for the City of San Francisco, California for a homeless housing initiative;

$250,000 for the City of Santa Ana, California for the IDEA high-tech education center;

$1,800,000 for Comprehensive Housing Assistance, Inc., in Baltimore, Maryland for renovations to the Concord Apartments;

$500,000 for the City of Davenport, Iowa for development of Friendly House;

$500,000 for the City of Council Bluffs, Iowa for land purchase and construction of an elderly community center;

$10,000 for LaCrosse County, Wisconsin for economic development information centers;

$450,000 for the Biomedical Research Foundation of Northwest Louisiana, Shreveport, Louisiana for infrastructure improvements for InterTech Park and construction of a Cleanroom Biotechnology Incubator;

$1,000,000 for University Heights Science Park, Newark, New Jersey for University Heights Science Park's Newark Digital Century Center;

$500,000 for Bayshore Economic Development Corporation for development of the Henry Hudson Trail;

$400,000 for Shepherd College in Shepherdstown, West Virginia for renovation of Scarborough Library;

$400,000 for Bethany College in Bethany, West Virginia for continued work on a health and wellness center;

$250,000 for the Town of Millville, New Jersey for development of the Glasstown Center project;

$400,000 for the City of Burlington, Vermont for Firehouse Center for the Visual Arts;

$400,000 for the City of Montpelier, Vermont for Pyralisk Arts Center;

$200,000 for the Vermont Youth Orchestra Association, Colchester, Vermont for rehabilitation of the Fort Ethan Allen Riding Hall;

$250,000 for the Kellogg-Hubbard Library, Montpelier, Vermont for restoration of historic library and addition to the children's library;

$750,000 for the Vermont Housing and Conservation Board, Brattleboro, Vermont for rehabilitation of the Westgate apartments;

$500,000 for the City of Detroit, Michigan for the Detroit River Promenade Project;

$500,000 for the Bushnell Theatre, Hartford, Connecticut for final completion of renovation;

$225,000 for the Boys and Girls Club of Drew County, Arkansas for construction of general purpose facility;

$250,000 for the Frank Lloyd Wright Darwin Martin House, Buffalo, New York for restoration work;

$250,000 for the Westside Rowing Club of Buffalo, New York for construction of the Frank Lloyd Wright Boathouse;

$1,750,000 for the Washington State Department of Community Development to address farmworker housing issues in the State;

$250,000 for the Three Rivers Community Foundation in Tri-Cities, Washington for economic development activities in Benton, Franklin and Grant counties related to the Hanford Reach National Monument;

$250,000 for the Trinity Repertory Pell-Chafee Theatre, Providence, Rhode Island for theater expansion and operations;

$250,000 for the City of Providence, Rhode Island for construction of the Lillian Feinstein Senior Center;

$1,250,000 for the City of Henderson, Nevada for downtown redevelopment and infrastructure upgrade;

$350,000 for Opportunity Village Foundation, Las Vegas, Nevada for start-up funding for downpayment assistance program to disabled;

$500,000 for the Boys and Girls Club of Las Vegas, Nevada for the renovation and expansion of existing facilities;

$750,000 for Henry and Martinsville Counties, Virginia for economic development activities;

$300,000 for CityArts for Youth, Inc. in Providence, Rhode Island for renovations for a business incubator;

$250,000 for Bayview Citizens for Social Justice and the Northampton-Accomack Planning District Commission to support economic development projects on the Eastern Shore of Virginia;

$250,000 for Monroe Community College, Rochester, New York to establish a Virtual Campus Center;

$250,000 for the West Virginia School of Osteopathic Medicine in Lewisburg, West Virginia for expansion of the ambulatory care facility;

$400,000 for Prince George's County, Maryland for architecture, design and engineering work for redevelopment of McGuire House;

$500,000 for Howard County, Maryland for renovations to Route 1;

$250,000 for the City of Atlanta, Georgia for continued construction of the Martin Luther King, Jr. Community Center;

$500,000 for Philander-Smith College, Arkansas for facilities and equipment upgrades for scientific and emerging technology research;

$250,000 for University of Arkansas in Pine Bluff, for facilities and equipment upgrades for scientific and emerging technology research;

$100,000 for the Boys and Girls Club of Olney, Maryland for facility construction;

$100,000 for the Wesley Acres Independent Living Retirement Center in Mitchell, South Dakota for capital and other improvements;

$500,000 for Liberty County, Georgia Economic Development Authority for planning and engineering the industrial park project in coastal Georgia;

$500,000 for County of Maui, Hawaii for land acquisition, planning and design, and construction of a senior housing/housing division office building in Central Maui, Hawaii;

$500,000 for Vermont Historical Society for the Vermont Historical Society renovation project;

$250,000 for Eva's Village in Patterson, New Jersey for renovation of new transitional housing sites;

$500,000 for the Iowa Finance Authority and Muscatine Center for Strategic Action to reduce illegal and predatory mortgage lending practices;

$500,000 for City of Reno, Nevada for land acquisition for downtown revitalization;

$500,000 for the City of Sheboygan, Wisconsin to redevelop a contaminated former industrial site to mixed use development;

$500,000 for El Centro de la Raza in Seattle, Washington for acquisition of the Beacon Hill School;

$250,000 for North Dakota State University for the development of the Virtual Archival Storage Terminal;

$250,000 for the Smyrna-Clayton Heritage Association in Smyrna, Delaware, for restoration work on the Smyrna Opera House;

$400,000 for the Montana World Trade Center for the Informational Outreach Project;

$325,000 to Boaz, Alabama for the Senior Citizens Center;

$20,000 to the Blount County Multi-need Center in Alabama for equipment for the mentally retarded and severely handicapped;

$800,000 to San Diego, California for final construction of San Diego's Children's Convalescent Hospital;

$930,000 to Barry University in Miami Shores, Florida for an intercultural community center;

$1,110,000 to Long Island University in New York for restoration of the Tilles Center for the Performing Arts;

$575,000 for Tennessee Valley Family Services in Guntersville, Alabama for construction and repair costs for the A+ house for homeless children;

$1,145,000 to the Lubbock Science Spectrum Museum in Texas for construction costs of the Brazos River Exhibit;

$930,000 to Provo City, Utah for the Ironton Redevelopment Site;

$1,110,000 to Rowan University in Glassboro, New Jersey for construction of a science building;

$150,000 for the Owensboro Riverfront Project in Kentucky for development of its waterfront;

$1,000,000 to the Louisville Zoo, Kentucky for construction of the Gorilla Forest Exhibition;

$193,500 to the town of Yucca Valley, California for community regional park improvements to provide recreational opportunities to the local community;

$51,600 to Susquehanna County, Pennsylvania for construction of an industrial park and facility;

$215,000 to complete the Logan, Utah Emergency Services Training Facility project;

$344,000 to the City of Ackerman and Choctaw County, Mississippi for development of a community center;

$800,000 to Aurora, Illinois to revitalize downtown through adaptive reuse of architecturally significant structures;

$860,000 to Waukegan, Illinois for renovation of the historic Genesee Theater;

$430,000 to Riverside, California for the Goeske Center for Senior and Disabled Citizens;

$200,000 to St. Stephen's Community Center in Kentucky for expansion of the life center;

$258,000 to West Palm Beach, Florida to refurbish and expand the Northwood Community and Recreation Center;

$825,000 to Chambersburg, Pennsylvania for the Capitol Theatre project;

$60,000 to the Coos Economic Development Corporation in New Hampshire for the Connecticut River Byway Gateway Center including purchase and renovation of a former cog mill;

$365,500 to the Boys and Girls Club of Camden, Arkansas;

$77,400 to Wayne County, Pennsylvania to establish a revolving loan fund for a Small Business Incubation Program;

$350,000 to the Patrick Henry Development Council (PHDC) of Virginia for economic development;

$215,000 to Escondido, California for the Quail Hills Development Program;

$860,000 to Dillard University in Louisiana to continue construction of the International Center for Economic Freedom;

$215,000 to the City of Charlotte, North Carolina for economic development activities within Charlotte's Wilkinson Boulevard Corridor;

$215,000 to Proctor Hospital in Peoria, Illinois for the Women's Health Center;

$172,000 to Baton Rouge, Louisiana for Downtown Development/Plan Baton Rouge;

$430,000 to the Center for Hazards Assessment, Response and Technology in New Orleans, Louisiana for emergency assessment and response;

$43,000 to the Borough of Tunkhannock, Wyoming County, Pennsylvania for upgrade of the Dietrich Theater Cultural Center;

$200,000 to the Marcelino Plan y Vino, Inc. A 501(c)(3) in Virginia for the MAPAVI program to provide assistance to communities and individuals coping with the financial burden of catastrophic illness;

$1,000,000 to Sandy City, Utah for the purchase of land related to the Little Cottonwood Watershed Protection project;

$34,400 to the YWCA of Walla Walla, Washington for the repair and enhancements to the family emergency shelter;

$430,000 to Columbus, Ohio for a Housing Trust Fund;

$250,000 to Motor City Blight Busters in Detroit, Michigan to establish a revolving loan fund for new construction, acquisition, and rehabilitation of distressed homes;

$430,000 to Daytona Beach, Florida for design and construction of Community Center;

$43,000 to the County of San Bernardino, California for roadway signage improvements to historic Route 66 between Topock and Victorville;

$430,000 to Montgomery County, Kentucky for a community center;

$430,000 to Hackensack University Medical Center in New Jersey for women's and children's hospital;

$1,720,000 to the Olympic Regional Development Authority to upgrade the Lake Placid, New York winter sports facilities;

$258,000 to the Hamlet Historic Train Depot in North Carolina for depot restoration;

$43,000 to Highland Falls, New York to renovate downtown;

$473,000 to Monroe County, Pennsylvania for construction of an industrial park;

$860,000 for the restoration of Glamorgan Castle in Alliance, Ohio;

$301,000 to the City of Redlands, California for infrastructure activities related to the Redlands Community Center;

$172,000 to Ouachita County, Arkansas for Tate's Bluff Bridge;

$430,000 to Doane College—Crete, Nebraska for rehabilitation of historic Whitcomb Conservatory for performing arts center;

$215,000 to Memorial Health System in Springfield, Illinois for initial facility planning for a Cardiology Center;

$301,000 to Ft. Wayne, Indiana for revitalization of the of Bowser Avenue and Hanna-Creighton brownfield area;

$430,000 to the Town of Skaneateles, New York for construction of a recreation center;

$645,000 to Carnegie Hall in New York for continuation of Carnegie Hall's Third Stage project;

$430,000 to the MCB Foundation of Wichita, Kansas for revitalization of the downtown community recreation center;

$430,000 to the VA Greater Los Angeles Health Care System in California for renovation of the gymnasium on the Sepulveda campus;

$438,600 to the Children's Hospital and Health Center in San Diego, California for construction and infrastructure improvements;

$301,000 to the Port of South, Louisiana for expansion of the Globalplex intermodal terminal facility;

$430,000 to the City of Tucson, Arizona for clean-up and development of brownfield;

$344,000 to Carmel, New York to create a downtown park and commercial area;

$1,240,000 to Spring Hill College in Alabama for the Regional Library Resource Center;

$25,600 to the City of Thibodaux, Louisiana for infrastructure improvements to the Civic Center;

$430,000 to Tuscaloosa, Alabama for the Alberta City housing initiative;

$444,000 to Knoxville, Tennessee for equipment needs of the Halls-Powell Boys and Girls Club of Greater Knoxville;

$200,000 to the Virginia Department of Transportation for engineering design and construction of a debris diverter on the Tripps Run in Falls Church, Virginia;

$64,500 to the Twentynine Palms Fire Department in Twentynine Palms, California for fire suppression equipment;

$250,000 to the Natural History Museum of the Adirondacks in Tupper Lake, New York for the construction of the Natural History Museum of the Adirondacks;

$430,000 to Redding, California for Stillwater Industrial Park within the Shasta Metro Enterprise Zone "Distressed Community";

$430,000 to the Boys and Girls Club of Tucson, Arizona for new construction;

$430,000 to the Coach George E. Ford Cultural Arts Center in Georgia for building renovation;

$430,000 to the St. Francis Community Center in New Jersey for construction of indoor community pool;

$430,000 for the New York Institute of Technology Robbins Hall for renovation of the auditorium;

$215,000 to the City of Syracuse, New York for infrastructure improvements to the Erie Canal Museum;

$430,000 to Kern County, California for infrastructure work in support of the new air terminal to Meadows Field;

$215,000 to the City of Medford, Oregon for the City of Medford Urban Revitalization Project;

$415,000 to Temecula, California for the Alternatives to Domestic Violence Shelter;

$21,500 to the City of Redlands, California for restoration projects at the historic Kimberly Crest House and Gardens;

$344,000 to the State University of New York at Albany for continued development of a manufacturing/workforce training center;

$645,000 to the Cities of El Segundo, Manhattan Beach and Hawthorne, California to ease traffic congestion along the Rosecrans corridor;

$645,000 to Jazz at Lincoln Center in New York City for facility construction;

$430,000 to Rochelle, Illinois for economic development and infrastructure improvements;

$172,000 to the ArtSpace Victory Center in Texas for the revitalization of the Our Lady of Victory Convent;

$98,900 to the Whitman County Rural Fire District No. 11 in Colfax, Washington for construction and repair of the Colfax Fire Station;

$215,000 to NewTown, Inc., Macon, Georgia for revitalization of downtown area;

$86,000 to the Economic Opportunity Authority of Chatham County, Georgia for the Austin House shelter for homeless;

$645,000 to the City of Leesburg, Virginia for preservation and infrastructure improvements for the George C. Marshall International Center at the Dodona Manor;

$1,118,000 to the United Cerebral Palsy of Suffolk County, New York for the Sports and Recreation Center and Education complex;

$1,000,000 to the Future of the Piedmont Foundation in Danville, Virginia for development of a regional higher education center;

$236,500 to Arkadelphia, Arkansas for the Streetscape project;

$21,500 to the Donald L. Heiter Community Center in Pennsylvania for renovation project;

$129,000 to Bruce, Mississippi for a multipurpose facility for economic development purposes;

$208,000 to Ashland, Alabama to complete renovations of the Clay County Courthouse;

$215,000 to the University of Cincinnati Medical Center in Ohio for renovation of the Medical Sciences Building;

$215,000 to Pike County, Pennsylvania for construction of an industrial facility to employ disabled individuals;

$430,000 to the Bethesda Academy of Performing Arts in Maryland for creation of children's art center;

$344,000 to the San Diego Youth and Community Services in California for the Storefront emergency shelter relocation of facilities ($172,000) and for the Take Wing transitional housing program for at-risk youth and families ($172,000);

$430,000 to restore and rehabilitate Mile Square Park in California;

$250,000 to Lysander, Van Buren, and Eldridge, New York for a water line extension for Jack's Reef;

$430,000 to Cheyenne, Wyoming for economic development and infrastructure improvements to the airport;

$129,000 to Miami-Dade County, Florida for the City of Miami Beach North Beach Recreational Corridor;

$215,000 to Stamford, Connecticut to acquire property for the Mill River Corridor Revitalization Project;

$150,000 to the City of Johnstown, New York for rehabilitation and redevelopment work at the former Karg Brothers Tannery;

$1,220,000 to St. Petersburg, Florida for the Sunken Gardens improvement project;

$860,000 to Citrus Heights, California for Phase II of the Sunrise MarketPlace Revitalization project;

$215,000 to El Monte, California for renovation of recreational facility by replacing swimming pools, modernizing parking areas, developing youth center;

$430,000 to Fairview Health Services in Minnesota for the Fairview-University Medical Center for Healthy Mothers and Babies Technology Demonstration Initiative;

$86,000 to the City of New Iberia, Louisiana for economic development and revitalization of the downtown area;

$215,000 to the Titusville YMCA in Pennsylvania for the purchase of a new structure and preliminary renovation;

$86,000 to St. Charles Parish, Louisiana for the development of a bike path and enhancement of recreation opportunities;

$430,000 to the Terre Haute/Vigo County Department of Redevelopment in Indiana pursuant to a memorandum of understanding between the General Services Administration and the United States Postal Service;

$130,000 to El Rio, California for extension of water and wastewater infrastructure to the community center gymnasium;

$430,000 to Huntingdon College in Montgomery, Alabama for renovation and expansion of the Natural Sciences facility, Bellingrath Hall;

$200,000 to TeenPride Inc. in Morristown, New Jersey to expand outreach to low-income, at-risk teenagers and their families;

$258,000 to Mercer County, New Jersey for the Senior Citizen Centers of Hamilton Township and the City of Trenton;

$86,000 to the Upper Bucks County community of Quakertown, Pennsylvania for revitalization of former brownfield site;

$300,000 to Santa Paula, California purchase of new fire engine and equipment for the Fire Department;

$100,000 to the City of Rochester, New Hampshire for emergency housing;

$86,000 to Original Town of Liberal Revitalization, Inc. in Kansas for economic development activities;

$430,000 to Coachella, California for construction of Boys and Girls Club facility;

$400,000 to St. Joseph's Hospital Health Care Center for the Central New York Cardiac Care and Hemodialysis Enhancement Center in Syracuse, New York;

$75,000 to Paul Smith's College in Paul Smiths, New York for the construction of the Adirondack Information Resource Center;

$860,000 to Rockland County, New York for extension of water and wastewater infrastructure of the Western Ramapo Sewer District;

$450,000 to Xenia, Ohio for renovation of fire station No. 1;

$860,000 to the James Whitcomb Riley Hospital for Children in Indiana to expand services at the autism clinic;

$215,000 to the County of San Bernardino, California for a public park complex to meet the recreational needs of the Spring Valley Lake community in Victorville;

$430,000 to Laural, Mississippi for the Veterans Memorial Museum;

$1,500,000 for development of the Interactive Education Center at the Intrepid Sea Air and Space Museum in New York;

$415,000 to Oceanside, California for the Calle Montecito Neighborhood Center;

$100,000 to complete the Chattahoochee Indian Heritage Center at Fort Mitchell County Park, Alabama;

$17,200 to the City of Grand Isle, Louisiana for emergency service needs;

$395,000 to the City of Ellicottville, New York for use toward the repair and/or replacement of the City's waste water treatment plant;

$172,000 to Shea's Performing Arts Center in the City of Buffalo, New York for renovations to the main theater;

$430,000 to Bradford, Pennsylvania for the restoration of Bradford City Hall;

$495,000 for the Green County "Spec Building" in Kentucky for preparation and construction of an industrial site;

$430,000 to Oklahoma State University to continue and expand rural economic development;

$430,000 to the University of Missouri-Columbia for the Agriculture Product Utilization and Incubation Center;

$430,000 to Rural Enterprises Inc. of Oklahoma to continue and expand rural economic development;

$114,000 to Fairfax County, Virginia for the Computer Clubhouse Project at the Bailey's Community Center;

$430,000 to Yakima, Washington for railroad grade separations;

$215,000 to Bristol, Pennsylvania for construction of a gateway and beautification;

$172,000 to Stepping-Stones for Youth in Hutchinson, Kansas;

$35,000 to the St. Lawrence Aquarium and Ecological Center in Massena, New York for continued development and construction of the St. Lawrence Aquarium;

$245,100 to Holly Springs, Mississippi for North Memphis Street District Redevelopment and Revitalization Program;

$430,000 to the Museum of Aviation, Warner Robins, Georgia for development plan and expansion;

$500,000 to Somerset County, New Jersey for the Eldercare Center in Bridgewater Township;

$930,000 to the City of Cincinnati, Ohio for the expansion of Findlay Market;

$50,000 to the City of Ogdensburg, New York for reconstruction of Fort La Presentation;

$86,000 to Nike Base in the Town of Hamburg, New York for removal of storage tank;

$387,000 to Lake Worth Palm Beach County, Florida for the Mid-County Senior Center;

$25,000 to Safe Haven, Ino. in Oswego, New York for construction of a museum/interpretive center chronicling the Fort Ontario Emergency Refugee;

$215,000 to Memorial Temple Community Center in the city of Buffalo, New York for equipment for the inner-city community center;

$43,000 to Onondaga County, New York for restoration and preservation of Civil War flags;

$172,000 for the Huntington Station Enrichment Center in New York for renovation and conversion to a community center;

$215,000 to Fairfield University in Connecticut for establishment of Information Technology Center;

$215,000 to the City of Syracuse, New York for renovations to the Salt City Theatre for the Performing Arts;

$400,000 to Marshall County, Alabama for drinking water infrastructure improvements on Merrill Mountain;

$430,000 to the City of Syracuse, New York for monument repair and infrastructure improvements for Clinton Square;

$75,000 to Fulton-Montgomery Community College in Johnstown, New York for construction of a remote sensing/spatial information technology center;

$200,000 to the James Lee Community Center in Virginia;

$258,000 to Fort Worth, Texas for renovation of the historic Marine Theater;

$268,000 to the Boys and Girls Club of McGehee, Arkansas;

$430,000 to the Community House in Hinsdale, Illinois for renovation, upgrades and restoration to meet ADA compliance codes and local fire codes;

$430,000 to South Sioux City, Nebraska for downtown redevelopment for civic building site;

$430,000 to Sacramento County, California for rehabilitation and preservation of historic structures and physical improvements for the town of Locke;

$430,000 to Chester, Pennsylvania for the Institute for Economic Development for planning funds for high-tech building;

$860,000 to the City of Pikeville, Kentucky for an integrated transit/parking facility;

$250,000 to Elmira College in New York for the historic renovation of Cowles Hall;

$172,000 to the Millennium Port Commission for planning and development of the Millennium Port in south Louisiana;

$75,000 to Fayette County, Alabama for emergency services equipment;

$172,000 to Morgantown, Kentucky to construct recreation center;

$215,000 to Rockdale County, Georgia for Georgia's Veteran's Park for future veteran memorials and events;

$172,000 to the County of Inyo, California for facility and infrastructure improvements at the Bishop Airport to facilitate economic development and recreational access;

$430,000 to the New Britain Museum of American Art in Connecticut for expansion of facilities;

$860,000 to Arizona State University for the establishment of the Center for Basic Research and Applied Research within the Barry M. Goldwater Center for Science and Engineering;

$500,000 to Cortland County, New York for infrastructure and expanded operational improvements for Borg-Warner Automotive, Inc.;

$215,000 to the Town of Aurora, New York for renovation of the Aurora Senior's and Adult Day Care facility;

$860,000 to Winston-Salem, North Carolina for Downtown revitalization;

$258,000 to Albemarle, North Carolina for the Gateway to Albemarle project;

$400,000 to the City of Syracuse, New York for equipment and infrastructure improvements for the Institute of Human Performance;

$215,000 to Jacksonville, Florida for redevelopment of Cecil Field;

$43,000 to the City of Dumas, Arkansas for the Tannenbaum Theatre renovations;

$344,000 to Broward County, Florida for the Museum of Discovery and Science;

$430,000 to Muncie, Indiana for downtown economic development project;

$258,000 to the Fund for the Preservation of the California State Mining and Mineral Museum;

$215,000 to Jackson, Michigan for the downtown redevelopment project;

$215,000 for Roberts Wesleyan College in Rochester, New York for infrastructure improvements along Westside Drive;

$86,000 to the Hamlet Opera House in North Carolina for development of a performing arts center;

$430,000 to the Hebrew Academy for Special Children in New York to construct a national service center for low-income and developmentally disabled;

$200,000 to the Village of Malone, New York for rehabilitation and reconstruction of the Hotel Flanagan Project;

$98,900 for the Inland Northwest Blood Center in Washington for construction and improvements of the blood center;

$56,000 to Fairfax County, Virginia for the Herndon Senior Center;

$77,400 to the City of Imperial Beach, California for lands purchased by the city for the Tijuana Wildlife Refuge;

$430,000 to Boyle County, Kentucky for Phase III of Millennium Park;

$129,000 to SocialServe.com in North Carolina for a demonstration grant to increase access to low-income and special needs housing;

$215,000 to Miami Beach, Florida for the Atlantic Greenway Corridor Initiative—North Beach Recreational Corridor;

$215,000 to the Economic Corporation of Newport, New Hampshire for rehabilitation of Eagle Block;

$86,000 to Vista Optimist Club, California for the Youth Activities Facility to build lighted ballfields;

$750,000 to William Tyndale College in Farmington Hills, Michigan for the construction of a science and computing learning center;

$688,000 to Baton Rouge, Louisiana for expansion of the South Louisiana Community Health Alliance;

$215,000 for renovation and rehabilitation of North Central Flint Hills Area Agency on Aging, Manhattan, Kansas;

$800,000 to the Tawawa Community Development Corporation in Wilberforce, Ohio;

$215,000 to Shake-A-Leg Miami, Inc. in Florida for recreation facilities serving people with disabilities and at-risk youth;

$73,100 to Bellevue, Washington for Eastside Domestic Violence;

$172,000 to Grand Junction, Colorado for planning assistance for the Grand Valley Audubon Nature Center;

$430,000 to Lees-McRae College in North Carolina for a field laboratory to support the College's Biology departments and community outreach;

$860,000 to Pasadena, California for construction of a new fire station;

$205,000 to the Children's Center in Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled preschool children;

$270,000 to the County of San Bernardino, California for the construction of the Hall of Paleontology at the historic San Bernardino County Museum;

$250,000 to the Shiloh Community Renewal Center in Kentucky for rehabilitation of facilities;

$90,000 to the Fairfax County Parks Authority in Virginia for the Mason District Park;

$170,000 to the Pittsfield Library in New Hampshire for renovations necessary to meet ADA compliance;

$1,935,000 to Syracuse University in New York for completion of the Crouse-Marshall Street Improvement Project;

$50,000 to the Nelson County Senior Citizen Center in Virginia for renovation and expansion of the facility near Lovingston, Virginia;

$1,200,000 to the City of Syracuse, New York for the building of a temporary transmission tower during the transition of the public TV station from analog to digital television;

$430,000 for Madison County, New York for economic development and infrastructure improvements;

$430,000 to California State University and the City of Omaha, California for the Omaha Housing Initiative;

$430,000 to Shreveport, Louisiana for Convention Center Downtown Redevelopment and construction of infrastructure surrounding convention center;

$258,000 to the Kalamazoo Aviation History Museum in Michigan for the "Legacy of Flight" project;

$215,000 to the Boys Town National Research Hospital in Nebraska for establishing the National Center for the Study and Treatment of Usher Syndrome;

$43,000 for the Central Bucks, Pennsylvania Joint Municipal Planning Issues study;

$820,000 for Griffiss Business and Technology Park in Oneida County, New York for economic development and infrastructure improvements;

$860,000 to Midwest City, Oklahoma for construction of small conference center;

$645,000 to the University of Southern California to help create the Alfred E. Mann Institute and Biomedical Engineering Center;

$215,000 to Lebanon College in New Hampshire for a community center;

$430,000 to Monrovia, California for the renovation and upgrade of existing city facility into teen center;

$645,000 for the Cornell Agriculture and Technical Park-Geneva Station in Ontario County, New York;

$800,000 to the Washington Association in Harding Township, New Jersey;

$258,000 for the Troy Rent-to-Own Housing Pilot project in North Carolina;

$344,000 to the University Colleges of Technology at the State University of New York for the continued development of a Telecommunications Center for Education;

$309,000 to the New York Public Library for renovations and infrastructure improvements;

$500,000 to MBI International in Michigan for economic development activities that provide infrastructure to accelerate the development of biobased industrial product technologies;

$98,900 to the Oaksdale/Farmington Fire District No. 10 in Whitman County, Washington for the repair and construction of facilities;

$215,000 to the Tubman African American Museum in Macon, Georgia for the construction of the Tubman African American Museum;

$98,900 to the Coalition for Women on the Street in Spokane, Washington for the development of the Downtown Women's Shelter;

$20,000 to Culman, Alabama for a study to plan and design the Agriplex Agriculture Museum;

$172,000 to 1490 Enterprises Inc., City of Buffalo, New York for a Community Action Organization (CAO) Head Start Expansion;

$100,000 to the City of Bedford, Virginia for economic development and tourism in connection with the World War II D-Day Memorial;

$645,000 to Warren County, Virginia for asbestos remediation and lead paint removal at the Avtex Superfund site;

$430,000 to the Next Generation Economy Initiative in Albuquerque, New Mexico to enter into "matching funds" technology maturation partnerships with local companies using the expertise from the University of New Mexico and Sandia National Laboratories;

$125,000 to Escambia County in Florida for development costs for infrastructure of Central Commerce Park;

$600,000 to the City of Portland, Oregon for the Portland-Vancouver Regional Housing Affordability Pilot Program;

$750,000 to Northeast Ventures Corporation in Duluth, Minnesota to provide equity capital support for community development venture capital and microenterprise in Northeast Minnesota;

$350,000 to the City of Indianapolis, Indiana for infrastructure needs in the King Park homeownership zone;

$700,000 to the City of Takoma, Washington for the Downtown Revitalization and Shelter Improvements Program;

$15,000 to Renew Oakville in the town of Oakville, Missouri for a community enhancement program;

$200,000 to the City of Burlington, Vermont for a homeownership program designed to assist low and moderate income first time homebuyers in purchasing duplex housing, including down payment assistance;

$250,000 to the Township of Plainsboro, New Jersey for construction of a nature center at the Plainsboro Preserve;

$150,000 to Marin City, California for a Marin City Cultural and Community Center facility;

$350,000 to the Jefferson County, Missouri Parks & Recreation Department for improvements to existing county-owned parks;

$1,000,000 to the City of Johnstown, Pennsylvania for construction of an intermodal parking garage;

$1,000,000 to the Self-Help Ventures Fund in Durham, North Carolina to establish a revolving loan fund;

$150,000 to the Memphis Zoo in Memphis, Tennessee for the Northwest Passage Campaign;

$50,000 to the Historical Centre Foundation in San Antonio, Texas for construction of a community center and startup of a program for community outreach near the San Fernando Cathedral;

$175,000 to St. Ignace, Michigan for construction of a public library;

$200,000 to the Flint, Michigan Chamber of Commerce for economic development efforts;

$100,000 to the Wholistic Family Agape Ministries Industries in Arlington, Virginia for an HIV/AIDS/Substance Abuse program;

$125,000 to the Word of God Parish and School, St. Anselm site, in Swissvale, Pennsylvania for infrastructure rehabilitation projects;

$200,000 to the Sacramento, California Housing and Redevelopment Agency for the Smart Workplace Demonstration Center;

$100,000 to the City of Berwyn, Illinois for the expansion and renovation of Public Safety and Fire facilities;

$250,000 to the Baltimore, Maryland Symphony Orchestra for construction of a concert hall and youth music education center in Rockville, Maryland;

$100,000 to Essex County, Massachusetts for cyberdistrict economic development initiatives;

$250,000 to the City of Pittsburgh, Pennsylvania for the rehabilitation and revitalization of the Garfield neighborhood;

$200,000 to the Governing Board of Tower Grove Park in St. Louis, Missouri for an ongoing renovation project;

$350,000 to the Town of Wilson, New York for repair and expansion of the pier at Wilson Harbor;

$300,000 to Southern Illinois University in Carbondale, Illinois for infrastructure needs related to the development of a University Research Park;

$1,000,000 to Ford City Borough, Armstrong County, Pennsylvania for development of the Ford City Heritage and Technology Park;

$310,000 to the West Virginia Humanities Council: $210,000 to support production of "The Appalachians," a film documentary, and $100,000 for Council programs;

$500,000 to the Fairmont Community Development Partnership for downtown revitalization, and relocation of a homeless nutrition service program;

$400,000 to the City of Gainesville, Florida for the East Side Community Recreation Center, Cone Park;

$250,000 to Hampshire College in Amherst, Massachusetts for construction of the National Center for Science Education;

$50,000 to the Great Lakes Consortium for an International Training and Development program in Toledo, Ohio;

$100,000 to the Village of Chicago Ridge, Illinois for construction of a Municipal Complex;

$450,000 to the Potomac Heritage Partnership for the Potomac River Heritage Trail Project to improve access to parks;

$100,000 to the Washington County Economic Development Council in Washington County, Florida for economic development efforts;

$50,000 to the Institute for Economic Development for development of University Technology Park in Chester, Pennsylvania;

$1,000,000 to Northeastern University in Boston, Massachusetts for a pilot program on the health problems of urban communities;

$150,000 to Elkhart County, Indiana for natural gas and electric service to the Harrison Ridge subdivision project;

$100,000 to the New Kensington Redevelopment Authority in New Kensington, Pennsylvania for asbestos removal and demolition of the Ridge Avenue High School building;

$450,000 to the City of Durham, North Carolina for community development, employment training, and youth development efforts;

$300,000 to the City of Monticello, Florida for conversion of a school building to a multi-purpose community center;

$270,000 to the Somerset County Commission in Somerset County, Pennsylvania for facilities improvements at Windber Recreational Park;

$450,000 to Family Connections in Weirton, West Virginia for facility needs related to the provision of services to at-risk juvenile females;

$25,000 to the City of Jacksonville, Florida for development of a distinctive business district;

$200,000 to the Abilene, Texas Regional Airport for hangar renovation related to the Southwest Regional Fly-In;

$400,000 to the City of Salinas, California for the construction of a municipal pool;

$50,000 to the City of Thousand Oaks, California for planning and construction of a child care center;

$100,000 to the New York City, New York Department of Parks and Recreation for clean-up of the College Point Sports Complex in Queens;

$100,000 to the Brooke-Hancock County Veterans Memorial, Inc. in West Virginia for a community park improvement project, military history museum and memorial;

$100,000 to Covenant House Washington in Washington, D.C. for the construction of a Community Service Center;

$900,000 to the City of Wausau, Wisconsin for a supportive living facility to serve low income elderly residents;

$150,000 to the City of Tonawanda, New York for public works infrastructure and housing rehabilitation grants;

$200,000 to the St. Louis County, Missouri Parks & Recreation Department for renovation of the structures at Bee Tree Park;

$1,100,000 to Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for the Center for Research on Aging;

$80,000 to the Borough of Latrobe, Pennsylvania for the Latrobe Veterans Plaza;

$200,000 to SW Resources, Inc. in Parkersburg, West Virginia for facilities expansion for the creation of additional job opportunities for people with disabilities;

$50,000 to the Cambria Historical Society in Cambria, California for the preservation of the Bianchini House;

$400,000 to the City of Dayton, Ohio for land acquisition for the Tool Town precision metal working park;

$80,000 to the St. Louis County, Missouri Parks & Recreation Department for the renovation of recreation facilities within Black Forest Park;

$150,000 to the North Carolina Housing Finance Agency for mortgage assistance in Chatham County;

$225,000 to the Alabama State University for facility needs related to the Environmental Microbiology program;

$100,000 to Lorain County Community College in Ohio for the establishment of the Learning Technology Center;

$100,000 to Salem International University in West Virginia for equipment, information technology and infrastructure needs;

$50,000 to Portland State University in Portland, Oregon for development of the Northwest Center for Engineering, Science, and Technology;

$400,000 to the UDI Community Development Corporation in Durham, North Carolina for economic development efforts;

$250,000 to the New York City, New York Department of Parks and Recreation for costs relating to construction of a Recreation Center in Chelsea;

$250,000 to the Upper Kanawha Valley Economic Development Corporation in Montgomery, West Virginia for the development of a technology community park;

$25,000 to CHANGE, Inc. Community Action Agency in Weirton, West Virginia for equipment needs for after-school programs for under-served youth;

$175,000 to the National Council of La Raza to provide technical and financial assistance to community development efforts through its Hope Fund;

$200,000 to the Southside Boys and Girls Club in St. Cloud, Minnesota for planning and construction of a community center;

$100,000 to the Fresno Community Medical Center in Fresno, California for development of a regional trauma and burn center;

$175,000 to the City of Houston, Texas for a homeownership program, involving down payment subsidy assistance for sewer/water hook-up;

$150,000 to the Multicultural Educational Counseling Through the Arts (MECA) program in Houston, Texas for operational and facilities needs;

$75,000 to the Lafayette, Louisiana Chamber of Commerce for the Zydetech Initiative;

$100,000 to the Village of Tuckahoe, New York for streetscape improvements;

$50,000 to the Cambridge, Massachusetts Redevelopment Authority for recreation development efforts;

$1,250,000 to the City of Mt. Clemens, Michigan for the establishment of a community recreation center;

$250,000 to the Los Angeles Neighborhood Initiative in Los Angeles, California for economic development efforts in the Fairfax Avenue Ethiopian Business District;

$250,000 to the City of Brownsville, Texas for reconstruction of downtown streets as part of city center redevelopment efforts;

$200,000 to the Village of Matteson, Illinois for renovation and expansion of a community center;

$500,000 to Southern West Virginia Community and Technical College in Logan, West Virginia for a cooperative economic development effort with the Appalachian Transportation Institute at Marshall University, Huntington, West Virginia;

$250,000 to Culver City, California for the construction of the Culver City Senior Center;

$200,000 to the Safer Foundation in Chicago, Illinois for a workforce development program to provide ex-offenders with education and job training;

$125,000 to the Franklin County Community Development Corporation in Greenfield, Massachusetts for construction of a food processing center;

$200,000 to the Township of Stickney, Illinois for renovations related to a multipurpose municipal center;

$150,000 to Tulane University in New Orleans, Louisiana for facilities renovation and educational outreach at the AMISTAD Research Center;

$250,000 to Long Island University in Brooklyn, New York to study the feasibility of establishing a wellness center as a collaborative effort with Brooklyn Hospital;

$200,000 to the Sacramento, California Boys and Girls Club for the construction of a facility on Lemon Hill Avenue;

$200,000 to Calhoun Community College in Decatur, Alabama for the Aerospace and Advanced Technology Park;

$300,000 to the Township of North Bergen, New Jersey for the establishment of Technology Literacy Learning Centers;

$250,000 to Casa Puerto Rico in New York City, New York: $150,000 for a feasibility study and seed money for the restoration of a theater located in the Villa Alejandrina Apartments in South Bronx, New York, and $100,000 for a feasibility study and startup costs for the conversion of the Bronx Borough Courthouse into a Puerto Rican Historical, Cultural and Activities Center;

$800,000 to the Wausau Performing Arts Foundation, Inc. in Wausau, Wisconsin for the ArtsBlock project;

$150,000 to the City of Baytown, Texas for construction of an Emergency Operations Center;

$75,000 to Northern Kentucky University in Highland Heights, Kentucky for the Urban Learning Center;

$400,000 to Spelman College in Atlanta, Georgia for the historic preservation of Packard Hall;

$400,000 to Milwaukee County, Wisconsin for renovations to the Milwaukee County War Memorial;

$50,000 to the City of Norwalk, California for renovations at the Norwalk Aquatic Center;

$100,000 to the Tampa Port Authority in Tampa, Florida for infrastructure improvements related to the Channelside economic development project;

$200,000 to the L.I.F.T. Women's Resource Center in Detroit, Michigan for expansion of the Positive Change Project;

$50,000 to the 21st Century Council Adult Career Center in Scottsboro, Alabama for computer system improvements, acquisition of office equipment, and instructional materials;

$50,000 to the Tri-Valley Business Council in Livermore, California for a business incubator initiative known as Tri-Valley Technology Enterprise Center;

$400,000 to the City of New Haven, Connecticut for the restoration and rehabilitation of the West River Memorial Park;

$25,000 to the Township of Branchburg, New Jersey for the construction of a war veterans memorial;

$400,000 to Ohio University in Athens, Ohio for the Innovation Center, a technology business incubator;

$250,000 to the Wawashkamo Restoration and Preservation Fund in Mackinac Island, Michigan for initiatives related to the Mackinac Island Battlefield;

$100,000 to the City of Dallas, Texas for an affordable housing program operated by the T.R. Hoover Community Development Corporation;

$100,000 to the New London Development Corporation in New London, Connecticut for renovation related to affordable housing;

$100,000 to Neighborhood Reinvestment Corporation of Kansas City, Kansas for development of low income housing;

$50,000 to the New York City, New York Department of Parks and Recreation for phase three of the rebuilding and restoration of Joyce Kilmer Park in South Bronx, New York;

$550,000 to the Springfield Library and Museum Association in Springfield, Massachusetts for construction and infrastructure improvements related to a national memorial and park honoring Theodor Geisel;

$225,000 to the City of Ferndale, Michigan for refurbishment of Washington Elementary School for use as a community center;

$100,000 to the City of Mollalla, Oregon for the conversion of a gymnasium into a public library, community and technology training center;

$300,000 to the City of Albany, New York for waterfront improvements;

$250,000 to the Berkeley County Commission in Martinsburg, West Virginia for the Historic Baltimore and Ohio Roundhouse Renovation Project;

$100,000 to the Cape Cod, Massachusetts Chamber of Commerce for the Cape Cod High Technology Center technology incubator initiative;

$100,000 to Consolidated Fruit Packers, Inc. in New Paltz, New York for a job retention program;

$1,000,000 to the National Children's Advocacy Center in Huntsville, Alabama for the establishment of a research and training facility;

$350,000 to the Richland County Neighborhood Technology Center in Richland County, South Carolina for facilities and equipment needs;

$500,000 to the Center for Economic Development at the University of San Francisco in San Francisco, California for economic development efforts;

$400,000 to the National Coalition for Homeless Veterans in Washington, DC for the provision of technical assistance to local organizations;

$150,000 to the Saugerties Historical Society in Saugerties, New York for historic preservation of the Kiersted House;

$200,000 to the Village of Glenwood, Illinois for renovations to the Glenwood Senior Center;

$150,000 to the Point Community Development Corporation in New York City, New York for the purchase and/or renovation as a boathouse of an abandoned factory at the corner of Lafayette Avenue and Edgewater Road in South Bronx, New York;

$500,000 to the City of Falls Church, Virginia to refinance the Winter Hill Apartments, low-income housing complex;

$100,000 to Roberts Wesleyan College in Rochester, New York for the establishment of a community service center;

$1,050,000 to Lucas County, Ohio for the acquisition and improvement of Quarry Farms Park;

$250,000 to Santa Monica College in Santa Monica, California for the Madison Site Theater Center;

$200,000 to the Lewiston Auburn Economic Growth Council in Lewiston, Maine for administering loans to stimulate economic growth;

$50,000 to the Borough of Peapack, New Jersey for facility improvements to the Township Hall;

$225,000 to the City of Los Angeles, California for construction of the Ernest E. Debs Nature Center;

$450,000 to the American Indian Business Development Corporation for construction of a multi-purpose facility to support business development in south Minneapolis, Minnesota;

$325,000 to the Berkshire South Regional Community Center in Great Barrington, Massachusetts for planning and construction;

$165,000 to the Millvale Borough Development Corporation in Millvale, Pennsylvania for the implementation of the Millvale Gateway and Riverfront Plan;

$200,000 to Nanticoke, Pennsylvania for downtown revitalization and infrastructure improvements;

$1,000,000 to the George Meany Center for Labor Studies in Silver Spring, Maryland for facility needs;

$500,000 to the Boys and Girls Club of Nogales, Arizona for expenses related to the construction of a facility;

$250,000 to the City of Buffalo, New York for refurbishing of the exterior of St. Louis Church, including façade work;

$80,000 to the Eureka Volunteer Fire Department in Tarentum, Pennsylvania for asbestos removal and demolition of the Tarentum Municipal Building;

$150,000 to the Tioga County Rural Economic Area Partnership in Owego, New York for economic development efforts;

$100,000 to the Village of Hempstead, New York for infrastructure improvements to Kennedy Park;

$465,000 to the Prospect Park Alliance in New York City, New York for interior exhibits and furnishing for Prospect Park Audubon Center at the Boathouse;

$200,000 to the Ukrainian Museum Archives in Cleveland, Ohio for facilities improvements;

$25,000 to the Orlando Community Redevelopment Agency in Orlando, Florida for redevelopment of Otey Place;

$125,000 to the Academy Family Foundation in Fairmont, West Virginia for facility and programmatic needs;

$100,000 to the Little Tokyo Service Community Center in Los Angeles, California for the development of a job training program;

$200,000 to Broward County, Florida for the Broward County African-American Community and Cultural Center;

$50,000 to the County of San Diego, California for planning related to the development of a business park in East Otay Mesa;

$150,000 to the Indiana County Community Action Program in Indiana County, Pennsylvania for equipment, facilities and activities needs;

$200,000 to the City of East Palo Alto, California for the redevelopment of the Ravenswood Industrial Area;

$300,000 to the City of Huntington, New York for a sewage treatment facility;

$100,000 to the Town of Beacon Falls, Connecticut for the purchase of Pinesbridge Industrial Park;

$100,000 to the City of Worcester, Massachusetts for the Gardner-Kilby-Hammond Street neighborhood revitalization project;

$100,000 to the Bronx Museum of the Arts in New York City, New York for infrastructure improvements, construction, renovation, operation and facility upgrades;

$50,000 to the Eugene A. Obregon CMH Memorial Foundation for the creation of a memorial to honor Latinos who have served in the Armed Services;

$50,000 to the City of Garden Grove, California for planning and construction of the West Haven Park Community Center;

$250,000 to the City of Abilene, Texas for renovation of the historic Wooten Hotel;

$100,000 to the City of San Leandro, California for landslide mitigation efforts;

$200,000 to the City of Saint Marys, West Virginia for downtown revitalization, and vehicle and equipment needs to support the Senior Service Advisory Council's senior nutrition program;

$75,000 to the City of Hartford, Connecticut for the Temple Street redevelopment project;

$250,000 to the Brotherhood Crusade Business Development and Capital Fund in Los Angeles, California for facility infrastructure needs and/or technical assistance and loans to small businesses;

$200,000 to West Virginia University at Parkersburg for equipment needs related to the Caperton Center;

$500,000 to the International Glass Museum in Takoma, Washington for capital costs associated with a new facility;

$400,000 to the Montclair Art Museum in Montclair, New Jersey for facility expansion;

$225,000 to the South Sumter Resource Center in Sumter County, South Carolina for facilities renovation and equipment;

$40,000 to the Schuylkill County Fire Fighters Association in Morea, Pennsylvania for facilities improvements;

$100,000 to West Liberty State College in West Liberty, West Virginia for planning and development related to the SMART Center;

$200,000 to Oakwood College in Huntsville, Alabama for the establishment of a Wellness Center;

$200,000 to the Schlitz Audubon Nature Center in Milwaukee, Wisconsin for facilities construction;

$200,000 to the Filipino Community Center in Seattle, Washington for costs related to facilities relocation;

$250,000 to Augsburg College in Minneapolis, Minnesota for rehabilitation of Sverdrup Hall;

$50,000 to the government of the U.S. Virgin Islands for fire fighting efforts in territorial waters;

$1,000,000 to the Salvatore Mancini Center on Aging in North Providence, Rhode Island for facilities needs;

$400,000 to Rostraver Township, Westmoreland County, Pennsylvania for economic development studies and activities;

$200,000 to the St. Louis County, Missouri Parks & Recreation Department for renovations and improvements to Jefferson Barracks Park;

$750,000 to John Carroll University in Cleveland, Ohio to support the Center for Mathematics and Science Education;

$50,000 to the Town of Pelham, New York for renovations to Memorial Park;

$75,000 to the Town of St. George, South Carolina for the Klauber Building Project;

$150,000 to the University of North Carolina at Wilmington School of Nursing to provide multidisciplinary nurse-managed primary health care services in rural northern Brunswick County and rural eastern Columbus County, North Carolina;

$950,000 to the Mid-Atlantic Aerospace Complex, Inc. for operating and marketing expenses, site use assessment, land acquisition and construction of facilities;

$600,000 to the National Civil Rights Hall of Fame in Gary, Indiana for facility construction;

$100,000 to Camp Kon-O-Kwee/Spencer YMCA camp in Beaver County, Pennsylvania for continued construction of a wastewater treatment facility;

$325,000 to the Seneca Center in New York City, New York for the acquisition and partial renovation of a permanent facility in South Bronx, New York;

$250,000 to the Huntington Park Oldtimers Foundation in Huntington Park, California for the rehabilitation of a senior center;

$50,000 to Ottawa County, Ohio for street improvements for the central business district in Rocky Ridge, Ohio;

$200,000 to the Peninsula Marine Institute in Newport News, Virginia for the acquisition of a permanent facility to house its juvenile offenders program;

$100,000 to the Martin Luther King Freedom Center in Oakland, California for planning and development purposes;

$1,500,000 to Miami-Dade County,, Florida to expand and improve the physical plant of the anchor industry in Poinciana Industrial Park;

$300,000 to St. John Fisher College in Rochester, New York to establish an Institute of Teaching and Learning;

$200,000 to the Daniel Freeman Hospital in Inglewood, California for community health outreach to the uninsured and medically underserved;

$1,000,000 to Columbia University in New York City, New York for its audubon research project;

$400,000 to the University of California-Merced for the renovation of the civil engineering building on Castle Air Force Base;

$150,000 to the City of Moundsville, West Virginia for downtown revitalization associated with the Strand Theater;

$250,000 to the Mystic Valley Development Commission for a regional technology development project known as TeleCom City;

$200,000 to Bethune Cookman College in Daytona Beach, Florida for costs related to a community services and student union building;

$50,000 to the city of Dallas, Texas for the Pleasant Wood/Pleasant Grove Community Development Corporation for improvement efforts focused on West Dallas neighborhoods;

$1,200,000 to the West Virginia High Technology Consortium Foundation, Inc. for continued development of the I-79 Technology Park;

$100,000 to the City of Dallas, Texas for the Southfair Community Development Corporation for land acquisition and efforts to revitalize the Grand Avenue corridor;

$1,000,000 to the St. Coletta School in Alexandria, Virginia for facilities needs;

$50,000 to the St. Louis County, Missouri Economic Council for infrastructure and streetscape enhancements for the Affton/Gravois Business District;

$110,000 to the Reading Area Community College in Berks County, Pennsylvania for planning and development of an Advanced Technology Center;

$100,000 to Temple University Ambler in Montgomery County, Pennsylvania for a community planning and sustainable development initiative;

$150,000 to the Arlington Housing Corporation to purchase investor-owned units at the Arlington Oaks condominium complex for operation as affordable housing;

0,000 to the Abington Township Public Library in Abington, Pennsylvania for facilities renovation;

$200,000 to Pittson, Pennsylvania for downtown revitalization and infrastructure improvements;

$1,000,000 to Concord College in Athens, West Virginia for infrastructure development for an information technology training program;

$200,000 to the St. Louis, Missouri City Parks Department for renovations of Wilmore Park;

$250,000 to the Village of Mamaroneck, New York for streetscape improvements;

$50,000 to the St. Louis County, Missouri Economic Council for infrastructure and streetscape enhancements for the LeMay Business District;

$1,000,000 to the Mandel School of Applied Social Sciences' Center for Community Development at Case Western Reserve University for the establishment of the Lou Stokes Fellows Program in Community Organization and Development;

$50,000 to the City of Tuscumbia, Alabama for stage and infrastructure improvements at Spring Park;

$150,000 to Fulton County, Ohio for upgrades of emergency notification/siren systems;

$225,000 to the Town of Bolton, Mississippi for a business district restoration plan that includes job training and a revolving loan fund;

$300,000 to the Christiansburg Institute Board in Christiansburg, Virginia for renovation of a historic building into a museum and community learning center;

$1,000,000 to St. John's County, Florida for water, sewer, wastewater, and stormwater system improvements.

Excludes report language proposed by the Senate directing HUD to make a comprehensive report on all EDI grants. Similar language was not included by the House. However, the conferees agree that HUD should conduct a close-out review of each non-congressionally designated EDI grant within five years of the award. Any funds not obligated should be identified and reported to the Committees by May 1, 2001, for possible rescission and reallocation.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment as proposed by the Senate instead of $20,000,000 as proposed by the House.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,800,000,000 for the HOME program instead of $1,585,000,000 as proposed by the House, and $1,600,000,000 as proposed by the Senate. The conferees increased the funding level for HOME above the Senate and House levels, and above the request, as an indication of their support for producing substantially more affordable homes for low-income Americans.

Recognizing the tremendous unmet need for affordable housing, and in light of the fact that 5,400,000 families pay more than half their income for rent, the conferees seriously considered proposing a new production program targeted at extremely low-income families. In addition to creating new affordable homes, the proposal would have encouraged the concepts of income-mixing, and tenant choice. Unfortunately, in deference to the committees of jurisdiction, the conferees agreed to withdraw the proposal. Nevertheless, the conferees encourage the authorizing committees to consider the need for additional homes for extremely low-income families, and to draft legislation that will meet these increasing needs.

Includes $20,000,000 for the Housing Counseling program as proposed by the Senate instead of $15,000,000 as proposed by the House. For two consecutive years, HUD has been directed to develop a process for measuring the performance of housing counseling agencies. This year, several nonprofit intermediaries working cooperatively with HUD developed meaningful recommendations that include such measurements. The conferees direct HUD to implement these recommendations and, upon implementation, report to the Committees on Appropriations.

Transfers $17,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the House instead of no funding as proposed by the Senate.

The conferees are concerned that there appears to be some ambiguity about whether Native American non-profit entities working on Indian lands are eligible to receive HOME funds. After reviewing the relevant statutes, the conferees see nothing that indicates Native American nonprofits are ineligible to compete for HOME funds at the state level. Furthermore, the conferees believe it is highly questionable for states to count low-income Native American residents in their funding calculations, but upon receipt of their allocation, be unwilling to share HOME funds with Native American non-profits. Economic and housing conditions on Native American lands are among the most challenging in the United States. The HOME program was designed to assist in meeting these challenges for all Americans and not to discriminate based on where an individual chooses to live.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,025,000,000 for homeless assistance grants instead of $1,020,000,000 as proposed by the House and the Senate. Funds provided in this account include funds for new Shelter Plus Care grants. Renewals of existing grants are included in a new account called "Shelter Plus Care Renewals."

Includes language proposed by the House requiring that all homeless programs be coordinated with health, social service, and employment programs. The Senate did not include similar language.

Includes language proposed by the House providing that 1.5 percent of the funds appropriated for the program shall be for technical assistance and the development and maintenance of management information systems, instead of .75 percent as proposed by the Senate.

Appropriates $500,000 for the Interagency Council on the Homeless as proposed by the Senate. The House did not include similar language.

The conferees reiterate and endorse language included in the Senate report regarding the need for data and analysis on the extent of homelessness and the effectiveness of McKinney Act programs, the desirability of convening a group of experts to discuss alternatives to the current "pro rata shares" formula, the importance of oversight by HUD field staff, and the need to increase the supply of permanent supportive housing. The conferees concur with the importance of developing unduplicated counts of the homeless at the local level, as well as taking whatever steps are possible to draw inferences from this data about the extent and nature of homelessness in the nation as a whole.

Likewise, the conferees agree that local jurisdictions should be collecting an array of data on homelessness in order to prevent duplicate counting of homeless persons, and to analyze their patterns of use of assistance, including how they enter and exit the homeless assistance system and the effectiveness of the systems. HUD is directed to take the lead in working with communities toward this end, and to analyze jurisdictional data within three years. Implementation and operation of Management Information Systems (MIS), and collection and analysis of MIS data, have been made eligible uses of Supportive Housing Program funds. The conferees direct HUD to report to the Committees within six months after the date of enactment of this Act on its strategy for achieving this goal, including details on financing, implementing, and maintaining the effort.

Recognizing the need to provide assured funding for renewing Shelter Plus Care grants, the conferees have shifted renewal funding to a separate account. The conferees are aware that there is a similar permanent housing component to the Supportive Housing Program (SHP), which remains funded through the Homeless Assistance Grants account under this conference agreement. While the conferees have not shifted renewal funding for the SHP permanent housing program to the new account, they nevertheless believe there is good reason to provide for reliable renewal of permanent housing for the formerly homeless people with disabilities, addictions, and similar problems who are served by both of these programs.

Accordingly, the conferees direct HUD to implement a mechanism for renewing the permanent housing component of SHP grants as part of its process for awarding funds under this account—provided, of course, that the activities funded by the grant are determined to meet local needs and appropriate standards of performance and financial accountability.

SHELTER PLUS CARE RENEWALS

Appropriates $100,000,000 for renewing shelter plus care grants that expire in fiscal years 2001 and 2002 instead of $105,000,000 as proposed by the Senate. The House proposed renewing these contracts in the Housing Certificate Fund. These are the grants that would be subject to renewal in the fiscal years 2000 and 2001 funding cycles.

Because renewal funding is provided in this account for Shelter Plus Care grants being handled in the fiscal year 2000 continuum of care funding competition now underway, the conferees intend that grants qualifying for renewal under this account be removed from that competition and instead be renewed with funds in this account.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $996,000,000 for housing for special populations as proposed by the Senate instead of $911,000,000 as proposed by the House.

Includes $779,000,000 for section 202 housing for the elderly instead of $783,000,000 as proposed by the Senate and $710,000,000 as proposed by the House.

Includes $217,000,000 for section 811 housing for the disabled instead of $213,000,000 as proposed by the Senate and $210,000,000 as proposed by the House.

Includes language proposed by the House providing grants under section 202b for converting eligible projects to assisted living.

Includes language proposed by the Senate allowing the Secretary to designate up to 25% of amounts earmarked for section 811 for tenant-based assistance. The House included language that allowed the Secretary to earmark between 25% and 50% of the funds for this use.

Transfers $1,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the House. The Senate did not include a similar provision.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Limits obligations for direct loans to no more than $250,000,000 as proposed by the Senate instead of $100,000,000 as proposed by the House.

Transfers $96,500,000 from administrative contract expenses to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the House. The Senate did not include similar language.

The conferees reiterate report language included by the Senate regarding the implementation of the single family property disposition legislation, specifically the statutory authority to discount properties in distressed neighborhoods. In fiscal year 1999, legislation was enacted authorizing HUD to dispose of its HUD-held single family loans. As part of that agreement, seriously distressed neighborhoods where the possibility of disinvestment is greatest could be designated as asset control areas. For these areas, HUD was granted the authority to establish discounts on the price of foreclosed homes for local governments and nonprofit institutions that establish neighborhood redevelopment plans to revitalize these areas.

HUD, however, has not aggressively implemented this legislative mandate. In fact, HUD has instituted a pricing structure that is far more restrictive than required in the law, making it extremely difficult for local governments to repair deteriorated homes and to reinvigorate neighborhoods. The conferees reiterate their support for the solution contained in the fiscal year 1999 legislation, and direct HUD to implement it—specifically the discount provisions—in a way that allows local governments and nonprofits to rebuild neighborhoods. Furthermore, the conferees reaffirm the Senate's directive to report on the implementation of the disposition program by May 15, 2001.

Finally, the conferees are extremely concerned about the proliferation of predatory lending and commend HUD for acting to combat this practice. As directed in the Senate report, the conferees look forward to being briefed by HUD on the progress made in this area.

The conferees are disappointed that HUD utilized only a small fraction of the lending authority made available in fiscal year 1999 for direct loans to nonprofit organizations and local government agencies in connection with sales of HUD-owned single-family homes under section 204(g) of the National Housing Act. HUD is expected to make fuller use of this lending authority in fiscal year 2001. In particular, the conferees believe that section 204(g) loans could be a valuable tool to assist with the acquisition, rehabilitation, and sale of homes in the asset control areas created in the fiscal year 1999 VA, HUD, and Independent Agencies Appropriations Act, and direct HUD to take steps to facilitate use of section 204(g) loans by nonprofit organizations working to revitalize neighborhoods in these areas.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Transfers $33,500,000 from administrative contract expenses to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the House. The Senate did not include similar language.

Deletes language included by the Senate requiring at least $50,000,000 of credit subsidy be directed to insuring multifamily projects where a portion of the units are targeted to extremely low-income families. However, HUD is directed to report back to the Committees on Appropriations on the feasibility of creating an insurance program that targets extremely low- and low-income families. As part of this report, HUD should include an estimate of the costs of providing credit subsidy, or of any other subsidies, that would be necessary for such a program to be successful.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $53,500,000 for research and technology instead of $45,000,000 as proposed by the Senate and $40,000,000 as proposed by the House. As proposed by the House, $3,000,000 of the amount provided is for program evaluation to support the inclusion of strategic planning and performance measurements in the preparation of the budget. The Senate did not include similar language.

Includes new language providing $500,000 for the Commission on Affordable Housing and Health Care Facility Needs for Seniors in the 21st Century.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $46,000,000 for fair housing activities instead of $44,000,000 as proposed by the House and the Senate. Of the amount provided, $24,000,000 is for section 561 of the Housing and Community Development Act of 1987.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $100,000,000 for lead hazard reduction, as proposed by the Senate instead of $80,000,000 as proposed by the House.

Of the amount, $10,000,000 is for the Healthy Homes Initiative as proposed by the House instead of $5,000,000 as proposed by the Senate.

Inserts language proposed by the House and stricken by the Senate providing $1,000,000 for CLEARCorps.

Deletes language proposed by the Senate transferring balances from pre-existing lead reduction programs. This transfer was included in the fiscal year 2000 appropriations measure and has already been implemented.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,072,000,000 for salaries and expenses instead of $1,003,380,000 as proposed by the House and $1,002,233,000 as proposed by the Senate.

Deletes language proposed by the Senate limiting per-employee costs (including benefits) to an average of $78,000. The House did not include similar language.

Inserts language proposed by the Senate prohibiting HUD from employing more than 14 employees in the Office of Public Affairs. The House did not include similar language.

Deletes language proposed by the Senate limiting the number of HUD full time equivalent (FTE) positions to no more than 9,100.

Inserts new language limiting the personal services object class to no more than $758,000,000.

Inserts new language requiring that not less than $100,000,000 in the Working Capital Fund be used for the development and maintenance of information technology systems.

Inserts new language limiting the number of outside employees that HUD may hire at grade levels of GS–14 and GS–15. Under the limitation, HUD may hire only 7 GS–14 and GS–15 level employees for every 10 such employees who leave the Department. The limitation will be lifted only when the number of GS–14 and GS–15 level employees falls 2.5 percent from the level at the date of enactment. This moratorium on hiring does not include promoting from within HUD, nor does it impact the number of Schedule C employees that can be hired at these grade levels.

The conferees are concerned about the growth of the personal service object class in the salaries and expenses account. To gain control over its growth, a cap of $758,000,000 has been placed on the personal service object class. Finally, HUD is directed to spend at least $100,000,000 on the development and maintenance of information technology systems. The conferees hope that HUD will use these tools in a constructive manner to deal with several serious issues.

First, HUD has been unable to accurately portray its salary and expense needs. In its fiscal year 2000 request, HUD requested funding for 9,300 people though only 9,030 people were on staff at the time. Despite this knowledge, which HUD did not share with the Committees, HUD threatened a reduction in force (RIF) unless more funds were forthcoming. Relying on the representation that a RIF was a real possibility, $20,000,000 more than was recommended was provided. Even then, HUD claimed this amount was insufficient.

However, during fiscal year 2000, instead of threatened staff reductions, HUD hired more than 700 employees, an unprecedented number of new hires. In addition, HUD increased the number of personnel receiving quality step increases from a negligible amount to approximately 30% of the total staff. This action brought the average cost per employee up to $81,500—a level that is $2,700 higher than estimated in the fiscal year 2001 budget request—thus making the fiscal year 2001 budget request insufficient by $18,650,000.

Making a bad situation worse, almost 25% of HUD's total staff—or 2,018 people according to HUD—are at the GS–14 and GS–15 levels of pay. Yet in fiscal year 2000 alone, HUD hired more than 200 new GS–14 and GS–15s, causing displacement of existing staff and making it virtually impossible for younger employees to expect upward movement in their careers in a reasonable amount of time.

Such poor management decisions only underscore other management deficiencies. For years, Congress has requested HUD to provide a staff plan that matches staffing requirements with programmatic responsibilities. For six years, HUD has systematically and deliberately ignored these Congressional requests and directives. Therefore, it isn't surprising that the National Academy of Public Administration (NAPA) recently reported that ". . . the basis for most staff level changes in the recent past has been top-down direction that HUD reduce staff levels to get to a target number. The lack of an analytical basis for much of that direction has not let top management know whether resulting staff levels in individual offices and overall are adequate to accomplish the department's mission." Not only does this conclusion concern the conferees, it flies in the face of HUD's own restructuring plan embodied in Management Reform Plan 2020.

Exacerbating these problems is HUD's annual transfer of funds from its information technology account to offset the personal services account, significantly delaying HUD's entry to the information age. HUD's inability to account for its appropriations—in terms of funding and in terms of results—and its raid of the IT account to supplement an inadequate personal services account is simply unacceptable. For that reason, the conferees have fenced the IT account and direct HUD to move forward on implementing an enterprise data warehouse that incorporates a geographic information system (GIS) platform for HUD as quickly as possible.

The conferees reassert the House report language directing HUD to present a comprehensive, multi-year budget plan that creates, maintains, and refines HUD's information technology systems. Finally, HUD is directed to provide a plan that matches staff resources with programmatic needs by May 15, 2001.

OFFICE OF INSPECTOR GENERAL

Appropriates $85,000,000 for the Office of Inspector General instead of $83,000,000 as proposed by the House and $87,843,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

Restores language proposed by the House and stricken by the Senate giving HUD enhanced authority to dispose of HUD-held mortgages.

Restores language proposed by the House and stricken by the Senate allowing HUD to set maximum payment standards for enhanced vouchers.

Deletes language proposed by the House authorizing PHAs to utilize any excess section 8 for increasing the value of a voucher in high cost areas, and for other purposes. The Senate had included similar language in its Title II of Division B.

Includes language proposed by the Senate to prohibit HUD from prohibiting or debarring entities that administer the continuum of care process for homeless grants without due process. The House did not include similar language.

Includes language proposed by the Senate to require all Title II programs to comply with the HUD Reform Act. The House did not include similar language.

Includes language proposed by the Senate enabling homeless programs to utilize the environmental assumption authority contained in section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994. The House did not include similar language.

Includes language proposed by the Senate making technical changes and corrections to the National Housing Act. The House did not include similar language.

Includes language proposed by the Senate making law enforcement officers eligible for housing assistance under the Indian housing block grant program. The House did not include similar language.

Includes language proposed by the Senate prohibiting federal assistance to facilities that sell predominantly cigarettes or other tobacco products. The House did not include similar language.

Modifies language proposed by the Senate prohibiting the implementation of the Puerto Rico PHA settlement agreement until management reform goals and benchmarks are identified including safeguards against fraud and abuse by inserting a date by which the report is due. The House did not include similar language.

Modifies language proposed by the Senate allowing a grant award to the Hollander Ridge project to be used for activities that benefit the site. The House did not include similar language.

Deletes language proposed by the Senate reducing the downpayment requirements for teachers and uniformed municipal employees. The House did not include similar language. However, the Office of Policy Development and Research is directed to contract with an outside entity to determine the feasibility of decreasing the downpayment requirements for these individuals and assess its impact on communities.

Includes language proposed by the Senate authorizing the "neighborhood networks" computer concept to be an eligible activity to receive funding under the modernization and HOPE VI grant programs. The House did not include similar language.

Includes language proposed by the Senate deeming a project in Independence, Missouri, to be eligible for mark-to-market reforms. The House did not include similar language.

Modifies language proposed by the Senate to extend section 236(g)(3)(A) of the National Housing Act for one year. The House did not include similar language.

Modifies language proposed by the Senate enabling a county to elect to remain an "urban county" if it was so defined in fiscal year 1999. The House did not include similar language.

Deletes language proposed by the Senate to authorize a low-income multifamily risk-sharing mortgage insurance program. The House did not include similar language.

Includes language proposed by the Senate exempting Alaska and Mississippi from the statutory requirement of having a resident on the board of a PHA. The House did not include similar language.

Includes new language making moderate rehabilitation funds available for use under the HOME Investment Partnerships Act for two projects in New Rochelle, New York.

Includes new language reprogramming $1,000,000 for the City of Loma Linda for infrastructure improvements at Redlands Boulevard and California Streets, for infrastructure improvements in the city related to Mountain View Bridge.

Includes new language making Native American communities eligible to receive funding under the Resident Opportunity and Social Services program.

Includes new language extending for one year an economic development initiative in Miami Beach, Florida.

Includes new language reprogramming funds from Homestead, Florida, to housing for low-income elderly persons in Dade County, Florida.

Includes new language waiving the CDBG social services cap for the City of Los Angeles.

Includes new language extending FHA's downpayment simplification provisions to December 31, 2002.

Includes new language amending section 423 of the Stewart B. McKinney Homeless Assistance Act program to allow grants to be used to pay for the costs of implementing and operating management information systems.

Includes new language amending section 184 of the Housing and Community Development Act of 1992 by allowing the program to be used to refinance previously made loans for purposes of rehabilitation, and by eliminating the requirement to show lack of access to private financial markets.

Includes new language making enhanced vouchers available to residents who have continued to reside in section 8 properties which opted out of expired federal assistance contracts prior to enactment of Subtitle C of Title V of the fiscal year 2000 VA, HUD and Independent Agencies Appropriations Act.

Includes new language requiring grantees under Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act to coordinate their discharge policies.

Includes new language amending section 525 of the VA, HUD and Independent Agencies Appropriations Act of 2000 by changing the title of the "Commission on Affordable Housing and Health Care Facility Needs" to the "Commission on Affordable Housing and Health Care Facility Needs for Seniors in the 21st Century."

Includes new language amending the McKinney Act allowing for the chair of the Interagency Council for the Homeless to rotate between HUD, the Department of Health and Human Services, the Department of Labor, and the Department of Veterans Affairs.

Modifies language proposed by the Senate amending the Quality Housing and Work Responsibility Act of 1998 (QHWRA), to allow PHAs to "project-base" up to 20 percent of their section 8 voucher funds. For many reasons, including burdensome implementation regulations, the option in QHWRA has never worked effectively. Therefore, the conferees have agreed to include legislation that makes substantive revisions to section 8(o)(13) of the United States Housing Act.

First, the revision makes the option to project-base vouchers more flexible, and allows PHAs to designate up to 20% of their available voucher funds for this purpose without any requirement that owners invest additional funding in the units. This change allows PHAs to decide whether to link project-basing to new construction, to rehabilitation, or simply to use project-basing as a tool to promote voucher utilization and to expand housing opportunities. A PHA may project-base their vouchers only if the choice is consistent with the housing needs and strategies identified in the PHA plan. If a PHA chooses this option, the initial contract term with the owner of the development may be no more than 10 years in duration, but may be extended, subject to the agreement of the owner and the PHA. All contracts are subject to the availability of appropriations.

Additionally, it requires PHAs to offer families with project-based vouchers a "continued assistance option"—a program variation that allows families to move from the assisted building, and to retain federal housing assistance. Under this option, PHAs agree to link a specified number of subsidies to a particular development. The initial families are selected by the manager of the development from among families referred by PHAs. Families with the continued assistance option have the right to move after one year but retain their federal housing assistance by going to the top of the PHA waiting list, or by receiving assistance through other means devised by the PHA. Families that move from a subsidized unit are replaced by families referred from the PHA's waiting list, ensuring that the specified number of subsidies continue to be utilized at the development throughout the term of the PHA's contract with the owner. Special rules would be applied in tax credit units.

To promote mixed-income developments, only 25 percent of the units in a multifamily building may have project-based assistance. PHAs are allowed to offer vacancy payments to owners for no more than 60 days. However, PHAs and owners must seek to reduce the need for vacancy payments and such payments may not be made if the vacancy is the fault of the owner—for example, the unit does not pass re-inspection, or a PHA refers a reasonable number of families to the owner but the owner refuses to select any of them.

Modifies language proposed by the Senate requiring HUD to maintain section 8 rental assistance payments on HUD-held or HUD-owned properties that are occupied primarily by elderly or disabled families. If the properties are not viable affordable housing, the Secretary may contract for project-based assistance with other existing housing properties, or provide other rental assistance.

Modifies language proposed by the Senate making the family unification program more flexible.

Includes language proposed by the Senate making the FHA risk-sharing programs permanent.

TITLE III—INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

Appropriates $28,000,000 for salaries and expenses as proposed by the House instead of $26,196,000 as proposed by the Senate. The conferees commend the ABMC for the progress made in reducing the backlogged maintenance needs throughout the ABMC system, and have provided funds in excess of the budget request to continue this important program.

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

Appropriates $7,500,000 for salaries and expenses instead of $8,000,000 as proposed by the House and $7,000,000 as proposed by the Senate. Bill language has been included again this fiscal year which limits the number of career Senior Executive Service positions to three. Of the available funds, $5,000,000 shall remain available until September 30, 2001, and $2,500,000 shall remain available until September 30, 2002.

In addition, language has been adopted which stipulates that the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Board, shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

The conferees agree that not later than March 1, 2002, and thereafter, the Chief Operating Officer of the Board shall prepare a financial report for the preceding year, covering all accounts and associated activities of the Board. Each such financial report shall be audited according to generally accepted accounting principles by the Inspector General of the Board or another qualified external auditor as determined by the Inspector General, and each such audit report shall be submitted to the Chief Operating Officer not later than June 30 following the fiscal year for which the audit was performed.

Department of the Treasury

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $118,000,000 for community development financial institutions fund program account instead of $105,000,000 as proposed by the House and $95,000,000 as proposed by the Senate.

Includes $5,000,000 for technical assistance to promote economic development in Native American communities. The conferees intend that this assistance be provided primarily through qualified community development lenders, organizations with experience and expertise in banking and lending in Indian country, Native American organizations, and other suitable providers, as well as through financial assistance to tribes and tribal organizations for procurement of appropriate expertise and services.

Provides $8,750,000 for administrative expenses instead of $9,500,000 as proposed by the House, and $8,000,000 as proposed by the Senate.

Provides $19,750,000 for the cost of direct loans instead of $23,000,000 as proposed by the House, and $16,500,000 as proposed by the Senate.

Excludes language proposed by the House and stricken by the Senate regarding the accounting of certain administrative costs.

Eliminates language proposed by the Senate capping the Bank Enterprise Award program at $30,000,000. The House did not include similar language.

Consumer Product Safety Commission

SALARIES AND EXPENSES

Appropriates $52,500,000 for the Consumer Product Safety Commission, salaries and expenses, as proposed by the Senate, instead of $51,000,000 as proposed by the House.

The conferees are in agreement that significant progress has been made by the Commission in reducing children's deaths in cribs. Despite this accomplishment, deaths in used cribs remain too high. Accordingly, the conferees urge the Commission to undertake an initiative to continue its excellent efforts to further reduce crib deaths.

Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $458,500,000 for national and community service programs operating expenses, instead of $433,500,000 as proposed by the Senate. The House proposed termination of the Corporation for National and Community Service using funds appropriated in prior years.

Limits funds for administrative expenses to not more than $31,000,000, instead of $29,000,000 as proposed by the Senate. The conferees have included language proposed by the Senate which directs the Corporation to use $2,000,000 for acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives. The conferees agree that improvements to the Corporation's accounting systems, including a cost accounting system, is of very high priority and deserves senior management's full attention. The conferees agree that the Corporation is prohibited from providing any salary increases (with the exception of locality adjustments and other appropriate adjustments provided to all government employees) or bonuses to its senior management until the Corporation has certified, with the IG's concurrence, that an adequate cost accounting and grants management system has been acquired, implemented, and conforms to all Federal requirements.

Limits funds as proposed by the Senate to not more than: $28,500,000 for quality and innovation activities; $2,500 for official reception and representation expenses; $70,000,000 for education awards, of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service; $231,000,000 for AmeriCorps grants, of which not to exceed $45,000,000 may be for national direct programs and $25,000,000 shall be for activities dedicated to developing computer and information technology skills; $10,000,000 for the Points of Light Foundation; $21,000,000 for the civilian community corps; $43,000,000 for school-based and community-based service-learning programs; and $5,000,000 for audits and other evaluations.

The conferees agree to add $3,000,000 to the national civilian community corps (NCCC) account to cover the additional costs of relocating a campus site in San Diego and to administer a program level of 1,100 members, which would match its fiscal year 1998 level. The conferees understand that the number of campuses would remain at the current level of five sites.

Inserts language proposed by the Senate which prohibits using any funds for national service programs run by Federal agencies; provides that, to the maximum extent feasible, funds for the AmeriCorps program will be provided consistent with the recommendation of peer review panels; and provides that, to the maximum extent practicable, the level of matching funds shall be increased, education only awards shall be expanded, and the cost per participant shall be reduced.

Rescinds $30,000,000 from the National Service Trust, instead of $50,000,000 as proposed by the Senate. The conferees have taken this action because the balances in the Trust appear at this time to be in excess of requirements based upon usage rates. The conferees direct the Corporation to provide a quarterly report to the Committees on Appropriations of the House and Senate on the assets and liabilities of the National Service Trust fund, including information on interest earned and interest received and an explanation of the relationship between the amounts in the completed financial statements and the budget request.

The conferees agree to the Senate proposal to earmark $5,000,000 for Communities In Schools, Inc., $2,500,000 for Parents as Teachers National Center, Inc., $7,500,000 for America's Promise—The Alliance for Youth, Inc., and $2,500,000 for Boys and Girls Clubs of America.

The conferees agree to provide $1,500,000 for the Youth Life Foundation (YLF). The YLF aims to replicate the programs it has developed in Washington, D.C. to address the challenges of children living in insecure environments and make those programs applicable to other parts of the Nation. The conferees recognize that America's Promise is already trying to establish partnerships with locally-based organizations such as YLF. Accordingly, the conferees expect YLF to continue its effort in coordinating and collaborating its activities with America's Promise.

The House proposed that the Corporation be terminated and did not include any of the foregoing limitations or provisions proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $5,000,000 for the Office of Inspector General, the same amount as provided by the House and the Senate.

ADMINISTRATIVE PROVISION

Includes an administrative provision, as proposed by the Senate, which provides a technical correction to language included in the fiscal year 2000 appropriations Act.

Court of Appeals for Veterans Claims

SALARIES AND EXPENSES

Appropriates $12,445,000 for the Court of Appeals for Veterans Claims as proposed by the Senate instead of $12,500,000 as proposed by the House.

Department of Defense-Civil Cemeterial Expenses, Army

SALARIES AND EXPENSES

Appropriates $17,949,000 for salaries and expenses as proposed by the House instead of $15,949,000 as proposed by the Senate. The conferees note that the funding level represents an increase of over $5,000,000 above the previous fiscal year, and will be used for the highest priority maintenance and capital improvement projects as identified in the Cemetery's Ten-Year Plan.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates $63,000,000 for the National Institute of Environmental Health Sciences in a new, separate account instead of $60,000,000 as proposed in a new account by the House and $60,000,000 as proposed through the Environmental Protection Agency's Hazardous Substance Superfund account by the Senate. The conferees believe this new account structure will provide higher visibility and better oversight of the NIEHS. The conferees have deleted language proposed by the House making funding available until September 30, 2002.

Of the funds provided, $40,000,000 is for the research program and $23,000,000 is for the worker training program.

Agency for Toxic Substances and Disease Registry

SALARIES AND EXPENSES

Appropriates $75,000,000 for salaries and expenses of the Agency for Toxic Substances and Disease Registry in a new, separate account instead of $70,000,000 as provided by the House in a new account and $75,000,000 as provided through the Environmental Protection Agency's Hazardous Substance Superfund account by the Senate. The conferees believe this new account structure will provide higher visibility and better oversight of the ATSDR.

The conferees have also included bill language which permits the Administrator of the ATSDR to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations, or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA. The conferees have deleted language proposed by the House making funding available until September 30, 2002.

Funds provided for fiscal year 2001 cannot be used by the ATSDR to conduct in excess of 40 toxicological profiles.

Within the appropriated level, ATSDR is to use up to $2,000,000 to continue the Great Lakes fish consumption study; up to $6,000,000 for medical monitoring and related activities in Libby, Montana; $500,000 to conduct subsistence and dietary studies of contaminents in the environment, subsistence resources, and people in Alaska Native populations; and up to $1,000,000 for completion of the Toms River, New Jersey cancer evaluation and research project. The ATSDR is further directed to provide support for the minority health professions program.

As in the past, ATSDR's administrative costs charged by the CDC are capped at 7.5 percent of the amount appropriated herein.

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

Appropriates $696,000,000 for science and technology instead of $650,000,000 as proposed by the House and $670,000,000 as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for EPSCoR.
2. $4,000,000 for the Water Environment Research Foundation.
3. $4,000,000 for the American Water Works Association Research Foundation.
4. $2,000,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development.
5. $1,500,000 for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases.
6. $1,900,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute. The research should be coordinated with EPA's overall particulate matter research program and consistent with the recommendations set forth by the National Academy of Sciences report on PM research.
7. $1,000,000 for the Environmental Technology Commercialization Center to increase the transfer of federally-developed environmental technology.
8. $1,250,000 for the Center for Air Toxics Metals at the Energy and Environmental Research Center.
9. $1,500,000 for the Mickey Leland National Urban Air Toxics Research Center.
10. $250,000 for acid rain research at the University of Vermont.
11. $1,500,000 for the Gulf Coast Hazardous Substance Research Center.
12. $250,000 for the Institute for Environmental and Industrial Science at Southwest Texas State University.
13. $750,000 for the Integrated Public/Private Energy and Environmental Consortium (IPEC) to develop cost-effective environmental technology, improved business practices, and technology transfer for the domestic petroleum industry.
14. $1,000,000 for the University of South Alabama Center for Estuarine Research.
15. $4,527,000 for the Mine Waste Technology Program and the Heavy Metal Water Program at the National Environmental Waste Technology, Testing, and Evaluation Center ($3,902,000) and for a field demonstration of ceramic microfiltration technology ($625,000).
16. $400,000 for the Texas Institute for Applied Environmental Research at Tarleton State University.
17. $500,000 for the Consortium for Plant Biotechnology Research.
18. $750,000 for the Geothermal Heat Pump (GHP) Consortium.
19. $750,000 for the Kalamazoo River Watershed Initiative through Western Michigan University's Environmental Research Institute.
20. $900,000 to Old Dominion University in Virginia for the continued development, design, and implementation of a research effort on tributyltin-based ship bottom paints.
21. $1,000,000 to the University of California, Riverside for continued research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the CE–CERT facility.
22. $2,000,000 to the University of Miami in Florida for the Rosentiel School of Marine and Atmospheric Science.
23. $1,000,000 for the Environmental Protection Agency to become involved in the Department of Energy's fine particulate matter research program.
24. $3,000,000 to the National Technology Transfer Center to continue its cooperative agreement with EPA to assess, market and license technologies owned by EPA, and to conduct commercialization best practices training activities.
25. $2,000,000 to the Canaan Valley Institute for continuation of its regional environmental data center and coordinated information management system in the Mid-Atlantic Highlands in coordination with the Federal Geographic Data Committee and the National Spatial Data Infrastructure.
26. $1,000,000 above the budget request to the Canaan Valley Institute in close coordination with the Regional Vulnerability and

Assessment (ReVA) initiative to develop research and educational tools using integrative technologies to predict future environmental risk and support informed, proactive decision-making.

27. $500,000 to establish the Center for Metals in the Environment in Delaware.

28. $625,000 to New Mexico State University to determine the Carbon Sequestration Potential of southwestern lands.

29. $1,400,000 to the University of New Hampshire for continuation of the Bedrock Bioremediation Center research project.

30. $990,000 for research associated with the restoration and enhancement of Manchac Swamp conducted by Southeastern Louisiana at the Turtle Cove Research Station.

31. $500,000 to the Metropolitan Development Association of Syracuse and Central New York to continue assessing and mitigating the impact of exposure to multiple indoor contaminants on human health.

32. $3,637,000 to the National Alternative Fuels Foundation for research and development of a new class of alternative fuels known as vapor-phase combustion fuels.

The conferees have agreed to the following reductions from the budget request:

1. $26,089,000 from the CCTI Transportation research program; and

2. $1,138,000 from project EMPACT.

Within the funds transferred from the Hazardous Substance Superfund (HSS) account, $7,000,000 is for the Superfund Innovative Technology Evaluation (SITE) program, including $500,000 for a demonstration project at the Port of Richfield, Washington involving an innovative steam extraction technology. Also from within those funds transferred from HSS as well as from funds appropriated to science and technology, $4,500,000 is for continued operation of the Hazardous Substance Research Centers.

The conferees direct EPA to contract, within 30 days of enactment of this Act, with the National Academy of Sciences or other appropriate entity for a study of carbon monoxide episodes in meteorological and topographical problem areas, addressing the role of cold weather inversions and addressing public health significance and strategies, including the use of catalytic converter and other cold-start technology, for managing these rare occurrences in national ambient air quality standards non-attainment areas, due mostly to cold weather inversions. One of the major case studies is to be Fairbanks, Alaska, for which there shall be a preliminary report by September 1, 2001 in order to inform the further development of a State Implementation Plan for such area.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,087,990,000 for environmental programs and management instead of $1,895,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate. The conferees have included bill language as proposed by the House, identical to that carried in the fiscal years 1999 and 2000 Acts, which limits the expenditure of funds to implement or administer guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions. This provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency.

The conferees have included bill language providing up to an additional 6 months for EPA to issue a final regulation for arsenic in drinking water. The conferees are very concerned about the cost of EPA's proposed arsenic drinking water rule to small communities. Moreover, the information EPA used to develop the proposed standard is the subject of considerable controversy and disagreement. The conferees believe EPA should take a full year—as intended by the Safe Drinking Water Act Amendments of 1996—to finalize the new standard and therefore strongly recommend EPA not finalize the rule until June 2001 and provide significant, additional opportunity for public comment.

Bill language proposed by the House and the Senate has been included, as in the past two fiscal years, prohibiting EPA from spending funds to implement the Kyoto Protocol. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also long-standing energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2002 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $14,500,000 for rural water technical assistance and groundwater protection, including $8,600,000 for the NWRA, $2,600,000 for RCAP, $700,000 for GWPC, $1,600,000 for the SFC, and $1,000,000 for the NETC.

2. $1,000,000 for implementation of the National Biosolids Partnership Program.

3. $1,500,000 for source water protection programs. These funds are to be used to develop local source water protection programs within each state utilizing the infrastructure and process of an organization now engaged in groundwater and wellhead protection programs.

4. $1,250,000 for the national onsite and community wastewater treatment demonstration project through the Small Flows Clearinghouse.

5. $2,500,000 for the Southwest Center for Environmental Research and Policy.

6. $4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University; the University of New Hampshire; the University of Alaska-Sitka; Pennsylvania State University; the University of Missouri-Columbia; Montana State University; the University of Illinois; and Mississippi State University.

7. $500,000 for the final year of Federal funding to assist communities in Hawaii to meet successfully the water quality permitting requirements for rehabilitating native Hawaiian fishponds.

8. $5,000,000 under section 104(b) of the Clean Water Act for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations, with the goal of improving surface and ground water quality.

9. $500,000 for the Ohio River Watershed Pollutant Reduction Program, to be cost-shared.

10. $1,650,000 to continue the sediment decontamination technology demonstration in the New York-New Jersey Harbor.

11. $1,500,000 for the National Alternative Fuels Vehicle Training Program.

12. $300,000 for the Coalition for Utah's Future to continue the Envision Utah project including the development of a sustainable plan for future growth and environmental stewardship in the Wasatch Front.

13. $300,000 for the Northeast States for Coordinated Air Use Management.

14. $750,000 for planning, coordination and development of a comprehensive watershed based implementation program for the Santa Fe River.

15. $500,000 for the Brazos-Navasota watershed management project.

16. $500,000 for the Kentucky Center for Wastewater Research to establish training, education and database management for wastewater research to identify the greatest threats to regional watersheds.

17. $250,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project to reduce or eliminate the loss of quality water from surface streams in the Kempton Mine complex.

18. $2,000,000 to the University of Missouri-Rolla for research and development of technologies to mitigate the impacts of livestock operations on the environment.

19. $500,000 for marsh restoration activities at Acowmin Marsh and Little River Marsh near North Hampton and Rye, New Hampshire.

20. $200,000 for the Tri-State Water Quality Council for development of voluntary nutrient reduction programs, establishing a basin-wide water quality monitoring program, and related activities.

21. $1,000,000 for the Global Environmental Management Education Center within the College of Natural Resources at the University of Wisconsin-Stevens Point, to provide training and outreach education for safeguarding the quality of surface and groundwater resources.

22. $1,000,000 for the Frank Tejeda Center for Excellence in Environmental Operations to continue its efforts to demonstrate new technology for water and wastewater treatment.

23. $1,250,000 for the Chesapeake Bay Small Watershed Grants Program. Funds provided for the Chesapeake Bay small watersheds

program are to be managed by the Fish and Wildlife Foundation and shall be used for community-based projects including those that design and implement on-the-ground and in-the-water environmental restoration or protection activities to help meet Chesapeake Bay Program goals and objectives.

24. $1,000,000 for the Lake Champlain management plan.

25. $4,500,000 for operation of the Long Island Sound Office and programs consistent with new authorization relative to the Long Island Sound. The total program is provided $5,000,000.

26. $500,000 for the Environmentors project.

27. $200,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup and pollution prevention programs.

28. $2,000,000 for the Food and Agricultural Policy Research Institute's Missouri watershed initiative project to link economic and environmental data with ambient water quality.

29. $500,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa.

30. $750,000 for the painting and coating compliance enhancement project through the Iowa Waste Reduction Center.

31. $1,890,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies.

32. $200,000 for the Hawaii Department of Agriculture and the University of Hawaii College of Tropical Agriculture and Human Resources to continue projects aimed at improving the acceptability and efficacy of agriculturally-based environmental restoration technologies.

33. $1,000,000 for the Animal Waste Management Consortium through the University of Missouri, acting with Iowa State University, North Carolina State University, Michigan State University, Oklahoma State University, and Purdue University to supplement ongoing research, demonstration, and outreach projects associated with animal waste management.

34. $1,000,000 to complete a cumulative impacts study by the National Academy of Sciences of North Slope oil and gas development.

35. $750,000 for an expansion of EPA's efforts related to the Government's purchase and use of environmentally preferable products focused on bio-based products with an emphasis on soy-based industrial oils, greases and hydraulic fluid. This includes $200,000 to complete the soy smoke initiative through the University of Missouri-Rolla.

36. $975,000 for the Alabama Department of Environmental Management water and wastewater training programs.

37. $250,000 for the Vermont Department of Agriculture to work with the conservation districts along the Connecticut River in Vermont to reduce nonpoint source pollution.

38. $600,000 for the Wetland Development project in Logan, Utah.

39. $500,000 for the Economic Development Alliance of Hawaii to accelerate commercialization of biotechnology to reduce pesticide use in tropical and subtropical agricultural production.

40. $100,000 for the Connecticut River Science Consortium to develop an interdisciplinary scientific monitoring and analysis project in the Connecticut River Basin.

41. $1,000,000 to develop and demonstrate new tools for imaging and monitoring the movement of fluids and contaminants in the shallow subsurface using time-lapse geophysical imaging and tomography techniques. This project will involve researchers from Boise State University, the Idaho National Engineering and Environmental Laboratory, other Federal labs and industry.

42. $500,000 for Mississippi State University, the University of Mississippi and the University of Georgia to conduct forestry best management practice water quality effectiveness studies in the States of Mississippi and Georgia.

43. $750,000 for the University of Idaho's groundwater assessment project for rural Idaho cities and towns.

44. $500,000 for a study by the City of Fairbanks using geographic information system mapping to assess methods to comply with NPDES requirements.

45. $150,000 to Colchester, Vermont to study nonpoint source influences on water quality in Mallets Bay on Lake Champlain and to plan for mitigation, with a focus on stormwater management and on-site disposal systems.

46. $750,000 for the Resource and Agricultural Policy Systems Project at Iowa State University.

47. $700,000 to continue the Urban Rivers Awareness Program at the Academy of Natural Sciences in Philadelphia for its environmental science program.

48. $500,000 for the Kenai River Center for continued research on watershed issues and related activities.

49. $750,000 for the New Hampshire Estuaries Project management plan implementation.

50. $100,000 to continue the Design for the Environment for Farmers Program to address the unique environmental concerns of the American Pacific area through the adoption of sustainable agricultural practices.

51. $5,000,000 to the Gas Research Institute for the development of a bio-refinery commercialization pilot project which will utilize thermal-depolymerization technology to break down waste streams into usable products.

52. $700,000 to the Northwest Indian Fisheries Commission for programs as described in Senate Report 106–410.

53. $300,000 to Davie County, North Carolina for the Cooleemee Falls Project.

54. $1,000,000 to Union County, Arkansas for the continuation of the Union County Sparta Aquifer study.

55. $500,000 to Riverside County, California for the Community and Environmental Transportation Acceptability Process (CETAP).

56. $150,000 for the Santa Clara River Enhancement and Management Plan.

57. $450,000 to Ventura County, California for continued development of the Calleguas Creek Watershed management plan.

58. $1,200,000 to Gateway Cities, Council of Governments in California to complete Phase II of the Truck Impacted Intersections Program and develop the comprehensive Diesel Emissions Reduction Program.

59. $900,000 for continuation of the Sacramento River Toxic Pollution Control Project, to be cost shared.

60. $600,000 to Fort Lauderdale, Florida for design and construction as part of the Fort Lauderdale International Airport Wetlands Development Project.

61. $131,000 to Miami-Dade County, Florida for lead screening, testing, outreach, education and abatement in the Liberty City neighborhood.

62. $600,000 for fishery and habitat restoration in Lake Panasoffkee, Florida.

63. $600,000 to Osceola County, Florida to preserve the watershed and drainage system currently under attack by exotic aquatic plants.

64. $1,150,000 for the Tampa Bay Watch program.

65. $1,000,000 to St. Petersburg, Florida for the Clam Bayou Habitat Restoration Project.

66. $100,000 to Pinellas County, Florida for the cooperative exchange education module on environmental sustainability and the stewardship of natural resources.

67. $1,000,000 to the Illinois Environmental Protection Agency for the "Illinois Rivers 2020" restoration program.

68. $600,000 for the Water Systems Council in Iowa to assist in the effective delivery of water to rural citizens nationwide.

69. $300,000 for investigation of pollution sources in the Lower Arkansas River in Wichita, Kansas.

70. $300,000 for the Urban Waste Management and Research Center in Louisiana.

71. $700,000 for the Louisiana Environmental Research Center.

72. $300,000 for the Oyster Habitat Restoration program in the Chesapeake Bay.

73. $800,000 for the National Center for Manufacturing Sciences in Michigan to facilitate industrial input into EPA's compliance assistance clearinghouse and to expand the scope of compliance assistance centers ($500,000) and for continuation of EPA's Environmental Roadmapping Initiative ($300,000).

74. $300,000 to Mississippi State University for the Southeast Center for Technology Assistance for Small Drinking Water Systems.

75. $300,000 to the Ten Towns Great Swamp Watershed Management Committee in New Jersey.

76. $1,000,000 to Alfred University in New York for the Center for the Engineered Conservation of Energy (EnCo).

77. $1,000,000 to the Darrin Fresh Water Institute in New York to extend and expand studies of acid deposition.

78. $500,000 to Cortland County, New York for continued work on the aquifer protection plan of which $150,000 is for continued implementation of the comprehensive water quality management program in the Upper Susquehanna Watershed.

79. $1,200,000 for continued work on the water quality management plans for the Central New York watersheds in Onondaga and Cayuga Counties.

80. $300,000 to the Central New York Regional Planning and Development Board for the Oneida Lake and Watershed Management Plan.

81. $1,200,000 for the Dry Creek Flood Mitigation project in Cortland, New York.

82. $500,000 to the town of Pilot Mountain, North Carolina for stream restoration and upland protection in the watershed.

83. $300,000 to Charlotte, North Carolina for the Charlotte Surface Water Improvement and Management Program.

84. $855,000 to North Carolina Central University for the Environmental Risk and Impact Research Initiative.

85. $300,000 to Cleveland State University in Ohio for continuation of the Program of Excellence in Risk Analysis.

86. $1,000,000 to the Pennsylvania Geographic Information Consortium to continue development of a comprehensive environmental masterplan for Upper Susquehanna-Lackawanna Watershed.

87. $175,000 to the Pennsylvania State University Technical Assistance Center to provide technical expertise to operate public water systems.

88. $2,000,000 to the University of Houston, Texas and in consultation with the Greater Houston Partnership for Ozone Simulation and Forecasting.

89. $500,000 to Texas A&M University for the National Chemical Safety Data System.

90. $2,500,000 to the Salt Lake Organizing Committee or its designee for environmental programs and operations of the 2002 Winter Olympic and Paralympic Games. Eligible activities may include tree programs; environmental compliance activities; programs highlighting the use of environmentally-friendly technologies including, but not limited to, photovoltaic lighting and CNG fuel; waste management and recycling programs and operations; and public information and outreach efforts.

91. $600,000 to Fairfax County, Virginia for the Fairfax County Water Authority to conduct a study on water supply for drought resistance.

92. $1,000,000 to Arlington County and the City of Alexandria, Virginia for demonstration of environmental improvements to Four Mile Run.

93. $600,000 to Franklin, Grant and Adams counties in Washington for the Groundwater Management Area to address nitrate levels in drinking water.

94. $300,000 for the continuation of the Molten Carbonate Fuel Cell Demonstration project in King County, Washington.

95. $168,000 for the Great Lakes Indian Fish and Wildlife Commission for technical work near the Crandon Mine in Wisconsin.

96. $1,225,000 to the Canaan Valley Institute for ongoing operations.

97. $2,400,000 for the National Energy Technology Laboratory (NETL) for continued activities of a comprehensive clean water initiative in cooperation with EPA Region III.

98. $2,800,000 to the Polymer Alliance Zone's MARCEE Initiative with oversight being provided by the Office of Solid Waste.

99. $500,000 to the University of North Carolina at Greensboro for the Bioterrorism Water Quality Protection Program with the aim of developing highly automated and inexpensive testing protocols.

100. $500,000 to Water Project 2000 in Tennessee to provide a benchmark water quality study.

101. $500,000 to Fallon, Nevada to address levels of naturally occurring arsenic.

102. $500,000 to the University of Toledo in the Ohio Lake Erie Research Center for participation in the Western Lake Erie Basin Study authorized by Sec. 441 of WRDA 1999, Public Law 106–53.

103. $450,000 for the Water Resources Institute at California State University, San Bernardino to develop and maintain an information repository of water-related research and conflict resolution.

104. $600,000 for the San Bernardino Municipal Water District in California for research and design of a mitigation project addressing the City's contaminated high groundwater table and dangers presented by liquefaction.

105. $990,000 for continuation of the Soil Aquifer Treatment Project.

106. $200,000 to Miami-Dade County Department of Environmental Resources Management in Florida to expand the existing education program.

107. $300,000 to Leon County, Florida for the Aquifer Protection Assessment program.

108. $750,000 to Calhoun County, Michigan for development of a comprehensive research and development plan for Kalamazoo River Watershed.

109. $250,000 to the Northwest Straits Advisory Commission of Washington.

The conferees have agreed to the following reductions from the budget request:

1. $27,413,000 from the CCTI Buildings program.

2. $9,495,000 from the CCTI Transportation program.

3. $31,686,100 from the CCTI Industry program.

4. $5,076,200 from the CCTI International Capacity Building program.

5. $2,025,000 from the CCTI State and Local program.

6. $2,410,000 from the CCTI Carbon Removal program.

7. $848,800 from Project EMPACT.

8. $9,000,000 from the Integrated Information Initiative. The conferees have provided $5,000,000 for continued planning and design of this new initiative's exchange network.

9. $4,841,000 from the innovative community partnership program.

10. $9,000,000 from the Montreal Protocol Multilateral Fund.

11. $4,250,000 from the international environmental monitoring program.

12. $3,840,000 from the regional geographic program.

13. $3,395,000 from urban environmental quality and human health.

14. $10,000,000 as a reduction in payroll costs.

The seven Environmental Finance Centers and the Regional Environmental Enforcement Associations are to be funded at the fiscal year 2000 funding level, and the Environmental Education programs are to be funded as proposed in the budget submission. The conferees agree that operations of the Clean Water Act Sec. 104(g)(1) Wastewater Onsite Technical Assistance Centers shall remain at the current funding level.

The conference agreement includes the budget request of $34,100,000 for pesticides reregistration, and $39,300,000 for pesticides registration activities performed by EPA. Faster review and approval for registration applications will allow safer, more environmentally friendly products on the market sooner and ensure that farmers have the ability to protect their crop. The conferees expect no reductions to be proposed for these programs in the operating plan submission.

Similarly, the Endocrine Disruptor Screening and the Pesticide Residue Tolerance Reassessment programs are to receive $10,200,000 and $14,600,000, respectively. The Tolerance Reassessment program has been funded at a level that equals the budget request if a tolerance fee was imposed by EPA and an additional $7,000,000 was recovered through that fee. The conferees have prohibited implementation of the fee again this year, due in part to provisions of that fee structure proposed by EPA which would charge more than 100 percent of actual costs and which would make such charges retroactive. Until the Agency works toward a fee-for-service proposal which is both fair and reasonable, the conferees do not expect to entertain approval. As noted previously, these programs are not to be proposed for reduction through the operating plan submission.

The Agency is directed to take no reductions below the budget request from the NPDES permit backlog, the High Production Volume Chemical Challenge Program, the Chesapeake Bay Program Office, and the water quality monitoring program along the New Jersey-New York shoreline. The Agency is expected to fund the Great Lakes Program Office and the National Estuary program at no less than the 2000 level, and is directed to fund compliance assistance activities at no less than $25,000,000.

The conferees direct EPA to contract expeditiously with the National Academy of Sciences (NAS) for a review of the quality of science used to develop and implement TMDLs, and direct that the final report be submitted to Congress by June 1, 2001. Further, EPA is directed to conduct a comprehensive assessment of the potential State resources which will be required for the development and implementation of TMDLs and present the results of the study to Congress within 120 days of enactment of this Act. In conducting this cost assessment, EPA must, in addition to direction included in Senate Report 106–410, provide an estimate of the annual costs to the regulated community in both the private and public sectors; address concerns regarding the economic analysis performed by the Administrator on regulatory changes to the TMDL program that were identified by the Comptroller General in a June 21, 2000, report; and estimate the costs to small businesses that would result from regulatory changes to the TMDL program. In conducting these analyses, the Administrator shall solicit comment from the Comptroller General, each State, and the public regarding the Agency's assessment.

In addition, the conferees direct the Agency to prepare an analysis of the monitoring data needed for development and implementation of TMDLs, and further direct EPA Region IX as well as all other EPA Regions and EPA Headquarters not to impose or mandate new TMDL-related requirements or issue new guidance relative to new TMDL-related permits prior to the date the TMDL rule can be implemented under current law.

The conferees understand that in June 2000, EPA released a substantially revised draft dioxin reassessment after five years of considering recommendations from its Science Advisory Board (SAB). The SAB's November 1995 Report noted numerous weaknesses in the risk characterization and dose-response chapters of the 1994 draft reassessment and directed EPA to ensure that its conclusions were based on a more complete consideration of available scientific studies.

The conferees commend EPA for convening a peer review panel to assess two key sections of the revised reassessment prior to a second SAB review. The conferees are concerned, based on the report of this peer review panel, that EPA's key conclusions regarding dioxin risks remain controversial and do not completely address questions raised by the SAB in 1995.

The conferees understand that Congressional science and agriculture committees have called for a SAB review of the full dioxin reassessment, including all new information. The conferees further understand that the Department of Agriculture is finalizing an agreement with the National Academy of Sciences to understand better the dioxin impacts on the U.S. food supply. Therefore, the conferees strongly encourage the Agency to await completion of these reviews before finalizing its dioxin reassessment.

This direction should not be interpreted to restrict EPA from issuing regulations to control dioxin emissions such as air toxics rules under Section 112 of the Clean Air Act Amendments of 1990, which have reduced industrial emissions of dioxin by 90 percent.

In view of the uncertain future supply of pharmaceutical-grade CFCs, the conferees are mindful that a smooth and timely transition to chlorofluorocarbon-free metered dose inhalers (MDIs) is needed for patients to continue to have access to the treatments they need. The conferees are aware that a year ago FDA, in consultation with EPA, issued a proposed rule to determine when CFC MDIs are non-essential, and that a decision was proposed at a July 2000 Meeting of the Montreal Protocol's Open-Ended Working Group. The conferees understand that major patient and physician organizations, environmental groups and industry supported the July decision. This decision has now been revised. The conferees note that the July decision and this revised decision include a provision on the non-essentiality of new CFC MDIs unless certain specified criteria are met. The conferees believe that a decision by the Protocol Parties such as the revised decision could facilitate the transition without putting patients at risk, and believe it is important that a final decision make it clear that each national health authority make the finding as to whether the essentiality criteria are met for a particular product. The conferees strongly urge EPA to work with the U.S. Delegation to the Protocol's Meeting of the Parties this December to actively seek adoption of a decision which incorporates the essential use criteria contained in the revised July decision, which adheres to a timely phase-out of new CFC MDIs, and which retains the ability of FDA to protect the health and safety of U.S. citizens. The conferees further urge EPA to work with FDA on any final Protocol decision.

The conferees note that EPA's plans to promulgate a regulation pertaining to radon in drinking water have significant financial implications for states and local water districts across the United States. The conferees believe it is important that the Agency obtain cost data prior to finalizing such a rule. In this regard, the General Accounting Office is directed to study the financial impacts of the proposed EPA regulation and submit the report expeditiously to the Committees on Appropriations of the House and Senate. Prior to finalizing this rule, the Agency is strongly encouraged to consider fully the GAO's findings.

The conferees note with disappointment that the Agency has not solicited public comment regarding scientific community recommendations for exemptions from the 1994 proposed rule regarding so-called "plant pesticides." The conferees urge EPA to solicit and consider public comment regarding such recommendations before completion of the "plant pesticide" rulemaking. EPA's failure to consider such exemptions timely is not a basis for promulgation of an overreaching final rule.

The conferees fully expect the Agency to follow through on its current commitment to the Sustainable Industry program. The program's success thus far with the metal finishing industry has focused on collaboration rather than confrontation with industry, improved EPA understanding of industry practices, and achieving better environmental results from companies in tandem with concrete improvements to the regulatory system. The Agency is encouraged to provide resources at the fiscal year 1999 level in order to support necessary personnel, outreach, grants, and EPA regional capacity for continued progress with the metal finishing industry and other key participating sectors, including specialty chemicals, meat processing, metal casting, shipbuilding and repair, photo processing, and travel and tourism.

The conferees are concerned that EPA has not submitted for independent peer review the Agency's application of the persistent, bioaccumulative toxicants (PBT) criteria and methodology to metals as utilized in various Agency programs and proposed regulations. Serious doubts about the scientific validity of applying PBT criteria and methodology to metals have been expressed by international scientific bodies, invited experts at a January 2000 public workshop cosponsored by EPA, and EPA's Science Advisory Board (SAB). In May 2000, the SAB noted that "classification of metals as PBTs is problematic, since their environmental fate and transport cannot be adequately described using models for organic contaminants." Therefore, the conferees urge EPA to seek independent peer review and refer to the SAB the question of the scientific appropriateness of applying PBT criteria and methodology to metals before any application of the PBT criteria and methodology to metals.

The EPA has proposed to redesignate the San Joaquin Valley Ozone Nonattainment area from "serious" to "severe" nonattainment. The conferees note that the East Kern County portion of this area is geographically separated from the San Joaquin Valley air basin and in itself may not warrant a reclassification and may not contribute to the ozone nonattainment in the San Joaquin Valley. The conferees also note that within the East Kern County area are two defense installations pursuing vital defense programs and a NASA laboratory conducting advanced aerospace research which could be hampered seriously by reclassification. In view of this the Administrator is strongly encouraged to exclude the East Kern County area from the San Joaquin area redesignation.

The conferees continue to be concerned with EPA's chosen preferred alternative for constructing secondary treatment facilities at the USIWTP near San Diego. The conferees are aware of EPA's request to raise the existing cap on construction spending at the IWTP in order to build 25 mgd of secondary ponds at the IWTP with previously appropriated monies in the BEIF. The conferees are also aware of the significant concerns which exist regarding the limited capacity of EPA's preferred alternative, the lack of available land on which future capacity could be constructed, and its inadequacy in addressing increasing future cross-border sewage flows in the region. Finally, the conferees note there is at least one private sector proposal to construct in Mexico similar secondary facilities which would have considerably greater potential capacity better suited to the long term sewage treatment needs of the rapidly growing border region.

The conferees are encouraged by the progress of separate authorizing legislation now pending before the Congress which would facilitate such a proposal, as well as the growing level of documented support for such a proposal by Mexican leaders. The conferees thus continue to believe that it would be inappropriate to lift the cap at this time or to permit construction of a limited capacity secondary treatment facility at the IWTP which would not meet long-term sewage treatment needs. The conferees urge EPA to continue working with the IBWC, State Department, and its counterparts in Mexico to encourage and develop such a viable proposal in a timely manner.

OFFICE OF INSPECTOR GENERAL

Appropriates $34,094,000 for the Office of Inspector General as proposed by the Senate instead of $34,000,000 as proposed by the House. In addition to this appropriation, $11,500,000 is available to the OIG by transfer from the Hazardous Substance Superfund account.

BUILDINGS AND FACILITIES

Appropriates $23,931,000 for buildings and facilities as proposed by the House instead of $23,000,000 as proposed by the Senate.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,270,000,000 for hazardous substance superfund as proposed by the House instead of $1,400,000,000 as proposed by the Senate. Bill language provides that $635,000,000 of the appropriated amount is to be derived from the Superfund Trust Fund, while the remaining $635,000,000 is to be derived from General Revenues of the Treasury. Additional language (1) provides for a transfer of $11,500,000 to the Office of Inspector General; (2) provides for a transfer of $36,500,000 to the Science and Technology account; and (3) provides that $100,000,000 of the appropriated amount shall not become available for obligation until September 1, 2001.

The conferees note that funds for the Agency for Toxic Substances and Disease Registry and for the National Institute of Environmental Health Sciences have been provided in new, separate accounts elsewhere in this Act instead of through the Environmental Protection Agency as has been done in previous years.

The conferees have agreed to the following fiscal year 2001 funding levels:

1. $914,800,000 for Superfund response/cleanup actions.
2. $140,000,000 for enforcement activities.
3. $139,500,000 for management and support. Of this amount, $11,500,000 is to be provided by transfer to the Office of Inspector General.
4. $36,500,000 for research and development activities, to be transferred to the Science and Technology account.
5. $39,200,000 for reimbursable interagency activities, including $28,500,000 for the Department of Justice, $650,000 for OSHA, $1,100,000 for FEMA, $2,450,000 for NOAA, $5,500,000 for the Coast Guard, and $1,000,000 for the Department of the Interior.
6. The Brownfields program has been funded at the budget request level of $91,600,000, which includes funding from various programs within this account and the Environmental Programs and Management account.

The Agency is directed to notify the Committees on Appropriations of the House and Senate of any non-ATSDR resources to be devoted to the Libby, Montana medical monitoring program and related activities.

The conferees remain concerned regarding the Agency's plans to conduct certain dredging or invasive remediation technology activities while these matters remain under study by the National Academy of Sciences (NAS). The pending NAS study is addressing dredging, capping, source control, natural recovery, and disposal of contaminated sediments, and is comparing the risks of each technology. The NAS expects to submit its draft report of this study during Fall 2000 and the conferees strongly encourage the NAS to issue a final report no later than January 2001. Accordingly, the conferees continue to direct the EPA to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000 or where such activities are not now occurring until the NAS report has been completed and its findings have been properly considered by the Agency. As in previous years, exceptions are provided for voluntary agreements and for urgent cases where contaminated sediment poses a significant threat to public health.

In adopting this direction to the Agency, the conferees do not intend to prevent EPA from publishing, issuing, or taking public comment on specific proposed or draft remediation plans; but do encourage the Agency to take into account the NAS study when available as it goes through the above process. However, any such plans are not to be finalized until June 30, 2001 or until the Agency has properly considered the NAS report, whichever comes first.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $72,096,000 for the leaking underground storage tank program as provided by the Senate instead of $79,000,000 as proposed by the House.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response as provided by both the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,628,740,000 for state and tribal assistance grants instead of $3,176,957,000 as proposed by the House and $3,320,000,000 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants, $825,000,000 for Safe Drinking Water SRF capitalization grants, $75,000,000 for the United States-Mexico Border program, $35,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and native Alaska, $1,008,000,000 for categorical grants to the states and tribes, and $335,740,000 for grants for construction of water and wastewater treatment facilities and for groundwater protection infrastructure.

The conferees have included bill language which, for fiscal year 2001 only, authorizes the Administrator of the EPA to use funds appropriated under section 319 of the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319 (h) and 518 (e) of FWPCA. In addition, bill language has been adopted by the conferees to permit states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations.

The conferees have further agreed to include bill language which resolves in favor of the grantee two disputed grants, docket numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04; as well as language carried in previous years' Acts which stipulates that none of the funds in this or any previous Act may be used by the Administrator for health effects studies on drinking water contaminants. As in past years, funds for such studies have been provided in other EPA accounts. In addition, language requested in the budget submission has been included which permits the Administrator to reserve up to 1½ percent of the funds appropriated for the SRF under Title VI of the Federal Water Pollution Control Act for grants under section 518 (c) of the Act.

Finally, the conferees have included language which stipulates that no funds provided in this Act to address water infrastructure needs of colonias within the United States along the U.S.-Mexico border shall be made available after June 1, 2001 unless the receiving governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater or other necessary infrastructure.

Of the funds provided for the United States-Mexico Border Program, $3,500,000 is for the El Paso-Las Cruces sustainable water project, $2,000,000 is for the Brownsville, Texas water supply project, $1,000,000 is for the Del Rio/San Felipe Springs Water Treatment Plant, and $3,000,000 is for upgrades and expansion of the Nogales International Waste Treatment Plant, replacement of the International Outfall Interceptor, and replacement of sewer infrastructure facilities of the City of Nogales. Of the funds provided for rural and Alaska Native villages, $2,000,000 is for training and technical assistance. The State of Alaska must also provide a 25 percent match for all expenditures through this program.

The conferees agree that the $335,740,000 provided to communities or other entities for construction of water and wastewater treatment facilities and for groundwater protection infrastructure shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and the conferees expect this level of effort and flexibility to continue throughout fiscal year 2001. The distribution of funds under this program is as follows:

1. $2,100,000 for the Jasper, Alabama sewer extension project.

2. $900,000 for the Scottsboro, Alabama drinking water project.

3. $3,000,000 for the Thomasville, Alabama water facility project.

4. $350,000 to Winfield, Alabama for sewer infrastructure improvements near the Corridor X highway.

5. $350,000 to Hamilton, Alabama for water and sewer infrastructure improvements.

6. $1,000,000 to Cullman County, Alabama for a water infrastructure improvements.

7. $150,000 to the Fayett County Water Board in Alabama for drinking water system enhancements.

8. $60,000 to Winston County, Alabama to complete Phase I of the Houston-Moreland water project.

9. $1,000,000 to Shelby County, Alabama for water infrastructure improvements.

10. $1,000,000 to the City of Huntsville, Alabama for water and wastewater infrastructure improvements.

11. $1,000,000 to the City of Hartselle, Alabama for wastewater infrastructure improvements.

12. $1,000,000 to Morgan County, Alabama for wastewater infrastructure improvements at the Sherbrooke Sanitary Sewer System.

13. $500,000 to the Limestone County Water and Sewer Authority in Alabama for wastewater infrastructure improvements.

14. $250,000 to the City of Rogersville, Alabama for wastewater infrastructure improvements.

5. $250,000 the City of Triana, Alabama for wastewater infrastructure improvements.

16. $3,000,000 for the State of Alaska Department of Environmental Conservation groundwater remediation project near the Kenai River. The match requirement can be met with non-Federally funded pre-award expenditures by the State of Alaska for this project.

17. $2,200,000 for water and sewer improvements in the North Star Borough, Alaska.

18. $1,100,000 for water and sewer improvements in Whittier, Alaska.

19. $2,200,000 for water and sewer improvements in Sitka, Alaska.

20. $2,500,000 for the Water Infrastructure Finance Authority of Arizona (WIFA) for a loan to Pima County, Arizona for wastewater treatment facility improvements. WIFA may lend the funds directly to Pima County or use the funds to support bonds to fund loans to Pima County and other Arizona communities on Arizona's SRF priority list. Pima County and other benefiting communities, if any, shall repay loans to Arizona's SRF.

21. $750,000 to Gila County, Arizona for water infrastructure improvements in the Kellner and Ice House Canyon areas.

22. $450,000 to Barling, Arkansas for water infrastructure development and engineering studies for future water and sewer improvements.

23. $2,000,000 to San Diego, California for the Coastal Low Flow Storm Drain Diversion Project.

24. $1,500,000 to the Mission Springs Water District in California to protect groundwater in the City of Desert Hot Springs.

25. $2,650,000 to Olivenhain Municipal Water District in California for continued construction of a water treatment plant.

26. $1,000,000 for the Cutler-Orosi Wastewater JPA for a wastewater treatment plant serving Cutler, Orosi, East Orosi, and Sultana, California.

27. $1,000,000 for wastewater infrastructure improvements at the Placer County, California Subregional Wastewater Treatment Plant.

28. $1,900,000 to the Metropolitan Water District of Southern California for the Desalination Research and Innovation Partnership.

29. $1,500,000 to Lomita, California to upgrade water reservoir infrastructure.

30. $600,000 for the continuation of a water reuse nitrate treatment demonstration project in Yucca Valley, California.

31. $500,000 for continuation of water infrastructure improvements in Twentynine Palms, California.

32. $850,000 for the continuation of water infrastructure improvements in the Yucaipa Valley Water District in Yucaipa, California.

33. $1,300,000 for the Lower Owens River Project in Inyo County, California ($900,000) and in the City of Los Angeles ($400,000).

34. $500,000 for storm and wastewater drainage and infrastructure improvements in the City of Yucaipa, California .

35. $1,000,000 to San Clemente, California for the storm drainage management and pilot program implementation.

36. $1,750,000 to Carlsbad, California for the Encina Basin Recycled Water System.

37. $1,000,000 to San Joaquin County, California to rehabilitate water, sewer, storm drains, and surface infrastructure in East Stockton.

38. $1,250,000 to Huntington Beach, California for wastewater and sewer infrastructure improvements.

39. $1,000,000 for the City of Sacramento, California combined sewer overflow project.

40. $1,000,000 for the City of Vallejo, California for a sanitary sewer system at Mare Island.

41. $100,000 for wastewater and groundwater infrastructure improvements in Murrieta, California.

42. $500,000 for Eureka, California, for work on the Martin Slough Interceptor.

43. $2,000,000 for the City of Montrose, Colorado sewage treatment upgrade.

44. $1,500,000 for the New Britain Water Department in Connecticut for wastewater infrastructure improvements.

45. $1,000,000 to the Council of Governments of the Central Naugatuck Valley, Connecticut for water and sewer improvements in the Naugatuck Valley.

46. $1,000,000 to Lewes, Delaware to construct pump stations, force mains, storage lagoons and spray irrigation facility.

47. $1,200,000 for the West Rehoboth Expansion of the Dewey Beach Sanitary District, Delaware.

48. $15,000,000 to the Florida Department of Environmental Protection for the Tampa Bay, Florida regional reservoir infrastructure project.

49. $1,700,000 to the City of Tallahassee, Florida for improvements to the stormwater drainage system.

50. $900,000 to the City of West Palm Beach, Florida for completion of wetlands-based indirect potable water and wastewater reuse program.

51. $1,325,000 to the City of Opa-locka, Florida for wastewater and sewer infrastructure improvements.

52. $2,325,000 to the City of North Miami Beach, Florida for wastewater and sewer infrastructure improvements in the Highland Village Neighborhood.

53. $1,500,000 to Sarasota Bay, Florida for wastewater infrastructure improvements necessary to reduce effluent discharge into the Bay.

54. $1,000,000 to the Escambia County Utilities Authority in Florida for extension of the sanitary sewer collection system.

55. $1,500,000 for the Homosassa Regional Wastewater Project in Citrus County, Florida.

56. $1,000,000 to Paulding County, Georgia for the Richland Creek Reservoir Project.

57. $1,000,000 to the City of Roswell, Georgia for infrastructure development and improvements of the Big Creek Watershed Demonstration Project.

58. $700,000 to the Toombs County Development Authority in Georgia to provide water and wastewater infrastructure improvements.

59. $1,900,000 to Big Haynes Creek, Georgia for continued work on the basin stormwater retention and reuse project.

60. $500,000 for the Waimea Wastewater Treatment Plant Interim Expansion in the County of Kauai, Hawaii.

61. $1,000,000 for Burley, Idaho sewer system improvement project.

62. $2,300,000 for Granite Reeder, Idaho Water and Sewer District sewer system construction.

63. $1,500,000 for the McCall, Idaho water plant improvement project.

64. $500,000 to Burley, Idaho for water and wastewater infrastructure improvements.

65. $750,000 to the City of Hailey, Idaho for water and wastewater infrastructure improvements.

66. $750,000 to the City of Glenns Ferry, Idaho for the Glenns Ferry Water Improvement Project.

67. $500,000 to Burr Ridge, Illinois for a sanitary sewer improvement project.

68. $400,000 to Earlville, Illinois for a new wastewater treatment facility.

69. $250,000 to Maple Park, Illinois for wastewater infrastructure improvements.

70. $1,750,000 to North Aurora, Illinois for construction of water treatment and wastewater treatment facilities.

71. $1,000,000 to West Chicago, Illinois for construction of water treatment and wastewater treatment facilities.

72. $1,750,000 to Dixon, Illinois for construction of water treatment and wastewater treatment facilities.

73. $1,900,000 to Bloomington, Illinois for construction of water treatment and wastewater treatment facilities.

74. $350,000 to DuPage County, Illinois for the Village of Bensenville and the City of Wood Dale water and wastewater infrastructure improvements.

75. $1,400,000 to Prospect Heights, Illinois for construction of a new drinking water conveyance system.

76. $1,000,000 for the Village of Johnsburg, Illinois wastewater treatment project.

77. $3,440,000 to the Metropolitan Water Reclamation District in Chicago, Illinois for continued development of the tunnel and reservoir project (TARP).

78. $550,000 to the City of Liberty, Indiana for the Waterworks System Improvement Project.

79. $1,000,000 to Evansville, Indiana for infrastructure development of the Pigeon Creek Enhancement project.

80. $1,000,000 to West Lafayette, Indiana for infrastructure improvements associated with the development of a new business district.

81. $1,000,000 to Mason City, Iowa for construction of a new water treatment facility.

82. $3,250,000 for Clinton, Iowa to separate storm and sewage systems.

83. $2,000,000 to Wichita, Kansas for water and wastewater infrastructure improvements.

84. $500,000 to Clark County, Kentucky for the WMU head works facility.

85. $500,000 to upgrade the wastewater infrastructure facilities in Cynthiana, Harrison County, Kentucky.

86. $300,000 to the Bluegrass Area Development District in Kentucky for a regional water treatment feasibility study.

87. $200,000 to Scott County, Kentucky for construction of a water tower.

88. $500,000 to Madison County, Kentucky for sewer infrastructure improvements.

89. $100,000 to Mercer County, Kentucky for drinking water system enhancements.

90. $500,000 to the East Casey County Water District, Kentucky for water and wastewater infrastructure improvements.

91. $1,000,000 for the Northern Kentucky Area Development District for the expansion of the Carrollton, Kentucky Regional Wastewater Treatment Plant.

92. $1,000,000 to Pike County, Kentucky for water and wastewater infrastructure improvements.

93. $1,000,000 to Lawrence County, Kentucky for water and wastewater infrastructure improvements.

94. $400,000 to Christian County, Kentucky for water and wastewater infrastructure improvements.

95. $300,000 to the Crittenden-Livingston Regional Water System in Kentucky for the improvement of water distribution facilities.

96. $400,000 to Madisonville, Kentucky for sewer system improvements.

97. $300,000 to Centertown, Kentucky for sewer system improvements.

98. $3,000,000 for Logan/Todd, Kentucky Regional Water Commission for water system improvements.

99. $1,000,000 to the City of Monroe, Louisiana for water and wastewater infrastructure improvements.

100. $800,000 to the East Baton Rouge Parish, Louisiana for water and wastewater infrastructure improvements.

101. $600,000 to the Town of Livingston, Louisiana to expand the town's water system.

102. $100,000 to Iberville Parish, Louisiana for water and sewer infrastructure improvements.

103. $1,000,000 to Shreveport, Louisiana to address infrastructure and storage problems affecting water quality as identified in a recent study.

104. $1,400,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements.

105. $1,200,000 to Iberia Parish, Louisiana for water and wastewater infrastructure improvements in the City of Iberia ($1,000,000) and to the City of Jeanerette ($200,000).

106. $100,000 to St. John Parish, Louisiana for water and wastewater infrastructure improvements.

107. $50,000 to Ascension Parish, Louisiana for water and wastewater infrastructure improvements.

108. $100,000 to Plaquemines Parish, Louisiana for water and wastewater infrastructure improvements.

109. $1,000,000 for the Corinna, Maine sewer upgrade.

110. $4,600,000 for biological nutrient removal on the eastern shore of Maryland, including $2,000,000 to the City of Crisfield; $1,800,000 for the City of Fruitland; and $800,000 for the Somerset County Sanitary District for Princess Anne.

111. $2,000,000 for Bristol County, Massachusetts, wastewater projects.

112. $1,000,000 for the Massachusetts Water Resources Authority's combined sewer overflow control plan.

113. $1,000,000 for water and wastewater infrastructure improvements in Taunton, Massachusetts.

114. $2,000,000 for St. Clair Shores, Michigan combined sewer overflow correction project.

115. $1,000,000 to Bad Axe, Michigan for continued drinking water infrastructure improvements.

116. $1,500,000 to Port Huron, Michigan for water and wastewater infrastructure improvements.

117. $500,000 to Mt. Clemens, Michigan for water and wastewater infrastructure improvements.

118. $1,000,000 to Higgins Lake, Michigan for a wastewater treatment program.

119. $1,500,000 to Grand Rapids, Michigan for combined sewer overflow infrastructure improvements for the National Pollutant Discharge Elimination System.

120. $2,000,000 for continuation of the Rouge River National Wet Weather Demonstration Project.

121. $800,000 to Oakland County, Michigan for infrastructure improvements within the George W. Kuhn Drainage District.

122. $1,000,000 for water system infrastructure improvements in Jackson, Mississippi.

123. $1,500,000 to the City of Picayune, Mississippi for water and wastewater infrastructure improvements.

124. $1,300,000 to Tupelo, Mississippi for water infrastructure needs.

125. $3,000,000 for the DeSoto County, Mississippi comprehensive water and wastewater management project.

126. $1,000,000 for the City of Pearl, Mississippi wastewater collection rehabilitation.

127. $3,000,000 for Jefferson County, Mississippi water and sewer infrastructure needs.

128. $1,000,000 for West Rankin Metropolitan Sewer Authority to develop alternative water and wastewater systems for Rankin County, Mississippi.

129. $6,500,000 for St. Louis and Kansas City, Missouri for the Meramec River enhancement and wetlands protection project

($3,500,000) and the Central Industrial District wastewater project ($3,000,000).

130. $100,000 for Allendale, Missouri wastewater infrastructure improvements.

131. $900,000 for Nodaway County, Missouri wastewater needs, including the communities of Pickering and Ravenwood.

132. $500,000 to Holt County, Missouri for water and wastewater infrastructure improvements including the communities of Mound City and Craig.

133. $2,000,000 to Jefferson County, Missouri for water and wastewater infrastructure improvements.

134. $700,000 to the City of Byrnes Mill, Missouri for water and wastewater infrastructure improvements.

135. $3,000,000 for the Lockwood, Montana wastewater collection system and wastewater treatment and disposal system.

136. $2,000,000 for the City of Belgrade, Montana wastewater collection, treatment and disposal system.

137. $1,000,000 for West Valley, Montana water and sewer development.

138. $1,000,000 for water and wastewater infrastructure needs of the Moapa Valley, Nevada Water District.

139. $1,000,000 to Omaha, Nebraska for combined sewer overflow infrastructure improvements.

140. $2,000,000 to Nashua, New Hampshire for combined sewer overflow infrastructure improvements.

141. $300,000 for Lebanon, New Hampshire combined sewer overflow elimination project.

142. $400,000 for the Newmarket, New Hampshire outflow discharge pipe.

143. $2,000,000 for the Berlin, New Hampshire water works improvement project.

144. $1,500,000 for the City of Elizabeth, New Jersey combined sewer overflow abatement project.

145. $1,500,000 for the City of Carteret, New Jersey combined sewer overflow improvements.

146. $2,500,000 to the Musconetcong Sewerage Authority in New Jersey to assist the plant in accommodating sewage from Hopatcong and Jefferson Township.

147. $800,000 to the Ocean County Utilities Authority in New Jersey for reimbursement of the completed Crestwood Interceptor project.

148. $1,700,000 to Las Cruces, New Mexico for improvements to the wastewater collection and treatment facilities.

149. $500,000 to Village Bosque Farms, New Mexico for water and wastewater infrastructure improvements.

150. $1,000,000 to Silver City, New Mexico for water and wastewater infrastructure improvements.

151. $4,380,000 for North and South Valley of the City of Albuquerque and the county of Bernalillo, New Mexico regional water and wastewater system improvements.

152. $990,000 for Corrales, New Mexico centralized water and wastewater treatment system.

153. $830,000 for Los Lunas, New Mexico wastewater system upgrade.

154. $750,000 for Clovis, New Mexico wastewater treatment system repair.

155. $750,000 to the Village of Morrisville, New York for the construction of a wastewater treatment system.

156. $1,400,000 to Genesee County, New York for Phase I of the Public Water Supply Program.

157. $14,000,000 for continued clean water improvements for Onondaga Lake, New York.

158. $2,500,000 to the City of Auburn, New York for the Auburn Municipal Water Filtration Plant and Water Reservoir.

159. $3,000,000 to Wayne County, New York for Phase I of the Wayne County wastewater treatment facility improvements.

160. $500,000 to Onondaga County, New York for water and wastewater infrastructure improvements in the Village of Minoa.

161. $350,000 to Onondaga County, New York for drainage improvements in the Town of Onondaga for Nedrow.

162. $300,000 to Onondaga County, New York for drainage improvements in the Village of Marcellus.

163. $500,000 to the Town of Clarence, New York for construction of a sanitary sewer system.

164. $300,000 to the Village of McGraw, New York for the replacement of a water storage tank.

165. $8,000,000 for drinking water infrastructure needs in the New York City Watershed.

166. $1,350,000 for extension and construction of water infrastructure in Union County, North Carolina.

167. $650,000 for water and wastewater infrastructure improvements in Stanly County, North Carolina.

168. $2,000,000 to the North Carolina Rural Economic Development Center for water and wastewater treatment planning.

169. $1,500,000 to Henderson County, North Carolina for sewer line connections and improvements.

170. $1,000,000 to Rosman, North Carolina for facility repairs to the current wastewater treatment facility and engineering plans for a new facility.

171. $500,000 to Rutherford County, North Carolina for repairs to water and sewer lines in Lake Lure, Spindale and Chimney Rock, North Carolina.

172. $3,000,000 for Grand Forks, North Dakota water treatment plant.

173. $1,800,000 to the City of Toledo, Ohio for Secor Garden infrastructure improvements ($1,400,000) and for Erie Street Market water and wastewater infrastructure improvements ($400,000).

174. $300,000 to the City of Oregon, Ohio for extension of water and wastewater infrastructure.

175. $300,000 to Lucas County, Ohio for the Jerusalem Township water and wastewater infrastructure improvements.

176. $200,000 to Swanton Township, Ohio for the Bittersweet Farms/Camp Courageous Infrastructure project.

177. $75,000 to Fulton County, Ohio for the Village of Lyons Sanitary Sewer Project.

178. $825,000 to Wood County Regional Water and Sewer District in Ohio for the Owens-Walbridge-Plumey Roads Sanitary Sewer Project ($325,000); for the Village of Millbury Infiltration Inflow project ($250,000); and for water and wastewater infrastructure improvements in the Village of Walbridge ($250,000).

179. $1,650,000 for the Doan Brook Watershed Area in Ohio for continued development of a storm water abatement system.

180. $1,500,000 to Beach City, Ohio for a wastewater infrastructure improvement project.

181. $2,875,000 for Dunlap Reservoir and related infrastructure upgrades, and phase I and II wastewater treatment plant improvements for the city of Washington Court House, Ohio.

182. $875,000 for sewer infrastructure upgrades for the villages of DeGraff and Quincy, Ohio.

183. $250,000 for water and sewer infrastructure upgrades for the City of Springfield, Ohio.

184. $1,650,000 to Norman, Oklahoma for expanding existing wastewater treatment facilities.

185. $1,000,000 to Hood River, Oregon for water and wastewater infrastructure improvements.

186. $750,000 to Hermitage, Pennsylvania for the Pine Hollow Pump Station upgrade and forcemain replacement.

187. $750,000 to Sharon, Pennsylvania for storm and sanitary sewer projects repairs.

188. $1,000,000 to Washington County, Pennsylvania for construction of wastewater infrastructure improvements in Cecil Township.

189. $2,000,000 to Lincoln Township in Somerset County, Pennsylvania for water and wastewater infrastructure improvements.

190. $500,000 to Monroe County, Pennsylvania for sewer and water infrastructure improvements.

191. $500,000 to Wayne County, Pennsylvania to upgrade and renovate a sewer system in the Borough of Honesdale.

192. $1,000,000 to Lackawanna County, Pennsylvania for upgrade of combined sewer overflow system for the Borough of Moosic ($500,000) and the Borough of Archbald ($500,000).

193. $450,000 for water and wastewater infrastructure improvements in Sandy Township, Clearfield County, Pennsylvania.

194. $450,000 to Blair County, Pennsylvania for water and wastewater infrastructure improvements in Logan Township.

195. $450,000 to the Clearfield Municipal Authority in Clearfield County, Pennsylvania for water and wastewater infrastructure improvements.

196. $450,000 to the Bear Valley, Franklin County, Pennsylvania Joint Authority for water and wastewater infrastructure improvements.

197. $450,000 to Mifflin County, Pennsylvania for water and wastewater infrastructure improvements in Lewistown Borough.

198. $450,000 to the Bedford Township Municipal Authority in Bedford County, Pennsylvania for water and wastewater infrastructure improvements.

199. $1,000,000 for the Springettsbury, Pennsylvania regional sewer project.

200. $5,000,000 for the Three Rivers Wet Weather Demonstration project, Allegheny County, Pennsylvania.

201. $750,000 for the Pawtucket, Rhode Island water treatment plant construction.

202. $1,000,000 to the Narragansett Bay Commission of Rhode Island for the combined sewer overflow control project.

203. $900,000 to the West Georgetown, South Carolina County Regional Wastewater Treatment System for construction of a wastewater interceptor transmission system.

204. $1,000,000 for the city of Florence, South Carolina for water and wastewater infrastructure.

205. $500,000 for Branchville, South Carolina water distribution system.

206. $1,000,000 for the City of York, South Carolina water treatment plant upgrade.

207. $500,000 for the City of Alcester, South Dakota for a wastewater treatment facility.

208. $3,000,000 for Rapid City, South Dakota to upgrade its water reclamation facility.

209. $4,000,000 for the City of Huron, South Dakota to upgrade its water treatment facility.

210. $1,000,000 to Athens, Tennessee for storm sewer reconstruction and improvements to the drainage basin.

211. $500,000 to Clinton, Tennessee for engineering study and design to address water and wastewater system flooding problems.

212. $1,000,000 to Oak Ridge, Tennessee for the extension of water and sewer infrastructure.

213. $1,000,000 to Sequatchie County, Tennessee for waterline infrastructure improvements.

214. $1,000,000 to the City of Meridian, Texas for water and wastewater infrastructure improvements.

215. $1,000,000 for the City of Abilene, Texas water treatment facility.

216. $1,750,000 to Grand Water and Sewer Service Agency in Utah for the extension of water and sewer lines to Arches National Park.

217. $2,000,000 for Ogden, Utah, water and sewer improvements.

218. $4,000,000 for water and wastewater infrastructure improvements in Sandy City, Utah.

219. $1,000,000 for Montgomery, Vermont wastewater demonstration project.

220. $2,500,000 for the City of Pownal, Vermont wastewater treatment project.

221. $2,000,000 to Richmond, Virginia for continued development of combined sewer overflow improvements.

222. $2,000,000 to Lynchburg, Virginia for continued development of combined sewer overflow improvements.

223. $1,000,000 to Tazewell County, Virginia for construction of a public wastewater system to serve Bluefield and Divides.

224. $650,000 to the Smith Mountain Lake 4–H Education Center in Wirtz, Virginia for sewage treatment operation improvements.

225. $2,000,000 to Henry County, Virginia for the Henry County City of Martinsville's water and sewer infrastructure improvements project.

226. $250,000 to Buckley, Washington for water pipe replacement.

227. $85,000 to the City of Carnation, Washington for the engineering and design of wastewater treatment plant and collection facilities.

228. $3,000,000 for the City of Bremerton, Washington Callow 5 combined sewer overflow project.

229. $600,000 for the Hoodsport Water System, Mason County, Washington drinking water system improvements.

230. $2,000,000 for the Coulee Dam, Washington water infiltration system.

231. $650,000 for the Cowen Public Service District to provide water and sewer to the proposed Cowen Industrial Park in Webster County, West Virginia.

232. $10,200,000 to the Brooke County PSD, West Virginia for wastewater infrastructure needs in the Eldersville Road, Mahan's Lane and Bruin Drive areas.

233. $3,200,000 to the City of Thomas, West Virginia for water infrastructure needs.

234. $1,500,000 to Huntington, West Virginia for the Fourpole/Park Sewer project No. 1.

235. $680,000 to the Lake Tomahawk Sanitary District, Wisconsin for repayment of debt on a water treatment conveyance project.

236. $1,000,000 for Beloit, Wisconsin combined sewer overflow project.

237. $3,000,000 for Milwaukee, Wisconsin, Metropolitan Sewerage District for continued renovations and repairs to the sewer system.

The conferees have included bill language which allows the Administrator to use up to 3% of the appropriated amount of each above-listed project to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to the States.

The conferees intend that the non-federal share of the cost of planning, design and construction of water and wastewater infrastructure improvements in Bernalillo, New Mexico and in the North and South Valley areas of Albuquerque and Bernalillo County, New Mexico, may be paid in installments of any amount so long as the entire amount of the non-federal share is paid by the end of the 10–year project period, including fiscal year 2000. Bill language has been included regarding a grant provided in fiscal year 1999 for Cumberland, Maryland clarifying the intent of this grant.

Of the amount provided for categorical grants, $209,000,000 is for State and local air assistance grants, including $8,000,000 for section 103 grants to the states to develop regional haze programs under title I, part C of the Clean Air Act. It is the intention of the conferees that these funds be used to aid states in the development of emissions inventories, quantification of natural visibility conditions, monitoring and other data necessary to define reasonable progress and develop control strategies, and to support the states' participation in regional efforts to coordinate their strategies, where necessary, and at the election of the individual states. The conferees have also provided $238,000,000 for section 319 non-point source pollution grants and $172,262,300 for section 106 pollution control grants to, among other things, assist the States in meeting the long-term needs of the TMDL program. Included in the total is $2,000,000 for grants to coastal states as provided in Senate Report 106–410.

No funds have been provided for the new Great Lakes Initiative program, and funds for the Information Integration Initiative have been provided only in the Environmental Programs and Management account. Funds for the new Clean Air Partnership have not been provided by the conferees. Legislation proposed by the Agency to require a 40% cost-share for the section 106 grant program has not been approved by the conferees.

In the interest of minimizing the need for additional administrative appeals, judicial review, and legislative remedies relative to EPA's construction grant program, the conferees direct EPA to resolve, equitably and as expeditiously as its resources will allow, grantee requests for review or waiver, audit resolutions, and appeals in accordance with a specific set of guidelines set forth on page 62 of House Report 106–674. The conferees expect this process will eliminate the need for Congress to resolve specific audit disputes in the future.

The conferees agree that, due to economic hardship, EPA should not apply the normal cost-share requirements to a grant provided for the Fancy Farm, Kentucky water system in Public Law 106–74.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision which, for fiscal year 2001 and thereafter, provides that the obligated balances of sums available in multiple year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

In addition, an administrative provision is included which stipulates that, for fiscal year 2001, the Administrator, in carrying out environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized tribes or duly authorized intertribal groups to assist the Administrator in implementing federal environmental programs for tribes required or authorized by law. Funds designated for State financial assistance agreements may not be used for such cooperative agreements.

Finally, an administrative provision has been included which reinstates the 12–month grace period following designation for new nonattainment areas for the National Ambient Air Quality Standards originally contained in EPA conformity regulations.

The conferees direct EPA to implement GPRA to the fullest extent possible. This includes defining its long-term strategic goals in terms of environmental, health, and other outcomes and tracking progress using appropriate outcomes measures. Such measures include indicators of health, ecology and welfare, exposure or body burden or uptake, ambient environmental conditions, discharges or emissions, and actions and/or responses by regulated parties.

The conferees recognize that the Agency may not be able to establish nor measure all the appropriate outcome measures by the time of its first Strategic Plan revision after 2000. The conferees therefore direct the Agency to make significant progress in its first revision after 2000, and in subsequent revisions to the Strategic Plan. Further, the conferees call on the Agency to organize and present performance measures in a manner that makes appropriate use of performance information supplied by EPA regions and states.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,201,000 for the Office of Science and Technology Policy as proposed by the Senate instead of $5,150,000 as proposed by the House.

Public Law 105–261 transferred responsibility for satellite technology export licensing from the Department of Commerce to the Department of State as part of the International Traffic in Arms Regulations (ITAR). An unfortunate and unintended consequence of that move has been that university-based fundamental science and engineering research, widely disseminated and unclassified, has become subject to overly restrictive and inconsistent ITAR direction. The result has been critical delays in NASA-funded research projects and has forced some universities to forgo participation in such projects. Such research traditionally has been excluded from export controls under the fundamental research exemption. The conferees find the current situation to be unacceptable and direct the Office of Science and Technology Policy to work jointly with the National Security Council, in consultation with the NASA Administrator and the Secretary of State, to expeditiously issue clarification of ITAR that ensures that university collaborations and personnel exchanges, which are vital to the continued success of federally-funded research, are allowed to continue as they had under the long-standing fundamental research exception in the Export Administration Regulations, which had governed export controls over this technology when the Department of Commerce had jurisdiction over it. The conferees expect this review to be completed within 120 days of enactment of this Act. Upon the issuance of guidance, NASA shall ensure that university principal investigators are fully aware of their responsibilities.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,900,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the

House and the Senate. The conferees have once again included bill language which prohibits CEQ from using funds other than those appropriated directly under this heading. The Council is expected to implement this provision in a manner consistent with its implementation during fiscal years 1998 and 1999. Language has also been included again this year which, notwithstanding law, authorizes the Council to operate with one member, that member acting as chairman of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

Appropriates $33,660,000 for the Office of Inspector General as proposed by the Senate instead of $33,661,000 as proposed by the House. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Association Insurance Fund, and the FSLIC Resolution Fund, and are therefore not reflected in either the budget authority or budget outlay totals.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Appropriates $300,000,000 for disaster relief as proposed by both the House and the Senate. In addition, appropriates $1,300,000,000 in emergency funding for disaster relief instead of $2,609,220,000 as proposed by the Senate. The House had proposed no emergency funding. Retains language proposed by the Senate authorizing the transfer of $2,900,000 to EMPA for the consolidated emergency management performance grant, in lieu of $5,500,000 as proposed by the House.

The conferees agree that up to $15,000,000 of the funds provided in this account may be used for flood map modernization activities in areas which receive Presidential disaster declarations, as proposed by the Senate. The House had proposed that $30,000,000 be transferred from this account to the Flood Map Modernization Fund for non-disaster and disaster-related flood map modernization.

The conferees do not agree with the House proposal to allow up to $50,000,000 of the disaster relief funds to be obligated for predisaster mitigation and repetitive loss property buyouts. The conferees have taken this action because additional funding was provided for buyouts and elevation of flood damaged properties as part of the fiscal year 2000 supplemental and these funds are not required at this time.

The conferees have agreed to include language in the bill making $3,000,000 from section 404 hazard mitigation grant funding available to the State of Florida hurricane mitigation initiative in Miami-Dade County, Florida. The conferees recognize that, in light of the devastation of Hurricanes Floyd, Irene, and Dennis to the Southeast United States, resources must be focused on mitigation activities because many communities are not adequately prepared to provide local emergency shelter for category 3 or higher hurricanes. To demonstrate the effectiveness of certain mitigation technologies, the conferees direct that a portion of the section 404 hazard mitigation grant funding available to the State of Florida be used for a pre-disaster hurricane mitigation program initiative in Miami-Dade County, Florida utilizing perforated metal technology employed in fixed, passive protection window applications as demonstrated through the Miami Wind Shutter Program.

The conferees are not in agreement with regard to the issue of insurance requirements for public and non-profit buildings. While the goal of reducing Federal costs associated with natural disasters is shared by the conferees, there is not agreement on the best way to achieve that goal. The House continues to believe that FEMA must ensure that the concerns of all interested parties are taken into consideration and that a detailed cost-benefit analysis must be completed prior to finalizing any rule in this regard. The Senate continues to believe that all relevant information is in hand and that a final rule should be promulgated expeditiously. The conferees acknowledge their inability to resolve this issue and urge the Congress to address this issue as part of a comprehensive legislative package.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide a limitation of $25,000,000 on direct loans, a cost of $1,678,000 for direct loans, and a limitation on administrative expenses of $427,000 for the disaster assistance direct loan program account. The foregoing amounts are the same as proposed by the Senate. The House had proposed a limitation of $19,000,000 on direct loans, a cost of $1,295,000 for direct loans, and a limitation on administrative expenses of $420,000.

SALARIES AND EXPENSES

Appropriates $215,000,000 for salaries and expenses as proposed by the Senate instead of $190,000,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

Appropriates $10,000,000 for the Office of Inspector General as proposed by the Senate instead of $8,015,000 as proposed by the House. The conferees are in agreement that the FEMA Inspector General shall also serve as the Inspector General for the Chemical Safety and Hazard Investigation Board. In order to fulfill these additional duties, the conferees agree to provide the Inspector General with additional funds and anticipate that the duties will require an increase of 8 FTE. To ensure the independence of the Office of Inspector General, funds are provided to enable the OIG to support its own administrative functions rather than relying on FEMA for support services such as budget and accounting, procurement and personnel.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Appropriates $269,652,000 for emergency management planning and assistance as proposed by the Senate instead of $267,000,000 as proposed by the House. The conferees agree to include bill language earmarking $25,000,000 of the funds provided in this account for pre-disaster mitigation activities as proposed by the Senate. The House had included authority to use disaster relief funds for this purpose, to be administered through the EMPA account.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $140,000,000 for emergency food and shelter instead of $110,000,000 as proposed by both the House and Senate.

FLOOD MAP MODERNIZATION FUND

Appropriates no funding for this activity in this account. The conferees have included authority within the disaster relief account to use up to $15,000,000 for post-disaster flood map activities in areas which receive Presidential disaster declarations.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to include bill language which authorizes the National Flood Insurance Program through December 31, 2001 instead of September 30, 2001 as proposed by the House and Senate. Without this authorization, new flood insurance policies could not be written throughout the fiscal year. In addition, the conferees direct FEMA to make $2,000,000 available to the New York Department of Environmental Conservation for initiating the Statewide Flood Plain Mapping Program.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Provides for the transfer of $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by both the House and Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

Appropriates $7,122,000 for the Federal Consumer Information Fund as proposed by both the House and the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees agree with the requirement of the Senate that NASA must articulate a comprehensive agenda and strategy through a strategic plan for each of NASA's primary centers that links staffing, funding resources, mission activities and core competencies in a manner that will ensure each primary center will be vested with specific responsibilities and activities. Within each plan, NASA should identify where a center has or is expected to develop the same or similar expertise and capacity as another center, including the justification for this need. The plan should also include a specific 10-year profile of flight mission elements. This profile should identify the primary NASA center responsible for each flight's mission management. The profile also should articulate clearly the criteria that is used and/or will be used to permit missions to be built intramurally, as well as the strategy for using industry and leading academic laboratories for mission development and execution. These plans are to be updated annually, with the first plan to be submitted to the Committees on Appropriations of the House and Senate by July 31, 2001. For purposes of the foregoing reporting requirement, primary NASA centers shall include the nine centers and the Jet Propulsion Laboratory listed on page AS–21 of the fiscal year 2001 budget submission.

The conferees agree that information on the long-term consequences of reprogramming and operating plan actions should be made available to the Committees on Appropriations of the House and Senate when requested. While the Senate had proposed making the information a requirement to be submitted with all reprogrammings and operating plans, the conferees recognize that this would be a burden on the agency when most of the changes are relatively minor in nature. The conferees expect NASA to be responsive whenever such an information request is made.

The conferees agree that NASA should report annually on the issue of safeguarding sensitive technology as proposed by the Senate.

The conferees agree that NASA should not be required to include an accounting of program reserves when addressing a program in the initial operating plan or subsequent operating plans. The conferees expect NASA to be able to provide this information when requested by the Committees on Appropriations.

The conferees have agreed to delete the general provision, proposed by the House which would have terminated all NASA-Air Force joint aeronautics and space-related research.

The conferees do not agree that NASA should conduct a joint study with the National Research Council and the National Academy of Public Administration on the research and analysis portions of NASA's programs. The conferees urge NASA to take actions to ensure that research and analysis funding is sufficient to support the goals of the various programs.

Of the amounts approved in the following appropriations accounts, NASA must limit transfers of funds between programs and activities to not more than $500,000 without prior approval of the Committees on Appropriations of the House and Senate. Further, no changes may be made to any account or program element if it is construed to be policy or a change in policy. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees on Appropriations of the House and Senate. Finally, it is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above.

The conferees recognize that personnel management at an agency such as NASA is difficult and note that the Congress has provided authority in the past for NASA to offer incentives to employees as a way to reduce the agency's overall workforce. The challenge NASA now faces is to ensure that the proper skill mix is in place at the various NASA Centers. To accomplish this task, NASA has proposed a continuation of its current buyout authority with modifications which allow the agency to retain the same number of full-time equivalent personnel, while offering incentives to achieve a workforce reduction in skill areas where an excess exists. The conferees agree to provide NASA with this authority for two years and have included the necessary statutory authority as a general provision of the bill.

The conferees agree to include the House provision on NASA full cost accounting instead of the Senate provision. The conferees remain concerned about the impact of full cost accounting on program and financial information that will be made available to the Congress through full cost accounting. If the program and financial information is determined to be inadequate, the conferees expect NASA to be able to address the concerns of the Congress. In addition, the conferees direct NASA to report to the Committees on Appropriations of the House and Senate on the status of any program or activity that has exceeded its budget plan by 15 percent. The report should be provided to the Committees within 15 days of the date on which NASA has determined that the budget overrun has occurred. This report shall include the reasons for the budget overrun including any proposals for the termination or restructuring of the program or activity and the related impact on the funding of other programs or activities.

HUMAN SPACE FLIGHT

Appropriates $5,462,900,000 for Human Space Flight instead of $5,472,000,000 as proposed by the House and $5,400,000,000 as proposed by the Senate. The funding level arrived at for this account includes a reduction of $40,000,000 as proposed by NASA to provide additional funding for the Mars 2003 Lander program. This reduction includes $30,000,000 from shuttle reserves and $10,000,000 from the commercialization and technology program. Other adjustments follow.

The conferees recognize that NASA is obligated to ensure the well-being of astronauts, who will build the International Space Station (ISS), and live and work there for increasingly longer periods of time. On-orbit stay times beyond 90 days will require implementation of countermeasures against the negative effects of space flight. The basic research and countermeasure development will be done using the ISS crew members as research subjects. This requires establishment of medical baselines prior to flight, close monitoring of in-flight changes to the baseline, including the beneficial impacts of the countermeasures, and post-flight monitoring throughout the rehabilitation process. A key objective of NASA's Bioastronautics Initiative is to re-focus existing NASA biomedical assets to accomplish this aim more effectively.

The conferees understand that NASA has determined that the most effective approach to ensuring synergy between a strong research program and necessary astronaut clinical care is to construct a Bioastronautics Facility at the Johnson Space Center. The facility will be sited at NASA's Johnson Space Center because that is the living and working area of the astronaut corps and the medical support personnel. The facility will provide a necessary focal point for human health care delivery, research, and education for Space Medicine and Research. The research capabilities provided in this facility will be consistent with the NASA analysis of research requirements. This facility will enable access to all peer reviewed researchers, including universities across the country, NASA, NIH, and NSBRI, to carry out their science in a symbiotic laboratory setting and accomplish their goals.

The conferees agree to provide $3,000,000 to complete the facility design effort, and that a design/build approach is being baselined to ensure timely completion of the facility. The conferees further understand that initial construction funding could be required in fiscal year 2001 if the design is completed as planned by mid-2001, and direct NASA to submit an Operating Plan notification to the Committees on Appropriations of the House and Senate at that time to identify construction funds within ISS resources.

The conferees agree that NASA should develop a 10-year plan for all research efforts related to the International Space Station, including operational needs as proposed by the Senate. NASA is directed to submit this report to the Committees on Appropriations of the House and Senate no later than April 15, 2001.

The conferees do not agree with the Senate requirement for a blueprint plan that identifies lead and complimentary universities that will coordinate with NASA for science disciplines that will be the focus of research after assembly of the ISS is complete. The conferees direct NASA to submit a plan to the Committees on Appropriations of the House and Senate which includes various ISS management options. The conferees agree that such a plan will give the Congress the information it needs in order to determine what management structure is best and most able to deliver the benefits of the ISS. The Committees on Appropriations will require this information prior to approving funding for any final agreement. Therefore, the conferees have included an administrative provision which prohibits the expenditure of any funds prior to December 1, 2001 for finalizing an agreement between NASA and a non government organization to conduct research utilization and commercialization management activities of the ISS.

For the past several years, the conferees have expressed dismay at the lack of dedicated life and microgravity research missions being flown on shuttle during station assembly. This problem is made worse by continuing delay in station assembly, leading to a significant backlog of critical research waiting to be flown. The conferees believe it is prudent to plan regular life and microgravity shuttle research missions during station assembly to protect the shuttle flight rate and to prepare experiments for the space station. The conferees therefore direct NASA, within 30 days of enactment of this Act, to submit a plan to the Committees on Appropriations of the House and Senate which details a schedule for shuttle research missions, beginning after the flight of STS-107 and continuing until the space station reaches its full research capability.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Appropriates $6,190,700,000 for science, aeronautics and technology instead of $5,579,600,000 as proposed by the House and $5,837,000,000 as proposed by the Senate. The amount provided is $261,300,000 above the budget request. The amount provided consists of:

$2,508,300,000 for space science.

$316,900,000 for life and microgravity sciences.

$1,498,050,000 for earth sciences.

$1,253,150,000 for aero-sapce technology.

$529,400,000 for space operations.

$134,000,000 for academic programs.

$49,100,000 as a general reduction.

In reaching the amount of $6,190,700,000 appropriated for science, aeronautics and technology, the conferees have included only $8,000,000 for space solar power, $20,000,000 for commercial remote sensing data buys, $20,000,000 for quiet aircraft technology, $10,000,000 for the EPSCoR program, and $19,100,000 for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act.

The conferees recognize the efforts of NASA, particularly Goddard Space Flight Center, in developing comprehensive programmatic and operations plans for the Independent Verification and Validation Facility and in confirming the Facility's agency-wide role in software reliability. The conferees further recognize NASA's increased commitment to IV&V as a mission critical activity, as evidenced by the increase in funding (to $40,000,000 for fiscal year 2001) dedicated to IV&V activities. The conferees expect NASA to report to the Committees on Appropriations of the House and Senate by May 1, 2001 regarding progress on development of the Facility, its role within NASA and the degree to which new and related software initiatives have been implemented.

Space Science

The conferees have agreed to provide $2,508,300,000 for space science programs. Included in this amount is $75,000,000 for the Mars 2003 Lander program as proposed by NASA in communications with the conferees subsequent to submission of the budget. Of this amount, $2,000,000 is to be financed within the space science account; $7,000,000 is to be derived from the life and microgravity account; $20,000,000 is to be derived from the aeronautics and space technology account; $6,000,000 is to be derived from the mission support account; and $40,000,000 is to be derived from the human space flight account.

Prior conference agreements have directed NASA to establish a goal of competitively selecting 75 percent of space science advanced technology funding. Based upon this direction, NASA recently released an open research announcement in the Cross-Enterprise Technology Development Program (CETDP) that resulted in an impressive response of over 1200 proposals competing for $40,000,000 in funding. The conferees are aware that NASA was only able to award funding for 8 percent of the proposals and that a 92 percent disapproval rate is frustrating to the university community and industry partners. In addition, the conferees note that NASA has expressed concern that the diversion of a high percentage of funds to open solicitations is contributing to a loss of needed "core competencies" in technology at the NASA field centers. NASA, on the CETDP, is directed to allocate at least 75% of all new procurement awards through full and open competition. If NASA feels that additional funding is needed in fiscal year 2001 to address transitional core competency issues, then the agency may propose for the consideration by the Committees on Appropriations, a reprogramming of funds from other sources.

The conferees understand that the responsibility and funding for the CETDP is being transferred from the Office of Space Science to the Office of Aerospace Technology. Therefore, the conferees direct that NASA's Office of Aerospace Technology submit a report to the Committees on Appropriations of the House and Senate by April 30, 2001 which addresses how NASA plans to increase competitive selection of advanced technology funding while maintaining NASA Center core competencies. The report should identify the core competencies by NASA Center that are critical to the long-term future of the Nation's space program and the level of resources required to ensure their support. The NASA core competency strategy should include long-term strategic alliances with universities and industry partners.

The conferees note that applying the recommendations of the Mars Program Independent Assessment Team to all space science programs may lead to cost increases for those programs. The conferees agree that NASA should provide a five-year profile of the costs associated with implementing these recommendations as part of the budget submission for fiscal year 2002, as proposed by the Senate.

The conferees have provided the budget request of $20,000,000 for the Living with a Star program, as proposed by the Senate. The House had deleted the funding for this program because of concern about the contracting strategy being used by the program. The NASA Inspector General has reviewed the procurement strategy and the conferees are confident that NASA will take into consideration the recommendations of the Inspector General with regard to this program, as well as the recommendations of the Applied Physics Laboratory and NASA. The conferees agree with the direction of the Senate that NASA should submit a long-term plan to create a resilient Sun-Earth Connection program and that the report should be submitted by February 15, 2001.

The conferees agree that the cost of the Hubble Wide Field Camera 3 should have a cost cap of $75,500,000 as proposed by the Senate. The conferees do not agree that cost increases associated with the Hubble Servicing Mission should be allocated to the Human Space Flight account. Instead, the conferees direct NASA to provide a report to the Committees on Appropriations of the House and Senate on the policy for allocating cost increases which are associated with launch or payload delays and the rationale for the policy. The report should be provided no later that March 31, 2001.

The conferees agree to the following changes to the budget request:

1. An increase of $1,500,000 for Ohio Wesleyan University for infrastructure needs.

2. An increase of $1,500,000 for the Center for Space Sciences at Texas Tech University, Lubbock, Texas.

3. An increase of $8,000,000 for space solar power.

4. An increase of $5,000,000 for the STEP-AirSEDS tether propulsion program.

5. An increase of $2,500,000 for the Hubble telescope project to initiate a Composites Technology Institute in Bridgeport, West Virginia.

6. An increase of $3,500,000 for a center on life in extreme thermal environments at Montana State University, Bozeman.

7. An increase of $2,500,000 for the Bishop Museum/Mauna Kea Astronomy Education Center.

8. An increase of $1,000,000 for the Chabot Observatory and Science Center, Oakland, California.

9. An increase of $4,000,000 for the Green Bank Radio Astronomy Observatory visitor center.

10. An increase of $2,000,000 for equipment for the South Carolina State Museum's Observatory, Planetarium and Theater.

11. An increase of $8,000,000 for the University of Hawaii for infrastructure needs of the Mauna Kea Education Center.

LIFE AND MICROGRAVITY SCIENCES

The conferees agree to provide $316,900,000 for life and microgravity sciences. This amount includes a reduction of $7,000,000 from the biomedical research and countermeasures program which has been transferred to the space sciences account for the Mars 2003 Lander program. The conferees agree to the following changes to the budget request:

1. An increase of $5,000,000 for the Space Radiation program at Loma Linda University Hospital.

2. An increase of $1,000,000 to EARTH University and the University of Alabama in Birmingham to research Chagas disease.

3. An increase of $500,000 for ongoing research in the area of disease monitoring and diagnosis through the use of medical intelligence for the manned spaceflight effort.

4. An increase of $3,000,000 for the Donald Danforth Plant Science Center's Modern Genetics project.

5. An increase of $15,000,000 for infrastructure needs for the Life Sciences building at the University of Missouri-Columbia.

EARTH SCIENCES

The conferees agree to provide $1,498,050,000 for the earth sciences account.

The conferees take seriously their responsibility to oversee the activities of the various Departments and Agencies and feel the direction provided by the Congress in the Statement of Managers accompanying the Conference Report for prior fiscal years should be implemented without fail. It has come to the attention of the conferees that this has not been the case with the implementation of direction contained in the fiscal year 2000 Appropriations Act and accompanying Statement of Managers. For this reason, the conferees agree with the Senate proposal to suspend the authority of the Office of Earth Science to reprogram any funds in fiscal year 2001 unless specifically authorized by the Committees on Appropriations of the House and Senate.

The conferees direct NASA to report to the Committees on Appropriations of the House and Senate, by March 15, 2001 with a ten-year strategy and funding profile to extend the benefits of Earth science, technology and data results beyond the traditional science community and address practical, near-term problems. This strategy should incorporate fully the unique data, data products and services available from U.S. companies. NASA is also directed to develop, with universities, existing Applications Centers, such as ARCs and RESACs, NASA Field Centers, and other cognizant Federal agencies, mechanisms through which current public and private remote sensing and related technologies will be made readily available to state and local governments, public agencies and private organizations for applications in agriculture, flood mapping, forestry, environmental protection, urban planning and other land-use issues.

The Vegetation Canopy LIDAR Project (VCL), the first NASA Earth Systems Pathfinder Mission, is designed to provide a global database of forest structure and tree height. The conferees believe that this data will be invaluable as the scientific community continues research into global climate change and related areas. At the same time, the conferees recognize the valuable commercial potential of the data and the associated interest within the commercial sector. The conferees are concerned that if the VCL mission is not launched by 2002, the baseline data needed by the United States scientific and commercial community may be delayed or lost. Therefore, the conferees direct NASA to report by October 2001 on the progress of developing the VCL mission, with the expectation of a Spring 2002 launch date.

The conferees agree to the following changes to the budget request:

1. An increase of $500,000 for the Temporal Landscape Change Research Program to establish a regional baseline monitoring program.

2. An increase of $500,000 for the operations of the applications center for remote sensing at Fulton-Montgomery Community College, Johnston, New York.

3. An increase of $1,000,000 for the Center for Earth Observing and Space Research at George Mason University.

4. An increase of $5,000,000 for NASA's Regional Applications Center for the Northeast.

5. An increase of $2,500,000 for the U.S. portion of the joint U.S./Italian satellite development program to remotely observe forest fires.

6. An increase of $450,000 for continuation of application remote sensing to forestry at the State University of New York, College of Environmental Sciences and Forestry.

7. An increase of $4,000,000 for the continuation of programs at the American Museum of Natural History.

8. An increase of $1,000,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and Resources at the Rosenstiel School of Marine and Atmospheric Science.

9. An increase of $8,800,000 to the Institute for Software Research, for the following activities: $5,000,000 for development and construction of research facilities; $2,300,000 for the development of a Goddard Institute for Systems, Software and Technology Research (GISSTR) in cooperation with the Goddard Space Flight Center's Systems, Technology and Advanced Concepts (STAAC) organization; and $1,500,000 for a microcomputer clustering and data throughput/visualization algorithm research initiative.

10. An increase of $20,000,000 to continue commercial data purchases.

11. An increase of $3,000,000 for the University of South Mississippi for research into remotely sensed data for coastal zone management.

12. An increase of $1,000,000 for carbon cycle remote sensing technology at the KARS Regional Earth Sciences Applications Center at the University of Kansas.

13. An increase of $1,500,000 for the University of North Dakota to support the Upper Midwest Aerospace Consortium.

14. An increase of $1,500,000 for topographic sensor measurement efforts in Alaska.

15. An increase of $2,000,000 for remote ocean sensing research and measurements in the areas of the Bering Sea and the northernmost Pacific Ocean.

16. An increase of $500,000 for continued development of nickel metal hydride battery technology.

17. An increase of $3,000,000 for the NASA International Earth Observing System Natural Resource Training Center at the University of Montana, Missoula.

18. An increase of $1,000,000 for the Pipelines Project at Iowa State University/Southern University—Baton Rouge.

19. An increase of $35,000,000 for the Earth Observing System Data Information System, for a total fiscal year 2001 program level of $277,000,000. These additional funds are for the EOSDIS Core System only so that its total program level in fiscal year 2001 shall be $115,000,000 allocated as follows: First, an additional $22,500,000 should be added to the core ECS program to provide optimized system functionality, planning for future growth and adaptations due to instrument team changes, provision for additional processing, and archival capabilities needed at the DAAC's. Second, the remaining $12,500,000 is to continue and expand the Synergy program that was begun in fiscal year 2000. In fiscal year 2001, the conferees believe the Synergy program should focus on the following: continued development of the current applications to make them accessible to the general public; expansion of the number of info marts/data store fronts to broaden the application base and implementation of a unified access data server for local, State, and Federal agencies and the commercial marketplace. As part of this effort, NASA is directed to integrate the regional earth science applications centers into the Synergy program by the end of fiscal year 2001.

20. The conferees provided the full amount requested for the EOS follow-on. Within the amount provided, the conferees recommend: $1,500,000 for studies initiating a Landsat-7 follow-on commercial data purchase; $2,000,000 for the Global Precipitation Mission for phase A/B studies and preliminary advanced technology development work; $2,000,000 for the Global Earthquake Satellite for phase A/B studies and preliminary advanced technology development work; $1,500,000 for studies related to the "New DIS" which the conferees believe should emphasize the re-use of the existing system in order to minimize future costs; $35,600,000 for studies and advanced technology development for the NPOESS preparatory project of which $4,000,000 shall be allocated for the development of high speed data processing and algorithm validation processes that maximize prior year investments in this area; and $2,000,000 to initiate a global wind profile commercial data purchase consistent with the science objectives identified in the National Academy of Sciences study.

AERO-SPACE TECHNOLOGY

The conferees agree to provide $1,253,150,000 for the aero-space technology account. Included in this amount is a reduction of $20,000,000 to the research and technology base with the funds transferred to the space sciences account for the Mars 2003 Lander program.

The conferees agree to provide the budget request of $9,000,000 for the small aircraft transportation system (SATS) as proposed by the Senate. The House had deleted funding for this effort. The House action was based upon limited funding available to NASA and an underlying concern that the Federal Aviation Administration (FAA) was less than enthusiastic about the program which was not very well defined in the budget submission. Based upon new information provided to the conferees, funding for SATS has been restored to be used for operational evaluations, or proofs of concept where operational evaluations are not possible, of four new capabilities that promise to increase the safe and efficient capacity of the National Airspace System for all NAS users, and to extend reliable air service to smaller communities. These capabilities are:

High-volume operations at airports without control towers or terminal radar facilities.

Lower adverse weather landing minimums at minimally equipped landing facilities.

Integration of SATS aircraft into a higher en route capacity air traffic control system with complex flows and slower aircraft.

Improved single-pilot ability to function competently in complex airspace in an evolving NAS.

The conferees recognize that the expansion of the SATS is a technically high-risk program, and that the expansion of the SATS program to perform operational evaluations on all four capabilities will require additional resources. Therefore, the conferees direct the Administration to include such resources in the fiscal year 2002 budget request for NASA.

It is the expectation of the conferees that SATS will develop and operationally evaluate these four capabilities in a five-year program which will produce sufficient data to support FAA decisions to approve operational use of the capabilities, and FAA and industry decisions to invest in the necessary technologies. The conferees direct that not less than 75% of the funding provided for development of technologies shall be awarded subject to full and open competition. Collaborative industry/university teams are encouraged to compete for these awards. In addition, NASA is directed to transfer funds as required to the FAA for personnel with authority to set criteria and approve test plans.

The usefulness of the data for this purpose will be ensured through the following process:

1. In fiscal year 2001, NASA will plan SATS activities with, and secure the agreement of, FAA staff from aircraft certification, flight standards, air traffic, and airports before undertaking the proof of concept or operational evaluations. This will also be done with appropriate industry involvement.

2. The SATS plan will identify the operational safety criteria required by FAA for each capability, and test plans determined by FAA to be adequate to establish that these criteria are met.

3. The objective of SATS is that the output of the operational evaluation as defined in the plan will be sufficient for the FAA to give full credit to the test data when an applicant subsequently proposes the certification and operational approvals for a system that would implement these SATS capabilities.

NASA and FAA SATS program managers will keep the SATS Subcommittee, a joint subcommittee of NASA's Aero Space Technology Advisory Committee and FAA's Research Engineering and Development Advisory Committee, fully informed of all planning activities. SATS program managers will seek specific advice on their plan from the Subcommittee and respond in writing to such advice. The Advisory Committees will request status reports from the SATS Subcommittee on the planning activities and their conformance to the above directions of the conferees and these reports shall also be provided to the Committees on Appropriations of the House and Senate.

NASA is directed to provide a report the Committees on Appropriations of the House and Senate on the status of implementing this program with the first report to be submitted by July 31, 2001 and subsequent reports to be submitted on each March 31 thereafter.

The conferees agree to provide the budget request for the Space Launch Initiative (SLI) as proposed by the Senate. The conferees are in general agreement with the direction in the Senate report with regard to the key principles NASA should maintain throughout the life of the program, namely: (1) any launch vehicles developed fully will be owned and operated by private industry and be capable of competing effectively in the commercial marketplace; and (2) the program will rely on competition from existing and emerging launch service providers to ensure innovations, openness, and resiliency. Further, the conferees are in agreement that at least 75% of SLI funding should be subject to full and open competition and that all NASA Centers should be eligible to participate in the SLI program.

The conferees continue to support the Software Optimization and Reuse Technology (SORT) program, which will help NASA address the growing cost and schedule complexities associated with traditional one-at-a-time software development strategies. The conferees are aware of a recent independent assessment of SORT program efforts at the Goddard Space Flight Center (GSFC) Information Systems Center (ISC), which confirmed the compatibility of GSFC/ISC goals with those of the SORT program. The report confirmed that the technologies proposed under the SORT program would promote improvements in productivity, quality, cost and schedule, but identified communication and management problems between the SORT program and NASA. The conferees fully support the transfer of SORT's management to the GSFC/ISC, and expect the contents of the independent assessment to be integrated into a detailed plan for future SORT activities. The conferees direct GSFC/ISC to submit this plan to Congress no later than April 1, 2001.

The conferees agree to the following changes to the budget request:

1. An increase of $13,000,000 for the Ultra Efficient Engine Technology program.

2. An increase of $2,000,000 for the development of eyetracking technology and applications research.

3. An increase of $500,000 for evaluation and design of Lithium-Ion batteries for use on space shuttles.

4. An increase of $3,000,000 for the NASA-Illinois Technology Commercialization Center at DuPage County Research Park.

5. An increase of $3,000,000 for the University of New Orleans Composites Research Center for Excellence at Michoud, Louisiana.

6. An increase of $5,000,000 for Rotocraft Research and Technology base programs.

7. An increase of $6,000,000 to expand the Space Alliance Technology Outreach Program in the states of Florida, New Mexico, New York, and Texas.

8. An increase of $4,000,000 for deployment of multilateration and Mode-S based Automatic Dependent Surveillance-Broadcast sensors for the Helicopter In-Flight Tracking System.

9. An increase of $1,800,000 to augment deployment of an ATIDS multilateration sensor and surveillance server for the Airport Surface Management System.

10. An increase of $1,600,000 for the continued development of the Dynamic Runway Occupancy Measurement System integration with the Multistatic Dependent Surveillance System and SensorBahn server.

11. An increase of $1,000,000 for the remote sensing SAID research program at Syracuse University.

12. An increase of $1,000,000 for Agile Collaboration Environments for Systems Synthesis in Engineering Education.

13. An increase of $1,000,000 for Enhanced Vision Systems development and testing.

14. An increase of $2,000,000 to continue work on SOCRATES.

15. An increase of $1,000,000 for the Center for Emerging Technologies at Stony Brook, State University of New York.

16. An increase of $1,000,000 for the Garrett Morgan Commercialization Initiative in Ohio.

17. An increase of $6,500,000 to the Institute for Software Research, for the following activities: $2,000,000 to perform fundamental research of propellantless space propulsion with NASA's Center of Excellence for Space Propulsion, including the analysis of prototype radio frequency momentum sources and the use of automated tensor algorithms to simulate and evaluate prototype drive mechanisms; $3,500,000 to continue the Self-Adaptive Vehicular Equipment (SAVE) initiative; and $1,000,000 to continue the Breakthrough Propulsion Physics (BPP) program.

18. An increase of $7,500,000 for completion of the National Space Science and Technology Center for infrastructure needs.

19. An increase of $2,000,000 for the Earth Alert project at the Goddard Space Flight Center.

20. An increase of $10,000,000 for a Propulsion Research Laboratory to be located at NASA's Center of Excellence for Space Propulsion at the Marshall Space Flight Center.

21. An increase of $2,000,000 for Montana State University, Bozeman for research in advanced optoelectronic materials.

22. An increase of $1,000,000 for the University of Akron, for nanotechnology research.

23. An increase of $1,000,000 for aerospace projects at MSE Technology Applications in Butte, Montana.

24. An increase of $250,000 for the Oklahoma Aeronautics and Space Commission for sounding rockets.

25. An increase of $1,000,000 for Montana State University for the techlink program.

26. An increase of $500,000 for the National Aviation Hall of Fame for development of exhibits.

27. An increase of $1.500,000 for the National Technology Transfer Center, for a total of $7,300,000.

SPACE OPERATIONS

The conferees have provided $529,400,000 for space operations, the same amount as provided by both the House and Senate.

ACADEMIC PROGRAMS

The conferees have agreed to provide $134,000,000 for academic programs. The conferees agree to the following changes to the budget request:

1. An increase of $3,000,000 for continued academic and infrastructure needs related to the computer sciences, mathematics and physics building at the University of Redlands, Redlands, California.

2. An increase of $1,000,000 for equipment needs at the University of San Diego Science and Education Outreach Center.

3. An increase of $500,000 for Science, Engineering, Math and Aerospace Academy programs at Central Arizona College.

4. An increase of $1,000,000 for the Science Facilities Initiative at Heidelberg College in Ohio.

5. An increase of $1,000,000 for the NASA Glenn "Gateway to the Future: Ohio Pilot" project.

6. An increase of $1,500,000 for the Santa Ana College Space Education Center in California.

7. An increase of $5,400,000 for the EPSCoR program for a total funding level of $10,000,000 in fiscal year 2001.

8. An increase of $9,100,000 for the Minority University Research and Education program for a total funding level of $55,000,000 in fiscal year 2001.

9. An increase of $500,000 for a hands-on interactive science education facility at the University of North Carolina at Chapel Hill.

10. An increase of $1,000,000 for the Science Learning Center in Hammond, Indiana.

11. An increase of $1,000,000 for the Environmental Sciences Learning Center (part of the California Science Center) in Los Angeles, California.

12. An increase of $2,000,000 for the University of Wisconsin-Milwaukee to implement the Wisconsin Initiative for Math, Science, and Technology.

13. An increase of $2,500,000 for the JASON Foundation.

14. An increase of $1,000,000 for the NASA Center of Excellence in Mathematics, Science and Technology at Texas College in Tyler, Texas.

15. An increase of $2,000,000 for the Lewis and Clark Rediscovery Web Technology Project.

16. An increase of $500,000 for the Aerospace Education Center in Cleveland, Ohio as a national hub for the SEMAA program.

17. An increase of $1,000,000 for the Carl Sagan Discovery Science Center at the Children's Hospital at Montefiore Medical Center to implement the educational programming for this science learning project.

18. An increase of $1,000,000 for the Challenger Learning Center in Kenai, Alaska.

MISSION SUPPORT

Appropriates $2,608,700,000 for mission support instead of $2,584,000,000 as proposed by the House and Senate. The funding level arrived at for this account includes a reduction of $6,000,000 to research operations support from IFMP rescheduling as proposed by NASA to provide additional funding for the Mars 2003 Lander program.

The conferees are aware that NASA owns and operates a small fleet of administrative aircraft that are vital for the oversight and implementation of its mission. The conferees understand that the majority of the aircraft in this fleet are aging, presenting a burden upon NASA management in terms of maintenance requirements and resultant costs. The conferees, therefore, direct that NASA develop a plan to replace these aging administrative aircraft and consider fractional ownership as an alternative. NASA should submit this plan for administrative aircraft replacement to the Committees on Appropriations of the House and Senate by April 15, 2001. The conferees continue to believe that fractional ownership may be of value to NASA and have therefore included $2,200,000 to be used for a two-year test of the concept. NASA is directed to enter into a fractional ownership contract, to be fully competed, by June 15, 2001.

The conferees agree to provide $18,000,000 for the E-Complex upgrades at Stennis Space Center and $10,500,000 for a propulsion test operations building and for upgrades to the East/West access road at Stennis. In addition, the funds used for upgrades to the East/West access road may be used to match title 23 highway funds.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $23,000,000 for the Office of Inspector General, the same as proposed by both the House and Senate.

ADMINISTRATIVE PROVISIONS

The conferees agree to include four administrative provisions which were included in the bill in fiscal year 2000. The fifth administrative provision is addressed at the beginning of the NASA section of this statement. The conferees have not included an administrative provision proposed by the Senate which would have incorporated the Senate report into the bill by reference.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

Limits direct loans from the Central Liquidity Facility (CLF) to credit unions from borrowed funds to $1,500,000,000 instead of $3,000,000,000 as proposed by the House and $600,000,000 as proposed by the Senate.

Appropriates $1,000,000 to the National Credit Union Administration for the Community Development Revolving Loan Program for low-income credit unions of which $350,000 is provided specifically for technical assistance, as proposed by the House instead of no funding as proposed by the Senate.

The conferees are very supportive of the credit union industry and the service it provides to its members. Increasing the lending cap for the Central Liquidity Facility (CLF) for new direct loans gives greater financial security to the industry and ensures the statutory role of the CLF to provide liquidity to credit unions experiencing unusual or unexpected shortfalls.

The conferees consider loans administered through the CLF necessary in situations when private sources are not available and when unanticipated events are the cause of liquidity drains. The conferees do not expect that loan sales or other business decisions that result in excessive demand for liquidity should be considered emergency events that warrant the use of CLF funds. To this end, the conferees direct the NCUA to develop written policies and procedures to clarify the role of the CLF and the circumstances when the CLF will approve a Regular or Agent Member's request for a CLF advance. This information is to be included in the budget request for fiscal year 2002. The conferees also direct the NCUA to report on the loans made by the CLF for short-term adjustment, seasonal, and protracted adjustment liquidity needs for each month from 1996 through December 2000. This report is to be submitted to the Committees by February 15, 2001. The conferees request that NCUA continue to provide this information on CLF loans on a monthly basis through September 2001.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $3,350,000,000 for research and related activities instead of $3,117,690,000 as proposed by the House and $3,245,562,000 as proposed by the Senate. Bill language provides up to $275,592,000 of this amount for Polar research and operations support.

The conferees have included bill language which specifies that $65,000,000 of appropriated funds are to be for a comprehensive research initiative on plant genomes for economically significant crops.

Finally, the conferees have agreed to bill language which: (1) prohibits funds spent in this or any other Act to acquire or lease a research vessel with ice-breaking capability built or retrofitted outside of the United States if such a vessel of United States origin can be obtained at a cost of not more than 50 per centum above the cost of the least expensive, technically acceptable, non-United States vessel; (2) requires that the amount of subsidy or financing provided by a foreign government, or instrumentality thereof, to a vessel's construction shall be included as part of the total cost of such vessel; and (3) provides that should a U.S. vessel as set forth in the foregoing language not be available for leasing for the austral summer Antarctic season of 2002–2003, and thereafter, a vessel of any origin can be leased for a period not to exceed 120 days of that season and every season thereafter until delivery of such a United States vessel occurs.

The conference agreement provides an increase of $384,000,000 above the fiscal year 2000 appropriated level for research and related activities. Within the appropriated level is $215,000,000 for the information technology initiative, $75,000,000 for the biocomplexity initiative, $65,000,000 for plant genome research for economically significant crops, $150,000,000 for the new nanotechnology initiative, $75,000,000 for major research instrumentation, $94,910,000 for facilities within the astronomical sciences activity, and $1,000,000 to begin design and model testing of a vessel to replace the R/V Alpha Helix.

The increase of $15,000,000 provided for astronomical sciences facilities is intended to upgrade specifically facilities and operations, including new construction and instrumentation as appropriate, for the Arecibo Observatory, the Green Bank Telescope, the Very Large Array, the Very Long Baseline Array, and other facilities in need of such attention on a priority basis. The Foundation is directed to provide the Committees on Appropriations of the House and Senate with a list of facilities and the specific needs of each, on a priority basis, within the Operating Plan submission and on a semi-yearly basis after that.

The conferees have provided $5,000,000 within the total for social and behavioral sciences to initiate a separately competed Children's Research Initiative (CRI). While the NSF does fund some research that provides a better understanding of children, a distinct program is needed if the recommendations of the 1997 National Science and Technology Council report are to be achieved. In fact, as the NSF anticipates potential budget growth in future years, the conferees expect the CRI to be a vital part of any planned program expansion. The NSF should employ its normal peer review process for determining grants for the CRI, and should award both principal investigator and no less than three center awards with this first-year funding.

Highest funding priority should be given to proposals from distinct human sciences units in institutions of higher education that have an interdisciplinary academic program in human and family development, nutrition, and related areas. Proposals should also be evaluated for their effectiveness in utilizing existing delivery systems for program outreach and evaluation to assess how the implementation of research findings can benefit the majority of all children in a given state or region. A strong emphasis should also be placed on pursuing theory-driven, applied policy-related research on children, learning, and the influence of families and communities on child development.

The conferees expect the Foundation to work with the human sciences community in the development of the proposed program guidelines for the CRI and to have awards made by June 2001. Finally, the conferees expect a detailed plan in the fiscal year 2002 budget submission on how the NSF intends to expand the CRI as a multi-year strategic initiative.

The Opportunity Fund has again, without prejudice, not been funded for fiscal year 2001.

Except as previously noted, the conferees expect that the remaining funds will be distributed proportionately and equitably, consistent with the ratio of the budget request level above the fiscal year 2000 funding level, among all of the remaining directorates. In the distribution of funds within each directorate, the NSF is directed to provide each program, project, and activity the same percentage of the overall budget as that provided in the budget request. The conferees request that such distribution be specifically noted in the fiscal year 2001 Operating Plan submission.

MAJOR RESEARCH EQUIPMENT

Appropriates $121,600,000 for major research equipment instead of $76,600,000 as proposed by the House and $109,100,000 as proposed by the Senate.

The conference agreement provides the budget request level for all ongoing projects within the MRE account, including $45,000,000 for the development and construction of a second, single site, five-plus teraflop computing facility. The conferees are encouraged by the recent progress made in the development of the first terascale facility and urge the Foundation to move as quickly as possible in soliciting proposals for the second facility. The conferees urge the Foundation to pay special attention to qualified proposals that will utilize newer generation processors and other equipment as well as exhibit appropriate cost-share benefits as part of a proposal.

The conferees expect the Foundation to provide regular, informal reports as to the progress of the entire terascale program, including updates on construction, acquisition, funding requirements, and other appropriate information associated with this important program.

The conference agreement also provides $12,500,000 to continue production of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER). This new high-altitude research aircraft will, upon its completion, be available to support critical and outstanding atmospheric science research opportunities over the next 25 to 30 years.

Budget constraints have forced the conferees to not approve funding for two new starts for fiscal year 2001 under major research equipment, the U.S. Array and San Andreas Fault Observatory at Depth, and the National Ecological Observatory Network. This decision was made without prejudice and does not reflect on the quality of research proposed to be developed through these two programs.

EDUCATION AND HUMAN RESOURCES

Appropriates $787,352,000 for education and human resources instead of $694,310,000 as proposed by the House and $765,352,000 as proposed by the Senate. Bill language is included which requires that from within available funds, $10,000,000 is for the Office of Innovation Partnerships.

Within this appropriated level, the conferees have provided $75,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR) to allow for renewed emphasis on research infrastructure development in the EPSCoR states, as well as to permit full implementation awards to states which have research proposals in the planning process. In addition, the conferees have provided $10,000,000 to fund the Office of Innovation Partnerships. This new office was created last year to, among other things, house the EPSCoR program, and should continue to examine means of helping those non-EPSCoR institutions receiving among the least federal research funding expand their research capacity and competitiveness so as to develop a truly national scientific research community with appropriate research centers located throughout the nation.

The conference agreement provides $15,000,000 for the HBCU-UP program, including $14,000,000 from the EHR account and $1,000,000 from the RRA account. The conferees have provided an increase of $10,000,000 above the budget request level for the Informal Science Education (ISE) program. This increase is intended to provide additional resources to expand the pool of ISE grantees to providers in smaller communities, thus ensuring that the impact of the ISE program reaches an even more diverse audience.

The conference agreement further provides $34,250,000 for Advanced Technological Education; $13,000,000 for the SMETE Digital Library; $19,750,000 for Graduate Teaching Fellowships in K–12 Education; $16,500,000 for programs designed for women and persons with disabilities; $55,200,000 for the Graduate Research Fellowships program; and the fiscal year 2001 budget requests for the Louis Stokes Alliance for Minority Participation program, the new Tribal Colleges program, the Minority Graduate Education program, the Centers of Research Excellence in Science and Technology program, and the Model Institutions for Excellence program.

Finally, the conferees have agreed to provide $11,200,000 for the new Scholarships for Service program.

Except as previously noted, the conferees expect that the remaining funds will be distributed proportionately and equitably, consistent with the ratio of the budget request level above the fiscal year 2000 funding level, among all of the remaining directorates. In the distribution of funds within each directorate, the NSF is directed to provide each program, project, and activity the same percentage of the overall budget as that provided in the budget request. The conferees request that such distribution be specifically noted in the fiscal year 2001 Operating Plan submission.

SALARIES AND EXPENSES

Appropriates $160,890,000 for salaries and expenses instead of $152,000,000 as proposed by the House and $170,890,000 as proposed by the Senate.

The conferees note that the increase of $3,000,000 above the budget request is for travel expenses that the budget submission proposed to fund from within the RRA and EHR accounts instead of from within salaries and expenses. Accordingly, the conferees direct the NSF to fund employee travel from within salaries and expenses, consistent with existing practice.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,280,000 for the Office of Inspector General as proposed by the Senate instead of $5,700,000 as proposed by the House. The conferees continue to expect the OIG to increase efforts in the areas of cost-sharing, indirect costs, and misconduct in scientific research. The conferees further direct the OIG to evaluate the Foundation's management of its growing program responsibilities.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

Appropriates $90,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House instead of $80,000,000 as proposed by the Senate.

Includes language proposed by the House allowing $5,000,000 of the total appropriation to be used for a section 8 homeownership program. The Senate did not include a similar provision.

Includes new language making $2,500,000 available for the purpose of endowing a "George Knight Scholarship Fund." The conferees would like to recognize the retirement of George Knight, executive director of Neighborhood Reinvestment Corporation since 1990. Mr. Knight has dedicated more than 24 years of service to the Corporation and its predecessor organization, the Urban Reinvestment Task Force. To acknowledge Mr. Knight's dedication to America's communities, the conferees are designating a set-aside of $2,500,000 to establish a scholarship fund in his honor for the Neighborhood Reinvestment Training Institute. This fund will allow hundreds of local leaders, community developers and residents to have access to high-quality training, which will help them acquire the expertise to improve their communities.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $24,480,000 for salaries and expenses as proposed by the Senate instead of $23,000,000 as proposed by the House.

Retains language proposed by the Senate providing a one-year exemption from 31 U.S.C. 1341 if the President deems the exemption necessary in the interest of national defense.

TITLE IV—GENERAL PROVISIONS

Inserts language proposed by the Senate permitting EPA appropriations to be used for comprehensive conservation and management plans.

Retains language proposed by the House amending the National Aeronautics and Space Act of 1958 to implement full cost accounting, allow the transfer of administrative funds and allow the transfer of balances from old accounts to new accounts. The Senate deleted the House language, but included language implementing full cost accounting in a new account structure and limiting the transfer of funds. The Senate had also proposed a requirement for notification if program costs increase by 15 percent.

Inserts language proposed by the Senate defining a qualified student loan.

Retains language proposed by the House prohibiting HUD from using funds for any activity in excess of amounts set forth in the budget estimates to the Congress. The Senate included similar language referencing the budget estimates submitted for appropriations, not the Congress.

Deletes language proposed by the Senate prohibiting the use of funds to carry out Executive Order 13083.

Inserts language proposed by the House and stricken by the Senate prohibiting the EPA's expenditure of funds to promulgate a final regulation to implement changes in the payment of pesticide tolerance fees for fiscal year 2001. This issue is addressed under the Environmental Protection Agency elsewhere in this joint explanatory statement of the managers.

Deletes language proposed by the House and stricken by the Senate directing the General Services Administration (GSA) to allocate one of its Senior Executive Service positions for Director, Federal Consumer Information Center. The conferees recognize the GSA has already taken action on this issue.

Deletes language proposed by the House and stricken by the Senate restricting the use of funds for joint NASA—Air Force research programs.

Modifies language proposed by the House and stricken by the Senate prohibiting the use of funds for the designation of any area as an ozone nonattainment area. The conferees agree to limit the prohibition until the Supreme Court rules on this issue or June 15, 2001, whichever comes first.

Deletes language proposed by the House and stricken by the Senate prohibiting the use of funds for administration of the Communities for Safer Guns Coalition.

Inserts language proposed by the Senate prohibiting the use of funds for the purpose of lobbying or litigating against any Federal entity or official, with certain exceptions.

Inserts language proposed by the Senate prohibiting the use of funds for any activity or publication or distribution of literature that is designed to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

Inserts language encouraging the use of E-Commerce as a cost effective and efficient method of purchasing needed products in a timely, paperless manner from qualified vendors. In addition, the conferees encourage open, non-proprietary, Internet access to conduct E-Commerce as the use of proprietary software in services can diminish the net value of E-Commerce and limit choices by the customer. The conferees note that the use of E-Commerce is in harmony with the goals of the Federal Acquisition and Streamlining Act of 1994 and will enhance government purchasing efficiency.

Retains language proposed by the House and stricken by the Senate requiring HUD to provide detailed descriptions of how funds identified for technical assistance, training, or management in the budget justifications will be utilized.

Inserts language amending the National Aeronautics and Space Act of 1958 to allow for insurance, indemnification, and liability protection for experimental aerospace vehicle developers through December 31, 2001.

Inserts language extending for two years and modifying NASA employee buyout authority.

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

The conference agreement bill includes a new title that provides more equitable veterans benefits for certain Filipino Army veterans who served with the U.S. Armed Forces and under the U.S. Command during World War II. Under current law these veterans are entitled to compensation from the VA but at a lower level than other veterans and medical care only for service-connected conditions. The changes covered by this amendment include equal disability payments and health care services for those covered veterans who live permanently and legally in the United States, and expanded outpatient healthcare at the Manila VA Outpatient Clinic for these covered veterans who live in the Philippines.

During WW II the Philippines was a Commonwealth of the United States and members of the Commonwealth Army and the New Philippine Scouts were called into service with the U.S. Armed Forces at the order of President Roosevelt. The bravery, sacrifice and commitment of these soldiers to the cause of winning the war are legendary. In 1946, Congress provided $200,000,000 to the Philippines to create their own veterans benefit system and passed the Rescissions Act of 1946 which authorized disability pay at a rate for Filipino veterans significantly below that paid to American veterans, except to the Old Philippine Scouts, who to date receive compensation and medical benefits equal to U.S. veterans. The language added by this title restores a portion of these benefits to the small number of these veterans who live in the U.S. The changes include:

Increasing the disability benefits compensation paid to such veterans who live legally and permanently in the United States to full parity with benefits paid to other entitled veterans. Currently these benefits are paid at a 50 percent level. This affects only the level of benefits paid. No new eligibility is established under this section.

Filipino veterans who already receive medical care at VA facilities for service-connected conditions are made eligible for full medical and related care at medical care facilities on the same basis as other U.S. veterans. Currently these veterans are only eligible for care for treatment of service-connected problems.

Veterans living in the Philippines who already receive medical care at a VA facility for service-connected conditions are made eligible for full medical care at the VA outpatient facility in the Philippines.

The conferees believe that recognizing the service of these loyal veterans through enactment of a more equitable benefit structure is long overdue. Because of the advanced age of this small population, enacting legislation has been given special consideration in this conference agreement.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$99,736,845
Budget estimates of new (obligational) authority fiscal year 2001	109,783,099
House bill, fiscal year 2001	103,101,836
Senate bill, fiscal year 2001	107,507,953
Conference agreement, fiscal year 2001	107,341,317
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+7,604,472
Budget estimates of new (obligational) authority, fiscal year 2001	−2,441,782

House bill, fiscal year 2001	+4,239,481
Senate bill, fiscal year 2001	−166,636

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5482, as introduced on October 18, 2000.

The conferees on H.R. 4635 agree with the matter included in H.R. 5482 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by the conferees on the differences in the House and Senate versions of H.R. 4635. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4635. References to the Senate bill or Senate reported bill mean the Senate reported version of H.R. 4635, not the Senate passed version of H.R. 4635, unless otherwise stated.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5483 as introduced on October 18, 2000. The text of that bill follows:

A BILL Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $160,038,000, to remain available until expended: Provided, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army is directed to use $750,000 of the funds appropriated herein to continue preconstruction engineering and design for the Murrieta Creek, California flood protection and environmental restoration project in accordance with Alternative 6, based on the Murrieta Creek feasibility report and environmental impact statement dated June 2000 at a total cost of $90,866,000, with an estimated Federal cost of $59,063,900 and an estimated non-Federal cost of $31,803,100.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,717,199,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Elba, Alabama, $8,400,000;

Geneva, Alabama, $10,800,000;

San Gabriel Basin Groundwater Restoration, California, $25,000,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Indianapolis Central Waterfront, Indiana, $10,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, Middlesboro, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $20,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with planning, engineering, design and construction of the Town of Martin, Kentucky, element, in accordance with Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander;

Jackson County, Mississippi, $2,000,000;

Bosque and Leon Rivers, Texas, $4,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,100,000:

Provided further, That using $900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Bowie County Levee project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II of the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed hereafter to use available Construction, General funds in addition to funding provided in Public Law 104–206 to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana at an estimated cost of $6,000,000: Provided further, That section 101(b)(4) of the Water Resources Development Act of 1996, is amended by striking "total cost of $8,600,000" and inserting in lieu thereof "total cost of $15,000,000": Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein for additional emergency bank stabilization measures at Galena, Alaska under the same terms and conditions as previous emergency bank stabilization work undertaken at Galena, Alaska pursuant to Section 116 of Public Law 99–190: Provided further, That with $4,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $300,000 of funds appropriated herein to reimburse the City of Renton, Washington, at full Federal expense, for mitigation expenses incurred for the flood control project constructed pursuant to 33 U.S.C. 701s at Cedar River, City of Renton, Washington, as a result of overdredging by the Army Corps of Engineers: Provided further, That $2,000,000 of the funds appropriated herein shall be available for stabilization and renovation of Lock and Dam 10, Kentucky River, Kentucky, subject to enactment of authorization by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein to initiate construction of a navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army is directed to use $2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to design and construct seepage control features at Waterbury Dam, Winooski River, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct barge lanes at the Houston-Galveston Navigation Channels, Texas, project, immediately adjacent to either side of the Houston Ship Channel, from Bolivar Roads to Morgan Point, to a depth of 12 feet with prior years' Construction, General carry-over funds: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake: Provided further, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $347,731,000, to remain available until expended: Provided, That the Secretary of the Army is directed to complete his analysis and determination of Federal maintenance of the Greenville Inner Harbor, Mississippi navigation project in accordance with section 509 of the Water Resources Development Act of 1996.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,901,959,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That the Secretary of the Army, acting through the Chief of Engineers, from the funds provided herein for the operation and maintenance of New York Harbor, New York, is directed to prepare the necessary documentation and initiate removal of submerged obstructions and debris in the area previously marked by the Ambrose Light Tower in the interest of safe navigation: Provided further, That the Secretary of the Army is directed to use $500,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: Provided further, That $500,000 of the funds appropriated herein for the Ohio River Open Channel, Illinois, Kentucky, Indiana, Ohio, West Virginia, and Pennsylvania, project, are provided for the Secretary of the Army, acting through the Chief of Engineers, to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

Regulatory Program

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $125,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to: (1) by March 1, 2001, supplement the report, Cost Analysis For the 1999 Proposal to Issue and Modify Nationwide Permits, to reflect the Nationwide Permits actually issued on March 9, 2000, including changes in the acreage limits, preconstruction notification requirements and general conditions between the rule proposed on July 21, 1999, and the rule promulgated and published in the Federal Register; (2) after consideration of the cost analysis for the 1999 proposal to issue and modify nationwide permits and the supplement prepared pursuant to this Act and by September 30, 2001, prepare, submit to Congress and publish in the Federal Register a Permit Processing Management Plan by which the Corps of Engineers will handle the additional work associated with all projected increases in the number of individual permit applications and preconstruction notifications related to the new and replacement permits and general conditions. The Permit Processing Management Plan shall include specific objective goals and criteria by which the Corps of Engineers' progress towards reducing any permit backlog can be measured; (3) beginning on December 31, 2001, and on a biannual basis thereafter, report to Congress and publish in the Federal Register, an analysis of the performance of its program as measured against the criteria set out in the Permit Processing Management Plan; (4) implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineer's Regulatory Program website all Regulatory Analysis and Management Systems (RAMS) data for the South Pacific Division and North Atlantic Division beginning within 30 days of the enactment of this Act; and (5) publish in Division Office websites all findings, rulings, and decisions rendered under the administrative appeals process for the Corps of Engineers Regulatory Program as established in Public Law 106–60: Provided further, That, through the period ending on September 30, 2003, the Corps of Engineers shall allow any appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process: Provided further, That within 30 days of the enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall require all U.S. Army Corps of Engineers Divisions and Districts to record the date on which a section 404 individual permit application or nationwide permit notification is filed with the Corps of Engineers: Provided further, That the Corps of Engineers, when reporting permit processing times, shall track both the date a permit application is first received and the date the application is considered complete, as well as the reason that the application is not considered complete upon first submission.

Formerly Utilized Sites Remedial Action Program

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center; and headquarters support functions at the USACE Finance Center, $152,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

Revolving Fund

Amounts in the Revolving Fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters building in Washington, D.C.

Administrative Provisions

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

Corps of Engineers—Civil

SEC. 101. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all of its financial responsibilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.

(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of $4,290,000 in two installments, one in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003.

(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

SEC. 104. ST. GEORGES BRIDGE, DELAWARE.—None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 105. Within available funds under title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska which collapsed July 2000, to provide drinking water and hydroelectricity.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,724,000, to remain available until expended, of which $19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $678,450,000, to remain available until expended, of which $1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and $39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $16,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2000, and 2001" in lieu of "and 2000": Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, Public Law 105–245, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices): Provided further, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by Section 5 of Public Law 81–864, is increased by $2,805,000: Provided further, That the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows: (1) by inserting in Section 4(c) after "1984," and before "costs" the following: "and the additional $95,000,000 further authorized to be appropriated by amendments to that Act in 2000,"; (2) by inserting in section 5 after "levels)," and before "plus" the following: "and, effective October 1, 2000, not to exceed an additional $95,000,000 (October 1, 2000, price levels),"; and (3) by striking "sixty days (which" and all that follows through "day certain)" and inserting "30 calendar days".

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $38,382,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $50,224,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. Beginning in fiscal year 2001 and thereafter, the Secretary of the Interior shall assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of $540,000 (June 2000 price levels) and remit, without further appropriation, the amount collected annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70 percent by CVP Preference Power Customers and 30 percent by CVP Water Contractors. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance ratesetting practices. The CVP Power Contractor share of this assessment shall be assessed by Reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power ratesetting practices.

SEC. 204. (a) IN GENERAL.—For fiscal year 2001 and each fiscal year thereafter, the Secretary of the Interior shall continue funding, from power revenues, the activities of the Glen Canyon Dam Adaptive Management Program as authorized by section 1807 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), at not more than $7,850,000 (October 2000 price level), adjusted in subsequent years to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) VOLUNTARY CONTRIBUTIONS.—Nothing in this section precludes the use of voluntary financial contributions (except power revenues) to the Adaptive Management Program that may be authorized by law.

(c) ACTIVITIES TO BE FUNDED.—The activities to be funded as provided under subsection (a) include activities required to meet the requirements of section 1802(a) and subsections (a) and (b) of section 1805 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), including the requirements of the Biological Opinion on the Operation of Glen Canyon Dam and activities required by the Programmatic Agreement on Cultural and Historic Properties, to the extent

that the requirements and activities are consistent with the Grand Canyon Protection Act of 1992 (106 Stat. 4672).

(d) ADDITIONAL FUNDING.—To the extent that funding under subsection (a) is insufficient to pay the costs of the monitoring and research and other activities of the Glen Canyon Dam Adaptive Management Program, the Secretary of the Interior may use funding from other sources, including funds appropriated for that purpose. All such appropriated funds shall be nonreimbursable and nonreturnable.

SEC. 205. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).

SEC. 206. CANYON FERRY RESERVOIR, MONTANA. (a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–713; 113 Stat. 1501A–307) is amended—

(1) in clause (i), by striking "be based on" and inserting "use";

(2) in clause (vi), by striking "Notwithstanding any other provision of law," and inserting "To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,"; and

(3) by adding at the end the following:

"(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.".

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–714; 113 Stat. 1501A–308) is amended by inserting after "Act," the following: "in accordance with all applicable law,".

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–717; 113 Stat. 1501A–310) is amended by striking paragraph (4).

SEC. 207. Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

SEC. 208. USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NONPROJECT WATER.—The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

SEC. 209. AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998.—(a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Public Law 105–293, is amended by striking the date "December 31, 2000", and inserting in lieu thereof the date "December 31, 2003"; and

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Public Law 105–293, is amended by—

(1) striking the phrase "not to go beyond December 31, 2001", and inserting in lieu thereof the phrase "not to go beyond December 31, 2003"; and

(2) striking the phrase "terminates prior to December 31, 2000", and inserting in lieu thereof "terminates prior to December 31, 2003".

SEC. 210. Section 202 of division B, title I, chapter 2 of Public Law 106–246 is amended by adding at the end the following: "This section shall be effective through September 30, 2001.".

SEC. 211. (a) Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675; 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

"(f) REQUIREMENTS TO FURNISH WATER, POWER CAPACITY, AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

"(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

"(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminous exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize Federal project use power provided in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E 'Project Use Power' of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).".

(b) Title II of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675; 102 Stat. 4000 et seq.) is amended by adding at the end the following new section:

"SEC. 210. ANNUAL REPAYMENT INSTALLMENTS.

"During the period of planning, design, and construction of the works and during the period that the Indian Water Authority and the local entities receive up to 16,000 acre-feet of the water conserved by the works, the annual repayment installments provided in section 102(b) of the Colorado River Basin Salinity Control Act (Public Law 93–320; 88 Stat. 268) shall continue to be non-reimbursable. Nothing in this section shall affect the national obligation set forth in section 101(c) of such Act.".

SEC. 212. (a) DEFINITIONS.—For the purpose of this section, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.

(b) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(c) SALE PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14–06–200–949IR3, and $9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102–575 through year 2029.

(d) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

(e) FUTURE BENEFITS.—Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

(f) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

(g) COSTS.—All costs, including interest charges, associated with the Project that have been included as a reimbursable cost of the Central Valley Project are declared to be nonreimbursable and nonreturnable.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of *plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $660,574,000 to remain available until expended: Provided, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002, for the purposes of Nuclear Energy, Science and Technology activities.*

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $277,812,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $393,367,000, of which $345,038,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended: Provided, That $72,900,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, $3,186,352,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $191,074,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $226,107,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $151,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $75,107,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), $5,015,186,000, to remain available until expended: Provided, That, $130,000,000 shall be immediately available for Project 96–D–111, the National Ignition Facility at Lawrence Livermore National Laboratory: Provided further, That $69,100,000 shall be available only upon a certification by the Administrator of the National Nuclear Security Administration to the Congress after March 31, 2001, that: (a) includes a recommendation on an appropriate path forward for the project; (b) certifies all established project and scientific milestones have been met on schedule and on cost; (c) certifies the first and second quarter project reviews in fiscal year 2001 determined the project to be on schedule and cost; (d) includes a study of requirements for and alternatives to a 192 beam ignition facility for maintaining the safety and reliability of the current nuclear weapons stockpile; (e) certifies an integrated cost-schedule earned-value project control system has been fully implemented; and (f) includes a 5-year budget plan for the stockpile stewardship program.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $874,196,000, to remain available until expended: Provided, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $690,163,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $5,000), $10,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, $4,974,476,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,082,714,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $65,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $585,755,000, to remain available until expended, of which $17,000,000 shall be for the Department of Energy Employees Compensation Initiative upon enactment of authorization legislation into law.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2001, no new direct loan obligations may be made. Section 511 of the Energy and Water Development Appropriations Act, 1997 (Public Law 104–206), is amended by striking the last sentence and inserting "This authority shall expire January 1, 2003.".

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $34,463,000; for fiscal year 2002, up to $26,463,000; for fiscal year 2003, up to $20,000,000; and for fiscal year 2004, up to $15,000,000.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended: Provided, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $288,000; for fiscal year 2002, up to $288,000; for fiscal year 2003, up to $288,000; and for fiscal year 2004, up to $288,000.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $165,830,000, to remain available until expended, of which $154,616,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,950,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $65,224,000; for fiscal year 2002, up to $33,500,000; for fiscal year 2003, up to $30,000,000; and for fiscal year 2004, up to $20,000,000.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $175,200,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $0.

RESCISSIONS

DEFENSE NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds appropriated in Public Law 104–46 for interim storage of nuclear waste, $75,000,000 are transferred to this heading and are hereby rescinded.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

Of the funds appropriated in Public Law 106–60 and prior Energy and Water Development Acts for the Tank Waste Remediation System at Richland, Washington, $97,000,000 of unexpended balances of prior appropriations are rescinded.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. (a) Of the funds appropriated by this title to the Department of Energy, not more than $185,000,000 shall be available for reimbursement of management and operating contractor travel expenses, of which $10,000,000 is available for use by the Chief Financial Officer of the Department of Energy for emergency travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program.

SEC. 308. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 311. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 312. Not more than $10,000,000 of funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal in Public Law 104–46, the Energy and Water Development Appropriations Act, 1996, may be made available to the Department of Energy upon written certification by the Secretary of Energy to the House and Senate Committees on Appropriations that the Site Recommendation Report cannot be completed on time without additional funding.

SEC. 313. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the first person appointed to that position shall be 3 years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954).

SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHORITY.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2401 et seq.) is amended by adding at the end the following new section:

"SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF ADMINISTRATION.

"Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 3291.".

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking "The Secretary" and inserting "(a) Subject to subsection (b), the Secretary"; and

(2) by adding at the end the following new subsection:

"(b) The authority of the Secretary to establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the National Nuclear Security Administration is governed by the provisions of section 3219 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65).".

SEC. 315. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Subtitle C of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

"SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE ADMINISTRATION.

"(a) Except as otherwise expressly provided by statute, no funds authorized to be appropriated or otherwise made available for the Department of Energy may be obligated or utilized to pay the basic pay of an officer or employee of the Department of Energy who—

"(1) serves concurrently in a position in the Administration and a position outside the Administration; or

"(2) performs concurrently the duties of a position in the Administration and the duties of a position outside the Administration.

"(b) The provision of this section shall take effect 60 days after the date of enactment of this section.".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to establish the Delta Regional Authority and to carry out its activities, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $30,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $481,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $21,600,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $447,958,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $33,942,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,390,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $110,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,900,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

FISCAL YEAR 2001 EMERGENCY APPROPRIATIONS

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, $203,460,000, to remain available until expended, of which $2,000,000 shall be made available to *the United States Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico: Provided, That the entire amount shall be available only to the extent an official budget request for $203,460,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For necessary expenses to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for $11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VI

GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 605. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "2000" and inserting "2009".

SEC. 606. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT. (a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation Commission", established by article III of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 933), is redesignated as the "Interstate Environmental Commission".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation District", established by article II of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 932), is redesignated as the "Interstate Environmental District".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

TITLE VII

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

TITLE VIII

NUCLEAR REGULATORY COMMISSION

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 20, 2005"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or certificate holder" after "licensee"; and

(B) by striking paragraph (2) and inserting the following:

"(2) AGGREGATE AMOUNT OF CHARGES.—

"(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

"(i) amounts collected under subsection (b) during the fiscal year; and

"(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

"(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

"(i) 98 percent for fiscal year 2001;

"(ii) 96 percent for fiscal year 2002;

"(iii) 94 percent for fiscal year 2003;

"(iv) 92 percent for fiscal year 2004; and

"(v) 90 percent for fiscal year 2005.".

This Act may be cited as the "Energy and Water Development Appropriations Act, 2001".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Following is explanatory language on H.R. 5483, as introduced on October 18, 2000.

The conferees on H.R. 4635 agree with the matter included in H.R. 5483 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by subcommittee members of the Energy and Water Development Subcommittees of the House and Senate on the differences in H.R. 4733, a bill that was vetoed. That vetoed bill has been modified and is included in this conference report. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4733. References to the Senate bill mean the Senate passed version of H.R. 4733, not the Senate passed version of H.R. 4635, unless otherwise stated.

The language and allocations set forth in House Report 106–693 and Senate Report 106–395 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the statement of the managers, and Senate report language which is not contradicted by the report of the House or the statement of the managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates $160,038,000 for General Investigations instead of $153,327,000 as proposed by the House and $139,219,000 as proposed by the Senate.

Within available funds, $50,000 is provided for erosion control studies in the Harding Lake watershed in Alaska. The conference agreement deletes the bill language proposed by the Senate for this project.

The conference agreement does not include funds proposed by the House in this account for the Hamilton Airfield Wetlands Restoration project in California and the Ohio River Greenway project in Indiana. Funding for these projects is included in the Construction, General account. The conference agreement does not include funds in this account for the White River, Muncie, Indiana, project. Funding for this project has been included within the amount provided for the Section 1135 program.

The conference agreement includes $150,000 for the Corps of Engineers to undertake studies of potential navigational improvements, shoreline protection, and breakwater protection at the ports of Rota and Tinian in the Commonwealth of the Northern Mariana Islands.

The conferees have provided $200,000 for the Corps of Engineers to initiate and complete a comprehensive water management reconnaissance study for ecosystem restoration and related purposes in the St. Clair River and Lake St. Clair watersheds in Michigan pursuant to section 426 of the Water Resources Development Act of 1999.

Within the amount provided for Research and Development, $200,000 is provided for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency Federal laboratory in Lafayette, Louisiana. The conference agreement does not include bill language proposed by the Senate for this work. The conferees also urge the Corps of Engineers to use available Research and Development funds for a review of innovative dredging technologies for potential implementation in the Peoria Lakes, Illinois, area.

The conference agreement includes language proposed by the House and the Senate which provides that in conducting the Southwest Valley Flood Damage Reduction, Albuquerque, New Mexico, study, the Corps of Engineers shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

The conferees have agreed to include language in the bill which directs the Corps of Engineers to use $750,000 to continue preconstruction engineering and design of the Murrieta Creek, California, flood control project in accordance with Alternative 6, as identified in the Murrieta Creek Feasibility Report and Environmental Impact Statement dated June 2000.

The conference agreement deletes bill language proposed by the Senate providing funds for the John Glenn Great Lakes Basin Program, the Detroit River, Michigan, project, and the Niobrara River and Missouri River, South Dakota, project. Funds for these projects have been included in the overall amount provided for General Investigations.

The conference agreement does not include language proposed by the Senate providing funds for the selection of a permanent disposal site for environmentally sound dredged material from navigation projects in the State of Rhode Island. Funds for this work have been provided within the amount appropriated for Operation and Maintenance, General.

Within the amount provided for Flood Plain Management Services, the conference agreement includes $250,000 for the Corps of Engineers to undertake a study of drainage problems in the Winchester, Kentucky, area. In addition, the conferees urge the Corps of Engineers to complete a report on flood control problems on Negro Creek at Sprague, Washington.

Within the amount provided for Planning Assistance to States, the conference agreement includes $100,000 for the Corps of Engineers to update the daily flow model for the Delaware River Basin.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,717,199,000 for Construction, General instead of $1,378,430,000 as proposed by the House and $1,361,449,000 as proposed by the Senate. The amount recommended by the conferees for the Corps of Engineers construction program represents a significant increase over the budget request and the amount appropriated in fiscal year 2000. However, the conferees note that the budget request grossly underfunds many ongoing construction projects, and its enactment would result in increased project costs, major delays in the completion of projects and loss of project benefits. The conferees also note that the Corps of Engineers, through the use of unobligated balances, expects its fiscal year 2000 construction expenditures to be approximately $1,600,000,000.

The conferees note that the Lake Worth Inlet, Florida, sand transfer plant project is behind schedule and expect the Corps of Engineers to proceed with the project as expeditiously as possible.

Within the amount provided for the West Virginia and Pennsylvania Flood Control Project, $1,000,000 is provided for the following projects within the State of Pennsylvania: Bloody Run/Everett Borough ($25,000); Shoups Run/Carbon Township ($150,500); Six Mile Run/Coaldale ($125,000); Black Log Creek/Boroughs of Orbisonia and Rockhill Furnace ($127,000); Newton Hamilton Borough ($465,500); and Coal Bank Run/Coalmont Borough ($107,000).

The conference agreement includes $150,000 for the Southeastern Pennsylvania project for the Corps of Engineers to prepare a decision document to determine the Federal interest in and the scope of the problems in the Logan and Feltonville sections of Philadelphia, Pennsylvania.

The conferees direct the Corps of Engineers to use $500,000 to initiate the Hillsboro Inlet, Florida, project in accordance with the Jacksonville District's General Reevaluation Report for the project dated May 2000.

The conference agreement includes $4,000,000 for the Corps of Engineers to undertake water related infrastructure projects in northeastern Pennsylvania as authorized by section 502(f)(11) of the Water Resources Development Act of 1999.

The conference agreement includes $500,000 for the Corps of Engineers to undertake water related infrastructure projects in Avis Borough and Renovo Borough, Clinton County, Pennsylvania.

The conference agreement includes $1,000,000 for sanitary sewer and water and wastewater infrastructure projects in Towanencin Township, Pennsylvania, as authorized by section 502(f)(8) of the Water Resources Development Act of 1999; $3,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri, as authorized by section 502(f)(32) of the Water Resources Development Act of 1999; and $300,000 for water related infrastructure projects in Lake and Porter Counties, Indiana, as authorized by section 502(f)(12) of the Water Resources Development Act of 1999. In addition, the conference agreement includes $2,500,000 to carry out environmental infrastructure projects in northeastern Minnesota as authorized by section 569 of the Water Resources Development Act of 1999.

The conference agreement includes $25,000,000 for the Corps of Engineers to design, construct, and operate water quality projects in the San Gabriel Basin of California; and $4,000,000 for the Corps of Engineers, in coordination with other Federal agencies and the Brazos River Authority, to participate in investigations and projects in the Bosque and Leon Watersheds in Texas to assess the impact of the perchlorate associated with the former Naval Weapons Industrial Reserve Plant at McGregor, Texas.

The conference agreement includes $300,000 for the Corps of Engineers to continue the environmental restoration pilot project at Dog River, Alabama.

The conference agreement includes $1,500,000 for a project to eliminate or control combined sewer overflows in the City of Lebanon, New Hampshire, as authorized by section 502(f)(37) of the Water Resources Development Act of 1999; $1,500,000 for environmental infrastructure projects in Ohio authorized in section 594 of the Water Resources Development Act of 1999; and $3,000,000 for environmental infrastructure projects in central New Mexico authorized in section 593 of the Water Resources Development Act of 1999.

The conference agreement includes a total of $37,100,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. In addition to the amounts included in the budget request, the conference agreement includes: $4,000,000 for the Clover Fork, Kentucky, element of the project; $4,800,000 for the Middlesboro, Kentucky, element of the project; $1,000,000 for the City of Cumberland, Kentucky, element of the project; $700,000 for the Town of Martin, Kentucky, element of the project; $4,200,000 for the Pike County, Kentucky, element of the project, including $1,400,000 for additional studies along the tributaries of the Tug Fork and the initiation of a Detailed Project Report for the Levisa Fork; $3,500,000 for the Martin County, Kentucky, element of the project; $1,200,000 for additional studies along the tributaries of the Cumberland River in Bell County, Kentucky; $800,000 to continue the detailed project report for the Buchanan County, Virginia, element of the project; $700,000 to continue the detailed project report for the Dickenson County, Virginia, element of the project; $1,500,000 for the Upper

Mingo County, West Virginia, element of the project; $1,600,000 for the Kermit, Lower Mingo County (Kermit), West Virginia, element of the project; $400,000 for the Wayne County, West Virginia, element of the project; and $600,000 for the McDowell County, West Virginia, element of the project.

The conference agreement includes $7,000,000 for the Dam Safety and Seepage Stability Correction Program. Of the amount provided, $1,000,000 is for repairs to the Mississinewa Lake, Indiana, project, and up to $2,000,000 is for the Waterbury Dam, Vermont, project.

Within the funds provided for the Missouri River Levee System project, $227,000 is provided for the Unit L15 levee, the same as the budget request. With these funds, the conferees expect the Corps of Engineers to complete engineering and design, negotiate a Project Cooperation Agreement, and initiate construction of the project.

The conference agreement includes $4,000,000 for the Rural Nevada project authorized by section 595 of the Water Resources Development Act of 1999. Of the amount provided, $1,500,000 is for the Lawton-Verdi, Nevada, sewer inceptor project; $1,000,000 is for the Mesquite, Nevada, project; and $1,500,000 for the Silver Springs, Nevada, sanitary sewer project.

The conferees direct the Corps of Engineers to undertake the projects listed in the House and Senate reports and the projects described below for the various continuing authorities programs. The recommended funding levels for those programs are as follows: Section 206—$19,000,000; Section 204—$4,000,000; Section 14—$9,000,000; Section 205—$35,000,000; Section 111—$300,000; Section 107—$11,000,000; Section 1135—$21,000,000; Section 103—$2,500,000; and Section 208—$600,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the conferees' intent that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program within available funds.

Of the amount provided for the Section 14 program, $580,000 is to initiate and complete the planning and design analysis phase, execute a project cooperation agreement, and initiate and complete construction for the Rouge River, Southfield, Michigan, project.

Of the amount provided for the Section 111 program, $300,000 is to prepare a shoreline stabilization study and plans and specifications, and award a construction contract for the Virginia Key, Florida, project.

Of the amount provided for the Section 205 program, $100,000 is to undertake the Columbus, New Mexico, project; and $200,000 is to undertake the Battle Mountain, Nevada, project. The conference agreement deletes the bill language proposed by the Senate for the Hay Creek project. In addition, for the McKeel Brook, Dover and Rockaway Townships, New Jersey, project, the funds provided are to be used to complete plans and specifications and initiate construction of the Morris County plan.

Of the amount provided for the Section 1135 program, $100,000 is to initiate the upland environmental restoration study for the Virginia Key, Florida, project; $300,000 is to prepare an environmental restoration report and prepare a project cooperation agreement for the White River, Muncie, Indiana, project; $250,000 is to initiate and complete a preliminary restoration plan and a feasibility report for the Sand Creek, Newton, Kansas, project; and $200,000 is to initiate the ecosystem restoration report for the Lake Champlain Watershed, Vermont, project. In addition, the Corps of Engineers is directed to proceed with the most cost effective solution to the water quality degradation and related environmental and public impacts associated with the western jetty at the mouth of the Genessee River at Rochester, New York.

Of the amount provided for the Section 107 program, $810,000 is for construction of the Pemiscot Harbor, Missouri, project; $3,000,000 is for construction of the Ouzinkie Harbor, Alaska, project; and $500,000 is to initiate construction of the South Basin Inner Harbor, Buffalo, New York, project.

The amount provided for the Section 206 program does not include funds for the Upper Truckee River project. Funds for this project are included in the Bureau of Reclamation's Wetlands Development Program. The amount provided for the Section 206 program includes $500,000 for the Hay Creek, Roseau County, Minnesota, project. The conference agreement deletes the bill language proposed by the Senate for the Hay Creek project.

The conference agreement includes $4,000,000 for the Aquatic Plant Control program. Within the amount provided, $400,000 is for aquatic weed control in Lake Champlain, Vermont, $250,000 is for aquatic plant control within the State of South Carolina, and $100,000 is for the control and tracking of aquatic plants in the Potomac River in Virginia and Maryland.

The conferees have included language in the bill earmarking funds for the following projects in the amount specified: Elba, Alabama, $8,400,000; Geneva, Alabama, $10,800,000; San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000; San Gabriel Basin Groundwater Restoration, California, $25,000,000; Indianapolis Central Waterfront, Indiana, $10,000,000; Southern and Eastern Kentucky, Kentucky, $4,000,000; Clover Fork, Middlesboro, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $20,000,000; Jackson County, Mississippi, $2,000,000; Bosque and Leon Rivers, Texas, $4,000,000; Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $4,100,000.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to proceed with the Town of Martin element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in accordance with a Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to use $900,000 to undertake the Bowie County Levee project in Texas, which is defined as Alternative B Local Sponsor Option in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, project Design Memorandum No. 1, Bowie County Levee, dated April 1997.

The conference agreement includes language proposed by the Senate which provides that none of the funds appropriated in the Act may be used to begin Phase II of the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use available Construction, General, funds to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana, at an estimated cost of $6,000,000.

The conference agreement includes language proposed by the Senate which increases the authorization for the Norco Bluffs, California, project.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use $3,000,000 of the funds appropriated in the Act for additional emergency bank stabilization measures at Galena, Alaska, under the same terms and conditions as previously undertaken emergency bank stabilization work.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to use $4,200,000 appropriated in the Act to continue construction of the Ocean Isle Beach segment of the Brunswick County Beaches, North Carolina, project in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use $300,000 of the funds appropriated in the Act to reimburse the City of Renton, Washington, for mitigation expenses incurred for the flood control project constructed on the Cedar River at Renton as a result of over-dredging by the Corps of Engineers.

The conference agreement includes language proposed by the Senate subjecting the expenditure of previously appropriated funds for the Devils Lake, North Dakota, project to a number of conditions.

The conference agreement includes language which provides that $2,000,000 shall be available for stabilization and renovation of Lock and Dam 10 on the Kentucky River, subject to the enactment of authorization for the project.

The conference agreement includes language which directs the Corps of Engineers to use $3,000,000 to initiate construction of a navigation project at Kaumalapau Harbor, Hawaii. The project will consist of a 350-foot long breakwater and a channel depth of 19 feet.

The conference agreement includes language which directs the Corps of Engineers to design and construct seepage control features at Waterbury Dam, Winooski River, Vermont. The Dam Safety and Seepage Correction Program includes up to $2,000,000 to initiate this work. The proposed corrective actions will restore the structural integrity of the dam and reduce the chances of potential failure.

The conference agreement includes language which directs the Corps of Engineers to design and construct barge lanes at the Houston-Galveston Navigation Channels, Texas, project.

The conference agreement includes language which directs the Corps of Engineers to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $347,731,000 for Flood Control, Mississippi River and Tributaries instead of $323,350,000 as proposed by the House and $334,450,000 as proposed by the Senate.

The conference agreement includes $900,000 for the Southeast Arkansas feasibility study. The House had proposed to fund this study in the General Investigations account.

The conference agreement includes language proposed by the Senate which directs the Secretary of the Army to complete the analysis and determination regarding Federal maintenance of the Greenville Inner Harbor, Mississippi, navigation project in accordance with section 509 of the Water Resources Development Act of 1996.

The conference agreement includes $375,000 for construction of the Yazoo Basin Tributaries project and $47,000,000 for continuing construction of Mississippi River levees. The conference agreement deletes bill language proposed by the Senate regarding these projects.

The conference agreement includes $7,242,000 for operation and maintenance of Arkabutla Lake; $5,280,000 for operation and maintenance of Grenada Lake; $7,680,000 for operation and maintenance of Sardis Lake; and $4,376,000 for operation and maintenance of Enid Lake. The conference agreement deletes bill language proposed by the Senate regarding these projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,901,959,000 for Operation and Maintenance, General, instead of $1,854,000,000 as proposed by the House and $1,862,471,000 as proposed by the Senate.

The conference agreement includes $6,755,000 for the Apalachicola, Chattahoochee, and Flint Rivers project in Georgia, Alabama, and Florida. The additional funds above the budget request shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act and dated October 1999, including $1,200,000 for increased environmental dredging and $500,000 for related environmental studies required by the state water quality certification. The conference agreement does not include bill language proposed by the Senate regarding this project.

The conferees have provided $5,071,000 for the Red Rock Dam and Lake, Iowa, project. The funds provided above the budget request are for repair and replacement of various features of the project including repair of the scouring of the South-East Des Moines levee.

The conference agreement includes $10,400,000 for operation and maintenance of the Pascagoula Harbor, Mississippi, project.

The conference agreement includes $1,500,000 over the budget request for the Corps of Engineers to address impacts of recent fires, undertake habitat restoration activities, and address other essential requirements at Cochiti Lake in New Mexico.

The conference agreement includes an additional $3,000,000 for the Jemez Dam, New Mexico, project for the Corps of Engineers to address the impacts of increased water releases required to help sustain the endangered silvery minnow.

The conferees have provided an additional $600,000 for the Waco Lake, Texas, project for the Corps of Engineers to address the higher lake levels associated with the raising of the dam.

The conferees have provided $12,570,000 for the Grays Harbor, Washington, project, including $650,000 for repair of the south jetty, $1,000,000 to complete the rehabilitation of the north jetty at Ocean Shores, and $1,100,000 for the north jetty operations and maintenance study.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to prepare the necessary documents and initiate removal of submerged obstructions in the area previously marked by the Ambrose Light Tower in New York Harbor.

The conference agreement deletes language proposed by the Senate providing $500,000 for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island. Funds for this project are included in the amount appropriated for Operation and Maintenance, General.

The conference agreement deletes language proposed by the Senate providing $50,000 for a study of crossings across the Chesapeake and Delaware Canal. The amount provided for operation and maintenance of the Chesapeake and Delaware Canal project includes $50,000 for the Corps of Engineers to conduct a study to determine the adequacy and timing for maintaining good and sufficient crossings across the canal.

Although the conference agreement deletes bill language proposed by the Senate regarding the marketing of dredged material from the Delaware River Deepening project, the conferees expect the Corps of Engineers to establish such a program.

The conference agreement includes language which directs the Corps of Engineers to use $500,000 to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

The conference agreement includes language which provides that $500,000 of the funds provided for the Columbia and Lower Willamette River below Vancouver, Washington, and Portland, Oregon, project shall be used to remove and reinstall the docks and causeway, in kind, at the Astoria East Boat Basin in Oregon.

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to extend the sheet pile wall on the west end of the entrance to the Dillingham, Alaska, small boat harbor, and to replace the existing wooden bulkhead at the city dock under the provisions of Public Law 99–190.

The conferees are aware of costs associated with maintaining and operating the complex computer system used to execute and program activities for the entire Operation and Maintenance program. The conferees direct the Corps of Engineers to specifically budget for this computer system in future years and, within available fiscal year 2001 funds, pay for this effort under Operation and Maintenance, General.

The conferees are aware of a plan to improve the effectiveness of public information exhibits located within visitor centers at Corps of Engineers projects. The initial plan will be developed by a multidiscipline team and is scheduled to be completed this year. The conferees expect the plan to be developed within available Operation and Maintenance, General, funds and expect implementation of any plans to be justified in future budget requests.

FLOOD CONTROL AND COASTAL EMERGENCIES

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to extend the existing Bethel Bank Stabilization project in Alaska an additional 1200 linear feet upstream, and to remove sediments from Brown's Slough that hamper safe navigation.

REGULATORY PROGRAM

The conference agreement appropriates $125,000,000 for the Corps of Engineers Regulatory Program as proposed by the House instead of $120,000,000 as proposed by the Senate.

The conference agreement includes language proposed by the House and the Senate which will improve the analysis and increase the information available to the public and the Congress regarding the costs of the nationwide permit program and permit processing times.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House and the Senate.

The conferees concur with the language in the Senate report regarding the Parks Township Shallow Land Disposal Area in Armstrong County, Pennsylvania.

GENERAL EXPENSES

The conference agreement appropriates $152,000,000 for General Expenses as proposed by the Senate instead of $149,500,000 as proposed by the House.

REVOLVING FUND

The conference agreement includes language proposed by the House and the Senate which provides that amounts in the Revolving Fund are available for the costs of relocating the Corps of Engineers headquarters to the General Accounting Office building.

GENERAL PROVISIONS

Corps of Engineers—Civil

Section 101. The conference agreement includes language proposed by the House which provides for the transfer of responsibility of local sponsorship of recreation development at Joe Pool Lake, Texas, from the Trinity River Authority to the City of Grand Prairie, Texas.

Section 102. The conference agreement includes language proposed by the Senate which places a limit on credits and reimbursements allowable per project and annually.

Section 103. The conference agreement includes language authorizing the Corps of Engineers to construct the Murrieta Creek, California, flood control project.

Section 104. The conference agreement includes language proposed by the Senate which provides that none of the funds provided in this Act may be used for activities related to the closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal in Delaware.

Section 105. The conference agreement includes language proposed by the Senate which provides that the Secretary of the Army shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House extending the authorization for spending Coastal Wetlands Restoration Trust Fund receipts. This matter has been addressed in Title VI. The conference agreement does not include language proposed by the Senate regarding the use of continuing contracts for Corps of Engineers projects. The conference agreement does not include language proposed by the Senate earmarking funds for the Pascagoula Harbor, Mississippi, project and the Gulfport Harbor, Mississippi, project. Funds for those projects are included in the amounts appropriated for Operation and Maintenance, General, and Construction, General, respectively.

The conference agreement does not include language proposed by the Senate regarding the Kihei Area Erosion project in Hawaii. It is the intent of the conferees that the Kihei Area Erosion study shall include an analysis of the extent and causes of the shoreline erosion. Further, a regional economic development (RED) analysis shall be included. The results of the RED analysis shall be displayed in all study documents along with the traditional benefit-cost analysis including recommendations of the Chief of Engineers.

The conference agreement does not include language proposed by the Senate regarding the Waikiki Erosion Control project in Hawaii. It is the intent of the conferees that the Waikiki Erosion Control study shall include an analysis of environmental resources that have been, or may be, threatened by erosion of the shoreline. Further, a regional economic development (RED) analysis shall be included. The results of the RED analysis shall be displayed in all study documents along with the traditional benefit-cost analysis including recommendations of the Chief of Engineers.

The conference agreement does not include language proposed by the Senate directing the Secretary of the Army to conduct a study to determine the need for providing additional crossing capacity across the Chesapeake and Delaware Canal. The conference agreement includes $50,000 under Operation and Maintenance, General for the Corps of Engineers to conduct a study to determine the adequacy and timing for maintaining good and sufficient crossings across the Chesapeake and Delaware Canal.

The conference agreement does not include language proposed by the Senate expressing the sense of the Senate concerning dredging of the main channel of the Delaware River and language proposed by the Senate regarding the Historic Area Remediation Site.

The conference agreement deletes language proposed by the Senate regarding the Missouri River Master Water Control Manual.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	200	---	200	---
BALDWIN COUNTY WATERSHEDS, AL	200	---	200	---
BAYOU LA BATRE, AL	100	---	100	---
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	521	---	521	---
BREWTON AND EAST BREWTON, AL	50	---	50	---
CAHABA RIVER WATERSHED, AL	50	---	50	---
COOSA RIVER, AL	---	---	---	150
DOG RIVER, AL	250	---	250	---
LUBBUB CREEK, AL	50	---	50	---
LUXAPALILA CREEK, LAMAR COUNTY, AL	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	108	---	108	---
AKUTAN HARBOR, AK	---	150	---	150
ANCHOR POINT HARBOR, AK	---	---	50	---
ANIAK, AK	50	---	50	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	150	---	150	---
CHANDALAR RIVER WATERSHED, VENETIE INDIAN, AK	50	---	50	---
CHENA RIVER WATERSHED, AK	50	---	50	---
CRAIG HARBOR, AK	---	---	100	---
DELONG MOUNTAIN HARBOR, AK	422	---	700	---
DOUGLAS HARBOR EXPANSION, AK	109	---	109	---
DOUGLAS HARBOR EXPANSION, AK	---	50	---	50
FALSE PASS HARBOR, AK	---	250	---	250
FIRE ISLAND, AK	---	---	100	---
GASTINEAU CHANNEL MODIFICATION, AK	50	---	50	---
HAINES HARBOR, AK	---	---	200	---
KENAI RIVER WATERSHED, AK	50	---	50	---
KETCHIKAN HARBOR, AK	---	---	200	---
KOTZEBUE SMALL BOAT HARBOR, AK	---	---	150	---
LITTLE DIOMEDE HARBOR, AK	---	---	75	---
MATANUSKA RIVER WATERSHED, AK	100	---	100	---
MEKORYUK HARBOR, AK	---	---	100	---
NAKNEK RIVER WATERSHED, AK	50	---	50	---
NAPASKIAK HARBOR, AK	69	---	69	---
PERRYVILLE HARBOR, AK	120	---	120	---
PORT LIONS HARBOR, AK	107	---	107	---
QUINHAGAK HARBOR, AK	100	---	100	---
SAINT GEORGE HARBOR IMPROVEMENT, AK	---	---	200	---
SHIP CREEK WATERSHED, AK	53	---	53	---
SITKA HARBOR, AK	---	---	100	---
SKAGWAY HARBOR MODIFICATION, AK	100	---	100	---
UNALAKLEET HARBOR, AK	74	---	74	---
UNALASKA HARBOR, AK	209	---	209	---
UNALASKA HARBOR, AK	---	58	---	58
VALDEZ HARBOR EXPANSION, AK	43	---	43	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
VALDEZ HARBOR EXPANSION, AK	---	150	---	150
WHITTIER BREAKWATER, AK	---	---	169	---
AMERICAN SAMOA				
TUTUILA HARBOR, AS	275	---	275	---
ARIZONA				
COLONIAS ALONG THE U.S./MEXICO BORDER, AZ & TX	---	---	---	260
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ	212	---	212	---
LITTLE COLORADO RIVER, AZ	100	---	100	---
PIMA COUNTY, AZ	75	---	175	---
RILLITO RIVER, PIMA COUNTY, AZ	290	---	290	---
RIO DE FLAG, FLAGSTAFF, AZ	---	250	---	375
RIO SALADO ESTE, AZ	175	---	175	---
RIO SALADO OESTE, AZ	175	---	400	---
SANTA CRUZ RIVER (GRANT RD. TO LOWELL RD.), AZ	---	---	300	---
SANTA CRUZ RIVER (PASEO DE LAS IGLESIAS), AZ	100	---	335	---
TRES RIOS, AZ	---	250	---	500
TUCSON DRAINAGE AREA, AZ	---	432	---	800
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ	---	---	150	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR	---	---	---	400
ARKANSAS RIVER NAVIGATION STUDY, AR & OK	753	---	753	---
MAY BRANCH, FORT SMITH, AR	247	---	247	---
NORTH LITTLE ROCK, DARK HOLLOW, AR	---	200	---	500
RED RIVER NAVIGATION STUDY, SOUTHWEST ARKANSAS, AR	200	---	200	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	500	---	500	---
WHITE RIVER NAVIGATION, AR	---	---	300	---
WHITE RIVER MINIMUM FLOW STUDY, AR	---	---	850	---
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	50	---	500	---
AMERICAN RIVER WATERSHED, CA	---	3,285	---	3,285
ARROYO PASAJERO, CA	---	500	---	500
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	---	300	---	300
CITY OF SAN BERNARDINO, CA	175	---	175	---
COAST OF CALIFORNIA STORM AND TIDAL WAVE STUDY, CA	---	---	500	---
HUNTINGTON BEACH, BLUFFTOP PARK, CA	---	---	211	---
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LLAGAS CREEK, CA	---	240	---	700
LOS ANGELES COUNTY, CA	225	---	225	---
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	---	375	---	750
LOWER MISSION CREEK, CA	---	325	---	325
MALIBU CREEK, CA	---	---	400	---
MARE ISLAND, CA	---	---	---	500

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MARINA DEL REY AND BALLONA CREEK, CA	---	---	500	---
MATILIJA DAM, CA	150	---	150	---
MIDDLE CREEK, CA	---	160	---	160
MOJAVE RIVER FORKS DAM, CA	200	---	200	---
MORRO BAY ESTUARY, CA	250	---	900	---
MUGU LAGOON, CA	250	---	250	---
MURRIETA CREEK, CA	---	300	---	750
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	150	---	150	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	237	---	237	---
N CA STREAMS, MIDDLE CREEK, CA	90	---	90	---
N CA STREAMS, SUISUN MARSH, CA	65	---	65	---
NAPA RIVER, SALT MARSH RESTORATION, CA	300	---	300	---
NAPA VALLEY WATERSHED MANAGEMENT, CA	50	---	50	---
NCS, LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VIC,	300	---	500	---
NEWPORT BAY HARBOR, CA	---	350	---	350
NEWPORT BAY (LA-3 SITE DESIGNATION STUDY), CA	---	---	800	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	381	---	381	---
ORANGE COUNTY COAST BEACH EROSION, CA	---	---	475	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	100	---	100	---
PAJARO RIVER AT WATSONVILLE, CA	---	600	---	1,200
PAJARO RIVER BASIN STUDY, CA	50	---	50	---
PENINSULA BEACH (CITY OF LONG BEACH), CA	---	---	250	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,	---	300	---	300
PORT OF STOCKTON, CA	150	---	150	---
POSO CREEK, CA	150	---	500	---
RANCHO PALOS VERDES, CA	---	200	---	200
REDWOOD CITY HARBOR, CA	250	---	250	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	200	---	200	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	300	---	300	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	1,500	---	3,000	---
SAN ANTONIO CREEK, CA	125	---	125	---
SAN BERNARDINO COUNTY, CA	100	---	100	---
SAN DIEGO COUNTY SHORELINE, CA	---	---	325	---
SAN DIEGO HARBOR, NATIONAL CITY, CA	125	---	125	---
SAN FRANCISCO BAY, CA	250	---	700	---
SAN GABRIEL RIVER TO NEWPORT BAY, CA	---	---	150	---
SAN JACINTO RIVER, CA	225	---	225	---
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	---	150	---	150
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	100	---	100	---
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	150	---	150	---
SAN JOAQUIN RIVER BASIN, CORRAL HOLLOW CREEK, CA	65	---	65	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	65	---	250	---
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	180	---	180	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	150	---	300	---
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA	213	---	213	---
SAN JUAN CREEK WATERSHED MANAGEMENT, CA	50	---	200	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	50	---	50	---
SAN LUIS OBISPO, CA	170	---	170	---
SAN PABLO BAY WATERSHED, CA	200	---	200	---
SANTA ROSA CREEK WATERSHED, CA	300	---	300	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	 PLANNING	CONFERENCE INVESTIGATIONS	 PLANNING
SANTA YNEZ, CA	---	---	100	---
SOLANA BEACH, CA	---	---	350	---
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	200	---	200
SOUTHERN CALIFORNIA SPECIAL AREA MANAGEMENT PLANS, CA.	---	---	1,882	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	150	---	300	---
SUTTER BASIN, CA	150	---	150	---
TAHOE BASIN, CA & NV	150	---	150	---
TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA	205	---	500	---
TULE RIVER, CA	---	400	---	400
UPPER GUADALUPE RIVER, CA	---	500	---	500
UPPER PENITENCIA CREEK, CA	300	---	300	---
UPPER SANTA ANA RIVER WATERSHED, CA	100	---	100	---
VENTURA HARBOR SAND BYPASS, CA	400	---	400	---
WHITE RIVER AND DEER CREEK, CA	150	---	150	---
WESTMINISTER, CA	---	---	100	---
WHITEWATER RIVER BASIN, CA	---	---	---	500
YUBA RIVER BASIN, CA	---	400	---	400
COLORADO				
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	250	---	250	---
FOUNTAIN CREEK AND TRIBUTARIES, CO	---	---	100	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO...	---	---	100	---
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS				
NAVIGATION IMPROVEMENTS, CNMI	100	---	150	---
CONNECTICUT				
COASTAL CONNECTICUT ECOSYSTEM RESTORATION, CT	80	---	80	---
DELAWARE				
C&D CANAL, BALTIMORE HBR CONN CHANNELS, DE & MD (DEEPE	---	100	---	100
DELAWARE COAST FROM BETHANY BEACH TO SOUTH BETHANY, DE	---	---	---	33
DELAWARE BAY COASTLINE, ROOSEVELT INLET/LEWES BEACH, D	---	---	---	124
DELAWARE BAY COASTLINE, BROADKILL BEACH, DE	---	---	---	304
FLORIDA				
BISCAYNE BAY, FL	543	---	543	---
HILLSBOROUGH RIVER, FL	114	---	114	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	114	---	114	---
MILE POINT, FL	114	---	114	---
PORT EVERGLADES HARBOR, FL	160	---	160	---
WITHLACOOCHEE RIVER, FL	114	---	114	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
GEORGIA				
ALLATOONA LAKE, ETOWAH RIVER, GA	90	---	90	---
ALLATOONA LAKE, LITTLE RIVER, GA	40	---	40	---
ARABIA MOUNTAIN, GA	---	---	100	---
AUGUSTA, GA	500	---	500	---
BRUNSWICK HARBOR, GA	---	50	---	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	50	---	50	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	50	---	50	---
METRO ATLANTA WATERSHED, GA	499	---	499	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	450	---	450	---
SAVANNAH HARBOR EXPANSION, GA	---	100	---	100
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	400	---	400	---
UTOY, SANDY AND PROCTOR CREEKS, GA	100	---	100	---
HAWAII				
ALA WAI CANAL, OAHU, HI	140	---	140	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	---	173	---	173
HAWAII WATER MANAGENMENT, HI	---	---	200	---
HONOLULU HARBOR MODIFICATIONS, OAHU, HI	200	---	200	---
KAHUKU, HI	---	---	---	200
KAHULUI HARBOR MODIFICATIONS, MAUI, HI	150	---	150	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	40	---	40	---
KIHEI AREA EROSION, HI	---	---	100	---
WAIKIKI EROSION CONTROL, HI	---	---	100	---
IDAHO				
BOISE RIVER, BOISE, ID	165	---	165	---
GOOSE CREEK, OAKLEY, ID	---	---	100	---
KOOTENAI RIVER AT BONNERS FERRY, ID	60	---	60	---
LITTLE WOOD RIVER, GOODING, ID	165	---	165	---
PAYETTE AND SNAKE RIVER, ID	---	---	100	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	---	200	---	200
DES PLAINES RIVER, IL	---	400	---	400
DES PLAINES RIVER, IL (PHASE II)	250	---	750	---
ILLINOIS BEACH STATE PARK, IL	---	---	---	325
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	500	---	500	---
KANKAKEE RIVER BASIN, IL & IN	300	---	600	---
PEORIA RIVERFRONT DEVELOPMENT, IL	400	---	400	---
ROCK RIVER, IL & WI	700	---	700	---
UPPER MISS & ILLINOIS NAV IMPROVEMENTS, IL, IA, MN, MO	2,105	---	2,105	---
UPPER MISS & ILLINOIS NAV IMPROVEMENTS, IL, IA, MN, MO	---	4,707	---	4,707
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	888	---	888	---
WAUKEGAN HARBOR, IL	---	300	---	300
WOOD RIVER LEVEE, IL	---	310	---	310

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
INDIANA				
INDIANA HARBOR ENVIRONMENTAL DREDGING, IN	---	---	500	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	2,210	---	2,210
LITTLE CALUMET RIVER (CADDY MARSH DITCH), IN	---	---	---	250
IOWA				
DES MOINES AND RACCOON RIVERS, IA	400	---	600	---
INDIAN CREEK, COUNCIL BLUFFS, IA	80	---	80	---
KANSAS				
TOPEKA, KS	200	---	200	---
TURKEY CREEK BASIN, KS & MO	---	353	---	353
UPPER TURKEY RUN CREEK, KS	---	---	100	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	200	---	200	---
KENTUCKY				
BANKLICK CREEK, KY	100	---	100	---
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	1,300	---	1,300
LICKING RIVER, CYNTHIANA, KY	260	---	260	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	100	---	100	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	250	---	250	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	161	---	161	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	4,141	---	4,141	---
OHIO RIVER SHORELINE, PADUCAH, KY	---	---	---	400
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA	200	---	400	---
ATCHAFALAYA RIVER, BAYOUS CHENE, BOENF & BLACK, LA	---	---	250	---
CALCASIEU LOCK, LA	339	---	339	---
CALCASIEU RIVER BASIN, LA	100	---	300	---
HURRICANE PROTECTION, LA	---	---	100	---
INTRACOASTAL WATERWAY LOCKS, LA	686	---	686	---
JEFFERSON PARISH, LA	---	215	---	500
LAFAYETTE PARISH, LA	---	200	---	200
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	1,750	---	1,750	---
ORLEANS PARISH, LA	---	164	---	300
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	100	---	500	---
ST. CHARLES PARISH URBAN FLOOD CONTROL. LA	---	---	100	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	---	---	100	---
WEST SHORE, LAKE PONTCHARTRAIN, LA	346	---	346	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MARYLAND				
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	500	---	500	---
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	455	---	455	---
BALTIMORE METROPOLITAN, GWYNNS FALLS, MD	68	---	68	---
CUMBERLAND, MD	---	700	---	700
EASTERN SHORE, MD	400	---	400	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD	100	---	100	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD	250	---	250	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	---	100	---	100
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	---	100	---	100
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	310	---	310	---
BOSTON HARBOR, MA (45-FOOT CHANNEL)	150	---	150	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA	100	---	100	---
MUDDY RIVER, BROOKLINE AND BOSTON, MA	---	---	---	500
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA & VT.	100	---	100	---
MICHIGAN				
BELL ISLE SHORELINE, DETROIT, MI	---	---	100	---
DETROIT RIVER ENVIRONMENTAL DREDGING, MI	---	---	250	---
DETROIT RIVER MASTER PLAN, MI	---	---	100	---
DETROIT RIVER SEAWALLS, MI	---	---	100	---
JOHN GLENN GREAT LAKES BASIN PROGRAM, MI	---	---	100	---
MUSKEGON LAKE, MI	---	---	100	---
GREAT LAKES NAVIGATION SYSTEM, MI, IL, IN, MN, NY, OH, PA, & WI	---	---	500	---
SAULT STE MARIE (REPLACEMENT LOCK), MI	---	1,000	---	1,000
ST CLAIR RIVER AND LAKE ST CLAIR, MI	---	---	200	---
MINNESOTA				
LOWER ST ANTHONY FALLS RAPIDS RESTORATION, MN	---	---	400	---
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2,	250	---	250	---
MISSISSIPPI				
PEARL RIVER WATERSHED, MS	---	---	50	---
MISSOURI				
CHESTERFIELD, MO	---	250	---	250
HANNIBAL, MO	---	---	100	---
KANSAS CITY, MO & KS	312	---	312	---
MISSOURI & MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJE	500	---	500	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	220	---	220	---
RIVER DES PERES, MO	---	330	---	330

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ST LOUIS HARBOR, MO & IL..............................	---	265	---	265
ST. LOUIS FLOOD PROTECTION, MO.........................	---	445	---	445
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO...........	---	170	---	170
MONTANA				
LOWER YELLOWSTONE RIVER DIVERSION DAM, MT............	---	---	---	100
YELLOWSTONE RIVER CORRIDOR, MT.......................	500	---	500	---
NEBRASKA				
ANTELOPE CREEK, LINCOLN, NE..........................	---	275	---	275
LOWER PLATTE RIVER AND TRIBUTARIES, NE...............	217	---	217	---
SAND CREEK WATERSHED, WAHOO, NE......................	---	220	---	220
NEVADA				
LOWER LAS VEGAS WASH WETLANDS, NV....................	100	---	500	---
TRUCKEE MEADOWS, NV..................................	---	500	---	500
WALKER RIVER BASIN, NV...............................	100	---	100	---
NEW HAMPSHIRE				
MERRIMACK RIVER BASIN................................	---	---	500	---
NEW JERSEY				
BARNEGAT BAY, NJ.....................................	---	50	---	50
BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ.........	---	---	---	450
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ........	---	---	---	391
DELAWARE BAY COASTLINE, OAKWOOD BEACH, NJ & DE........	---	---	---	222
DELAWARE BAY COASTLINE, REEDS BEACH TO PIERCES POINT..	---	---	---	135
DELWARE BAY COASTLINE, VILLAS AND VICINITY, NJ & DE...	---	---	---	155
DELAWARE RIVER BASIN, NJ.............................	---	---	100	---
GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ.........	---	---	---	150
LOWER CAPE MAY MEADOWS TO CAPE MAY POINT, NJ..........	---	---	---	350
LOWER PASSAIC RIVER, NJ..............................	---	---	100	---
LOWER SADDLE RIVER, NJ...............................	---	---	---	100
MANASQUAN INLET TO BARNEGAT INLET, NJ................	---	---	---	150
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ.	218	---	218	---
PASSAIC RIVER, HARRISON, NJ..........................	---	---	---	300
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ..........	550	---	550	---
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ.......	291	---	291	---
SHREWSBURY RIVER AND TRIBUTARIES IN MONMOUTH COUNTY, N	120	---	120	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ.................	450	---	450	---
STONY BROOK, NJ......................................	120	---	120	---
UPPER PASSAIC RIVER AND TRIBS, LONG HILL, MORRIS COUNT	300	---	300	---
UPPER ROCKAWAY RIVER, MORRIS COUNTY, NJ..............	300	---	300	---
WOODBRIDGE AND RAHWAY, NJ............................	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NEW MEXICO				
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM.......	50	---	50	---
RIO GRANDE BASIN, NM, CO & TX.........................	500	---	600	---
SANTA CRUZ DAM SEDIMENT STUDY, NM.....................	---	---	100	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, N	330	---	330	---
NEW YORK				
ATLANTIC COAST OF NEW YORK MONITORING PROGRAM, NY.....	---	---	1,000	---
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	---	347	---	347
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY...	200	---	200	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY........	200	---	200	---
BRONX RIVER BASIN, NY.................................	250	---	450	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY..............	---	---	100	---
CLINTON COUNTY, NY....................................	150	---	150	---
FLUSHING BAY AND CREEK, NY............................	520	---	520	---
FREEPORT CREEK, VILLAGE OF FREEPORT, NY...............	---	---	100	---
HUDSON - RARITAN ESTUARY, NY & NJ.....................	800	---	800	---
HUDSON RIVER HABITAT RESTORATION, NY..................	---	50	---	50
HUDSON RIVER HABITAT RESTORATION, NY..................	50	---	50	---
HUDSON RIVER, HUDSON, NY..............................	120	---	120	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY.	50	---	50	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY..........	296	---	296	---
LAKE MONTAUK HARBOR, NY...............................	---	---	200	---
LINDENHURST, NY.......................................	100	---	100	---
MONTAUK POINT, NY.....................................	---	---	287	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ...............	---	2,528	---	2,528
NEW YORK HARBOR ANCHORAGE AREAS, NY...................	259	---	259	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY..............	300	---	300	---
ONONDAGA LAKE, NY.....................................	250	---	250	---
SAW MILL RIVER AND TRIBUTARIES, NY....................	50	---	100	---
SAW MILL RIVER AT ELMSFORD/GREENBURGH, NY.............	---	---	---	750
SOUTH SHORE OF LONG ISLAND, NY........................	90	---	90	---
SOUTH SHORE OF STATEN ISLAND, NY......................	400	---	400	---
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	---	100	---	100
UPPER DELAWARE RIVER WATERSHED, NY....................	776	---	776	---
UPPER SUSQUEHANNA RIVER BASIN, NY.....................	---	---	1,000	---
NORTH CAROLINA				
BOGUE BANKS, NC.......................................	---	---	250	---
CURRITUCK SOUND, NC...................................	100	---	100	---
DARE COUNTY BEACHES, NC...............................	50	---	300	---
DARE COUNTY BEACHES, HATTERAS AND ORACOKE ISLAND, NC..	---	---	500	---
LOCKWOODS FOLLY RIVER, NC.............................	600	---	600	---
MANTEO (SHALLOWBAG) BAY, NC...........................	---	250	---	250
NEUSE RIVER BASIN, NC.................................	100	---	100	---
SURF CITY, NC...	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NORTH DAKOTA				
DEVILS LAKE, ND	50	---	---	4,000
GRAFTON, PARK RIVER, ND	---	900	---	900
RED RIVER OF THE NORTH, ND & MN	---	---	200	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	384	---	384
BUTLER COUNTY, OH	100	---	100	---
COLUMBUS METROPOLITAN AREA, OH	600	---	600	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	306	---	306	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	200	---
MAHONING RIVER ENVIRONMENTAL DREDGING, OH & PA	---	---	500	---
MUSKINGUM BASIN SYSTEM STUDY, OH	100	---	100	---
OHIO RIVER FLOW COMMODITY STUDY, OH	---	---	200	---
RICHLAND COUNTY, OHIO	100	---	100	---
SANDUSKY RIVER, TIFFIN, OH	---	---	100	---
STEUBENVILLE, OH	---	---	175	---
WESTERN LAKE ERIE BASIN, OH, IN & MI	---	---	100	---
OKLAHOMA				
CIMARRON RIVER AND TRIBUTARIES, OK, KS, NM & CO	200	---	200	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	200	---	700	---
WARR ACRES, OK	200	---	200	---
OREGON				
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA	---	923	---	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	274	---	274	---
WILLAMETTE RIVER BASIN REVIEW, OR	210	---	210	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	114	---	114	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	200	---	200	---
PENNSYLVANIA				
BEAVER CREEK, CLARION, PA	---	---	100	---
BLOOMSBURG, PA	441	---	441	---
LOWER WEST BR, SUS RIVER, ENV RESTORATION, BUFFALO CRE	250	---	250	---
NEW CASTLE, PA	---	---	100	---
TURTLE CREEK BASIN, UPPER TURTLE CREEK ENV RESTORATION	66	---	66	---
PUERTO RICO				
RIO GUANAJIBO, PR	---	441	---	441

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RHODE ISLAND				
QUONSET DAVISVILLE PORT, RI	---	---	100	---
RHODE ISLAND ECOSYSTEM RESTORATION, RI	191	---	191	---
RHODE ISLAND SOUTH COAST, HABITAT REST & STRM DMG REDU	54	---	54	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	581	---	581	---
BROAD RIVER BASIN, SC	---	---	200	---
CHARLESTON ESTUARY, SC	150	---	150	---
PAWLEYS ISLAND, SC	219	---	219	---
WACCAMAW RIVER, SC	---	---	100	---
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	---	50	---	50
SOUTH DAKOTA				
JAMES RIVER, SD	---	---	500	---
NIOBRARA AND MISSOURI RIVERS, SD	---	---	100	---
TENNESSEE				
DAVIDSON COUNTY, TN	200	---	200	---
DUCK RIVER WATERSHED, TN	50	---	50	---
FRENCH BROAD WATERSHED, TN	500	---	500	---
NORTH CHICKAMAUGA CREEK, TN	50	---	50	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	200	---	200	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	230	---	230	---
CITY OF BROWNSVILLE (RESACAS), TX	---	---	100	---
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX	456	---	456	---
CORPUS CHRISTI SHIP CHANNEL, TX	1,008	---	1,008	---
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX	---	100	---	---
FREEPORT AND VINCITY, HURRICANE/FLOOD PROTECTION, TX	---	---	100	---
GIWW MODIFICATIONS, TX	195	---	195	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	500	---	500	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	728	---	728	---
GIWW, MATAGORDA BAY, TX	---	100	---	200
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	653	---	653	---
GREENS BAYOU, HOUSTON, TX	---	434	---	434
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	200	---	200	---
HUNTING BAYOU, HOUSTON, TX	---	100	---	500
LOWER COLORADO RIVER BASIN, TX	600	---	1,500	---
MIDDLE BRAZOS RIVER, TX	300	---	300	---
NORTH BOSQUE RIVER, TX	---	50	---	50
NORTH PADRE ISLAND, CORPUS CHRISTI, TX	---	164	---	1,000
NORTHWEST EL PASO, TX	280	---	280	---
PECAN BAYOU, BROWNWOOD, TX	---	100	---	100

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RAYMONDVILLE DRAIN, TX	---	100	---	700
SABINE - NECHES WATERWAY, TX	544	---	544	---
SABINE PASS TO GALVESTON BAY, TX	114	---	114	---
SOUTH MAIN CHANNEL, TX	---	574	---	574
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	50	---	50	---
UPPER TRINITY RIVER BASIN, TX	500	---	1,100	---
UTAH				
PROVO AND VICINITY, UT	100	---	100	---
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	342	---	342	---
AIWW, BRIDGES AT DEEP CREEK, VA	---	200	---	200
CHESAPEAKE BAY SHORELINE, VA	---	---	170	---
ELIZABETH RIVER BASIN, ENVIR RESTORATION, HAMPTON ROAD	247	---	247	---
JAMES RIVER CHANNEL, VA	---	277	---	277
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	200	---	200	---
LAKE MERRIWEATHER, GOSHEN DAM AND SPILLWAY, VA	---	---	---	150
LOWER RAPPAHANNOCK RIVER BASIN, VA	300	---	300	---
NEW RIVER BASIN, VA, NC, & WV	---	---	200	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	1,188	---	1,188	---
POWELL RIVER WATERSHED, VA	165	---	165	---
POWELL RIVER, STRAIGHT, REEDS AND JONES CREEK, VA	---	200	---	200
PRINCE WILLIAM COUNTY WATERSHED, VA	205	---	205	---
RAPPAHANNOCK RIVER, EMBREY DAM, VA	257	---	---	600
WASHINGTON				
BELLINGHAM BAY, WA	60	---	60	---
CENTRALIA, WA	---	250	---	1,750
CHEHALIS RIVER BASIN, WA	150	---	150	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	222	---	222
HOWARD HANSON DAM, WA	---	600	---	1,500
LAKE WALLULA NAVIGATION CHANNEL, COLUMBIA RIVER, WA	---	---	100	---
LAKE WASHINGTON SHIP CANAL, WA	350	---	790	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, WA & OR	---	---	100	---
OCEAN SHORES, WA	100	---	100	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	250	---	250	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	65	---	65	---
SKAGIT RIVER, WA	270	---	270	---
SKOKOMISH RIVER BASIN, WA	100	---	100	---
STILLAGUAMISH RIVER BASIN, WA	---	225	---	225
TRI-CITIES AREA RIVERSHORE ENHANCEMENT, WA	250	---	---	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
WEST VIRGINIA				
ERICSON/WOOD COUNTY PUBLIC PORT, WV	---	---	---	500
ISLAND CREEK AT LOGAN, WV	---	200	---	200
LOWER MUD RIVER, WV	---	650	---	---
MERCER COUNTY, WV	107	---	107	---
WEIRTON PORT, WV	---	---	---	750
WISCONSIN				
BARABOO RIVER, WI	---	---	100	---
FOX RIVER, WI	---	---	250	---
SAXON HARBOR, WI	---	---	50	---
WYOMING				
JACKSON HOLE RESTORATION, WY	---	100	---	300
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,300	---	2,200	---
ENVIRONMENTAL DATA STUDIES	700	---	100	---
FLOOD DAMAGE DATA	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES	9,000	---	8,200	---
GREAT LAKES REMEDIAL ACTION PROGRAM	---	---	600	---
HYDROLOGIC STUDIES	500	---	500	---
INTERNATIONAL WATER STUDIES	500	---	500	---
NATIONAL SHORELINE	300	---	---	---
OTHER COORDINATION PROGRAMS	8,900	---	8,000	---
PLANNING ASSISTANCE TO STATES	6,500	---	6,700	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	400	---	400	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	300	---	300	---
RESEARCH AND DEVELOPMENT	26,000	---	25,000	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	800	---	700	---
TRANSPORTATION SYSTEMS	800	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE AND CARRYOVER BALANCES	-23,250	---	-48,493	---
TOTAL, GENERAL INVESTIGATIONS	101,519	36,181	104,496	55,542

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	2,000	2,000
DOG RIVER, AL	---	300
ELBA, AL	---	8,400
GENEVA, AL	---	10,800
MOBILE HARBOR, AL	499	499
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	3,000	3,000
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	2,500	2,500
ALASKA		
CHIGNIK HARBOR, AK	1,312	1,312
GALENA, AK	---	3,000
KAKE HARBOR, AK	5,508	5,508
NOME HARBOR, AK	---	1,000
ST PAUL HARBOR, AK	5,616	5,616
ARIZONA		
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	2,000	2,000
ARKANSAS		
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,300	3,300
MONTGOMERY POINT LOCK AND DAM, AR	20,000	40,000
OZARK POWERHOUSE, AR (MAJOR REHAB)	1,230	---
RED RIVER EMERGENCY BANK PROTECTION, AR	---	4,000
CALIFORNIA		
AMERICAN RIVER WATERSHED, CA	10,000	10,000
AMERICAN RIVER WATERSHED, CA (FOLSOM DAM MODIFICATIONS	5,000	4,000
BERRYESSA CREEK, CA	---	1,000
CORTE MADERA CREEK, CA	100	100
GUADALUPE RIVER, CA	3,500	7,000
HAMILTON AIRFIELDS WETLANDS RESTORATION, CA	---	2,000
HARBOR/SOUTH BAY WATER RECYCLING, CA	---	2,000
IMPERIAL BEACH, CA	---	800
KAWEAH RIVER, CA	500	3,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	9,821	9,821
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,485	1,485
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	760	760
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	2,000	2,000
NAPA RIVER, CA	4,000	4,000
NORCO BLUFFS, CA	---	3,225
PORT OF OAKLAND, CA	---	4,000
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	3,300	5,000
SACRAMENTO RIVER, GLENN-COLUSA IRRIGATION DISTRICT, CA	4,100	4,100

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SAN FRANCISCO BAY TO STOCKTON, CA....................	---	250
SAN GABRIEL BASIN RESTORATION, CA....................	---	25,000
SAN LORENZO RIVER, CA................................	4,000	4,000
SANTA ANA RIVER MAINSTEM, CA.........................	18,000	23,000
SANTA BARBARA HARBOR, CA.............................	5,000	5,000
STOCKTON METROPOLITAN AREA, CA.......................	---	4,000
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY).............	1,000	1,000
SURFSIDE-SUNSET AND NEWPORT BEACH, CA................	---	5,000
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA........	1,665	1,665
WEST SACRAMENTO, CA..................................	1,775	1,775
DELAWARE		
DELAWARE COAST FROM CAPE HELOPEN TO FENWICK ISLAND, DE	---	3,000
DELAWARE COAST PROTECTION, DE........................	254	254
FLORIDA		
BREVARD COUNTY, FL...................................	---	6,000
CANAVERAL HARBOR, FL.................................	847	847
CEDAR HAMMOCK, WARES CREEK, FL.......................	200	200
CENTRAL AND SOUTHERN FLORIDA, FL.....................	92,423	80,423
DADE COUNTY, FL......................................	3,058	8,000
DUVAL COUNTY, FL.....................................	3,800	3,800
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	20,525	20,525
HILLSBORO AND OKEECHOBEE AQUIFER, FL.................	4,562	---
HILLSBORO INLET, FL..................................	---	500
JACKSONVILLE HARBOR, FL..............................	---	1,000
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	4,500	4,500
KISSIMMEE RIVER, FL..................................	20,000	20,000
MANATEE COUNTY, FL...................................	200	200
MANATEE HARBOR, FL...................................	10,828	10,828
MARTIN COUNTY, FL....................................	2,419	2,419
MIAMI HARBOR CHANNEL, FL.............................	6,591	6,591
PALM VALLEY BRIDGE, FL...............................	4,000	7,500
PANAMA CITY HARBOR, FL...............................	706	706
PINELLAS COUNTY, FL..................................	1,321	1,321
ST. JOHNS COUNTY, FL.................................	---	4,000
ST. LUCIE INLET, FL..................................	---	4,000
TAMPA HARBOR, FL.....................................	---	300
GEORGIA		
BRUNSWICK HARBOR, GA.................................	---	250
BUFORD POWERHOUSE, GA (MAJOR REHAB)..................	2,455	2,455
LOWER SAVANNAH RIVER BASIN, GA & SC..................	1,500	1,500
MAYO'S BAR LOCK & DAM, GA............................	---	400
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)..........	332	332
RICHARD B RUSSELL DAM AND LAKE, GA & SC..............	2,666	2,666
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB).......	5,000	5,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
HAWAII		
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	239	239
KAUMALAPAU HARBOR, HI	---	3,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	3,437	3,437
MAALAEA HARBOR, MAUI, HI	325	325
IDAHO		
MILO CREEK, ID	---	1,000
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,100	2,100
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.	400	400
CHICAGO SHORELINE, IL	19,192	19,192
EAST ST LOUIS, IL	900	900
EAST ST LOUIS INTERIOR FLOOD CONTROL	---	150
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	5,750	5,750
LOVES PARK, IL	4,010	4,010
MCCOOK AND THORNTON RESERVOIRS, IL	2,800	7,800
MELVIN PRICE LOCK AND DAM, IL & MO	1,400	1,400
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	38,142	56,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	18,000	21,000
INDIANA		
CALUMET REGION, IN	---	300
FORT WAYNE METROPOLITAN AREA, IN	1,088	1,088
INDIANA HARBOR, IN (CONFINED DISPOSAL FACILITY)	3,291	3,291
INDIANA SHORELINE EROSION, IN	---	1,000
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	10,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	934	934
LITTLE CALUMET RIVER, IN	5,343	8,843
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	1,500	1,500
PATOKA LAKE, IN (MAJOR REHAB)	5,200	5,200
IOWA		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)	3,210	---
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)	5,260	5,260
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	12,000	12,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	4,400	4,650
PERRY CREEK, IA	7,178	7,178
KANSAS		
ARKANSAS CITY, KS	5,100	5,100

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	1,000	1,000
DEWEY LAKE, KY (DAM SAFETY)	3,832	3,832
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	14,900	30,000
KENTUCKY RIVER LOCK AND DAM #10, KY	---	2,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	14,000	18,000
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	---	1,000
METROPOLITAN LOUISVILLE, POND CREEK, KY	4,000	4,000
SOUTHERN AND EASTERN KENTUCKY, KY	---	4,000
LOUISIANA		
COMITE RIVER, LA	10,000	10,000
INNER HARBOR NAVIGATION CANAL LOCK, LA	14,349	16,349
GRAND ISLE AND VICINITY, LA	---	500
J BENNETT JOHNSTON WATERWAY, LA	18,040	21,040
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	3,100	10,000
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	1,414	2,414
MISSISSIPPI RIVER GULF OUTLET, LA	---	500
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	719	719
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	1,800	1,800
SOUTHEAST LOUISIANA, LA	47,260	69,000
WEST BANK VICINITY OF NEW ORLEANS, LA	8,065	8,065
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	3,951	3,951
ASSATEAGUE ISLAND, MD	2,500	2,500
ATLANTIC COAST OF MARYLAND, MD	185	185
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA	5,000	3,000
CHESAPEAKE BAY ENV RESTORATION AND PROTECTION, MD, VA.	608	1,058
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	---	3,000
POPLAR ISLAND, MD	19,190	19,190
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	8,600	8,600
TOWN BROOK, QUINCY AND BRAINTREE, MA	100	100
MINNESOTA		
CROOKSTON, MN	---	1,000
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	5,000	5,000
MARSHALL, MN	1,312	1,312
NORTHEASTERN MINNESOTA, MN	---	2,500
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)	3,873	3,873

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSISSIPPI		
DESOTO COUNTY, MS	---	3,000
GULFPORT HARBOR, MS	---	200
JACKSON COUNTY WATER SUPPLY, MS	---	2,000
PASCAGOULA HARBOR, MS	6,663	6,663
WOLF AND JORDAN RIVERS, MS	1,337	1,337
PEARL RIVER VICINITY OF WALKIAH BLUFF, MS AND LA	---	1,000
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	---	200
BLUE RIVER CHANNEL, KANSAS CITY, MO	10,500	14,500
CAPE GIRARDEAU, JACKSON, MO	2,350	2,350
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,000	3,000
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	6,500	6,500
ST LOUIS, MO	---	3,000
STE GENEVIEVE, MO	6,000	6,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	5,920	5,920
NEBRASKA		
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	300	1,800
WOOD RIVER, GRAND ISLAND, NE	1,600	3,000
NEVADA		
RURAL NEVADA, NV	---	4,000
TROPICANA AND FLAMINGO WASHES, NV	20,000	21,600
NEW HAMPSHIRE		
LEBANON, NH	---	1,500
NEW JERSEY		
BRIGANTINE INLET/GREAT EGG HARBOR INLET (ABSECON ISL).	---	5,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	100	100
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	29,756	29,756
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	5,100	5,100
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	5,649	10,000
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	1,700	1,700
PASSAIC RIVER STREAMBANK RESTORATION, NJ	---	3,000
RAMAPO RIVER AT MAHWAH, NJ	---	750
RAMAPO RIVER AT OAKLAND, NJ	2,717	2,717
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	4,000	4,000
SANDY HOOK TO BARNEGAT INLET, NJ	6,383	6,383
TOWNSENDS INLET TO CAPE MAY INLET, NJ	---	4,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM........................	900	900
ALAMOGORDO, NM...	3,000	3,000
CENTRAL NEW MEXICO, NM.................................	---	3,000
LAS CRUCES, NM...	2,841	2,841
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	600	600
NEW YORK		
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	5,000	4,000
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	500	500
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,000	1,000
FIRE ISLAND INLET TO JONES INLET, NY..................	500	1,500
FIRE ISLAND INLET TO MONTAUK POINT, NY................	3,000	3,000
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ.........	53,000	53,000
NEW YORK CITY WATERSHED, NY..............................	---	3,000
ONONDAGA LAKE, NY..	---	5,000
NORTH CAROLINA		
AIWW, REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC......	1,000	1,000
BRUNSWICK COUNTY BEACHES, NC..........................	---	4,200
CAROLINA BEACH AND VICINITY, NC........................	2,000	2,000
WEST ONSLOW BEACH AND NEW RIVER INLET, NC............	---	330
WILMINGTON HARBOR, NC.....................................	40,600	40,600
NORTH DAKOTA		
BUFORD-TRENTON IRRIGATION DISTRICT LAND ACQUISITION, N	4,700	6,000
DEVILS LAKE EMERGENCY OUTLET, ND......................	24,000	---
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB).......	5,300	5,300
GRAND FORKS, ND - EAST GRAND FORKS, MN................	13,044	13,044
HOMME LAKE, ND (DAM SAFETY)............................	8,000	8,000
SHEYENNE RIVER, ND..	2,600	2,600
OHIO		
BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY	897	897
HOLES CREEK, OH...	---	1,000
LOWER GIRARD LAKE DAM, OH................................	---	1,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH.....	3,024	3,024
MILL CREEK, OH...	500	500
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH..................	---	1,500
WEST COLUMBUS, OH..	6,000	11,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY)	2,400	2,400
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,500	4,500
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	6,110	6,110
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA	---	4,500
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	5,000	5,000
ELK CREEK LAKE, OR	500	500
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	200	200
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	8,200	8,200
PENNSYLVANIA		
CLINTON COUNTY, PA	---	500
JOHNSTOWN, PA (MAJOR REHAB)	7,000	7,000
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	35,000	60,000
NANTY GLO, PA	---	700
NORTHEAST PENNSYLVANIA, PA	---	4,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	580	580
SAW MILL RUN, PITTSBURGH, PA	4,300	4,300
SCHUYLKILL RIVER PARK, PA	---	1,000
SOUTH CENTRAL PENNSYLVANIA ENVIRON IMPROVEMENT PROGRAM	---	20,000
SOUTHEASTERN PENNSYLVANIA, PA	---	150
TOWAMENCIN TOWNSHIP, PA	---	1,000
WILLIAMSPORT, PA	---	446
WYOMING VALLEY, PA (LEVEE RAISING)	23,092	23,092
PUERTO RICO		
ARECIBO RIVER, PR	4,102	5,402
PORTUGUES AND BUCANA RIVERS, PR	9,590	9,590
RIO DE LA PLATA, PR	3,493	3,493
RIO GRANDE DE LOIZA, PR	743	750
RIO NIGUA AT SALINAS, PR	198	---
RIO PUERTO NUEVO, PR	11,000	13,800
SAN JUAN HARBOR, PR	6,940	6,940
RHODE ISLAND		
FOX POINT HURRICANE BARRIER, RI	---	1,950
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	16,227	16,227
LAKES MARION AND MOULTRIE, SC	---	4,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	1,500	1,500
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	4,000	4,000
PIERRE, SD	4,000	6,000
TENNESSEE		
BLACK FOX, MURFREE AND OAKLANDS SPRINGS WETLANDS, TN	---	2,000
HAMILTON COUNTY, TN	---	1,500
TEXAS		
BOSQUE AND LEON RIVERS, TX	---	4,000
BRAYS BAYOU, HOUSTON, TX	5,500	6,000
CHANNEL TO VICTORIA, TX	6,104	6,104
CLEAR CREEK, TX	1,525	1,525
DALLAS FLOODWAY EXTENSION, TX	---	2,000
EL PASO, TX	5,200	5,200
GIWW, ARANSAS NATIONAL WILDLIFE REFUGE, TX	1,176	1,176
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	53,492	53,492
JOHNSON CREEK, TX	---	3,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	9,000	9,000
RED RIVER BASIN CHLORIDE CONTROL, TX	---	1,300
RED RIVER BELOW DENISON DAM, TX	---	900
SAN ANTONIO CHANNEL IMPROVEMENT, TX	900	900
SIMS BAYOU, HOUSTON, TX	11,820	11,820
UTAH		
UPPER JORDAN RIVER, UT	800	800
VIRGINIA		
AIWW, BRIDGE AT GREAT BRIDGE, VA	8,492	8,492
ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VA	---	7,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	4,000	4,000
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	600	600
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,000	1,000
SANDBRIDGE BEACH, VA	---	3,000
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	20,000
VIRGINIA BEACH, VA (REIMBURSEMENT)	---	1,100
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	91,000	81,000
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	1,000	1,000
MT ST HELENS SEDIMENT CONTROL, WA	710	710
MUD MOUNTAIN DAM, WA (DAM SAFETY)	2,000	2,000
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	7,000	7,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	6,300	10,000
CENTRAL WEST VIRGINIA, WV	---	1,500
GREENBRIAR RIVER BASIN, WV	---	1,000
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	12,100	37,100
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB).	1,800	1,800
LOWER MUD RIVER, WV	---	1,000
MARMET LOCK, KANAWHA RIVER, WV	6,500	10,200
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	2,700	2,700
SOUTHERN WEST VIRGINIA, WV	---	3,000
TYGART LAKE, WV (DAM SAFETY)	4,293	4,293
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	3,000
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	300	300
WISCONSIN		
LAFARGE LAKE, KICKAPOO RIVER, WI	---	2,000
MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	10,000	19,000
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204)	4,000	4,000
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	3,000	7,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	5,000	5,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	9,000	9,000
EMPLOYEES' COMPENSATION	19,200	19,200
FLOOD CONTROL PROJECTS (SECTION 205)	25,000	35,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	300	300
NAVIGATION PROJECTS (SECTION 107)	7,000	11,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	14,000	21,000
RECREATION MODERNIZATION PROGRAM	27,000	---
RIVERINE ECOSYSTEM RESTORATION AND FLOOD HAZARD MITIGA	20,000	---
SHORELINE PROTECTION PROJECTS (SECTION 103)	2,500	2,500
SNAGGING AND CLEARING PROJECT (SECTION 208)	200	600
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE AND CARRYOVER BALANCES	-165,253	-198,753
TOTAL, CONSTRUCTION GENERAL	1,346,000	1,717,199

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
ALEXANDRIA, LA TO THE GULF OF MEXICO	750	750
DONALDSONVILLE TO THE GULF, LA	1,100	1,100
SPRING BAYOU, LA	100	100
COLDWATER RIVER BASIN ABOVE ARKABUTLA LAKE, MS	350	350
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	100	100
MEMPHIS METRO AREA, TN & MS	657	657
BAYOU METO BASIN, AR	6,500	6,500
SOUTHEAST ARKANSAS, AR	---	900
MORGANZA, LA TO THE GULF OF MEXICO	2,000	2,000
REELFOOT LAKE, TN & KY	318	368
WOLF RIVER, MEMPHIS, TN	216	216
COLLECTION AND STUDY OF BASIC DATA	435	435
SUBTOTAL, GENERAL INVESTIGATIONS	12,526	13,476
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	35,690	35,690
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	2,110	2,110
GRAND PRAIRIE REGION, AR	22,800	20,300
HELENA AND VICINITY, AR	2,450	2,450
L'ANGUILLE RIVER BASIN, AR	750	750
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	40,621	47,000
ST FRANCIS BASIN, AR & MO	3,195	4,195
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	10,000	10,000
ATCHAFALAYA BASIN, LA	26,000	26,000
LOUISIANA STATE PENITENTIARY LEVEE, LA	5,500	5,500
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	100	100
MISSISSIPPI DELTA REGION, LA	5,000	5,000
TENSAS BASIN, RED RIVER BACKWATER, LA	2,330	2,330
YAZOO BASIN:	(11,195)	(34,200)
BACKWATER PUMP, MS	500	1,000
BIG SUNFLOWER RIVER, MS	3,500	4,500
DEMONSTRATION EROSION CONTROL, MS	---	15,000
MAIN STEM, MS	25	25
REFORMULATION UNIT, MS	300	300
TRIBUTARIES, MS	84	375
UPPER YAZOO PROJECT, MS	6,786	13,000
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO	700	5,000
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS	2,000	2,000
WEST TENNESSEE TRIBUTARIES, TN	500	500
SUBTOTAL, CONSTRUCTION	170,941	203,125

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN......	58,954	56,500
HELENA HARBOR, PHILLIPS COUNTY, AR....................	421	421
INSPECTION OF COMPLETED WORKS, AR.....................	442	442
LOWER ARKANSAS RIVER, NORTH BANK, AR..................	407	407
LOWER ARKANSAS RIVER, SOUTH BANK, AR..................	10	10
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	6,160	8,200
ST FRANCIS BASIN, AR & MO.............................	5,775	7,775
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA........	2,384	2,384
WHITE RIVER BACKWATER, AR.............................	1,070	1,070
INSPECTION OF COMPLETED WORKS, IL.....................	45	45
INSPECTION OF COMPLETED WORKS, KY.....................	25	25
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA................	1,499	1,499
ATCHAFALAYA BASIN, LA.................................	9,482	9,482
BATON ROUGE HARBOR, DEVIL SWAMP, LA...................	210	210
BAYOU COCODRIE AND TRIBUTARIES, LA....................	56	56
BONNET CARRE, LA......................................	1,340	1,340
INSPECTION OF COMPLETED WORKS, LA.....................	389	389
LOWER RED RIVER, SOUTH BANK LEVEES, LA................	5,739	5,739
MISSISSIPPI DELTA REGION, LA..........................	916	916
OLD RIVER, LA...	4,720	4,720
TENSAS BASIN, RED RIVER BACKWATER, LA.................	3,048	3,048
GREENVILLE HARBOR, MS.................................	626	626
INSPECTION OF COMPLETED WORKS, MS.....................	193	193
VICKSBURG HARBOR, MS..................................	480	480
YAZOO BASIN:	(24,185)	(34,096)
ARKABUTLA LAKE, MS..................................	6,242	7,242
BIG SUNFLOWER RIVER, MS.............................	137	4,500
ENID LAKE, MS.......................................	3,376	4,376
GREENWOOD, MS.......................................	1,007	1,007
GRENADA LAKE, MS....................................	4,232	5,280
MAIN STEM, MS.......................................	1,254	1,254
SARDIS LAKE, MS.....................................	5,180	7,680
TRIBUTARIES, MS.....................................	1,162	1,162
WILL M WHITTINGTON AUXILIARY CHANNEL, MS............	358	358
YAZOO BACKWATER AREA, MS............................	431	431
YAZOO CITY, MS......................................	806	806
INSPECTION OF COMPLETED WORKS, MO.....................	202	202
WAPPAPELLO LAKE, MO...................................	7,000	7,000
INSPECTION OF COMPLETED WORKS, TN.....................	113	113
MEMPHIS HARBOR, MCKELLAR LAKE, TN.....................	1,085	1,085
MAPPING...	1,129	1,129
SUBTOTAL, MAINTENANCE..........................	139,105	149,602
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-13,572	-18,472
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES..................................	309,000	347,731

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	1,100	1,100
ALABAMA - COOSA RIVER, AL	5,355	5,355
BAYOU LA BATRE, AL	1,999	1,999
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	19,204	20,704
DAUPHIN ISLAND BAY, AL	60	60
DOG AND FOWL RIVERS, AL	66	66
GULF INTRACOASTAL WATERWAY, AL	4,734	4,734
INSPECTION OF COMPLETED WORKS, AL	50	50
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	4,999	4,999
MOBILE HARBOR, AL	18,665	22,665
MOBILE AREA DIGITAL MAPPING, AL	---	150
PROJECT CONDITION SURVEYS, AL	350	350
ROBERT F HENRY LOCK AND DAM, AL	4,962	4,962
SCHEDULING RESERVOIR OPERATIONS, AL	120	120
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	23,547	24,547
WALTER F GEORGE LOCK AND DAM, AL & GA	7,373	7,373
ALASKA		
ANCHORAGE HARBOR, AK	1,777	1,777
CHENA RIVER LAKES, AK	1,364	1,364
DILLINGHAM HARBOR, AK	423	423
HOMER HARBOR, AK	191	191
INSPECTION OF COMPLETED WORKS, AK	35	35
NINILCHIK HARBOR, AK	186	186
NOME HARBOR, AK	386	386
PETERSBURG HARBOR, AK	394	394
PROJECT CONDITION SURVEYS, AK	512	512
WRANGELL NARROWS, AK	2,438	3,838
ARIZONA		
ALAMO LAKE, AZ	1,166	1,166
INSPECTION OF COMPLETED WORKS, AZ	69	69
PAINTED ROCK DAM, AZ	1,186	1,186
SCHEDULING RESERVOIR OPERATIONS, AZ	74	74
WHITLOW RANCH DAM, AZ	168	168
ARKANSAS		
BEAVER LAKE, AR	4,520	4,520
BLAKELY MT DAM, LAKE OUACHITA, AR	5,758	5,758
BLUE MOUNTAIN LAKE, AR	1,200	1,200
BULL SHOALS LAKE, AR	4,565	4,565
DARDANELLE LOCK AND DAM, AR	5,937	5,937
DEGRAY LAKE, AR	4,218	4,218
DEQUEEN LAKE, AR	1,058	1,058
DIERKS LAKE, AR	988	988

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GILLHAM LAKE, AR	929	929
GREERS FERRY LAKE, AR	5,933	5,933
HELENA HARBOR, PHILLIPS COUNTY, AR	304	304
INSPECTION OF COMPLETED WORKS, AR	294	294
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	19,988	19,988
MILLWOOD LAKE, AR	1,602	1,602
NARROWS DAM, LAKE GREESON, AR	3,604	3,604
NIMROD LAKE, AR	1,416	1,416
NORFORK LAKE, AR	3,626	3,626
OSCEOLA HARBOR, AR	419	419
OUACHITA AND BLACK RIVERS, AR & LA	6,402	6,402
OZARK - JETA TAYLOR LOCK AND DAM, AR	4,072	4,072
WHITE RIVER, AR	2,258	2,258
YELLOW BEND PORT, AR	125	125
CALIFORNIA		
BLACK BUTTE LAKE, CA	1,854	1,854
BODEGA BAY, CA	---	200
BUCHANAN DAM, H V EASTMAN LAKE, CA	1,580	1,580
CHANNEL ISLANDS HARBOR, CA	3,000	3,000
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,403	3,403
CRESCENT CITY HARBOR, CA	---	500
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,437	4,687
FARMINGTON DAM, CA	313	313
HIDDEN DAM, HENSLEY LAKE, CA	1,616	1,616
HUMBOLDT HARBOR AND BAY, CA	4,710	4,710
INSPECTION OF COMPLETED WORKS, CA	843	843
ISABELLA LAKE, CA	793	793
JACK D. MALTESTER CHANNEL (SAN LEANDRO MARINA), CA	---	1,500
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	170	170
LOS ANGELES - LONG BEACH HARBORS, CA	3,910	3,910
LOS ANGELES COUNTY DRAINAGE AREA, CA	3,956	3,956
MARINA DEL REY, CA	5,335	5,335
MERCED COUNTY STREAMS, CA	288	288
MOJAVE RIVER DAM, CA	251	251
MORRO BAY HARBOR, CA	170	1,170
MOSS LANDING HARBOR, CA	---	700
NEW HOGAN LAKE, CA	1,778	1,778
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,135	1,135
NEWPORT BAY HARBOR, CA	40	40
OAKLAND HARBOR, CA	8,118	8,118
OCEANSIDE HARBOR, CA	1,535	2,035
PINE FLAT LAKE, CA	2,248	2,248
PROJECT CONDITION SURVEYS, CA	1,256	1,256
REDWOOD CITY HARBOR, CA	---	400
RICHMOND HARBOR, CA	5,774	5,774
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,037	2,037
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,113	1,113
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	163	163

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	2,382	2,382
SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	---	200
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,000	2,000
SAN FRANCISCO HARBOR, CA	2,573	2,573
SAN JOAQUIN RIVER, CA	2,028	2,028
SANTA ANA RIVER BASIN, CA	3,086	3,086
SANTA BARBARA HARBOR, CA	1,615	1,615
SCHEDULING RESERVOIR OPERATIONS, CA	1,153	1,153
SUCCESS LAKE, CA	1,898	1,898
SUISUN BAY CHANNEL, CA	3,117	3,117
TERMINUS DAM, LAKE KAWEAH, CA	1,659	1,659
VENTURA HARBOR, CA	2,240	3,440
YUBA RIVER, CA	74	74
COLORADO		
BEAR CREEK LAKE, CO	425	425
CHATFIELD LAKE, CO	1,568	1,568
CHERRY CREEK LAKE, CO	707	707
INSPECTION OF COMPLETED WORKS, CO	67	67
JOHN MARTIN RESERVOIR, CO	1,543	1,543
SCHEDULING RESERVOIR OPERATIONS, CO	209	209
TRINIDAD LAKE, CO	619	619
CONNECTICUT		
BLACK ROCK LAKE, CT	309	309
COLEBROOK RIVER LAKE, CT	399	399
HANCOCK BROOK LAKE, CT	269	269
HOP BROOK LAKE, CT	819	819
MANSFIELD HOLLOW LAKE, CT	335	335
NORTHFIELD BROOK LAKE, CT	344	344
STAMFORD HURRICANE BARRIER, CT	311	311
THOMASTON DAM, CT	581	581
WEST THOMPSON LAKE, CT	506	506
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	19,707	14,757
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	433	433
WILMINGTON HARBOR, DE	3,217	3,217
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	910	910
POTOMAC RIVER BELOW WASHINGTON, DC	235	235
WASHINGTON HARBOR, DC	38	38

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FLORIDA		
AIWW, NORFOLK, VA TO ST JOHNS RIVER, FL, GA, SC, NC &.	1,660	1,660
CANAVERAL HARBOR, FL	7,625	7,625
CENTRAL AND SOUTHERN FLORIDA, FL	10,558	10,558
ESCAMBIA AND CONECUH RIVERS, FL	1,000	1,000
FERNANDINA HARBOR, FL	2,705	2,705
FORT PIERCE HARBOR, FL	1,051	1,051
INSPECTION OF COMPLETED WORKS, FL	100	100
INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R,.	147	147
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	4,035	4,035
JACKSONVILLE HARBOR, FL	7,755	7,755
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	5,855	5,855
MANATEE HARBOR, FL	3,080	3,080
MIAMI HARBOR, FL	1,323	1,323
MIAMI RIVER, FL	---	4,000
OKEECHOBEE WATERWAY, FL	5,811	5,811
PALM BEACH HARBOR, FL	4,577	4,577
PANAMA CITY HARBOR, FL	50	50
PENSACOLA HARBOR, FL	---	2,000
PONCE DE LEON INLET, FL	46	46
PORT ST. JOE HARBOR, FL	---	500
PROJECT CONDITION SURVEYS, FL	600	600
REMOVAL OF AQUATIC GROWTH, FL	3,340	4,500
SCHEDULING RESERVOIR OPERATIONS, FL	50	50
ST PETERSBURG HARBOR, FL	3,280	6,580
TAMPA HARBOR, FL	6,308	6,308
WITHLACOOCHIE RIVER, FL	35	35
GEORGIA		
ALLATOONA LAKE, GA	4,520	6,000
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	5,055	6,755
ATLANTIC INTRACOASTAL WATERWAY, GA	2,460	2,460
BRUNSWICK HARBOR, GA	5,271	5,271
BUFORD DAM AND LAKE SIDNEY LANIER, GA	7,275	7,275
CARTERS DAM AND LAKE, GA	7,489	7,489
HARTWELL LAKE, GA & SC	11,875	11,875
INSPECTION OF COMPLETED WORKS, GA	100	100
J STROM THURMOND LAKE, GA & SC	10,585	10,585
RICHARD B RUSSELL DAM AND LAKE, GA & SC	6,190	6,190
SAVANNAH HARBOR, GA	13,869	14,369
SAVANNAH RIVER BELOW AUGUSTA, GA	650	650
WEST POINT DAM AND LAKE, GA & AL	3,977	4,977
HAWAII		
BARBERS POINT HARBOR, HI	153	153
INSPECTION OF COMPLETED WORKS, HI	165	165
KAHULUI HARBOR, HI	1,296	1,296

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, HI	706	706
IDAHO		
ALBENI FALLS DAM, ID	2,291	2,291
DWORSHAK DAM AND RESERVOIR, ID	2,689	2,689
INSPECTION OF COMPLETED WORKS, ID	73	73
LUCKY PEAK LAKE, ID	1,206	1,206
SCHEDULING RESERVOIR OPERATIONS, ID	332	332
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	4,758	4,758
CARLYLE LAKE, IL	5,112	5,112
CHICAGO HARBOR, IL	2,762	2,762
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	195	195
ILLINOIS AND MISSISSIPPI CANAL, IL	562	562
ILLINOIS WATERWAY (MVR PORTION), IL & IN	22,808	23,808
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,598	1,598
INSPECTION OF COMPLETED WORKS, IL	473	473
KASKASKIA RIVER NAVIGATION, IL	2,081	2,081
LAKE MICHIGAN DIVERSION, IL	837	837
LAKE SHELBYVILLE, IL	5,209	5,209
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	39,842	43,842
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	14,499	16,999
PROJECT CONDITION SURVEYS, IL	43	43
REND LAKE, IL	3,904	3,904
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	97	97
WAUKEGAN HARBOR, IL	1,473	1,473
INDIANA		
BROOKVILLE LAKE, IN	782	782
BURNS WATERWAY HARBOR, IN	1,937	2,437
CAGLES MILL LAKE, IN	732	732
CECIL M HARDEN LAKE, IN	864	864
INDIANA HARBOR, IN	429	429
INSPECTION OF COMPLETED WORKS, IN	101	101
J EDWARD ROUSH LAKE, IN	824	824
MICHIGAN CITY HARBOR, IN	806	1,206
MISSISSINEWA LAKE, IN	1,182	1,182
MONROE LAKE, IN	799	799
PATOKA LAKE, IN	731	731
PROJECT CONDITION SURVEYS, IN	42	42
SALAMONIE LAKE, IN	749	749
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	62	62

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
IOWA		
CORALVILLE LAKE, IA	2,952	2,952
INSPECTION OF COMPLETED WORKS, IA	738	738
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	146	146
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	5,250	5,950
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	2,111	2,111
RATHBUN LAKE, IA	2,058	2,058
RED ROCK DAM AND LAKE RED ROCK, IA	3,827	5,071
SAYLORVILLE LAKE, IA	4,074	4,074
KANSAS		
CLINTON LAKE, KS	1,621	1,621
COUNCIL GROVE LAKE, KS	1,197	1,197
EL DORADO LAKE, KS	487	487
ELK CITY LAKE, KS	728	728
FALL RIVER LAKE, KS	1,429	1,429
HILLSDALE LAKE, KS	908	908
INSPECTION OF COMPLETED WORKS, KS	36	36
JOHN REDMOND DAM AND RESERVOIR, KS	1,186	1,531
KANOPOLIS LAKE, KS	1,541	1,541
MARION LAKE, KS	1,354	1,354
MELVERN LAKE, KS	1,872	1,872
MILFORD LAKE, KS	1,906	1,906
PEARSON - SKUBITZ BIG HILL LAKE, KS	1,074	1,074
PERRY LAKE, KS	1,966	1,966
POMONA LAKE, KS	1,830	1,830
SCHEDULING RESERVOIR OPERATIONS, KS	193	193
TORONTO LAKE, KS	673	673
TUTTLE CREEK LAKE, KS	2,546	2,546
WILSON LAKE, KS	2,017	2.017
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	10,330	10,330
BARREN RIVER LAKE, KY	2,544	2,544
BIG SANDY HARBOR, KY	1,497	1,497
BUCKHORN LAKE, KY	1,685	1,685
CARR CREEK LAKE, KY	1,542	1,542
CAVE RUN LAKE, KY	868	868
DEWEY LAKE, KY	1,429	1,429
ELVIS STAHR (HICKMAN) HARBOR, KY	361	361
FISHTRAP LAKE, KY	1,890	1,890
GRAYSON LAKE, KY	1,366	1,366
GREEN AND BARREN RIVERS, KY	1,079	1,079
GREEN RIVER LAKE, KY	2,917	2,917
INSPECTION OF COMPLETED WORKS, KY	123	123
KENTUCKY RIVER, KY	1,149	1,149
KENTUCKY RIVER LOCKS AND DAMS 5-14, KY	---	750

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LAUREL RIVER LAKE, KY	1,357	1,357
LICKING RIVER OPEN CHANNEL WORK, KY	21	21
MARTINS FORK LAKE, KY	714	714
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	100	100
NOLIN LAKE, KY	2,285	2,285
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	31,813	31,813
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	6,007	6,007
PAINTSVILLE LAKE, KY	1,016	1,016
ROUGH RIVER LAKE, KY	1,827	1,827
TAYLORSVILLE LAKE, KY	1,048	1,048
WOLF CREEK DAM, LAKE CUMBERLAND, KY	5,892	5,892
YATESVILLE LAKE, KY	1,211	1,211
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	14,026	14,026
BARATARIA BAY WATERWAY, LA	570	570
BAYOU BODCAU RESERVOIR, LA	509	509
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	726	726
BAYOU PIERRE, LA	25	25
BAYOU SEGNETTE WATERWAY, LA	735	735
BAYOU TECHE AND VERMILION RIVER, LA	48	48
BAYOU TECHE, LA	132	132
CADDO LAKE, LA	127	127
CALCASIEU RIVER AND PASS, LA	12,117	12,117
FRESHWATER BAYOU, LA	5,354	5,354
GULF INTRACOASTAL WATERWAY, LA	19,478	21,478
HOUMA NAVIGATION CANAL, LA	3,175	3,175
INSPECTION OF COMPLETED WORKS, LA	268	268
J BENNETT JOHNSTON WATERWAY, LA	8,907	11,907
LAKE PROVIDENCE HARBOR, LA	559	559
MADISON PARISH PORT, LA	108	108
MERMENTAU RIVER, LA	1,933	1,933
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	2,773	2,773
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,	63,359	63,359
MISSISSIPPI RIVER, GULF OUTLET, LA	11,286	11,286
PROJECT CONDITION SURVEYS, LA	80	80
REMOVAL OF AQUATIC GROWTH, LA	2,000	2,000
WALLACE LAKE, LA	233	233
WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA	45	45
MAINE		
PROJECT CONDITION SURVEYS, ME	1,060	1,060
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17
UNION RIVER, ME	---	900
WELLS HARBOR, ME	1,455	2,205

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD	455	455
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	710	710
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	16,354	16,354
CUMBERLAND, MD AND RIDGELEY, WV	141	141
HONGA RIVER AND TAR BAY, MD	55	55
INSPECTION OF COMPLETED WORKS, MD	327	327
JENNINGS RANDOLPH LAKE, MD & WV	1,616	1,616
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	1,810	1,810
PROJECT CONDITION SURVEYS, MD	450	450
RHODES POINT TO TYLERTON, MD	70	70
SCHEDULING RESERVOIR OPERATIONS, MD	140	140
ST JEROME CREEK, MD	175	175
TOLCHESTER CHANNEL, MD	5,801	6,801
TWITCH COVE AND BIG THOROFARE RIVER, MD	75	75
UPPER THOROFARE, MD	220	220
WICOMICO RIVER, MD	740	740
MASSACHUSETTS		
BARRE FALLS DAM, MA	368	368
BIRCH HILL DAM, MA	439	439
BUFFUMVILLE LAKE, MA	361	361
CAPE COD CANAL, MA	8,787	8,787
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	213	213
CONANT BROOK LAKE, MA	147	147
EAST BRIMFIELD LAKE, MA	267	267
HODGES VILLAGE DAM, MA	462	462
INSPECTION OF COMPLETED WORKS, MA	125	125
KNIGHTVILLE DAM, MA	390	390
LITTLEVILLE LAKE, MA	461	461
NEW BEDFORD AND FAIRHAVEN HARBOR, MA	310	310
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,.	480	480
PLYMOUTH HARBOR, MA	500	500
PROJECT CONDITION SURVEYS, MA	3,113	3,113
SALEM HARBOR, MA	200	200
TULLY LAKE, MA	436	436
WEST HILL DAM, MA	647	647
WESTVILLE LAKE, MA	342	342
MICHIGAN		
ALPENA HARBOR, MI	203	203
ARCADIA HARBOR, MI	85	85
BLACK RIVER, PORT HURON, MI	306	306
CEDAR RIVER HARBOR, MI	---	1,000
CHANNELS IN LAKE ST CLAIR, MI	458	458
CHARLEVOIX HARBOR, MI	118	118
DETROIT RIVER, MI	2,342	2,342

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FRANKFORT HARBOR, MI	130	130
GRAND HAVEN HARBOR, MI	1,264	1,264
HOLLAND HARBOR, MI	905	905
INLAND ROUTE, MI	33	33
INSPECTION OF COMPLETED WORKS, MI	205	305
KEWEENAW WATERWAY, MI	256	256
LELAND HARBOR, MI	168	168
LUDINGTON HARBOR, MI	663	663
MANISTEE HARBOR, MI	272	272
MANISTIQUE HARBOR, MI	239	239
MENOMINEE HARBOR, MI & WI	174	174
MONROE HARBOR, MI	695	695
NEW BUFFALO HARBOR, MI	---	150
ONTONAGON HARBOR, MI	603	603
PENTWATER HARBOR, MI	450	450
PORTAGE LAKE HARBOR, MI	1,974	1,974
PROJECT CONDITION SURVEYS, MI	275	275
ROUGE RIVER, MI	417	417
SAGINAW RIVER, MI	1,453	1,453
SEBEWAING RIVER (ICE JAM REMOVAL), MI	10	10
SOUTH HAVEN HARBOR, MI	481	481
ST CLAIR RIVER, MI	996	996
ST JOSEPH HARBOR, MI	1,194	1,194
ST MARYS RIVER, MI	20,502	23,502
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	3,197	3,197
WHITE LAKE HARBOR, MI	290	290
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	178	178
DULUTH - SUPERIOR HARBOR, MN & WI	5,310	5,310
DULUTH ALTERNATIVE TECHNOLOGY STUDY, MN	---	320
GRAND MARAIS HARBOR, MN	186	186
INSPECTION OF COMPLETED WORKS, MN	154	154
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	453	453
MINNESOTA RIVER, MN	196	196
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	42,765	42,765
ORWELL LAKE, MN	315	315
PROJECT CONDITION SURVEYS, MN	25	25
RED LAKE RESERVOIR, MN	101	101
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,805	2,805
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	64	64
TWO HARBORS, MN	208	208
MISSISSIPPI		
BILOXI HARBOR, MS	801	801
CLAIBORNE COUNTY PORT, MS	122	122
EAST FORK, TOMBIGBEE RIVER, MS	150	150
GULFPORT HARBOR, MS	2,500	2,500

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, MS	360	360
MOUTH OF YAZOO RIVER, MS	133	133
OKATIBBEE LAKE, MS	955	955
PASCAGOULA HARBOR, MS	3,406	10,400
PEARL RIVER, MS & LA	250	250
ROSEDALE HARBOR, MS	645	645
YAZOO RIVER, MS	115	115
MISSOURI		
CARUTHERSVILLE HARBOR, MO	184	295
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,196	5,196
CLEARWATER LAKE, MO	2,015	2,015
HARRY S TRUMAN DAM AND RESERVOIR, MO	7,688	7,688
INSPECTION OF COMPLETED WORKS, MO	473	473
LITTLE BLUE RIVER LAKES, MO	854	854
LONG BRANCH LAKE, MO	931	931
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,384	13,384
NEW MADRID HARBOR, MO	259	354
POMME DE TERRE LAKE, MO	2,065	2,065
PROJECT CONDITION SURVEYS, MO	26	26
SMITHVILLE LAKE, MO	1,160	1,160
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	401	401
STOCKTON LAKE, MO	3,486	3,486
TABLE ROCK LAKE, MO	6,485	6,485
UNION LAKE, MO	10	10
MONTANA		
FT PECK DAM AND LAKE, MT	3,620	3,620
LIBBY DAM, LAKE KOOCANUSA, MT	2,273	2,273
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	6,151	6,241
HARLAN COUNTY LAKE, NE	2,198	2,198
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,	709	709
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWK	125	125
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWO	125	126
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	721	721
SALT CREEK AND TRIBUTARIES, NE	796	796
SCHEDULING RESERVOIR OPERATIONS, NE	327	327
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	34	34
MARTIS CREEK LAKE, NV & CA	522	522
PINE AND MATHEWS CANYONS LAKES, NV	193	193

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEW HAMPSHIRE		
BLACKWATER DAM, NH	389	389
EDWARD MACDOWELL LAKE, NH	412	412
FRANKLIN FALLS DAM, NH	478	478
HOPKINTON - EVERETT LAKES, NH	984	984
OTTER BROOK LAKE, NH	554	554
PORTSMOUTH HARBOR & PISCATAQUA RIVER, NH & ME	---	250
SURRY MOUNTAIN LAKE, NH	469	469
NEW JERSEY		
BARNEGAT INLET, NJ	1,400	1,400
COLD SPRING INLET, NJ	580	580
DELAWARE RIVER AT CAMDEN, NJ	19	19
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	16,355	17,855
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,180	3,180
NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,005	2,005
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	120	120
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	140	140
RARITAN RIVER, NJ	120	120
SALEM RIVER, NJ	278	278
SHREWSBURY RIVER, MAIN CHANNEL, NJ	175	175
NEW MEXICO		
ABIQUIU DAM, NM	1,315	1,315
COCHITI LAKE, NM	1,766	3,266
CONCHAS LAKE, NM	1,037	1,537
GALISTEO DAM, NM	305	305
INSPECTION OF COMPLETED WORKS, NM	50	50
JEMEZ CANYON DAM, NM	445	3,445
SANTA ROSA DAM AND LAKE, NM	846	1,026
SCHEDULING RESERVOIR OPERATIONS, NM	73	73
TWO RIVERS DAM, NM	313	313
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	---	1,250
NEW YORK		
ALMOND LAKE, NY	468	468
ARKPORT DAM, NY	257	257
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,966	2,966
BUFFALO HARBOR, NY	176	176
DUNKIRK HARBOR, NY	310	310
EAST RIVER, NY	750	750
EAST ROCKAWAY INLET, NY	2,250	2,250
EAST SIDNEY LAKE, NY	473	473
FIRE ISLAND INLET TO JONES INLET, NY	340	340
FIRE ISLAND INLET, NY	1,000	1,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FLUSHING BAY AND CREEK, NY	490	490
GREAT SOUTH BAY, NY	1,540	1,540
HUDSON RIVER CHANNEL, NY	1,265	1,265
HUDSON RIVER, NY (MAINT)	2,485	2,485
HUDSON RIVER, NY (O&C)	1,340	1,340
INSPECTION OF COMPLETED WORKS, NY	460	460
JAMAICA BAY, NY	1,410	1,410
JONES INLET, NY	200	200
LONG ISLAND INTRACOASTAL WATERWAY, NY	2,190	2,190
MORICHES INLET, NY	980	980
MT MORRIS LAKE, NY	1,958	1,958
NEW YORK AND NEW JERSEY CHANNELS, NY	6,720	6,720
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	5,030	5,030
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	740	740
NEW YORK HARBOR, NY	12,319	12,319
OSWEGO HARBOR, NY	353	353
PORTCHESTER HARBOR, NY	200	200
PROJECT CONDITION SURVEYS, NY	3,038	3,038
ROCHESTER HARBOR, NY	725	725
SAG HARBOR, NY	1,600	1,600
SHINNECOCK INLET, NY	2,000	2,000
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	739	739
STURGEON POINT HARBOR, NY	15	15
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	564	564
WHITNEY POINT LAKE, NY	517	517
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	5,831	5,831
B EVERETT JORDAN DAM AND LAKE, NC	1,500	1,500
BEAUFORT HARBOR, NC	350	350
BOGUE INLET AND CHANNEL, NC	627	627
CAPE FEAR RIVER ABOVE WILMINGTON, NC	897	897
CAROLINA BEACH INLET, NC	1,430	1,430
FALLS LAKE, NC	1,276	1,276
INSPECTION OF COMPLETED WORKS, NC	22	22
LOCKWOODS FOLLY RIVER, NC	455	455
MANTEO (SHALLOWBAG) BAY, NC	4,995	4,995
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	4,737	4,737
NEW RIVER INLET, NC	825	825
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	610	610
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	64	64
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	1,742	1,742
WILMINGTON HARBOR, NC	8,405	8,405

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	241	241
GARRISON DAM, LAKE SAKAKAWEA, ND	8,513	8,563
HOMME LAKE, ND	153	153
LAKE ASHTABULA AND BALDHILL DAM, ND	1,230	1,230
PIPESTEM LAKE, ND	401	401
SOURIS RIVER, ND	292	292
OHIO		
ALUM CREEK LAKE, OH	790	790
ASHTABULA HARBOR, OH	750	750
BERLIN LAKE, OH	3,270	3,270
CAESAR CREEK LAKE, OH	1,309	1,309
CLARENCE J BROWN DAM, OH	1,175	1,175
CLEVELAND HARBOR, OH	3,915	5,915
CONNEAUT HARBOR, OH	735	735
DEER CREEK LAKE, OH	745	745
DELAWARE LAKE, OH	777	777
DILLON LAKE, OH	709	709
FAIRPORT HARBOR, OH	1,785	1,785
HURON HARBOR, OH	790	790
INSPECTION OF COMPLETED WORKS, OH	240	240
LORAIN HARBOR, OH	2,152	2,152
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	1,033	1,033
MOSQUITO CREEK LAKE, OH	1,329	1,329
MUSKINGUM RIVER LAKES, OH	7,993	7,993
NORTH BRANCH KOKOSING RIVER LAKE, OH	544	544
PAINT CREEK LAKE, OH	661	661
PROJECT CONDITION SURVEYS, OH	85	85
ROCKY RIVER HARBOR, OH	---	590
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	870	870
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	174	174
TOLEDO HARBOR, OH	4,550	4,550
TOM JENKINS DAM, OH	350	350
WEST FORK OF MILL CREEK LAKE, OH	565	565
WILLIAM H HARSHA LAKE, OH	821	821
OKLAHOMA		
ARCADIA LAKE, OK	417	417
BIRCH LAKE, OK	480	480
BROKEN BOW LAKE, OK	1,471	1,971
CANDY LAKE, OK	18	168
CANTON LAKE, OK	2,656	2,656
COPAN LAKE, OK	823	823
EUFAULA LAKE, OK	7,240	7,240

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FORT GIBSON LAKE, OK	5,954	5,954
FORT SUPPLY LAKE, OK	838	838
GREAT SALT PLAINS LAKE, OK	209	209
HEYBURN LAKE, OK	557	557
HUGO LAKE, OK	1,639	1,639
HULAH LAKE, OK	447	447
INSPECTION OF COMPLETED WORKS, OK	72	72
KAW LAKE, OK	1,756	1,756
KEYSTONE LAKE, OK	6,435	6,435
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK.	4,588	4,588
OOLOGAH LAKE, OK	2,353	2,353
OPTIMA LAKE, OK	63	63
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	32	32
PINE CREEK LAKE, OK	1,160	1,160
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,001	4,001
SARDIS LAKE, OK	944	944
SCHEDULING RESERVOIR OPERATIONS, OK	386	386
SKIATOOK LAKE, OK	947	947
TENKILLER FERRY LAKE, OK	3,178	3,178
WAURIKA LAKE, OK	1,441	1,441
WEBBERS FALLS LOCK AND DAM, OK	3,297	3,297
WISTER LAKE, OK	729	1,429
OREGON		
APPLEGATE LAKE, OR	748	748
BLUE RIVER LAKE, OR	332	332
BONNEVILLE LOCK AND DAM, OR & WA	6,250	6,250
CHETCO RIVER, OR	435	435
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	16,274	18,874
COLUMBIA RIVER AT THE MOUTH, OR & WA	7,403	7,403
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	357	357
COOS BAY, OR	4,144	4,144
COQUILLE RIVER, OR	316	316
COTTAGE GROVE LAKE, OR	919	919
COUGAR LAKE, OR	705	705
DEPOE BAY, OR	3	363
DETROIT LAKE, OR	672	672
DORENA LAKE, OR	580	580
FALL CREEK LAKE, OR	619	619
FERN RIDGE LAKE, OR	1,277	1,277
GREEN PETER - FOSTER LAKES, OR	1,050	1,050
HILLS CREEK LAKE, OR	408	408
INSPECTION OF COMPLETED WORKS, OR	220	220
JOHN DAY LOCK AND DAM, OR & WA	4,507	4,507
LOOKOUT POINT LAKE, OR	1,990	1,990
LOST CREEK LAKE, OR	2,919	2,919
MCNARY LOCK AND DAM, OR & WA	4,989	4,989
PORT ORFORD, OR	702	702
PROJECT CONDITION SURVEYS, OR	200	200

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ROGUE RIVER, OR	641	641
SCHEDULING RESERVOIR OPERATIONS, OR	67	67
SIUSLAW RIVER, OR	822	822
SKIPANON CHANNEL, OR	176	176
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	148	148
UMPQUA RIVER, OR	1,421	1,421
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	1,234	1,234
WILLAMETTE RIVER BANK PROTECTION, OR	285	285
WILLOW CREEK LAKE, OR	646	646
YAQUINA BAY AND HARBOR, OR	7,895	7,895
PENNSYLVANIA		
ALLEGHENY RIVER, PA	6,905	6,905
ALVIN R BUSH DAM, PA	608	608
AYLESWORTH CREEK LAKE, PA	216	216
BELTZVILLE LAKE, PA	832	832
BLUE MARSH LAKE, PA	2,121	2,121
CONEMAUGH RIVER LAKE, PA	1,259	1,259
COWANESQUE LAKE, PA	1,785	2,035
CROOKED CREEK LAKE, PA	1,491	1,491
CURWENSVILLE LAKE, PA	659	659
EAST BRANCH CLARION RIVER LAKE, PA	903	903
ERIE HARBOR, PA	125	125
FOSTER JOSEPH SAYERS DAM, PA	713	713
FRANCIS E WALTER DAM, PA	663	663
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	321	321
INSPECTION OF COMPLETED WORKS, PA	95	95
JOHNSTOWN, PA	13	13
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,472	1,472
LOYALHANNA LAKE, PA	1,778	1,778
MAHONING CREEK LAKE, PA	1,392	1,392
MONONGAHELA RIVER, PA	14,293	14,293
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	22,407	22,407
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	218	218
PROJECT CONDITION SURVEYS, PA	88	88
PROMPTON LAKE, PA	437	437
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,533	4,783
SCHUYLKILL RIVER, PA	740	740
SHENANGO RIVER LAKE, PA	2,644	2,644
STILLWATER LAKE, PA	334	334
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	70	70
TIOGA - HAMMOND LAKES, PA	2,382	3,352
TIONESTA LAKE, PA	1,788	1,788
UNION CITY LAKE, PA	258	258
WOODCOCK CREEK LAKE, PA	817	817
YORK INDIAN ROCK DAM, PA	517	517
YOUGHIOGHENY RIVER LAKE, PA & MD	2,011	2,011

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
RHODE ISLAND		
PROVIDENCE RIVER AND HARBOR, RI	584	1,584
SAKONNET HARBOR, RI	---	500
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	3,629	5,629
CHARLESTON HARBOR, SC	7,145	7,145
COOPER RIVER, CHARLESTON HARBOR, SC	3,235	3,235
FOLLY RIVER, SC	266	266
GEORGETOWN HARBOR, SC	5,234	5,234
INSPECTION OF COMPLETED WORKS, SC	26	26
MURRELLS INLET, SC	---	1,000
PORT ROYAL HARBOR, SC	21	21
PROJECT CONDITION SURVEYS, SC	60	60
SHIPYARD RIVER, SC	477	477
TOWN CREEK, SC	398	398
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	6,422	6,502
COLD BROOK LAKE, SD	496	496
COTTONWOOD SPRINGS LAKE, SD	172	172
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	8,852	8,942
LAKE TRAVERSE, SD & MN	580	580
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	586	586
OAHE DAM, LAKE OAHE, SD & ND	11,192	11,282
SCHEDULING RESERVOIR OPERATIONS, SD	306	306
TENNESSEE		
CENTER HILL LAKE, TN	6,070	6,070
CHEATHAM LOCK AND DAM, TN	5,307	5,307
CHICKAMAUGA LOCK, TN	1,900	1,900
CORDELL HULL DAM AND RESERVOIR, TN	4,916	4,916
DALE HOLLOW LAKE, TN	4,191	4,191
INSPECTION OF COMPLETED WORKS, TN	5	5
J PERCY PRIEST DAM AND RESERVOIR, TN	3,278	3,278
OLD HICKORY LOCK AND DAM, TN	6,326	6,326
TENNESSEE RIVER, TN	14,484	14,484
WOLF RIVER HARBOR, TN	348	348
TEXAS		
AQUILLA LAKE, TX	738	738
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,340	1,340
BARBOUR TERMINAL CHANNEL, TX	314	314
BARDWELL LAKE, TX	1,453	1,453
BAYPORT SHIP CHANNEL, TX	1,810	1,810

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BELTON LAKE, TX	3,103	3,103
BENBROOK LAKE, TX	1,975	1,975
BRAZOS ISLAND HARBOR, TX	4,802	4,802
BUFFALO BAYOU AND TRIBUTARIES, TX	2,029	2,029
CANYON LAKE, TX	2,689	2,689
CHANNEL TO PORT MANSFIELD, TX	2,627	2,627
CORPUS CHRISTI SHIP CHANNEL, TX	5,036	5,036
DENISON DAM, LAKE TEXOMA, TX	5,517	5,517
DOUBLE BAYOU, TX	805	805
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	10	10
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,801	2,801
FREEPORT HARBOR, TX	4,802	4,802
GALVESTON HARBOR AND CHANNEL, TX	87	87
GIWW, CHANNEL TO VICTORIA, TX	752	752
GRANGER DAM AND LAKE, TX	1,573	1,573
GRAPEVINE LAKE, TX	2,433	2,433
GULF INTRACOASTAL WATERWAY, TX	21,765	21,765
HORDS CREEK LAKE, TX	1,203	1,203
HOUSTON SHIP CHANNEL, TX	8,137	8,137
INSPECTION OF COMPLETED WORKS, TX	393	393
JIM CHAPMAN LAKE, TX	1,144	1,144
JOE POOL LAKE, TX	759	759
LAKE KEMP, TX	201	201
LAVON LAKE, TX	2,439	2,439
LEWISVILLE DAM, TX	2,959	2,959
MATAGORDA SHIP CHANNEL, TX	4,315	4,315
MOUTH OF THE COLORADO RIVER, TX	2,953	2,953
NAVARRO MILLS LAKE, TX	1,524	1,524
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,785	1,785
O C FISHER DAM AND LAKE, TX	1,005	1,005
PAT MAYSE LAKE, TX	941	941
PROCTOR LAKE, TX	1,709	1,709
PROJECT CONDITION SURVEYS, TX	75	75
RAY ROBERTS LAKE, TX	1,002	1,002
SABINE - NECHES WATERWAY, TX	10,013	10,013
SAM RAYBURN DAM AND RESERVOIR, TX	4,191	4,191
SCHEDULING RESERVOIR OPERATIONS, TX	249	249
SOMERVILLE LAKE, TX	2,773	2,773
STILLHOUSE HOLLOW DAM, TX	1,744	1,744
TEXAS CITY SHIP CHANNEL, TX	371	371
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	2,007	2,007
TRINITY RIVER AND TRIBUTARIES, TX	29	29
TEXAS WATER ALLOCATION ASSESMENT	---	1,500
WACO LAKE, TX	2,301	2,901
WALLISVILLE LAKE, TX	1,208	1,208
WHITNEY LAKE, TX	4,680	4,680
WRIGHT PATMAN DAM AND LAKE, TX	2,643	2,643

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
UTAH		
INSPECTION OF COMPLETED WORKS, UT	55	55
SCHEDULING RESERVOIR OPERATIONS, UT	305	305
VERMONT		
BALL MOUNTAIN LAKE, VT	607	607
BURLINGTON HARBOR, VT	---	1,000
NARROWS OF LAKE CHAMPLAIN, VT & NY	46	46
NORTH HARTLAND LAKE, VT	561	561
NORTH SPRINGFIELD LAKE, VT	583	583
TOWNSHEND LAKE, VT	629	629
UNION VILLAGE DAM, VT	464	464
VIRGINIA		
APPOMATTOX RIVER, VA	593	593
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,750	1,750
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	1,325	1,325
CHANNEL TO NEWPORT NEWS, VA	120	120
CHINCOTEAGUE INLET, VA	877	877
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,465	1,465
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	995	995
INSPECTION OF COMPLETED WORKS, VA	77	77
JAMES RIVER CHANNEL, VA	4,294	4,294
JOHN H KERR LAKE, VA & NC	8,041	8,041
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,525	1,525
LITTLE WICOMICO RIVER, VA	605	605
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	225	225
NORFOLK HARBOR, VA	6,105	6,105
NORTH FORK OF POUND RIVER LAKE, VA	406	406
OCCOQUAN RIVER,VA	---	1,000
PAGAN RIVER, VA	145	145
PHILPOTT LAKE, VA	3,060	3,060
POTOMAC RIVER AT MT VERNON, VA	410	410
PROJECT CONDITION SURVEYS, VA	617	617
RUDEE INLET, VA	646	646
STARLINGS CREEK, VA	551	551
THIMBLE SHOAL CHANNEL, VA	204	204
WATERWAY ON THE COAST OF VIRGINIA, VA	1,185	1,185
WASHINGTON		
CHIEF JOSEPH DAM, WA	2,113	2,113
COLUMBIA RIVER AT BAKER BAY, WA & OR	3	3
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	6	6
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,212	1,212
GRAYS HARBOR AND CHEHALIS RIVER, WA	9,820	12,570
HOWARD HANSON DAM, WA	1,849	1,849

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ICE HARBOR LOCK AND DAM, WA	6,094	6,094
INSPECTION OF COMPLETED WORKS, WA	146	146
LAKE WASHINGTON SHIP CANAL, WA	6,797	6,797
LITTLE GOOSE LOCK AND DAM, WA	1,537	1,537
LOWER GRANITE LOCK AND DAM, WA	4,291	4,291
LOWER MONUMENTAL LOCK AND DAM, WA	2,821	2,821
MILL CREEK LAKE, WA	925	925
MT ST HELENS SEDIMENT CONTROL, WA	312	312
MUD MOUNTAIN DAM, WA	2,440	2,440
PROJECT CONDITION SURVEYS, WA	316	316
PUGET SOUND AND TRIBUTARY WATERS, WA	967	967
QUILLAYUTE RIVER, WA	37	1,037
SCHEDULING RESERVOIR OPERATIONS, WA	415	415
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA	100	450
SEATTLE HARBOR, WA	714	714
STILLAGUAMISH RIVER, WA	205	205
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	56	56
TACOMA, PUYALLUP RIVER, WA	78	78
THE DALLES LOCK AND DAM, WA & OR	3,432	3,432
WILLAPA RIVER AND HARBOR, WA	---	650
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,137	1,137
BLUESTONE LAKE, WV	1,689	4,800
BURNSVILLE LAKE, WV	1,723	1,723
EAST LYNN LAKE, WV	1,714	1,714
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	91	91
KANAWHA RIVER LOCKS AND DAMS, WV	7,782	7,782
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	15,934	15,934
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,786	2,786
R D BAILEY LAKE, WV	1,934	1,934
STONEWALL JACKSON LAKE, WV	1,216	1,216
SUMMERSVILLE LAKE, WV	1,526	1,526
SUTTON LAKE, WV	1,903	1,903
TYGART LAKE, WV	3,568	3,568
WHEELING CREEK, WV	---	500
WISCONSIN		
ASHLAND HARBOR, WI	170	170
EAU GALLE RIVER LAKE, WI	735	735
FOX RIVER, WI	3,252	3,252
GREEN BAY HARBOR, WI	1,640	1,640
KENOSHA HARBOR, WI	925	925
KEWAUNEE HARBOR, WI	490	490
LA FARGE LAKE, WI	53	53
MANITOWOC HARBOR, WI	738	738
MILWAUKEE HARBOR, WI	819	819

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SHEBOYGAN HARBOR, WI	290	290
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	1,534	1,534
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	28	28
TWO RIVERS HARBOR, WI	537	537
WYOMING		
JACKSON HOLE LEVEES, WY	1,163	1,163
MISCELLANEOUS		
COASTAL INLET RESEARCH PROGRAM	3,000	2,750
CULTURAL RESOURCES (NAGPRA/CURATION)	3,000	1,500
DREDGE WHEELER READY RESERVE	13,500	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,166	1,000
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	8,000	7,000
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM	2,100	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	600	500
GREAT LAKES SEDIMENT TRANSPORT MODELS	---	500
HARBOR MAINTENANCE FEE DATA COLLECTION	975	575
MANAGEMENT TOOLS FOR O&M	1,100	500
MONITORING OF COASTAL NAVIGATION PROJECTS	2,000	1,700
NATIONAL DAM SAFETY PROGRAM	40	40
NATIONAL DAM SECURITY PROGRAM	25	25
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP)	6,000	4,000
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	1,650	415
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,950	1,500
REGIONAL SEDIMENT MANAGEMENT SEDIMENT DEMO PROGRAM	1,500	1,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	675
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM	1,500	700
WATERBORNE COMMERCE STATISTICS	4,600	4,000
WETLANDS FUNCTIONAL ASSESSMENT METHODOLOGY	1,000	---
ZEBRA MUSSEL CONTROL	700	700
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-16,867	-43,867
TOTAL, OPERATION AND MAINTENANCE	1,854,000	1,901,959

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $39,940,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Bureau of Reclamation. Additional items of the conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $678,450,000 for Water and Related Resources instead of $635,777,000 as proposed by the House and $655,192,000 as proposed by the Senate.

The conference agreement includes $39,467,000 for the Central Arizona Project as proposed by the House.

The additional funds provided by the House under the California Investigations Program for studies of ways to increase the reliability of water supplies in southern Orange County, California, have been included under the Southern California Investigations Program.

The conference agreement includes an additional $1,000,000 for the Columbia and Snake Rivers Salmon Recovery project. The additional funds may be used for water acquisition and other actions that may be required by Endangered Species Act biological opinions concerning the operation and maintenance of Bureau of Reclamation projects.

The conference agreement includes an increase of $4,758,000 over the budget request for the Middle Rio Grande project in New Mexico for the Bureau of Reclamation to undertake research, monitoring, and modeling of evapotranspiration, implement a program for the transplant of silvery minnow larvae and young-of-year, and carry out habitat conservation and restoration activities along the middle Rio Grande River valley as specified in the Senate report. Additional funding is also provided for Bureau of Reclamation participation in the recent settlement regarding the recovery of the Rio Grande silvery minnow.

The conference agreement includes $2,960,000 for the Title XVI Water Reclamation and Reuse Program. Of the funds provided, $500,000 is provided for the Bureau of Reclamation to participate with the City of Espanola, New Mexico, in a feasibility study to investigate opportunities to reclaim and reuse municipal wastewater and naturally impaired surface and groundwater, and $300,000 is provided to continue the Phoenix Metropolitan Water Reclamation and Reuse (Aqua Fria) project in Arizona. In addition, $1,000,000 is provided for the Bureau of Reclamation to support the WateReuse Foundation's research program as described in the House report.

The conferees have provided $5,000,000 for the Drought Emergency Assistance Program to address the severe drought conditions that currently exist in New Mexico and other western states. The conferees direct the attention of the Bureau of Reclamation to the need for the acquisition of water for the San Carlos Reservoir on the Gila River in Arizona.

The conference agreement includes $8,500,000 for the Native American Affairs Program of the Bureau of Reclamation, of which $200,000 is for the Bureau to undertake studies, in consultation and cooperation with the Jicarilla Apache Tribe, of the most feasible method of developing a safe and adequate municipal, rural and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in New Mexico.

Of the amount provided for the Wetlands Development Program, $1,500,000 is provided for design and construction of the restoration of the Upper Truckee River in the vicinity of the airport at South Lake Tahoe, California, including channel realignment, and meadow and floodplain restoration.

The conference agreement deletes language proposed by the House which provides that none of the funds appropriated in the Act may be used by the Bureau of Reclamation for closure of the Auburn Dam, California, diversion tunnel or restoration of the American River channel through the Auburn Dam construction site.

The conferees have included language in the bill proposed by the Senate which provides that $16,000,000 shall be available for the Rocky Boys Indian Water Rights Settlement project in Montana; provides that not more than $500,000 shall be available for projects carried out by the Youth Conservation Corps; increases the amount authorized for Indian municipal, rural, and industrial water features of the Garrison Diversion project in North Dakota by $2,000,000; and amends the Reclamation Safety of Dams Act of 1978.

The conference agreement deletes bill language proposed by the Senate providing $2,300,000 for the Albuquerque Metropolitan Area Water Reclamation and Reuse project. Funding for this project is included in the total amount appropriated for Water and Related Resources.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $9,369,000 for the Bureau of Reclamation Loan Program account as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $38,382,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

POLICY AND ADMINISTRATION

The conference agreement appropriates $50,224,000 for Policy and Administration as proposed by the Senate instead of $47,000,000 as proposed by the House.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Section 201. The conference agreement includes language proposed by the House which provides that none of the funds appropriated by this or any other Act may be used to purchase or lease water in the Middle Rio Grande or Carlsbad projects in New Mexico unless the purchase or lease is in compliance with the requirements of section 202 of Public Law 106-60.

Section 202. The conference agreement includes language proposed by the Senate which provides that funds for Drought Emergency Assistance are to be used primarily for leasing of water for specified drought related purposes from willing lessors in compliance with State laws. The language also provides that leases may be entered into with an option to purchase provided the purchase is approved in the State in which the purchase takes place and does not cause economic harm in the State in which the purchase is made.

Section 203. The conference agreement includes language proposed by the House which provides authority to the Secretary of the Interior to make an annual assessment upon Central Valley Project water and power contractors for the purpose of making an annual payment to the Trinity Public Utilities District. The language has been amended to clarify that the payments to the Trinity Public Utilities District will be made without the need for appropriations.

Section 204. The conference agreement includes language proposed by the Senate regarding the activities of the Glen Canyon Dam Adaptive Management Program. The language in the Senate bill has been amended to increase the funding limit for the program to not more than $7,850,000, adjusted for inflation, and to not preclude voluntary contributions to the Adaptive Management Program.

Section 205. The conference agreement includes language proposed by the Senate which authorizes and directs the Secretary of the Interior to use not to exceed $1,000,000 to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994, for failure to file certain certification or reporting forms prior to the receipt of project water pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982.

Section 206. The conference agreement includes language proposed by the Senate which amends the Canyon Ferry Reservoir, Montana, Act.

Section 207. The conference agreement includes language proposed by the Senate which provides that beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be nonreimbursable.

Section 208. The conference agreement includes language proposed by the Senate which permits the use of Colorado-Big Thompson Project facilities for nonproject water.

Section 209. The conference agreement includes language proposed by the Senate which amends the Irrigation Project Contract Extension Act of 1998.

Section 210. The conference agreement includes a provision proposed by the Senate which extends through fiscal year 2001 the prohibition on the use of funds to further reallocate Central Arizona Project water until the enactment of legislation authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for the delivery of Central Arizona Project water.

Section 211. The conference agreement includes language which amends the San Luis Rey Indian Water Rights Settlement Act, Public Law 100-675.

Section 212. The conference agreement includes language providing for the conveyance of the Sly Park Unit in California to the El Dorado Irrigation District.

Provision not included in the conference agreement.—The conference agreement does not include a provision proposed by the Senate related to recreation development within the State of Montana.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
WATER AND RELATED				
ARIZONA				
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT	---	6,762	---	6,762
CENTRAL ARIZONA PROJECT	33,667	---	39,467	---
COLORADO RIVER BASIN SALINITY CONTROL, TITLE I	1,068	10,315	1,068	10,315
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	3,722	380	3,722	380
HOPI/WESTERN NAVAJO WATER DEVELOPMENT PLAN	---	---	1,000	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	300	---	300	---
SOUTH CENTRAL ARIZONA INVESTIGATIONS PROGRAM	690	---	890	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT	5,189	---	5,189	---
TRES RIOS WETLANDS DEMONSTRATION	550	---	550	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY	300	---	300	---
YUMA AREA PROJECTS	1,738	17,450	1,738	17,450
CALIFORNIA				
CACHUMA PROJECT	666	401	666	401
CALIFORNIA INVESTIGATIONS PROGRAM	1,293	---	1,293	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJ	500	---	824	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION, AUBURN-FOLSOM SOUTH UNIT	4,740	10,708	10,240	10,708
DELTA DIVISION	14,636	4,706	14,636	4,706
EAST SIDE DIVISION	585	3,595	585	3,595
FRIANT DIVISION	4,170	2,531	4,170	2,531
MISCELLANEOUS PROJECT PROGRAMS	11,824	1,009	11,824	1,009
REPLACEMENTS, ADDITIONS, EXTRAORDINARY MAINT	---	8,013	---	8,013
SACRAMENTO RIVER DIVISION	6,171	1,612	8,691	1,612
SAN FELIPE DIVISION	897	---	897	---
SAN JOAQUIN DIVISION	2,608	---	2,608	---
SHASTA DIVISION	3,474	7,356	3,474	7,356
TRINITY RIVER DIVISION	7,116	4,791	7,116	4,791
WATER AND POWER OPERATIONS	897	6,490	897	6,490
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	6,385	5,447	7,385	5,447
YIELD FEASIBILITY INVESTIGATION	1,800	---	1,800	---
LONG BEACH AREA WATER RECLAMATION PROJECT	2,000	---	2,000	---
LOS ANGELES AREA WATER RECLAMATION/REUSE PROJ	740	---	740	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO	---	---	503	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJ	2,000	---	5,000	---
ORANGE COUNTY REGIONAL WATER. RECLAMATION PROJ	2,000	---	2,000	---
ORLAND PROJECT	---	617	---	617
SALTON SEA RESEARCH PROJECT	1,000	---	5,000	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	7,500	---	7,500	---
SAN GABRIEL BASIN PROJECT	2,000	---	2,000	---
SAN JOSE AREA WATER RECLAMATION AND REUSE PROG	3,500	---	3,500	---
SOLANO PROJECT	1,084	1,088	1,084	1,088
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	624	---	1,124	---
VENTURA RIVER PROJECT, CASITAS DAM	---	5,500	---	5,500

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
COLORADO				
ANIMAS-LAPLATA PROJECT, SECTIONS 5 & 8	2,000	---	2,000	---
COLLBRAN PROJECT	132	967	132	967
COLORADO-BIG THOMPSON PROJECT	355	7,381	355	7,381
COLORADO INVESTIGATIONS PROGRAM	188	---	188	---
FRUITGROWERS DAM PROJECT	102	16	102	16
FRYINGPAN-ARKANSAS PROJECT	285	4,653	285	4,653
GRAND VALLEY UNIT, CRBSCP	412	507	412	507
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	469	1,291	469	1,291
LOWER COLORADO RIVER BASIN INVESTIGATIONS PROGRAM	69	---	69	---
LOWER GUNNISON BASIN UNIT, CRBSCP, TITLE II	---	332	---	332
MANCOS PROJECT	42	22	42	22
PARADOX VALLEY UNIT, CRBSCP, TITLE II	---	2,058	---	2,058
PINE RIVER PROJECT	90	58	90	58
SAN LUIS VALLEY PROJECT, CLOSED BASIN/CONEJOS DIV	410	2,812	410	2,812
UNCOMPAHGRE PROJECT	287	23	287	23
IDAHO				
BOISE AREA PROJECTS	1,746	5,683	1,746	5,683
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	4,622	---	5,622	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	250	---	500	---
IDAHO INVESTIGATIONS PROGRAM	248	---	248	---
MINIDOKA AREA PROJECTS	3,466	1,841	3,766	1,841
MINIDOKA NORTHSIDE DRAINWATER MANAGEMENT PROJECT	288	---	288	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	400	---	400	---
WICHITA PROJECT	---	226	---	226
MONTANA				
CANYON FERRY RESRVOIR	---	---	325	---
FORT PECK RURAL COUNTY WATER SYSTEM	---	---	1,500	---
FORT PECK, DRY PRAIRIE RURAL WATER SYSTREM	---	---	435	---
HUNGRY HORSE PROJECT	---	283	---	283
MILK RIVER PROJECT	325	512	325	512
MONTANA INVESTIGATIONS PROGRAM	251	---	251	---
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT	16,000	---	16,000	---
NEBRASKA				
MIRAGE FLATS PROJECT	35	53	35	53
NORTH LOOP DIVISION, MIRDAN CANAL	---	---	1,750	---
NEBRASKA INVESTIGATIONS PROGRAM	17	---	17	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
NEVADA				
LAKE MEAD/LAS VEGAS WASH PROGRAM	800	---	1,500	---
LAHONTAN BASIN PROJECT	6,864	1,577	6,864	1,577
NEWLANDS PROJECT WATER RIGHTS FUND	---	---	2,700	---
SOUTHERN NEVADA WATER RECYCLING	---	---	500	---
WALKER RIVER BASIN PROJECT	---	---	300	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	2,300	---
CARLSBAD PROJECT	2,345	607	2,345	857
EASTERN NEW MEXICO WATER SUPPLY	---	---	250	---
MIDDLE RIO GRANDE PROJECT	2,604	8,480	7,362	8,480
NAVAJO-GALLUP WATER SUPPLY PROJECT	---	---	450	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	176	---	176
RIO GRANDE PROJECT	947	2,287	947	2,287
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	183	---	183	---
SO. NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAMS	238	---	238	---
TUCUMARI PROJECT	18	5	18	5
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	164	---	164	---
VELARDE COMMUNITY DITCH PROJECT	3,880	---	3,880	---
NORTH DAKOTA				
DAKOTA INVESTIGATIONS PROGRAM	387	---	387	---
DAKOTA TRIBES INVESTIGATIONS PROGRAM	187	---	187	---
GARRISON DIVERSION UNIT, P-SMBP	17,416	3,875	21,416	3,875
OKLAHOMA				
ARBUCKLE PROJECT	---	168	---	168
MCGEE CREEK PROJECT	---	535	---	535
MOUNTAIN PARK PROJECT	---	232	---	232
NORMAN PROJECT	---	163	---	163
OKLAHOMA INVESTIGATIONS PROGRAM	234	---	234	---
W.C. AUSTIN PROJECT	---	262	---	262
WASHTIA BASIN PROJECT	---	638	---	638
OREGON				
CROOKED RIVER PROJECT	384	307	384	307
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500	---	1,000	---
DESCHUTES PROJECT	294	137	294	137
EASTERN OREGON PROJECTS	205	249	205	249
GRANDE RONDE WATER OPTIMIZATION STUDY	50	---	50	---
KLAMATH PROJECT	10,837	348	10,837	348
OREGON INVESTIGATIONS PROGRAM	601	---	601	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	260	623	260	623
TUALATIN PROJECT	197	123	197	123

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	100	---	100	---
UMATILLA BASIN PROJECT, PHASE III STUDY	100	---	100	---
UMATILLA PROJECT	571	1,723	571	1,723
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	---	---	1,000	---
MID-DAKOTA RURAL WATER PROJECT	6,000	40	8,000	40
MNI WICONI PROJECT	23,570	6,165	27,570	6,165
RAPID VALLEY PROJECT	---	30	---	30
TEXAS				
BALMORHEA PROJECT	31	---	31	---
CANADIAN RIVER PROJECT	---	131	---	131
HASKELL STREET RECLAIMED WATER PROJECT	---	---	500	---
NUECES RIVER PROJECT	---	393	---	393
PALMETTO BEND PROJECT	---	546	---	546
SAN ANGELO PROJECT	---	262	---	262
TEXAS INVESTIGATIONS PROGRAM	346	---	596	---
UTAH				
HYRUM PROJECT	62	11	62	11
MOON LAKE PROJECT	15	5	15	5
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	250	---	250	---
NEWTON PROJECT	39	14	39	14
NORTHERN UTAH INVESTIGATIONS PROGRAM	230	---	230	---
OGDEN RIVER PROJECT	76	29	76	29
PROVO RIVER PROJECT	401	340	401	340
SCOFIELD PROJECT	91	24	91	24
SOUTHERN UTAH INVESTIGATIONS PROGRAM	235	---	235	---
STRAWBERRY VALLEY PROJECT	88	7	88	7
WEBER BASIN PROJECT	1,267	141	1,267	141
WEBER RIVER PROJECT	296	32	296	32
WASHINGTON				
COLUMBIA BASIN PROJECT	3,600	7,524	3,600	7,524
WASHINGTON INVESTIGATIONS PROGRAM	264	---	264	---
YAKIMA PROJECT	523	7,483	523	7,483
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	11,056	---	11,056	---
WYOMING				
KENDRICK PROJECT	4	5,597	4	5,597
NORTH PLATTE PROJECT	19	1,295	19	1,295
SHOSHONE PROJECT	42	905	42	905
WYOMING INVESTIGATIONS PROGRAM	70	---	70	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II	11,085	---	11,085	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	3,813	1,455	3,813	1,455
COLORADO RIVER STORAGE PROJECT, SECTION 8, RFW	7,135	---	7,135	---
COLORADO RIVER WATER QUALITY IMPROVEMENT	150	---	150	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION	---	51,600	---	51,600
SAFETY EVALUATION OF EXISTING DAMS	---	17,500	---	17,500
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	1,000	---	1,000
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	3,000	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE PROGRAM	500	---	5,000	---
EFFICIENCY INCENTIVES PROGRAM	3,169	---	3,000	---
EMERGENCY PLANNING AND DISASTER RESPONSE PROG	---	309	---	309
ENDANGERED SPECIES RECOVERY IMPLEMENT. PROG	12,179	---	12,179	---
ENVIRONMENTAL AND INTERAGENCY COORDINATION	1,824	---	1,000	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	2,155	---	1,500	---
EXAMINATION OF EXISTING STRUCTURES	30	4,740	30	4,240
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,400	---	1,000
GENERAL PLANNING ACTIVITIES	1,842	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM	6,484	---	5,884	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	13,729	---	11,729	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	506	---	506
NATIONAL FISH AND WILDLIFE FOUNDATION	1,300	---	1,300	---
NATIVE AMERICAN AFFAIRS PROGRAM	8,500	---	8,500	---
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING	1,254	---	1,000	---
OPERATION AND MAINTENANCE PROGRAM MANAGEMENT	169	865	169	865
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PROJ	3,232	25,667	3,232	25,667
POWER PROGRAM SERVICES	1,023	473	1,023	473
PUBLIC ACCESS AND SAFETY PROGRAM	464	---	464	---
RECLAMATION LAW ADMINISTRATION	4,914	---	4,696	---
RECLAMATION RECREATION MANAGEMENT ACT - TITLE XXVIII	3,743	---	3,743	---
RECREATION, FISH AND WILDLIFE PROGRAM ADMIN	2,766	---	2,000	---
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT RESEARCH PROGRAM	1,225	---	1,225	---
APPLIED SCIENCE AND TECHNOLOGY DEVELOPMENT	3,249	---	3,249	---
DESALINATION RESEARCH DEVELOPMENT PROGRAM	300	---	1,300	---
HYDROELECTRIC INFRASTRUCTURE PROT/EHNANCE	660	---	660	---
TECHNOLOGY ADVANCEMENT PROGRAM	283	---	283	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM	933	---	933	---
SITE SECURITY	---	1,043	---	1,043
SOIL AND MOISTURE CONSERVATION	263	---	263	---
TECHNICAL ASSISTANCE TO STATES	1,840	---	1,000	---
TITLE XVI WATER RECLAMATION AND REUSE PROGRAM	1,460	---	2,960	---
UNITED STATES/MEXICO BORDER ISSUES- TECH SUPPORT	50	---	50	---
WATER MANAGEMENT AND CONSERVATION PROGRAM	7,605	---	7,100	---
WETLANDS DEVELOPMENT	3,750	---	3,250	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-31,120	---	-47,720	---
TOTAL, WATER AND RELATED RESOURCES..............	353,822	289,236	389,864	288,586

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT	1,300	---	1,300	---
SALINAS VALLEY WATER RECLAMATION	800	---	800	---
SAN SEVAINE CREEK WATER PROJECT	6,844	---	6,844	---
VARIOUS				
LOAN ADMINISTRATION	425	---	425	---
TOTAL, LOAN PROGRAM	9,369	---	9,369	---

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

PROJECT MANAGEMENT

The conferees strongly support the progress being made by the Office of Engineering and Construction Management in bringing standardization, discipline, oversight, and increased professionalism to the Department's project management efforts. The project engineering and design (PED) process developed by the Department represents significant progress toward correcting serious management deficiencies that have historically plagued the Department's construction projects. The conferees believe that implementation of the PED process for all construction and environmental projects throughout the Department will provide the assurance necessary to eliminate the current requirement for an external independent review of all projects prior to releasing funds for construction. The conferees expect the continuation of the external independent review process as discussed in both the House and Senate reports.

PASSENGER MOTOR VEHICLES

The conferees have provided statutory limitations on the number of passenger motor vehicles that can be purchased by the Department of Energy in fiscal year 2001. These limitations are included each year, but the Department has been interpreting this limitation to mean that sport utility vehicles are not considered passenger motor vehicles and do not count against the appropriation ceiling. The conferees consider this to be disingenuous at best and a violation of the appropriations language at worst.

The conferees expect the Department to adhere strictly to the limits set for the purchase of motor vehicles. It is the intention of the conferees in prescribing these limitations that sport utility vehicles are to be considered passenger motor vehicles and, therefore, subject to the limitation. Further, the Department is to provide a full and complete accounting of the current motor vehicle inventory at each location. The Department should work with the Committees on Appropriations to ensure that the report provides the necessary information.

CONTRACTOR TRAVEL

The conference agreement includes a statutory provision limiting reimbursement of Department of Energy management and operating contractors for travel expenses to not more than $185,000,000. This limitation consists of $175,000,000 for contractor travel and a reserve fund of $10,000,000 to be administered by the Department's Chief Financial Officer and released for emergency travel requirements.

The Department had requested $200,000,000 for contractor travel. The reduction in fiscal year 2001 is not to be prorated, but should be applied to those organizations that appear to have the most questionable travel practices. This is not meant to restrict trips between laboratories to coordinate on program issues.

INDEPENDENT CENTERS

The Department is to identify all independent centers at each DOE laboratory and facility in the fiscal year 2002 budget submission. These centers are to be funded directly in program accounts, rather than overhead, with the exception of those centers which clearly benefit more than one program at a laboratory or facility. The Department is directed to provide a list of any centers that are funded through overhead accounts with the fiscal year 2002 budget submission.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2001 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement includes an allowance of six percent for the laboratory directed research and development (LDRD) program and two percent for nuclear weapons production plants. Travel costs for LDRD are exempt from the contractor travel ceiling. The conferees direct the Department's Chief Financial Officer to develop and execute a financial accounting report of LDRD expenditures by laboratory and weapons production plant. This report, due to the House and Senate Committees on Appropriations by December 31, 2000, and each year thereafter, should provide costs by personnel salaries, equipment, and travel. The Department should work with the Committees on the specific information to be included in the report.

SAFEGUARDS AND SECURITY BUDGET AMENDMENT

The conferees have chosen to reflect the amounts requested for safeguards and security funding in the manner proposed in the budget amendment submitted to Congress by the Department. Adjustments have been made in each account to reflect the consolidation of safeguards and security costs into a few major accounts and the transfer of these costs from overhead accounts to specific program line items. However, the conferees do not concur with the amendment to the extent its purpose is to reorganize all safeguards and security functions at the Department under the control and direction of the Office of Security and Emergency Operations, or any other entity not part of line management. The conferees agree that the direct responsibility for safeguards and security must be united and integrated with the responsibility of line operations.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language on augmenting Federal staff, overhead costs reviews and reprogramming guidelines.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 15, 2001, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary. The report should also include the distribution of the safeguards and security funding adjustments.

ENERGY SUPPLY

The conference agreement provides $660,574,000 for Energy Supply instead of $616,482,000 as proposed by the House and $691,520,000 as proposed by the Senate. The conference agreement includes the House proposal to make funds available until expended rather than the Senate proposal to limit availability to two years. The conference agreement does not include the Senate bill language transferring funds from the United States Enrichment Corporation or earmarking funds for a variety of projects to demonstrate alternative energy technologies.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $422,085,000 instead of $390,519,000 as proposed by the House and $444,117,000 as proposed by the Senate for renewable energy resources.

Biomass/biofuels.—The conference agreement includes $112,900,000 for biomass/biofuels. The conferees have provided $26,740,000 for research to be managed by the Office of Science, the same as the budget request. The conference agreement includes $40,000,000 for power systems and $46,160,000 for the transportation program. The conference agreement does not include prescriptive language specifying funding allocations as contained in the House and Senate reports.

The conferees encourage the Department to continue the integrated approach to bioenergy activities and recommend the use of up to $18,000,000 within available funds for the bioenergy initiative. Funding for this initiative may be derived from both the power and transportation programs.

In the power program, the conference agreement provides $2,000,000 for the Iowa switch grass project which is a multi-year project; $4,000,000 for the McNeill biomass plant in Burlington, Vermont; $395,000 for the final Federal contribution to the Vermont agriculture methane project; $500,000 for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University; $1,000,000 for methane energy and agriculture development (MEAD) in Tillamook Bay, Oregon; and $1,000,000 for the Mount Wachusett College biomass conversion project in Massachusetts.

The Department is to accelerate the large-scale biomass demonstration at the Winona, Mississippi, site.

The conference agreement provides $4,000,000 in power systems to support a project to demonstrate a commercial facility employing the thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-shared basis where Federal funding shall be matched in at least an equal amount with non-Federal funding.

In the transportation program, the conference agreement provides $1,000,000 for continuation of biomass research at the Energy and Environmental Research Center on the integration of biomass with fossil fuels for advanced power systems transportation fuels; $600,000 for the University of Louisville to work on the design of bioreactors for production of fuels and chemicals for ethanol production; and $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in southeast Alaska.

The conference agreement also includes $2,000,000 for the Michigan Biotechnology Institute to be derived equally from power and transportation systems.

Funding allocated by the Department for the regional biomass program and feedstock production should be derived equally from the power and transportation programs.

Geothermal.—The conference agreement includes $27,000,000 for geothermal activities. The conference agreement does not include language specifying funding allocations as contained in the Senate report. The conferees have provided $2,000,000 to complete the Lake County Basin 2000 Geothermal project in Lake County, California.

Hydrogen.—The conference agreement includes $29,970,000 for hydrogen activities, including $350,000 for the Montana Trade Port Authority in Billings, Montana; $250,000 for the gasification of Iowa switch grass; and $800,000 for the ITM Syngas project.

The conferees have also provided $2,000,000 for the multi-year demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than an equal amount, and a portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration.

Hydropower.—The conference agreement includes $5,000,000 for hydropower. The conferees are aware that the Department is funding research that is supposed to be applicable to the needs of the large dams in the northwest United States. The Department is concerned that the Federal power marketing administrations are not involved in developing this research program. The Department is directed to provide a report coordinated with the power marketing administrations that indicates how this hydropower research is applicable to the current and future needs of the power marketing administrations and the schedule by which this research will provide useable products.

Solar Energy.—The conference agreement includes $110,632,000 for solar energy programs. The conference agreement does not include language specifying funding allocations as contained in the House and Senate reports.

The conference agreement provides $13,800,000 for concentrating solar power, including $1,000,000 to initiate planning of a one MW dish engine field validation power project at the University of Nevada-Las Vegas.

The conference agreement includes $78,622,000 for photovoltaic energy systems, including up to $3,000,000 for the million solar roofs initiative. The conferees have provided $1,500,000 for the Southeast and Southwest photovoltaic experiment stations.

The conference agreement includes $3,950,000 for solar building technology research.

Wind.—The conference agreement includes $40,283,000 for wind programs. The conference agreement does not include prescriptive language specifying allocations as included in the Senate report. The conferees have provided $1,000,000 for the Kotzebue wind project. Of the funding for wind energy systems, not less than $5,000,000 shall be made available for new and ongoing small wind programs, including not less than $2,000,000 for the small wind turbine development project. From within available funds, $100,000 has been provided for a wind turbine and for educational purposes at the Turtle Mountain Community College in North Dakota.

Electric energy systems and storage.—The conference agreement includes $52,000,000 for electric energy systems and storage. The conferees urge the Department to support the university, industry-based partnership at the University of California-Irvine Advanced Power and Energy Program to conduct energy and information related technology demonstrations to accelerate the development and deployment of cost-efficient technologies benefiting all energy consumers affected by a deregulated energy industry.

The conference agreement includes $6,000,000 to accelerate the development and application of high temperature superconductor technologies through joint efforts among DOE laboratories, universities, and industry to be led by Los Alamos and Oak Ridge National Laboratories.

The conference agreement includes $500,000 for completion of the distributed power demonstration project begun last year at the Nevada Test Site.

Renewable Support and Implementation.—The conference agreement includes $21,600,000 for renewable support and implementation programs.

The Federal Energy Management Program should report to the Committees on Appropriations by December 31, 2001, on the accomplishments of the Departmental energy management program with the fiscal year 2001 appropriations including the number of energy efficiency projects funded, the number of energy savings performance contracts supported, and the total estimated savings.

From within available funds, the conference agreement provides $1,000,000 for the Office of Arctic Energy as proposed by the Senate.

The conference agreement includes $5,000,000 for the international renewable energy program. Of this amount, $1,000,000 is to be provided to International Utility Efficiency Partnerships, Inc. (IUEP). The IUEP shall competitively award all projects, continuing its leadership role in reducing carbon dioxide emissions using voluntary market-based mechanisms.

The conference agreement includes $4,000,000 for the renewable energy production incentive program.

The conference agreement includes $6,600,000 for renewable Indian energy resources projects as proposed by the Senate.

The conference agreement includes $4,000,000 for renewable program support, of which $1,000,000 is for an Indoor Air Quality and Energy Conservation Research Planning grant to study and develop technologies to improve air quality within homes and buildings.

Program direction.—The conference agreement includes $18,700,000 for program direction. The conferees have provided additional funding to support implementation of the management reforms identified in the recent National Academy of Public Administration review.

NUCLEAR ENERGY

The conference agreement provides $259,925,000 for nuclear energy activities instead of $231,815,000 as proposed by the House and $262,084,000 as proposed by the Senate.

Advanced radioisotope power systems.—The conference agreement includes $32,200,000, an increase over the budget request of $30,864,000. The additional funds are to maintain the infrastructure to support future national security needs and NASA missions.

Isotope support.—The conference agreement includes a total program level of $27,215,000 for the isotope program. This amount is reduced by offsetting collections of $8,000,000 to be received in fiscal year 2001, resulting in a net appropriation of $19,215,000. The conferees understand that the total estimated cost of Project 99–E–201, the isotope production facility at Los Alamos National Laboratory, has increased significantly due to factors outside the control of the Office of Nuclear Energy and have included $2,500,000 to partially cover these additional costs.

University reactor fuel assistance and support.—The conference agreement includes $12,000,000, the same as the budget request.

Research and development.—The conference agreement provides $47,500,000 for nuclear energy research and development activities.

The conference agreement includes $5,000,000, the same as the budget request, for nuclear energy plant optimization. The conferees direct the Department to ensure that projects are funded jointly with non-Federal partners and that total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

The conferees have provided $35,000,000 for the nuclear energy research initiative.

The conference agreement includes $7,500,000 for nuclear energy technologies. The Senate had included these activities in the nuclear energy research initiative program. Funding of $4,500,000 is provided to develop a road map for the commercial deployment of a next generation power reactor; $1,000,000 for the preparation of a detailed assessment that analyzes and describes the changes needed to existing advanced light water reactor (ALWR) designs; $1,000,000 for planning and implementation of initiatives in support of an advanced gas reactor; and $1,000,000 to undertake a study to determine the feasibility of deployment of small modular reactors.

Infrastructure.—The conference agreement includes the budget request of $39,150,000 for ANL-West Operations, $9,000,000 for test reactor landlord activities, and $44,010,000 for the Fast Flux Test Facility.

Nuclear facilities management.—The conference agreement adopts the budget structure proposed by the House and provides $34,850,000 for nuclear facilities management activities, the same as the budget request.

The conference agreement provides the full amount of the budget request to complete draining and processing EBR-II primary sodium. The conferees direct the Department to notify the House and Senate Committees on Appropriations immediately if any issues arise that would delay the Department's scheduled date to complete these activities.

Uranium programs.—The conference agreement transfers the budget request of $53,400,000 for uranium programs to a new appropriation account, Uranium Facilities Maintenance and Remediation.

Program direction.—The conference agreement includes $22,000,000 for program direction. This reduction reflects the transfer of 25 employees in the field and up to 5 employees at Headquarters who managed the uranium programs to the Office of Environmental Management.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $35,998,000 for non-defense environment, safety and health activities. The conferees direct that the reduction from the budget request be directed to eliminate lower-priority activities currently funded in this program. The conference agreement includes $1,000,000 to be transferred to the Occupational Safety and Health Administration as proposed by the House. The conferees expect the Department to budget for this activity in fiscal year 2002.

TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement includes $8,600,000 as proposed by the Senate.

FUNDING ADJUSTMENTS

The conference agreement also includes $47,100,000, the same amount as the budget request, for research performed by the Office of Science related to renewable energy technologies, and $2,352,000 proposed as an offset from nuclear energy royalties to be received in fiscal year 2001. A reduction of $16,582,000 reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides $277,812,000 for Non-Defense Environmental Management instead of $281,001,000 as proposed by the House and $309,141,000 as proposed by the Senate. Funding of $5,000,000 is provided to expedite environmental cleanup at the Brookhaven National Laboratory. No funding has been provided for the Atlas site in Moab, Utah, which has not been authorized. The recommendation transfers $1,900,000 from the post-2006 program to the site/project completion program to maintain the schedule for completing cleanup of three Oakland geographic sites.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides $393,367,000 for uranium activities instead of $301,400,000 as proposed by the House and $297,778,000 as proposed by the Senate, and adopts the budget structure proposed by the House.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement includes $345,038,000 for the uranium enrichment decontamination and decommissioning fund. This includes $273,038,000 for cleanup activities and $72,000,000 for uranium and thorium reimbursements. The conferees recognize there are eligible uranium and thorium licensee claims under Title X of the Energy Policy Act that have been approved for reimbursement, but not yet paid in full. Additional funding of $42,000,000 over the budget request of $30,000,000 has been provided for these payments.

URANIUM PROGRAMS

The conference agreement provides $62,400,000 for uranium activities, an increase of $9,000,000 over the budget request of $53,400,000. Additional funding of $9,000,000, as proposed by the Senate, has been provided for activities associated with the depleted uranium hexafluoride (DUF6) management and conversion project.

DOMESTIC URANIUM INDUSTRY

The conferees are very concerned about the front end of the U.S. nuclear fuel cycle. The conferees direct the Secretary to work with the President and other Federal agencies to ensure that current laws with respect to the privatization of USEC and with respect to the implementation of the Russian HEU agreement and their impact on United States domestic capabilities are carried out. In addition, the Secretary is instructed to take timely measures to ensure that conversion capability is not lost in the United States. The conferees expect that any such measures will not interfere with the implementation of the Russian HEU agreement and the important national security goals it is accomplishing.

The conferees direct the Secretary to undertake an evaluation and make specific recommendations on the various options to sustain a domestic uranium enrichment industry in the short and long-term to be delivered to Congress no later than December 31, 2000. The Secretary's evaluation shall include recommendations for dealing with the Portsmouth facility and its role in maintaining a secure and sufficient domestic supply of enriched uranium. Further, this investigation should consider the technological viability and commercial feasibility of all proposed enrichment technologies including various centrifuge options, AVLIS and SILEX technologies, or other emerging technology. The evaluation should also consider the role of the Federal government in developing and supporting the implementation and regulation of these new technologies in order to secure a reliable and competitive source of domestic nuclear fuel.

FUNDING ADJUSTMENT

A reduction of $14,071,000 reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

SCIENCE

The conference agreement provides $3,186,352,000 instead of $2,830,915,000 as proposed by the House and $2,870,112,000 as proposed by the Senate. The conference agreement does not include the Senate language earmarking funds for various purposes and limiting funding for the small business innovation research program.

High energy physics.—The conference agreement provides $726,130,000 for high energy physics and reflects the adjustments recommended in the Science budget amendment submitted by the Department. Funding of $230,931,000 has been provided for facility operations at the Fermi National Accelerator Laboratory.

Nuclear physics.—The conference agreement provides $369,890,000 for nuclear physics, the same as the original budget request.

Biological and environmental research.—The conference agreement includes $500,260,000 for biological and environmental research. The conferees have included $20,135,000 for the low-dose effects program, an increase of $8,453,000 over the budget request. The conference agreement provides $9,000,000 for molecular nuclear medicine.

The conferees have provided the budget request of $2,500,000 for the Laboratory for Comparative and Functional Genomics at Oak Ridge National Laboratory.

The conference agreement includes $2,000,000 for the Discovery Science Center in Orange County, California; $1,500,000 for the Children's Hospital emergency power plant in San Diego; $1,000,000 for the Center for Science and Education at the University of San Diego; $500,000 for the bone marrow transplant program at Children's Hospital Medical Center Foundation in Oakland, California; $1,000,000 for the North Shore Long Island Jewish Health System in New York; $1,700,000 for the Museum of Science and Industry in Chicago; $2,000,000 for the Livingston Digital Millenium Center to be located at Tulane University; and $1,000,000 for the Center for Nuclear Magnetic Resonance at the University of Alabama-Birmingham.

The conference agreement includes $3,000,000 for the Nanotechnology Engineering Center at the University of Notre Dame in South Bend, Indiana; $2,000,000 for the School of Public Health at the University of South Carolina for modernization upgrades; $2,000,000 for the National Center for Musculoskeletal Research at the Hospital for Special Surgery in New York; and $1,300,000 for the Western States Visibility Assessment Program at New Mexico Tech to trace emissions resulting from energy consumption.

The conference agreement includes $1,000,000 for high temperature super conducting research and development at Boston College; $2,500,000 for the positron emission tomography facility at West Virginia University; $1,000,000 for the advanced medical imaging center at Hampton University; $500,000 for the Natural Energy Laboratory in Hawaii; $800,000 for the Child Health Institute of New Brunswick, New Jersey; and $900,000 for the linear accelerator for University Medical Center of Southern Nevada.

The conference agreement also includes $200,000 for the study of biological effects of low level radioactive activity at University of Nevada-Las Vegas; $1,000,000 for the Medical University of South Carolina Oncology Center; $11,000,000 for development of technologies using advanced functional brain imaging methodologies, including magnetoencephalography, for conduct of basic research in mental illness and neurological disorders, and for construction; $2,000,000 for a science and technology facility at New Mexico Highlands University; $2,000,000 for the University of Missouri-Columbia to expand the federal investment in the university's nuclear medicine and cancer research capital program; and $2,000,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University.

Basic energy sciences.—The conference agreement includes $1,013,370,000 for basic energy sciences. The conferees have included $8,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

Spallation Neutron Source.—The recommendation includes $278,600,000, including $259,500,000 for construction and $19,100,000 for related research and development, the same as the amended budget request, for the Spallation Neutron Source.

Advanced scientific computing research.—The conference agreement includes $170,000,000 for advanced scientific computing research.

Energy research analyses.—The conference agreement includes $1,000,000 for energy research analyses, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes $33,930,000 for multi-program energy labs-facility support.

Fusion energy sciences.—The conference agreement includes $255,000,000, as proposed by the House, for fusion energy sciences.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $49,818,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science. This is offset by a reduction of $38,244,000 that is to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program Direction.—The conference agreement includes $139,245,000 for program direction. Funding of $4,500,000 has been provided for science education.

Funding adjustments.—A reduction of $38,244,000 reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. A general reduction of $34, 047,000 has been applied to this account.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $191,074,000 for Nuclear Waste Disposal instead of $213,000,000 as proposed by the House and $59,175,000 as proposed by the Senate. Combined with the appropriation of $200,000,000 to the Defense Nuclear Waste Disposal account, a total of $391,074,000 will be available for program activities in fiscal year 2001. The funding level reflects a reduction of $39,500,000 from the budget request and the transfer of $6,926,000 in safeguards and security costs in accordance with the Department's amended budget request.

In addition, the conferees recommend that $10,000,000 of funds previously appropriated for interim waste storage activities in Public Law 104–46 may be made available upon written certification by the Secretary of Energy to the House and Senate Committees on Appropriations that the site recommendation report cannot be completed on time without additional funding.

Site recommendation report.—The conferees reiterate the expectation by Congress that the Department submit its site recommendation report in July 2001 according to the current schedule. While the conference agreement does not provide the full funding requested by the Department, the conferees expect the Department to promptly submit a reprogramming request if it becomes apparent that limited funding will delay the site recommendation report beyond July 2001.

The conferees further expect that, if the site is approved, the Department will continue to analyze further design improvements and enhancements between that time and the submittal of a license application to the Nuclear Regulatory Commission.

State oversight funding.—The conference agreement includes $2,500,000 for the State of Nevada. This funding will be provided to the Department of Energy which will reimburse the State for actual expenditures on appropriate scientific oversight responsibilities conducted pursuant to the Nuclear Waste Policy Act of 1982. These funds are to be provided to the Nevada Division of Emergency Management for program management and execution and may not be used for payment of salaries and expenses for State employees.

Local oversight funding.—The conference agreement includes $6,000,000 for affected units of local government. The conferees expect the Department to provide the full amount of funding allocated to the State and local counties for oversight activities. Any proposed reduction to the amounts identified by Congress for State and local oversight will require prior approval of a reprogramming request by the Committees on Appropriations.

Limitation on the use of funds to promote or advertise public tours.—The conferees direct that none of the funds be used to promote or advertise any public tour of the Yucca Mountain facility, other than public notice that is required by statute or regulation.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $226,107,000 for Departmental Administration instead of $153,527,000 as proposed by the House and $210,128,000 as proposed by the Senate. Additional funding adjustments include a transfer of $25,000,000 from Other Defense Activities; the use of $8,000,000 of prior year balances; and a reduction of $18,000 for safeguards and security costs. Revenues of $151,000,000 are estimated to be received in fiscal year 2001, resulting in a net appropriation of $75,107,000.

The conference agreement provides $5,000,000 for the Office of the Secretary as proposed by the House. All funds for the newly established National Nuclear Security Administration have been provided in the defense portion of this bill.

The conference agreement provides $32,148,000 for the Chief Financial Officer, an increase of $1,400,000 over the budget request of $30,748,000. These additional funds are to support the DOE project management career development program.

Working capital fund.—The conference agreement does not include statutory language proposed by the House prohibiting funding Federal employee salaries and expenses in the working capital fund. However, any proposal by the Department to transfer salaries and expenses to the working capital fund will require prior approval by the House and Senate Committees on Appropriations.

Cost of work for others.—The conference agreement includes a one-time increase of $40,000,000 in the cost of work for others program to accommodate safeguards and security requirements. It is anticipated that this amount will be offset by an estimated $40,000,000 in revenues derived from non-Department of Energy customers for the purpose of funding safeguards and security activities throughout the Department. In fiscal year 2002 and beyond, the conferees expect the Department to submit a safeguards and security budget that includes amounts obtained previously from other agencies or customers.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $31,500,000 for the Inspector General as proposed by the House instead of $28,988,000 as proposed by the Senate. The conference agreement does not include statutory language proposed by the House requiring a study of the economic basis of recent gasoline price levels.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The conferees support the Administrator's efforts to establish and fill critical positions within the National Nuclear Security Administration (NNSA). The conferees agree that the Administrator's authority should not be impacted by any action that would otherwise limit or preclude hiring which may occur as a result of a change of administrations, and that the Administrator should to the maximum extent possible under applicable statutes proceed with effecting appointments.

WEAPONS ACTIVITIES

The conference agreement provides $5,015,186,000 for Weapons Activities instead of $4,579,684,000 as proposed by the House and $4,883,289,000 as proposed by the Senate. Statutory language proposed by the House limiting the funds availability to two years has not been included by the conferees.

Reprogramming.—The conference agreement provides limited reprogramming authority of $5,000,000 or 5 percent, whichever is less, within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. This should provide the needed flexibility to manage this account.

Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $5,000,000 or 5 percent to an individual program account during the fiscal year require prior notification and approval from the House and Senate Committees on Appropriations.

The Department is directed to submit a report to the Committees on Appropriations by January 15, 2001, that reflects the allocation of the safeguards and security reduction, the use of prior year balances and the application of general reductions, and any proposed accounting adjustments.

Directed stockpile work.—In stockpile research and development, additional funding of $19,000,000 has been provided for life extension development activities and to support additional sub-critical experiments. Additional funding of $10,000,000 has been provided to support activities required to maintain the delivery date for a certified pit. No additional funds are provided for cooperative research on hard and deeply buried targets.

Funding for stockpile maintenance has been increased by $22,000,000 as follows: $13,000,000 for life extension operations and development and engineering activities; $5,000,000 for the Kansas City Plant; and $4,000,000 for the Y–12 Plant.

Funding for stockpile evaluation has been increased by $23,000,000 as follows: $6,000,000 for the elimination of the testing backlog and joint test equipment procurements; $8,000,000 for the Pantex Plant; $6,000,000 for the Y–12 Plant; and $3,000,000 for the Savannah River Plant.

Campaigns.—The conference agreement provides $41,400,000 for pit certification, the same as the budget request. Additional funding of $10,000,000 has been provided for dynamic materials properties to support the maintenance of core scientific capabilities, Liner Demonstration Experiments, and other various multi-campaign supporting physics demonstrations for the Atlas pulsed power facility at the Los Alamos National Laboratory and the Nevada Test Site.

An additional $15,000,000 has been provided to support research, development and preconceptual design studies for an advanced hydrodynamic test facility using protons.

Additional funding of $17,000,000 has been provided for enhanced surveillance activities as follows: $3,000,000 for the Kansas City Plant; $7,000,000 for the Pantex Plant; $4,000,000 for the Y–12 Plant; $1,000,000 for the Savannah River Plant; and $2,000,000 to support accelerated deployment of test and diagnostic equipment.

Funding for pit manufacturing readiness is increased by $17,000,000. An increase of $2,000,000 is provided to initiate conceptual design work on a pit manufacturing facility. Additional funding of $15,000,000 is provided to support the pit production program which is now behind schedule and over cost. The conferees strongly support the Senate language regarding the Department's lack of attention to this critical program and the requirement for a progress report by December 1, 2000, and each quarter thereafter.

An additional $5,000,000 has been provided to the Y–12 Plant for secondary readiness.

Inertial Fusion.—The conference agreement includes $449,600,000 for the inertial fusion program in the budget structure proposed by the House.

Additional funding of $25,000,000 as proposed by the House has been provided to further development of high average power lasers. The conference agreement includes the budget request of $9,750,000 for the Naval Research Laboratory and the budget request of $32,150,000 for the University of Rochester. The conference agreement reflects the transfer of $40,000,000 from National Ignition Facility (NIF) operations funding to the NIF construction project.

The conference agreement provides $2,500,000 from within available funds to transfer the Petawatt Laser from Lawrence Livermore National Laboratory to the University of Nevada-Reno, as proposed by the Senate.

National Ignition Facility.—The conference agreement provides $199,100,000 for continued construction of the National Ignition Facility (NIF). The conferees have included a directed reduction of $25,000,000 in the Weapons

Activities account which is to be applied to programs under the direction of the Lawrence Livermore National Laboratory.

The conferees have included statutory language providing that only $130,000,000 shall be made available for NIF at the beginning of fiscal year 2001 and the remaining $69,100,000 shall be available only upon a certification after March 31, 2001, by the Administrator of the National Nuclear Security Administration that several requirements have been met. These requirements include:

A. A recommendation on an appropriate path forward for the project based on a detailed review of alternative construction options that would (1) focus on first achieving operation of a 48 or 96 beam laser; (2) allow for the full demonstration of a such a system in support of the stockpile stewardship program before proceeding with construction and operation of a larger laser complex; and (3) include a program and funding plan for the possible future upgrade to a full NIF configuration. The recommendation should include identification of available "off-ramps" and decision points where the project could be scaled to a smaller system.

B. Certification that project and scientific milestones as established in the revised construction project data sheet for the fourth quarter of fiscal year 2000 and the first two quarters of fiscal year 2001 have been met on schedule and on cost.

C. Certification that the first and second quarter project reviews in fiscal year 2001 determined the project to be on schedule and cost and have provided further validation to the proposed path forward.

D. Completion of a study that includes conclusions as to whether the full-scale NIF is required in order to maintain the safety and reliability of the current nuclear weapons stockpile, and whether alternatives to the NIF could achieve the objective of maintaining the safety and reliability of the current nuclear weapons stockpile.

E. Certification that the NIF project has implemented an integrated cost-schedule earned-value project control system by March 1, 2001.

F. A five-year budget plan for the stockpile stewardship program that fully describes how the NNSA intends to pay for NIF over the out years and what the potential for other impacts on the stockpile stewardship program will be.

The conferees remain concerned about the Department's proposed budget increase and schedule delay for the NIF at the Lawrence Livermore National Laboratory (LLNL). The conferees believe that previously the Department of Energy, and most recently the National Nuclear Security Administration (NNSA), may have failed to examine adequately options for NIF that have fewer than the full 192 beams. For example, a preferred course for NIF may be to complete 48 or 96 beams as soon as possible (although block procurement of infrastructure and glass may be considered), bring the reduced NIF into operation, perform the necessary scientific and technical tests to evaluate whether a full NIF will work and its impact on stockpile stewardship, and then develop a path forward for NIF that balances its scientific importance within the overall needs of the stockpile stewardship program. To move on this path in fiscal year 2001, the conferees recommend that $199,100,000 be appropriated for NIF as follows: $74,100,000 as originally proposed for Project 96–D–111, $40,000,000 from NIF operations funding within the budget request for LLNL, $25,000,000 to be identified within the budget request at LLNL, plus an additional $60,000,000 in new appropriations.

Furthermore, the conferees direct the Administration to prepare a budget request for fiscal year 2002 that fully reflects a balanced set of programs and investments within the stockpile stewardship program, and that the overall budget profile over the next eight years will accommodate a $3.4 billion NIF along with the other critical aspects of the program.

Defense computing and modeling.—The conference agreement provides $786,175,000 for defense computing modeling and the Accelerated Strategic Computing Initiative in the budget structure proposed by the House. The recommendation is $10,000,000 less than the budget request, and the reduction should be taken against lower priority activities.

Tritium.—A total of $167,000,000 is provided for continued research and development on a new source of tritium. Funding of $15,000,000 has been provided for design only activities in Project 98–D–126, Accelerator Production of Tritium.

Readiness in technical base and facilities.—The conference agreement includes several funding adjustments transferring funds from this program to individual campaigns.

For operations of facilities, $137,300,000 has been transferred to the inertial fusion program. An additional $36,000,000 has been provided to the production plants for replacement of critical infrastructure and equipment as follows: $12,000,000 for the Kansas City Plant; $12,000,000 for the Pantex Plant; $10,000,000 for the Y–12 Plant; and $2,000,000 for the Savannah River Plant.

Additional funding of $10,000,000 has been provided for the operation of pulsed power facilities; $20,000,000 for microsystems and microelectronics activities at the Sandia National Laboratory; $7,000,000 for a replacement CMR facility at Los Alamos National Laboratory; and $3,100,000 to fund the transition period for the new contractor at the Pantex Plant in Texas.

For program readiness, the conference agreement transfers $7,400,000 to the inertial fusion program and adds $6,100,000 for the TA–18 relocation.

For nuclear weapons incident response, a new program established in readiness technical base and facilities, the conference agreement provides $56,289,000. Funding of $44,205,000 for the nuclear emergency search team and $12,084,000 for the accident response group was transferred from the emergency management program in the Other Defense Activities account.

Special projects are supported at the budget request of $48,297,000. Additional funds have not been provided for AMTEX. From within available funds, $1,000,000 has been provided to support a program in partnership with university systems to meet the needs of the NNSA.

For materials recycling, the conference agreement provides an additional $8,000,000 to maintain restart schedules for hydrogen fluoride and wet chemistry operations at the Y–12 Plant.

For containers, the conference agreement provides an additional $4,000,000 to support the effort to repackage pits which is currently behind schedule at the Pantex Plant due to operational problems.

Funding for advanced simulation and computing has been transferred to the defense computing and modeling campaign.

The conference agreement does not provide additional funding to process uranium-233 as proposed by the Senate, but the conferees expect the Department to act expeditiously to process this material in a manner that would retain and make available isotopes for beneficial use. The Department should provide to the House and Senate Committees a report on the status of this project by March 1, 2001.

Construction projects.—The conference agreement provides $35,500,000 for preliminary project engineering and design. Funding of $20,000,000 is provided for design and supporting infrastructure upgrades for the Microsystems and Engineering Sciences Applications facility at Sandia National Laboratory; $5,000,000 for proof of concept and completion of facility operational capability for the Atlas pulsed power machine at the Nevada Test Site; and $1,000,000 for initiation of design activities for the relocation of the TA–18 nuclear materials handling facility at Los Alamos National Laboratory.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $377,596,000 for safeguards and security activities at laboratories and facilities managed by the Office of Defense Programs. This is offset by a reduction of $310,796,000 to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program direction.—The conference agreement provides $224,071,000 for program direction as proposed by the Senate.

Funding adjustments.—The conference agreement includes the use of $13,647,000 in prior year balances and a reduction of $310,796,000 that reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. In addition, the conference agreement includes a general reduction of $35,700,000 of which $25,000,000 is to be taken against programs at Lawrence Livermore National Laboratory.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $874,196,000 for Defense Nuclear Nonproliferation instead of $861,477,000 as proposed by the House and $908,967,000 as proposed by the Senate. Statutory language proposed by the House limiting the funds availability to two years has not been included by the conferees. Statutory language proposed by the Senate to earmark funding for the Incorporated Research Institutions for Seismology has not been included. The conferees have provided a total of $53,000,000 for the long-term Russian initiative within this account.

Limitation on Russian and Newly Independent States' (NIS) program funds.—The conferees are concerned about the amount of funding for Russian and NIS programs which remains in the United States for Department of Energy contractors and laboratories rather than going to the facilities in Russia and the NIS. The conferees direct that not more than the following percentages of funding may be spent in the United States in fiscal year 2001 for these programs: Materials Protection, Control and Accounting, 43%; International Proliferation Prevention Program, 40%; Nuclear Cities Initiative, 49%; Russian Plutonium Disposition, 38%; and International Nuclear Safety, 78%.

The conferees expect the Department to continue to increase the level of funding which is provided to Russia versus the funding which remains in the United States for Department of Energy contractors and laboratories in each subsequent year. The Department is to provide a report to the Committees by January 31, 2001, and each subsequent year on the amount of funding provided to Russia and NIS in each program area. The Department should work with the Committees on the specific information to be included in the report.

Nonproliferation and verification research and development.—The conference agreement provides $252,990,000 for nonproliferation and verification research and development. Funding of $17,000,000 has been provided for the nonproliferation and international security center (NISC) at Los Alamos National Laboratory, and $1,000,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center.

Concerns have been raised repeatedly that there should be more opportunity for open competition in certain areas of the nonproliferation and verification research and development program. A recent report by an outside group established by the Department to review the Office of Nonproliferation Research and Engineering included a similar recommendation. The report stated that, "There should be greater opportunity for the wider U.S. scientific and technical community to contribute to the success of the NN–20 portfolio. This can be done through open competition administered by DOE Headquarters and through partnerships chosen and managed by the DOE national laboratories." . . . "Areas that come to mind as candidates for open competition include seismic verification technologies for very low yield underground nuclear tests and chemical and biological agent detection and identification technologies. Other possible areas might be specialized electronic chip development and certain radio-frequency technologies."

The conferees expect the Department to act in good faith on the recommendations provided by the external review group, and direct the Department to initiate a free and open competitive process for 25 percent of its research and development activities during fiscal year 2001 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

The conferees direct the Department to report to the Committees on Appropriations on the status of implementing the external review panel's recommendations and the results of the directed open competition by March 30, 2001.

Arms control.—The conference agreement provides $152,014,000 for arms control activities including $24,500,000 for the Initiatives for Proliferation Prevention and $27,500,000 for the Nuclear Cities Initiative. In addition to the $10,000,000 added to the Nuclear Cities Initiative, the conferees have provided another $19,000,000 for the long-term Russian initiative in the arms control program to be distributed as follows: $15,000,000 for spent fuel dry storage; $500,000 for the plutonium registry at Mayak; $2,500,000 for geologic repository cooperation research and planning; and $1,000,000 for research reactor spent fuel acceptance.

International materials protection, control and accounting (MPC&A).—The conference agreement includes $173,856,000 for the MPC&A program including $24,000,000 for the long-term Russian initiative. The conferees have provided $5,000,000 for plutonium storage at Mayak and $19,000,000 for expanded MPC&A activities at Russian naval sites.

HEU transparency implementation.—The conference agreement provides $15,190,000, the same as the budget request.

International nuclear safety.—The conference agreement provides $20,000,000, the same as the budget request, for the international nuclear safety program. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. From within available funds, the conference agreement provides $1,000,000 for a cooperative effort between the United States and Russia to address intergranular stress corrosion cracking and restore the structural integrity of Russian nuclear plants until decommissioning.

Fissile materials disposition.—The conference agreement provides $249,449,000 for fissile materials disposition. Funding of $139,517,000, as proposed by the House, has been provided for the U.S. surplus materials disposition program. The conference agreement provides $26,000,000 for Project 99–D–143, the MOX fuel fabrication facility.

Program direction.—The conference agreement provides $51,468,000 for the program direction account as proposed by the House. The conferees are aware that the Department does not have enough qualified Federal employees available to manage the nonproliferation and national security programs, particularly the Russian programs. The conferees will favorably consider a reprogramming of funds from program areas to the program direction account as Federal employees are hired to replace the contractor employees who currently oversee these programs.

Funding adjustment.—The conference agreement includes a reduction of $40,245,000 that reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

NAVAL REACTORS

The conference agreement provides $690,163,000 for Naval Reactors instead of $694,600,000 as proposed by the Senate and $677,600,000 as proposed by the House. Additional funding of $17,000,000 is provided to optimize the program to shutdown prototype reactors and complete all major inactivation work by fiscal year 2002.

Funding adjustment.—The conference agreement includes a reduction of $4,437,000 that reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $10,000,000 for this new account as proposed by the Senate. These funds are provided to the Administrator of the National Nuclear Security Administration for the costs associated with hiring new employees and establishing the office.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides $4,974,476,000 for Defense Environmental Restoration and Waste Management instead of $4,522,707,000 as proposed by the House and $4,635,763,000 as proposed by the Senate. Additional funding of $1,082,714,000 is contained in the Defense Facilities Closure Projects account and $65,000,000 in the Defense Environmental Management Privatization account for a total of $6,122,190,000 provided for all defense environmental management activities.

The conference agreement does not include statutory language proposed by the House pertaining to the use of funds for the Waste Isolation Pilot Plant or language proposed by the Senate earmarking funds for programs to be managed by the Carlsbad office of the Department of Energy.

The conference agreement limits the number of motor vehicles that can be purchased in fiscal year 2001 to not more than 30 for replacement only. The conferees have included an additional reporting requirement on the entire Department and have specified that sport utility vehicles are to be counted within this ceiling.

National monument designation.—The conferees agree that no funds spent by the Department for the coordination, integration, or implementation of a management plan related to the Hanford Reach National Monument shall result in the reduction or delay of cleanup at the Hanford site.

Site/Project Completion.—The conference agreement provides an additional $11,000,000 for F and H-area stabilization activities at the Savannah River Site in South Carolina as proposed by the House, and $19,000,000 to address funding shortfalls at the Hanford site in Richland, Washington, as proposed by the Senate. Funding of $12,308,000 has been transferred to other accounts as proposed by the House.

The conference agreement supports the budget request of $2,500,000 for the cooperative agreement with WERC and provides $25,000 for an independent evaluation of the mixed-waste landfill at Sandia National Laboratories in New Mexico.

For construction, the conference agreement provides $17,300,000 for Project 01–D–414, preliminary project engineering and design (PE&D). Project 01–D–415, 235–F packaging and stabilization, at the Savannah River Site has been funded at $4,000,000. Funding of $500,000 requested for Project 01–D–402, INTEC cathodic protection system expansion project, at Idaho Falls has been transferred to the new PE&D project. Funding of $27,932,000 for the Highly Enriched Blend Down Facility has been transferred to the fissile materials disposition program.

Post 2006 Completion.—The conference agreement includes an additional $10,000,000 to maintain schedules required by revised compliance agreements with the State of Washington as proposed by the Senate, and $6,000,000 to support transuranic and low-level waste activities at the Savannah River Site in South Carolina as proposed by the House. Funding of $10,000,000 for the Four Mile Branch project and $18,000,000 for the Consolidated Incinerator Facility at the Savannah River Site has not been provided as proposed by the House. Funding of $18,692,000 has been transferred to the Science and Technology program.

The conference agreement provides $400,000 to begin design activities for a subsurface geosciences laboratory at Idaho.

From within available funds for the Waste Isolation Pilot Plant, $1,000,000 has been provided for a transparency demonstration project.

A total of $3,000,000 has been provided to support a program with the United States-Mexico Border Health Commission to demonstrate technologies to reduce hazardous waste streams and to support the Materials Corridor Partnership Initiative.

Funding of $1,300,000 for Project 01–D–403, immobilized high level waste interim storage facility, at Richland, Washington, has been transferred to the PE&D project in site/project completion account.

Office of River Protection.—The conference agreement provides $757,839,000 for the Office of River Protection at the Hanford site in Washington. The conference agreement provides $377,000,000 for Project 01–D–416, Tank Waste Remediation System, at Richland, Washington, to vitrify the high-level waste in underground tanks. Funding to vitrify waste at the Hanford site was requested in the Defense Environmental Management Privatization account in fiscal year 2001.

However, due to the failure of the contractor to provide a viable cost estimate under the concept of a "privatized" contract, the contract will now be structured as a cost plus incentive fee contract and will be funded in the regular appropriation account.

Science and technology development.—The conference agreement provides $256,898,000 for the science and technology development program. Funding of $21,000,000 has been transferred to this account for the Idaho validation and verification program. This transfer is not intended to reduce the environmental management base program in Idaho. The Department is directed to provide $10,000,000 for the next round of new and innovative research grants in the environmental management science program in fiscal year 2001, and $10,000,000 for technology deployment activities.

The conference agreement provides $4,000,000 for the international agreement with AEA Technology; $4,500,000 for the Diagnostic Instrumentation and Analysis Laboratory; $4,350,000 for the university robotics research program; an additional $1,000,000 for the D&D focus area; and up to $4,000,000 to continue evaluation, development and demonstration of the Advanced Vitrification System upon successful completion of supplemental testing. The conferees have provided $2,000,000 to the National Energy Technology Laboratory to be used for the continuation of the Mid-Atlantic Recycling Center for End-of-Life Electronics initiative (MARCEE) in cooperation with the Polymer Alliance Zone.

The conference agreement includes $4,000,000 for the long-term stewardship program to be administered at Headquarters and $4,000,000 for the Idaho National Engineering and Environmental Laboratory. No funds are provided for the low dose radiation effects program, as the entire Senate recommended amount is provided within the Office of Science.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $203,748,000 for safeguards and security activities at laboratories and facilities managed by the Office of Defense Programs. This is offset by a reduction of $193,217,000 to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program direction.—The conferees have provided $363,988,000 for the program direction account. This funding level reflects the transfer of the uranium programs from the office of nuclear energy to the office of environmental management. Funding of $4,100,000 has been provided to allow for the transfer of up to 5 employees from Headquarters and 25 employees at Oak Ridge who manage the uranium programs.

Funding adjustments.—The conference agreement includes the use of $34,317,000 of prior year balances and $50,000,000 in pension refunds, the same as the budget request. The conference agreement includes a reduction of $193,217,000 that reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. A general reduction of $10,700,000 has also been included.

Defense Facilities Closure Projects

The conference agreement appropriates $1,082,714,000 the same as the amended budget request. The conferees expect the Department to request adequate funds to keep each of these projects on a schedule for closure by 2006 or earlier.

Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

Defense Environmental Management Privatization

The conference agreement provides $65,000,000 for the defense environmental management privatization program instead of $259,000,000 as proposed by the House and $324,000,000 as proposed by the Senate. The conference agreement provides no funds for the Tank Waste Remediation System (TWRS) project at Hanford. Funding for this project, which had previously been considered as a privatization contract, has been transferred to the Defense Environmental Restoration and Waste Management appropriation account.

The conference agreement also includes a rescission of $97,000,000 of funds previously appropriated for the TWRS project in the Defense Environmental Management Privatization appropriation account.

Other Defense Activities

The conference agreement appropriates $585,755,000 for Other Defense Activities instead of $592,235,000 as proposed by the House and $579,463,000 as proposed by the Senate. Details of the conference agreement are provided below.

SECURITY AND EMERGENCY OPERATIONS

For nuclear safeguards and security, the conference agreement provides $116,409,000 as proposed by the House. The conferees have provided $3,000,000 for the critical infrastructure protection program, an increase of $600,000 over fiscal year 2000. The conference agreement also provides $2,000,000 to procure safety locks to meet Federal specifications.

The conference agreement provides $33,000,000 for security investigations, the same as the budget request.

The conference agreement includes $33,711,000 for emergency management. Funding of $3,600,000 was transferred to the program direction account to reflect the conversion of contractor employees to Federal employees at a substantial cost savings. Funding of $44,205,000 for the nuclear emergency search team and $12,084,000 for the accident response group was transferred to the Weapons Activities account.

Program direction.—The conference agreement provides $92,967,000 for the program direction account as proposed by the House. This reflects the transfer of $3,600,000 from the emergency management program.

INTELLIGENCE

The conference agreement includes $38,059,000 as proposed by the House and the Senate to support the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $45,200,000 as proposed by the House and the Senate to support the Department's counterintelligence program.

ADVANCED ACCELERATOR APPLICATIONS

The conference agreement provides $34,000,000 to establish a new program for advanced accelerator applications, including $3,000,000 for research and development of technologies for economic and environmentally sound refinement of spent nuclear fuel at the University of Nevada-Las Vegas.

The Department is directed to prepare a program plan for managing and executing this program using the extensive expertise of the Office of Science and the Office of Defense Programs in accelerator research, design, and applications, and the expertise of the Office of Nuclear Energy in transmutation of nuclear waste. This program plan should be submitted to the Committees by March 1, 2001.

The conferees make no recommendation as to how the Department should manage the advanced accelerator application program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $14,937,000, the same as the budget request for the office of independent oversight and performance assurance.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $125,567,000 for defense-related environment, safety and health activities. The conferees have provided $3,000,000 to establish a program at the University of Nevada-Las Vegas for Department-wide management of electronic records; $1,750,000 for the University of Louisville and the University of Kentucky to undertake epidemiological studies of workers; $880,000 to provide medical screening for workers employed at the Amchitka nuclear weapons test site; and $500,000 for the State of Nevada to address deficiencies in the Cancer Registry, Vital Statistics, and Birth Defects Registry activities.

The conference agreement includes $17,000,000 for the Department's administrative costs associated with the proposed Energy Employees Compensation Initiative. These funds are not available until the program is authorized by law.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $24,500,000 for the worker and community transition program, including $2,100,000 for infrastructure improvements at the former Pinellas plant. The conferees expect that communities denied funds in fiscal year 2000 will be granted priority status in fiscal year 2001.

The conference agreement provides that no funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $25,000,000 for national security programs administrative support instead of $51,000,000 as proposed by the House and no funding as proposed by the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $3,000,000 as proposed by the House and the Senate.

FUNDING ADJUSTMENTS

A reduction of $595,000 and the elimination of the $20,000,000 offset to user organizations for security investigations reflects the allocation of the safeguards and security amended budget request.

Defense Nuclear Waste Disposal

The conference agreement provides $200,000,000 as proposed by the House instead of $292,000,000 as proposed by the Senate.

Power Marketing Administrations

BONNEVILLE POWER ADMINISTRATION FUND

The conferees have included the statutory language extending Bonneville's voluntary separation incentive program until January 1, 2003.

During fiscal year 2001, Bonneville plans to pay the Treasury $620,000,000 of which

$163,000,000 is to repay principal on the Federal investment in these facilities.

SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $3,900,000, the same as the budget request, for the Southeastern Power Administration.

SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,100,000, the same as the budget request, for the Southwestern Power Administration.

WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $165,830,000, instead of $164,916,000 as proposed by the Senate and $160,930,000 as proposed by the House. The conference agreement increases the amount of purchase power and wheeling to $65,224,000 and increases offsetting collections by the same amount. Funding of $5,950,000 is provided for the Utah Reclamation Mitigation and Conservation Account.

FALCON AND AMISTAD FUND

The conference agreement includes $2,670,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes $175,200,000, the same as the budget request for the Federal Energy Regulatory Commission.

RESCISSIONS

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement includes language rescinding $75,000,000 from funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal in Public Law 104-46, the fiscal year 1996 Energy and Water Development Appropriations Act.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement includes language rescinding $97,000,000 from the Defense Environmental Management Privatization account. Funds were appropriated in this account in prior years for the Hanford Tank Waste Remediation System Project. This project is no longer being considered for a privatization contract. It has been transferred to the Defense Environmental Restoration and Waste Management appropriation account and will be funded there in future appropriation acts.

GENERAL PROVISIONS

Department of Energy

Sec. 301. The conference agreement includes a provision proposed by the House that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation. Section 301 does not preclude extension of a contract awarded using competitive procedures.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484.

Sec. 303. The conference agreement modifies a provision proposed by the House that none of the funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress.

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

Sec. 306. The conference agreement includes language providing that not to exceed 6 percent of funds shall be available for Laboratory Directed Research and Development.

Sec. 307. The conference agreement includes language limiting to $185,000,000 the funds available for reimbursement of management and operating contractor travel expenses. Of the $185,000,000, $175,000,000 is available for contractor travel and $10,000,000 is to be held in reserve by the Department's Chief Financial Officer for emergency travel requirements. The language also requires the Department of Energy to reimburse contractors for travel consistent with regulations applicable to Federal employees and specifies that the travel ceiling does not apply to travel funded from Laboratory Directed Research and Development funds.

Sec. 308. The conference agreement includes language prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory.

Sec. 309. The conference agreement includes language limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

Sec. 310. The conference agreement includes language allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities.

Sec. 311. The conference agreement includes language allowing each Federal power marketing administration to engage in activities relating to the formation and operation of a regional transmission organization.

Sec. 312. The conference agreement includes language that would permit the Secretary of Energy to use $10,000,000 of funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal upon receipt of written certification that the site recommendation report cannot be completed on time without additional funding.

Sec. 313. The conference agreement includes language proposed by the Senate that would provide a three year term of office for the first person appointed to the position of the Under Secretary of Nuclear Security of the Department of Energy.

Sec. 314. The conference agreement includes language proposed by the Senate limiting the authority of the Secretary of Energy to modify the organization of the National Nuclear Security Administration.

Sec. 315. The conference agreement includes language proposed by the Senate prohibiting the pay of personnel engaged in concurrent service or duties inside and outside the National Nuclear Security Administration.

Report on impacts of limits on on-site storage.—The conference agreement does not include statutory language proposed by the Senate, but the conferees direct that not later than 90 days after enactment of the fiscal year 2001 Energy and Water Development Appropriations Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal government to allow the company to continue to operate the Prairie Island nuclear generating plant until the end of the term of the license issued to the company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the plant, assuming that the existing Federal and State laws remain unchanged.

Report on electricity prices.—The conferees note that California is currently experiencing an energy crisis. Wholesale electricity prices have soared, resulting in electrical bills that have increased by as much as 300 percent in the San Diego area. Conferees understand that the staff of the Federal Energy Regulatory Commission is currently investigating the crisis. The Commission is directed to submit to Congress a report on the results of the investigation no later than December 1, 2000. The report shall include identification of the causes of the San Diego price increases, a detefmination whether California wholesale electricity markets are competitive, a recommendation whether a regional price cap should be set in the Western States, a determination whether manipulation of prices has occurred at the wholesale level, and a determination of remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California and elsewhere in the United States.

Provisions not adopted by the conferees.—The conference agreement deletes language proposed by the House and Senate prohibiting the use of funds for contracts modified in a manner that deviates from the Federal Acquisition Regulation.

The conference agreement deletes language proposed by the Senate allowing the Secretary of Energy to enter into multiyear contracts without obligating the estimated costs.

The conference agreement deletes language proposed by the Senate requiring the Department of Energy's laboratories to provide an annual funding plan to the Department.

The conference agreement deletes language proposed by the House prohibiting the payment of Federal salaries in the working capital fund.

The conference agreement deletes language proposed by the Senate prohibiting the expenditure of funds to establish or maintain independent centers at Department of Energy laboratories or facilities. The conference agreement includes report language requiring the Department to identify these centers in the budget request.

The conference agreement deletes language proposed by the House requiring a report on activities of the executive branch to address high gasoline prices and develop an overall national energy strategy.

The conference agreement deletes language proposed by the Senate prohibiting the expenditure of funds to restart the High Flux Beam Reactor.

The conference agreement deletes language proposed by the Senate limiting the inclusion of costs of protecting fish and wildlife within the rates charged by the Bonneville Power Administration.

The conference agreement deletes language proposed by the Senate limiting the cost of construction of the National Ignition Facility.

The conference agreement deletes language proposed by the Senate requiring an evaluation of innovative technologies for demilitarization of weapons components and treatment of hazardous waste.

The conference agreement deletes language proposed by the Senate requiring a report on national energy policy.

The conference agreement deletes language proposed by the Senate noting concern with the House provision on limiting funds for worker and community transition. The conference agreement deletes language proposed by the Senate requiring a report on the impact of State-imposed limits on spent nuclear fuel storage. This requirement has been included in report language.

The conference agreement deletes language proposed by the Senate limiting the use of funds to promote or advertise public tours at Yucca Mountain. This requirement has been included in report language.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

Department of Energy (in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems		
Power systems	47,830	40,000
Transportation	54,110	46,160
Subtotal, Biomass/biofuels energy systems	101,940	86,160
Biomass/biofuels energy research	26,740	26,740
Subtotal, Biomass	128,680	112,900
Geothermal technology development	26,970	27,000
Hydrogen research	22,940	27,000
Hydrogen energy research	2,970	2,970
Subtotal, Hydrogen	25,910	29,970
Hydropower	5,000	5,000
Solar energy		
Concentrating solar power	14,940	13,800
Photovoltaic energy systems	81,450	75,775
Photovoltaic energy research	2,847	2,847
Subtotal, Photovoltaic	84,297	78,622
Solar building technology research	4,470	3,950
Solar photoconversion energy research	14,260	14,260
Subtotal, Solar energy	117,967	110,632
Wind energy systems	50,140	40,000
Wind energy research	283	283
Subtotal, Wind	50,423	40,283
Total, Renewable energy technologies	354,950	325,785

Department of Energy (in thousands)

	Budget Request	Conference
Electric energy systems and storage		
High temperature superconducting R&D	31,900	37,000
Energy storage systems	5,000	6,000
Transmission reliability	10,960	9,000
Total, Electric energy systems and storage	47,860	52,000
Renewable support and implementation		
Departmental energy management	4,988	2,000
International renewable energy program	11,460	5,000
Renewable energy production incentive program	4,000	4,000
Renewable Indian energy resources	5,000	6,600
Renewable program support	6,500	4,000
Total, Renewable support and implementation	31,948	21,600
National renewable energy laboratory	1,900	4,000
Program direction	18,159	18,700
TOTAL, RENEWABLE ENERGY RESOURCES	454,817	422,085

Department of Energy (in thousands)

	Budget Request	Conference
NUCLEAR ENERGY		
Advanced radioisotope power system	30,864	32,200
Isotopes		
Isotope support and production	16,218	24,715
Construction		
99-E-201 Isotope production facility (LANL)	500	2,500
Subtotal, Isotope support and production	16,718	27,215
Offsetting collections	---	-8,000
Total, Isotopes	16,718	19,215
University reactor fuel assistance and support	12,000	12,000
Research and development		
Nuclear energy plant optimization	5,000	5,000
Nuclear energy research initiative	34,903	35,000
Nuclear energy technologies	---	7,500
Total, Research and development	39,903	47,500
Infrastructure		
ANL-West operations	---	39,150
Fast flux test facility (FFTF)	38,524	44,010
Test reactor area landlord	7,415	7,575
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID	879	925
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	458	500
Subtotal, Construction	1,337	1,425
Subtotal, Test reactor area landlord	8,752	9,000
Total, Infrastructure	47,276	92,160

Department of Energy (in thousands)

	Budget Request	Conference
Nuclear facilities management	66,126	---
Nuclear facilities management		
EBR-II shutdown	---	8,800
Disposition of spent fuel and legacy materials	---	16,200
Disposition technology activities	---	9,850
Total, Nuclear facilities management	---	34,850
Uranium programs	47,779	---
Program direction	27,620	22,000
TOTAL, NUCLEAR ENERGY	288,286	259,925

Department of Energy (in thousands)

	Budget Request	Conference
ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health	19,906	16,000
Program direction	19,998	19,998
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	39,904	35,998
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,802	1,600
Program direction	7,335	7,000
TOTAL, ENERGY SUPPORT ACTIVITIES	9,137	8,600
Subtotal, Energy supply	792,144	726,608
Renewable energy research program	-47,100	-47,100
Transfer from Geothermal and USEC	-12,000	---
Offset from nuclear energy royalties	-2,352	-2,352
Reduction for safeguards and security	---	-16,582
TOTAL, ENERGY SUPPLY	730,692	660,574

Department of Energy (in thousands)

	Budget Request	Conference
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	81,248	81,636
Site/project completion	63,798	61,621
Post 2006 completion	137,766	137,744
Reduction for safeguards and security	---	-3,189
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	282,812	277,812
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	264,588	---
Uranium/thorium reimbursement	30,000	---
TOTAL, URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING	294,588	---
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning	---	273,038
Uranium/thorium reimbursement	---	72,000
Total, Uranium enrichment D&D fund	---	345,038
Other Uranium Activities		
Maintenance of facilities and inventories	---	29,193
Pre-existing liabilities	---	11,330
Depleted UF6 conversion project	---	21,877
Total, Other uranium activities	---	62,400
Reduction for safeguards and security	---	-14,071
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION	---	393,367

Department of Energy (in thousands)

	Budget Request	Conference
SCIENCE		
High energy physics		
Research and technology	236,000	234,720
Facility operations	440,872	459,010
Construction		
00-G-307 SLAC office building	5,200	5,200
99-G-306 Wilson hall safety improvements, Fermilab	4,200	4,200
98-G-304 Neutrinos at the main injector, Fermilab	23,000	23,000
Subtotal, Construction	32,400	32,400
Subtotal, Facility operations	473,272	491,410
Total, High energy physics	709,272	726,130
Nuclear physics	365,069	369,890
Biological and environmental research	435,954	497,760
Construction		
01-E-300 Laboratory for Comparative and Functional Genomics, ORNL	2,500	2,500
Total, Biological and environmental research	438,454	500,260

Department of Energy (in thousands)

	Budget Request	Conference
Basic energy sciences		
Materials sciences	448,964	456,111
Chemical sciences	219,090	223,229
Engineering and geosciences	40,304	40,816
Energy biosciences	33,662	33,714
Construction		
99-E-334 Spallation neutron source (ORNL)	261,900	259,500
Total, Basic energy sciences	1,003,920	1,013,370
Advanced scientific computing research	179,817	170,000
Energy research analyses	988	1,000
Multiprogram energy labs - facility support		
Infrastructure support	1,023	1,160
Oak Ridge landlord	7,475	10,711
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	22,059	22,059
Total, Multiprogram energy labs - fac. support	30,557	33,930
Fusion energy sciences program	243,907	255,000
Safeguards and security	49,818	49,818
Program direction		
Field offices	82,929	83,307
Headquarters	51,408	51,438
Science education	6,500	4,500
Total, Program direction	140,837	139,245
Subtotal, Science	3,162,639	3,258,643
General reduction	---	-34,047
Reduction for safeguards and security	---	-38,244
TOTAL, SCIENCE	3,162,639	3,186,352

Department of Energy (in thousands)

	Budget Request	Conference
NUCLEAR WASTE DISPOSAL		
Repository program	255,034	135,200
Program direction	63,540	62,800
Reduction for safeguards and security	---	-6,926
TOTAL, NUCLEAR WASTE DISPOSAL	318,574	191,074

Department of Energy (in thousands)

	Budget Request	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	6,648	5,000
Board of contract appeals	878	878
Chief financial officer	30,748	32,148
Contract reform	2,500	2,500
Congressional and intergovernmental affairs	5,146	5,000
Economic impact and diversity	5,126	5,126
General counsel	22,724	22,724
International affairs	9,400	8,500
Management and administration	78,882	77,800
Policy office	6,688	6,600
Public affairs	4,150	3,900
Subtotal, Salaries and expenses	172,890	170,176
Program support		
Minority economic impact	1,498	1,500
Policy analysis and system studies	406	422
Environmental policy studies	1,600	1,000
Corporate management information program	12,000	12,000
Subtotal, Program support	15,504	14,922
Total, Administrative operations	188,394	185,098
Cost of work for others	34,027	74,027
Subtotal, Departmental Administration	222,421	259,125
Use of prior year balances and other adjustments	-8,000	-8,000
Transfer from other defense activities	---	-25,000
Reduction for safeguards and security	---	-18
Total, Departmental administration (gross)	214,421	226,107
Miscellaneous revenues	-128,762	-151,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	85,659	75,107

Department of Energy (in thousands)

	Budget Request	Conference
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General...........................	33,000	31,500

Department of Energy (in thousands)

	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Stewardship operation and maintenance		
Directed stockpile work		
Stockpile research and development	243,300	272,300
Stockpile maintenance	257,994	279,994
Stockpile evaluation	151,710	174,710
Dismantlement/disposal	29,260	29,260
Production support	149,939	149,939
Field engineering, training and manuals	4,400	4,400
Reduction for safeguards and security	-17,427	---
Subtotal, Directed stockpile work	819,176	910,603
Campaigns		
Primary certification	41,400	41,400
Dynamic materials properties	64,408	74,408
Advanced radiography	43,000	58,000
Construction		
97-D-102 Dual-axis radiographic hydrotest facility (LANL), Los Alamos, NM	35,232	35,232
Subtotal, Advanced radiography	78,232	93,232
Secondary certification and nuclear systems margins	52,964	52,964
Enhanced surety	40,600	40,600
Weapons system engineering certification	16,300	16,300
Certification in hostile environments	15,400	15,400
Enhanced surveillance	89,651	106,651
Advanced design and production technologies	75,735	75,735
Inertial confinement fusion	120,800	250,500
Construction		
96-D-111 National ignition facility, LLNL	73,469	199,100
Subtotal, Inertial confinement fusion	194,269	449,600

Department of Energy (in thousands)

	Budget Request	Conference
Defense computing and modeling	249,100	716,175
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	2,300	2,300
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	4,900	5,000
00-D-105 Strategic computing complex, LANL, Los Alamos, NM	56,000	56,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	6,700	6,700
Subtotal, Construction	69,900	70,000
Subtotal, Defense computing and modeling	319,000	786,175
Pit manufacturing readiness	108,038	125,038
Secondary readiness	15,000	20,000
Materials readiness	40,511	40,511
Tritium readiness	77,000	77,000
Construction		
98-D-125 Tritium extraction facility, SR	75,000	75,000
98-D-126 Accelerator production of Tritium, various locations	---	15,000
Subtotal, Construction	75,000	90,000
Subtotal, Tritium readiness	152,000	167,000
Reduction for safeguards and security	-52,204	---
Subtotal, Campaigns	1,251,304	2,105,014

Department of Energy (in thousands)

	Budget Request	Conference
Readiness in technical base and facilities		
Operations of facilities	1,313,432	1,252,232
Program readiness	75,800	74,500
Nuclear weapons incident response	---	56,289
Special projects	48,297	48,297
Material recycle and recovery	22,018	30,018
Containers	7,876	11,876
Storage	9,075	9,075
Advanced simulation and computing	477,075	---
Reduction for safeguards and security	-220,867	---
Subtotal, Readiness in technical base and fac...	1,732,706	1,482,287
Construction		
01-D-103 Preliminary project engineering and design (PE&D), various locations	14,500	35,500
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN	17,749	17,800
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	3,000	3,000
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	4,975	5,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA...	2,786	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM	5,200	5,200
99-D-108 Renovate existing roadways, Nevada Test Site, NV	1,874	2,000
99-D-125 Replace boilers and controls, Kansas City plant, Kansas City, MO	13,000	13,000
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO..	23,566	23,765
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX..	4,998	4,998
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC	30,767	30,767
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	2,864	2,918

Department of Energy (in thousands)

	Budget Request	Conference
95-D-102 Chemistry and metallurgy research (CMR) upgrades project (LANL)	13,337	13,337
Subtotal, Construction	138,616	160,085
Subtotal, Readiness in technical base and fac...	1,871,322	1,642,372
Total, Stewardship operation and maintenance	3,941,802	4,657,989
Transportation safeguards division		
Operations and equipment	79,357	79,357
Program direction	36,316	36,316
Total, Transportation safeguards division	115,673	115,673
Safeguards and security	356,840	356,840
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	18,043	18,043
88-D-123 Security enhancements, Pantex plant, Amarillo, TX	2,713	2,713
Subtotal, Construction	20,756	20,756
Total, Safeguards and security	377,596	377,596
Program direction	204,154	224,071
Subtotal, Weapons activities	4,639,225	5,375,329
Use of prior year balances	---	-13,647
General reduction	---	-35,700
Reduction for safeguards and security	---	-310,796
TOTAL, WEAPONS ACTIVITIES	4,639,225	5,015,186

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	216,550	235,990
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL	7,000	17,000
Total, Nonproliferation and verification, R&D	223,550	252,990
Arms control	119,915	152,014
International materials protection, control, and accounting	146,081	173,856
Long-term nonproliferation program for Russia	100,000	---
HEU transparency implementation	15,166	15,190
International nuclear safety	18,902	20,000
Fissile materials disposition		
U.S. surplus materials disposition	117,912	139,517
Russian surplus materials disposition	34,803	40,000
Program direction - MD	9,878	---
Construction		
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	---	20,932
01-D-142 Immobilization and associated processing facility, various locations	3,000	3,000
99-D-141 Pit disassembly and conversion facility, various locations	20,000	20,000
99-D-143 Mixed oxide fuel fabrication facility various locations	15,000	26,000
Subtotal, Construction	38,000	69,932
Total, Fissile materials disposition	200,593	249,449
Program direction	41,383	51,468
Use of prior year balances	---	-526
Reduction for safeguards and security	---	-40,245
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	865,590	874,196

Department of Energy (in thousands)

	Budget Request	Conference
NAVAL REACTORS		
Naval reactors development	623,063	644,500
Construction		
GPN-101 General plant projects, various locations.	11,400	11,400
01-D-200 Major office replacement building, Schenectady, NY	1,300	1,300
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	16,000	16,000
Subtotal, Construction	28,700	28,700
Total, Naval reactors development	651,763	673,200
Program direction	21,320	21,400
Reduction for safeguards and security	---	-4,437
TOTAL, NAVAL REACTORS	673,083	690,163
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	---	10,000
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	6,177,898	6,589,545

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	856,812	919,167
Construction		
01-D-402 Intec cathodic protection system expansion project, Idaho National Engineering and Environmental Laboratory, Idaho Falls, ID	481	---
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	27,932	---
01-D-414 Preliminary project, engineering and design (PE&D), various locations	---	17,300
01-D-415 235-F packaging and stabilization project, Savannah River, SC	---	4,000
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC	7,714	7,714
99-D-404 Health physics instrumentation laboratory (INEL), ID	4,277	4,300
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	1,690	1,690
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River site, Aiken, SC	3,949	3,949
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC	12,512	12,512
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	8,879	8,879
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA	2,000	2,000
Subtotal, Construction	69,434	62,344
Total, Site/project completion	926,246	981,511

Department of Energy (in thousands)

	Budget Request	Conference
Post 2006 completion		
Operation and maintenance	2,453,735	2,251,514
Uranium enrichment D&D fund contribution	420,000	420,000
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	27,212	27,212
Office of River Protection		
Operation and maintenance	---	309,619
Construction		
01-D-403 Immobilized high level waste interim storage facility, Richland, WA	1,300	---
01-D-416 Tank waste remediation system, Richland, WA	---	377,000
99-D-403 Infrastructure support, Richland, WA	7,812	7,812
97-D-402 Tank farm restoration and safe operations, Richland, WA	46,023	46,023
94-D-407 Initial tank retrieval systems, Richland, WA	17,385	17,385
Subtotal, Construction	72,520	448,220
Subtotal, Office of River Protection	72,520	757,839
Total, Post 2006 completion	2,973,467	3,456,565

Department of Energy (in thousands)

	Budget Request	Conference
Science and technology	195,032	256,898
Safeguards and security	203,748	203,748
Program direction	347,881	363,988
Subtotal, Defense environmental management	4,646,374	5,262,710
Use of prior year balances	-34,317	-34,317
Pension refund	-50,000	-50,000
General reduction	---	-10,700
Reduction for safeguards and security	---	-193,217
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,562,057	4,974,476
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure	1,027,942	1,027,942
Safeguards and security	54,772	54,772
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS	1,082,714	1,082,714
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations	539,976	90,092
Use of prior year balances	-25,092	-25,092
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION	514,884	65,000
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	6,159,655	6,122,190

Department of Energy (in thousands)

	Budget Request	Conference
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Security and emergency operations		
Nuclear safeguards	123,566	116,409
Security investigations	38,597	33,000
Emergency management	91,773	33,711
Program direction	89,367	92,967
Subtotal, Security and emergency operations	343,303	276,087
Intelligence	35,010	36,059
Construction		
01-D-800 Sensitive compartmented information facility, LLNL, Livermore, CA	1,975	2,000
Subtotal, Intelligence	36,985	38,059
Counterintelligence	44,328	45,200
Advanced accelerator applications	---	34,000
Independent oversight and performance assurance		
Program direction	14,937	14,937
Environment, safety and health (Defense)	85,963	102,963
Program direction - EH	22,604	22,604
Subtotal, Environment, safety & health (Defense)	108,567	125,567
Worker and community transition	21,497	21,500
Program direction - WT	3,000	3,000
Subtotal, Worker and community transition	24,497	24,500
National Security programs administrative support	---	25,000
Office of hearings and appeals	3,000	3,000
Subtotal, Other defense activities	575,617	586,350
Reduction for safeguards and security	---	-595
TOTAL, OTHER DEFENSE ACTIVITIES	575,617	585,755

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	112,000	200,000
ENERGY EMPLOYEES COMPENSATION INITIATIVE		
Energy employees beryllium compensation fund	12,800	---
Energy employees pilot project	2,000	---
Paducah employees exposure compensation fund	2,200	---
TOTAL, ENERGY EMPLOYEES COMPENSATION INITIATIVE	17,000	---
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	13,042,170	13,497,490
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	34,463	34,463
Program direction	5,000	5,000
Subtotal, Operation and maintenance	39,463	39,463
Offsetting collections	-34,463	-34,463
Use of prior year balances	-1,100	-1,100
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	3,900	3,900
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,795	3,795
Purchase power and wheeling	288	288
Program direction	18,388	18,388
Construction	6,817	6,817
Subtotal, Operation and maintenance	29,288	29,288
Offsetting collections	-288	-288
Use of prior year balances	-900	-900
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	28,100	28,100

Department of Energy (in thousands)

	Budget Request	Conference
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	23,115	23,115
System operation and maintenance	36,104	36,104
Purchase power and wheeling	35,500	65,224
Program direction	106,644	106,644
Utah mitigation and conservation	5,036	5,950
Subtotal, Operation and maintenance	206,399	237,037
Offsetting collections	-35,500	-65,224
Use of prior year balances	-5,983	-5,983
TOTAL, WESTERN AREA POWER ADMINISTRATION	164,916	165,830
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,670	2,670
TOTAL, POWER MARKETING ADMINISTRATIONS	199,586	200,500
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	175,200	175,200
FERC revenues	-175,200	-175,200
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION	---	---
Defense nuclear waste disposal (rescission)	-85,000	-75,000
Defense environmental privatization (rescission)	---	-97,000
GRAND TOTAL, DEPARTMENT OF ENERGY	18,064,720	18,341,776

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes $66,400,000 for the Appalachian Regional Commission as proposed by the Senate instead of $63,000,000 as proposed by the House.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement includes $18,500,000 for the Defense Nuclear Facilities Safety Board as proposed by the Senate instead of $17,000,000 as proposed by the House.

DELTA REGIONAL AUTHORITY

The conference agreement includes $20,000,000 for the Delta Regional Authority as proposed by the Senate.

DENALI COMMISSION

The conference agreement includes $30,000,000 for the Denali Commission as proposed by the Senate.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $481,900,000 as proposed by the House and the Senate, to be offset by revenues of $447,958,000, for a net appropriation of $33,942,000. This reflects the statutory language adopted by the conference to reduce the revenues collected in fiscal year 2001 by 2 percent.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $5,500,000 as proposed by the House and the Senate, to be offset by revenues of $5,390,000, for a net appropriation of $110,000. This reflects the statutory language adopted by the conference to reduce the revenues collected in fiscal year 2001 by 2 percent.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement provides $2,900,000 instead of $2,700,000 as proposed by House and $3,000,000 as proposed by the Senate.

GENERAL PROVISIONS

The conference agreement deletes language proposed by the Senate establishing a Presidential Energy Commission.

TITLE V

FISCAL YEAR 2001 EMERGENCY APPROPRIATIONS

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

The conference agreement includes an emergency appropriation of $203,460,000 as proposed by the Senate for Cerro Grande Fire Activities at the Los Alamos National Laboratory in New Mexico.

The recommendation includes $46,860,000 for repair and risk mitigation associated with physical damage and destruction; $25,400,000 for restoring services; $18,000,000 for emergency response; and $15,000,000 for resuming laboratory operations.

In addition, funding is provided for the following construction projects: $6,100,000 for Project 97–D–102, Dual-Axis Radiographic Hydrotest Facility (DAHRT); $25,000,000 for Project 01–D–701, Site-wide Fire Alarm System Replacement; $20,000,000 for Project 01–D–702, Emergency Operations Center Replacement and Relocation; $29,100,000 for Project 01–D–703, TA–54 Waste Management Mitigation; $10,000,000 for Project 01–D–704, Office Building Replacement Program for Vulnerable Facilities; and $8,000,000 for Project 01–D–705, Multi-channel Communications System. The Department is directed to include construction project data sheets for these projects in the fiscal year 2002 budget request.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes an emergency appropriation of $11,000,000 for the Appalachian Regional Commission for the North Fork Hughes River Watershed project in Ritchie County, West Virginia.

TITLE VI

GENERAL PROVISIONS

Sec. 601. The conference agreement includes language directing that none of the funds in this Act or any prior appropriations Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

Sec. 602. The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

Sec. 603. The conference agreement includes language providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

Sec. 604. The conference agreement includes language proposed by the Senate limiting the use of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol. The conferees do not concur with the report language proposed by the House.

Sec. 605. The conference agreement includes language extending the Coastal Wetlands Planning, Protection and Restoration Act.

Sec. 606. The conference agreement includes language redesignating the Interstate Sanitation Commission as the Interstate Environmental Commission.

Provisions not adopted.—The conference agreement deletes language proposed by the House amending the Energy Policy and Conservation Act.

The conference agreement deletes language proposed by the House limiting the use of funds to pay salaries of employees of the Department of Energy who refused to take polygraph examinations.

The conference agreement deletes language proposed by the Senate repealing sections of Public Law 106–246.

The conference agreement deletes language proposed by the Senate requiring the Tennessee Valley Authority to complete an environmental impact statement before proceeding with the sale of mineral rights.

The conference agreement deletes language proposed by the Senate requiring a report to Congress on electricity prices. This requirement has been included in report language.

The conference agreement deletes language proposed by the House prohibiting the use of funds to pay an individual who simultaneously holds positions within the National Nuclear Security Administration and the Department of Energy. This matter has been addressed in section 315.

TITLE VII

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement includes language providing funds to reduce the public debt.

TITLE VIII

NUCLEAR REGULATORY COMMISSION

The conference agreement includes language extending the Nuclear Regulatory Commission's (NRC) authority to assess license and annual fees through fiscal year 2005. This extension is necessary to provide the resources needed to fund the activities of the Commission. The conferees have also provided authority to reduce the fee recovery requirement from 100 percent to 98 percent in fiscal year 2001, and further decrease the fee incrementally until the fee recovery requirement is reduced to 90 percent in 2005. This will address fairness and equity concerns relating to charging NRC licensees for agency expenses which do not provide a direct benefit to them.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$21,647,047
Budget estimates of new (obligational) authority, fiscal year 2001	23,146,559
House bill, fiscal year 2001	22,204,000
Senate bill, fiscal year 2001	23,131,901
Conference agreement, fiscal year 2001	24,088,380
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+2,441,333
Budget estimates of new (obligational) authority, fiscal year 2001	+941,821
House bill, fiscal year 2001	+1,884,380
Senate bill, fiscal year 2001	+956,479

JAMES T. WALSH,
TOM DELAY,
DAVE HOBSON,
JOE KNOLLENBERG,
RODNEY FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID E. PRICE,
BUD CRAMER,
DAVE OBEY,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,

TED STEVENS,
PETE V. DOMENICI,
BARBARA A. MIKULSKI,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
ROBERT C. BYRD,
HARRY REID,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

LEADERSHIP LACKING ON HMO REFORM

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GREEN of Texas. Mr. Speaker, I just wanted a one minute at an unusual time of the day because this House has passed one of the strongest HMO reform bills that I have seen. We passed it over a year ago, and yet this bill still languishes in its House-Senate conference committee. Obviously we need more effort to make sure that we pass a national HMO reform bill.

This issue is important to the voters, and it has been, and that is why when I listened to the presidential debates last night, I heard it come up a number of times, how we needed a strong managed care reform or HMO reform bill.

Let me set the record straight: the Texas legislature passed a bill in 1995 that was a strong HMO reform bill. In 1995, the Texas legislature passed a strong HMO reform bill. It was vetoed by Governor Bush. In 1997, they passed another bill that became law without his signature. Last night, listening to the debates, you would have thought there had been a lot of exercise in leadership on HMO reform in the Governor's office in Texas.

What we need is strong leadership in the White House for an HMO reform bill, because it does not look like it is going to happen this year. So next year we will need it. Our bill, the Dingell-Norwood bill, was actually patterned after the Texas law of 1997.

So, just like you want to hear the rest of the story, the whole point is that we need strong HMO reform legislation, it needs to pass the House and the Senate, and it needs to have the aggressive activity from a chief executive in the President of the United States. I would hope that the people would realize for the record who is embellishing their record now.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4461) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I appreciate this opportunity to speak this evening on an issue that is critically important for communities throughout my district and across this country and that is school construction.

I am pleased to be joined this evening by several of my Democratic colleagues in a series of special order speeches to call on the Republican leadership to pass real school construction legislation before this Congress adjourns.

Since the beginning of my service in the United States House nearly 4 years ago, I worked hard with members of both bodies across the partisan aisle to craft a creative legislative response to the urgent problem of overcrowded schools, run-down facilities and the widespread use of trailers and closets as classrooms.

Mr. Speaker, across my district and many places in this country, our schools are bursting at the seams. Just about every day I hear from teachers, parents, students and others that the need for better schools for our children to learn and teachers to teach are desperately needed.

□ 1900

Mr. Speaker, I am pleased that so many Members have come together to support a common sense bipartisan piece of legislation to address this problem.

H.R. 4094, the Rangel-Johnson-Etheridge bill, has enjoyed the support of 228 cosponsors in the House, Republicans and Democrats alike. This important bill would provide about $25 billion in new school construction bonds for communities throughout this country.

We now have a clear majority of the Members in the U.S. House who will vote for this bill if we can just get it to the floor for a vote; but, unfortunately, the Republican leadership continues to keep it tied up in committee.

Mr. Speaker, this refusal to act on this common sense bipartisan bill to build and renovate schools stands in sharp contrast to the blatant manipulation of the appropriations bills to bring pork back to their home districts.

For example, the Transportation appropriations bill is full of earmarked projects for the House districts of powerful Members of the Republican leadership. Senator JOHN MCCAIN of the other body stood on that floor, and I quote, said "there were over $700 million in transit earmarks in the Chicago Metropolitan Transit Authority in the home district of the Speaker of the House, and yet the Republican leadership refuses to allow an up and down vote on our modest proposal to provide tax credits to help finance just a few neighborhood schools."

The Transportation appropriations bill also reported earmarks of $102 million for something called the U.S. 82 Bridge across the Mississippi River in Greenville, Mississippi, in the home State of the majority leader of the other body; and yet the Republican leadership of this Congress refuses to have a vote for simple school construction for the children of this country.

Mr. Speaker, as the former chairman of my State's House Committee on Appropriations, I know well the need for government investment in certain projects to help give people a hand up, but I also know that budgets and appropriations represent more than just items on the balance sheet. They represent our values.

What does it say about the values of this Congress that the leadership refuses to allow a vote on a bipartisan school construction bill, while at the same time it loads up must-pass bills with these special-interest pork projects?

The Interior appropriations bill contains many special items earmarked. For example, there is $500,000 for a National First Ladies Library in Ohio for a senior ranking member. It contains $176,000 for the Reindeer Herders Association, and it contains $1.5 million to refurbish the Vulcan Statue in Alabama.

Mr. Speaker, these projects may have their merit. I am not an expert on every line item in an appropriations bill; but as the former superintendent of my State schools, I do know that our schools are bursting at the seams. Our communities need our help to help build and modernize schools, reduce classroom sizes and relieve overcrowding and enhance good order and discipline in classrooms and improving education for all of our children.

H.R. 4094 will not solve all of our problems, but it is a good step in the right direction; and I urge the Republican leadership of this House to bring this common sense bill to the floor without further delay and let us pass it.

H.R. 4094, AMERICA'S BETTER CLASSROOM ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, the challenge confronting us today and the future of education in America is before us. We, as a Nation, must put education as the number one priority if we are to meet the needs of the 21st century, if we are to look at where our children are going to be. We need to invest in education. We need to make sure that class size reduction is in our classroom.

We need to make sure that we do modernization in our classroom. If we look at today's society, if we look at where we were, many years ago many of us were very fortunate, that when we went to school, class sizes were small, we were able to have the relationship between 25 and one ratio. In today's classroom, we have 45 to one ratio. It is ridiculous.

How can we have our children learn? How can we get them to progress and how can we hold accountability when we have so many students in our classroom? We have to put a high priority, that is why we have to look at modernization. We have to look at classroom reduction. If not, what is going to happen to our children? And if we look at modernization, we also have to look to create an atmosphere that is good for our children as well.

When they go into the classroom, we want to make sure that the faucets work well, that there is no broken window, there are no leaking roofs. If we look at technology, we want to make sure that everybody is competitive, that our children and others have the same opportunity that other individuals have. It can only happen if we fund education at the highest level.

What we also have to make sure that we do is, if we have 100-some teachers that we have the accountability. If it is not there, what is going to happen to us? What is going to happen to our children? Our children are at stake. Our future is at stake. They are our future. They are our future taxpayers. They are the ones that are going to guide our Nation, but it is our responsibility to provide for them; and if not, we fail America, we fail our children.

Let me tell say, Mr. Speaker, we have to invest more, and the agenda by the Democratic Party right now and the bipartisan H.R. 4094 deals with a lot of these problems right now, deals with the classroom size, deals with modernization, deals with teacher training, deals with incentives, deals with tax breaks; and at the same time we also have to provide incentives for students to go on to our community colleges and our State colleges.

In California alone, we have over 6 million students in K through 12. If we do not begin to take steps to build additional schools, what is going to happen to our children there? And these children that are ready to go on to a 4-year institution or community colleges where they are overcrowded, what is going to happen to them? Are they going to have access to our community colleges or State colleges or universities?

The answer is no. That is why we also have to provide a tax incentive and tax break and a tax tuition to make sure our children have that opportunity. We all have to come together. This is not a partisan issue. This is a bipartisan issue. This is about America. This is about our children. This is about investment.

Let me tell my colleagues, when I hear teachers telling me that they are out buying supplies because we are not providing the funding. My son is a teacher at a junior high school and he is going out and spending money. He just became a teacher this year, and let me tell my colleagues he is going out and buying supplies. They should not have to buy supplies. We should fund education. We are not investing enough in education.

The Republican Party plan right now does not invest enough money in education. We have to put more money in education. It is an investment in the future and at the same time we have to deal with Head Start programs, preschool programs, after-school programs, provide the incentives so our children have that opportunity to learn in an environment that is conducive. How can someone go to a school in our ghettos and some of our other areas where they are not even fixed and they are not compared to other institutions, and they look at TV and they see a modern school in that area and they say the environment is great?

Well, teachers have to also be motivated. They are motivated when they know they have good schools, they have the equipment, they have the tools and the instruments to teach our children. It can only happen if we provide those funds.

Mr. Speaker, we have a lot of work ahead of us. We have got a big agenda ahead of us right now, but we have to come together; and if we do not come together, America will lose.

SECURITIES AND EXCHANGE COMMISSION PROPOSED RULE FOR AUDITING FIRMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I rise to speak about the rule proposed by the Securities and Exchange Commission, SEC, that would affect the consulting affiliates of auditing firms.

The proposed rule was brought to my attention over a month ago by constituents concerned about its effect on large accounting firms who also perform consulting services for their clients.

In response to the concerns raised by some of my constituents, I wrote to SEC Chairman Arthur Levitt and asked that the comment period on the rule be extended past its September 25 deadline and that the rule be modified to address the concerns raised by members of the accounting industry.

Under no circumstance was it my desire or intention to delay the ultimate decision to next year and a new commission. I particularly want to go on record as opposing any attempt to require a delay through legislative means.

I continue to believe all parties involved, including the accounting industry, should strive to reach a workable and mutually agreeable compromise before a final determination is made. It is my hope as the SEC moves forward with this rule they will remain open to the comments and concerns raised by the accounting industry and the challenges it faces.

OUTRAGE AT STATE DEPARTMENT'S DISMISSAL OF SAILORS WHO DIED ON THE U.S.S. "COLE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise today to share my outrage at our State Department's callous and thoughtless dismissal of the young men and women who died on the U.S.S. *Cole*.

I will quote from an October 16 State Department memorandum telling Voice of America to quash an editorial on terrorism, and I quote from that: "The 17 or so dead sailors does not compare to the 100-plus Palestinians who have died in recent weeks."

Since when are American lives less valuable to our State Department than Palestinian lives? Yes, my colleagues heard me right: our State Department dismissed the lives of our young sailors who died on the U.S.S. *Cole*. Something is really wrong when the Federal bureaucracy is writing off our servicemen while the rest of the Nation is mourning.

Mr. Speaker, I do sincerely grieve for the Palestinians and Israelis who have lost their lives in the tragic conflict over the recent weeks; however, when our own State Department dismisses the lives of our young men and women protecting our national interests overseas, something is truly wrong and heads should roll.

Mr. Speaker, I will submit the State Department's memorandum for the CONGRESSIONAL RECORD and would like to thank C-N-S-News.com and its executive editor Scott Hogenson for breaking this important story and shedding light on this contemptible behavior by our State Department.

END-OF-THE-YEAR SPENDING ORGY IN CONGRESS RIGHT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we seem to have an end-of-the-year spending orgy going on in Congress right now. David Broder mentions in his column in The Washington Post today that spending for fiscal year 2001 will be $100 billion more than allowed under the last major budget deal, according to the "Congressional Quarterly."

Apparently most of the congressional leadership feels that we have to give into the excessive spending demanded by the President, because the alternative is to shut down the government. Unfortunately, there simply are not enough fiscal conservatives to override presidential vetoes. However, we are spending away a surplus that we do not yet have.

We are jeopardizing the economy and our children's future in the process. We now have a foreign trade deficit of almost a billion dollars a day. This means we are buying roughly $350 billion a year from other countries more than we are selling to them. This is primarily because we have entered into bad trade deals, deals good for some big multinational companies, but very bad for small American businesses and American workers.

Most economists agree that we lose roughly 20,000 jobs per billion, and no country can sustain a $350 billion-a-year trade deficit for very long. Do we ever wonder why so many young people are working as waiters or waitresses or why so many young people are going to graduate school because the good jobs are not there for even college graduates like they used to be?

Along with this foreign trade deficit is all the spending our government does in and for other countries. The liberals found out many years ago that foreign aid was very unpopular, so they just started spending foreign aid money through numerous other foreign programs.

They will very misleadingly say that our foreign aid money is less than 1 percent of our Federal budget. What they do not say is that we spend in addition to regular foreign aid, many billions more through the military, the Agriculture and Commerce Departments, the State Department, the United Nations, the International Monetary Fund, the World Bank and on and on and on.

This administration has deployed our troops around the world more times than the six previous administrations put together, mostly just turning our military in international social workers. Billions and billions and billions in Haiti, Rwanda, Somalia, Bosnia and Kosovo. Right now we are spending $2 billion a year on what the Associated Press has described as a forgotten war against Iraq.

□ 1915

Most of our people do not even realize we are still bombing there against a nation now so weak that it is absolutely no threat to us at all unless our continued bombing forces them into some type of desperate terrorist actions.

Many large companies benefit greatly from these trade deals and from our sending billions to other countries in military or non-military missions. They and their allies in the national media and elsewhere have made it politically incorrect to oppose these trade deals or oppose sending mega billions overseas.

Those who do oppose all this foreign spending or these trade deals that benefit big international corporations are very falsely accused of being isolationists. However, if Members hear anyone make this charge, they should realize immediately that this name-calling simply means that the person calling someone an isolationist is trying to avoid an argument on the merits.

This Nation should be friends with every nation. We should have all sorts of foreign exchange programs and diplomatic relations, and send our experts in every field when requested, and lead international fundraising in times of human catastrophe. But this does not mean that we should keep sending billions and billions overseas, or continually bombing people who have not threatened us, or be the world's policeman through our military.

President Kennedy said in 1961 that with just 6 percent of the world's population, we must realize that we are neither omnipotent nor omniscient, and that there is not an American solution to every world problem. Now we are less than 4 percent of the world's population.

George Washington warned against entangling alliances with foreign countries, and Dwight Eisenhower warned against a military-industrial complex that would commit us all over the world simply so that it and its companies could get more money.

Professor John Moser, writing in the Autumn 1999 issue of Ohio History, noted that Senator Robert Taft was often falsely called an isolationist when he was really a conservative nationalist. Moser writes of Taft: ". . .he was remarkably prescient on many of the problems inherent in a highly interventionist foreign policy: unprecedented accumulation of power in the hands of the executive branch of the government, curtailment of civil liberties at home, the charge of 'imperialism' arising from American influence abroad, and most importantly, the danger of what Paul Kennedy referred to as 'imperial overreach,' the extension of overseas commitments beyond the ability of a nation to meet them."

Senator Taft once said, "Nothing can destroy this country except the overextension of our resources." We should heed these words today.

STUDENT LOAN DEFAULT RATES

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, there is much good news in higher education this year and we should take a few moments in the House of Representatives to take note of it. This is news for which we can all take some credit—the Congress, the Administration, borrowers, colleges and universities, lenders, loan guaranty agencies—so it is in that spirit that I offer these observations.

Twenty to 25 years ago, few people left college with student loan debt. But today, student loans are a fact of life for millions of students and graduates. They have opened the door of opportunity to individuals who otherwise would have no options to improve their earning potential.

President Clinton recently announced that the student loan cohort default rate is the lowest on record, falling from a high of 22.4 to 6.9 percent.

This represents a savings to taxpayers of approximately $7 billion over the period from fiscal year 1993 to fiscal year 2000. But more importantly, it speaks volumes about the Department of Education's program flexibility and willingness to work with borrowers.

Secretary of Education Riley noted that this record has been achieved by "a robust economy, strong department management, tougher enforcement tools authorized by Congress, and stepped up efforts by colleges, lenders, guaranty agencies, and others."

What makes this even more noteworthy is that the decline in defaults came at a time when student loan volume was tripling and educational opportunity was expanding to more low-income students, entailing higher risks. It is a great achievement.

The President also recently announced a reduction in interest rates for students in the Direct Loan Program who make their first 12 payments on time. Students have especially welcomed this reduction in college costs. Student organization leaders have noted that all students benefit when the Direct Loan Program can offer the same kinds of repayment incentives as the bank-based Federal Family Education Loan Program.

This encourages healthy competition between the programs, which makes students the ultimate beneficiaries.

This reduction is possible because of the change Congress made in the 1998 Higher Education Amendments. These changes gave the Secretary the authority to offer the same kind of repayment incentives to Direct Loan borrowers as exist in the bank-based program.

Mr. Speaker, I would also like to note that there is a third piece of good news in which

Congress has played an important role. In fiscal year 2000 alone, $4 billion has been recovered on defaulted loans through vigorous collection efforts by the Department of Education and the loan guaranty agencies. Congress authorized the use of offsetting Federal income tax refunds, wage garnishment, and other methods to aid in the collection of these loans.

What is important, however, is that defaulters also have the opportunity to get out of default through loan consolidation and the opportunity to repay their loans based on their income. We must never burden students with loans they cannot repay, and much of our current as well as future savings will be due to the appropriate use of the carrot as well as the stick.

Declining default rates, increased collections, savings produced by the direct student loan program—when we combine the fruits of all these labors, the end result is that we are saving American taxpayers $18 billion.

Too often we overlook the good news in education and fail to note the successes of our legislation and its implementation.

Let us take a moment here to offer congratulations to all for the excellent news coming out of higher education this year.

DEMOCRATIC EDUCATION AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today in support of the Democratic education agenda for the 107th Congress.

We live in a changed world: a new economy, new technology, and new family realities. More than ever, we all need our children to achieve their full potential. But our children are not getting the support they need.

Our friends in the majority promised radical improvements for public education when they gained control of the House 6 years ago. They said they would get the government out of our schools, and they followed through on that pledge by trying to abolish the Department of Education.

They continually turned their backs on their responsibility to focus on the priorities of the American people. Saying the Federal government has no place in our public schools did nothing to lift up a child or to help a parent, and the American people rightly rejected their plan.

I quote the distinguished majority leader, the gentleman from Missouri (Mr. GEPHARDT), when I say, "It is time for a new vision."

While looking forward to the 107th Congress, Democrats will make six new commitments to modernize our public schools and lift up every child:

First, we will recruit and train high quality teachers and principals. Because America's public schools are attended by 90 percent of American children, we need to ensure that every class is led by a highly-qualified teacher; we also aim to establish new incentives to recruit highly-qualified teachers.

Secondly, we will reduce class size. We will recruit 100,000 highly-qualified teachers and reduce class sizes for grades one through three to a national average of 18 children;

Thirdly, we will build accountability measures to ensure that school districts and States set high standards and help every student achieve by building on proven reforms;

Fourthly, we will build new schools and repair existing ones. The Federal help to renovate 6,000 local public schools and repair an additional 8,300 schools to improve learning conditions is vital to our children's future.

We will aim to expand educational technology. We will continue to provide schools with Internet capacity, and bring new technology into the classrooms.

Finally, we will promote lifelong learning in all of our public schools. Our agenda wants to put America on the path to have preschool universally available to every child, and to bring the dream of a college education closer to reality for everyone by making tuition more affordable through tax relief, and by increasing funds for college grants and loans.

These simple six steps will ensure that our children are guaranteed the education they deserve.

Since coming to the House of Representatives, I have worked to bring Congress to the classroom. Two years ago, I visited Crispus Attucks Junior High School, which was my alma mater. Crispus Attucks is a good example of what can be achieved when people in government are committed to public education and public schools.

The school created a good learning environment and provides training on computers and the Internet.

I worked to have Crispus Attucks High School connected with a school in Darby, United Kingdom, and they are doing a tremendous job because they have similar characteristics, and are getting acquainted in a very vital way with each other.

However, more help is needed. With information technology now a key element of the global economy, we must make sure that our children are prepared to use this technology when they enter the world of work.

The Democratic agenda aims to secure computers for all schools. The future of our children is vital, and Federal help must not be seen as negative big government intervention.

The educator and author Derek Bok once wrote, "If you think education is expensive, try ignorance." Bad House majority policies have cost America dearly. Children are being neglected, and they cannot raise themselves.

We would provide $1.7 billion for reducing class size. The opposition did not guarantee one Federal dollar for class size reduction.

We would provide a new $1 billion teacher quality initiative, whereas the opposition has rejected this proposal and has proposed funding lower than this for two combined programs.

We would provide $1.3 billion to leverage about $6.7 billion in grants and loans to fund school renovation. The opposition rejects this approach.

All of our proposals, including funding for after-school programs, safe-and-drug-free schools, accountability and the Head Start and Gear-Up programs have either been rejected or cut dramatically by the House leadership. This is unacceptable.

Mr. Speaker, I ask my colleagues to stand up for education and for our schools, and work towards a better America for all of our children. If we do not stand up for education and our schools, we will fall for anything.

CONGRATULATIONS TO PROFESSOR DANIEL J. McFADDEN ON WINNING NOBEL PRIZE FOR ECONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise this evening to recognize and to congratulate a distinguished member of the University of California at Berkeley, Professor Daniel J. McFadden.

Last week, Professor McFadden, along with Professor James Heckman of the University of Chicago, received the Nobel Prize for Economics.

Together, through their research and observations, they have contributed significantly to the understanding of individual and societal behavior. Their vital work cuts across disciplinary barriers and greatly enhances our understanding of economics and public policy.

Prior to joining the world of the academic and social sciences community at the University of California at Berkeley in 1963, Professor McFadden, like many of us, attended public school.

As a young man during his college years, he was always attracted to the studies of human behavior. His passion for the field of behavioral sciences and the drive to learn and analyze human behavior helped launch an ambitious career and a lifelong commitment to the study of behavioral and social sciences.

Subsequently, Dr. McFadden developed and linked these behavioral theories to mathematics, statistics, and economics.

Mr. Speaker, I am proud and honored to congratulate and recognize Professor McFadden for this lifetime of achievements. His dedication and his outstanding work in economics have contributed significantly to our society.

The implications of his research extend far beyond the ivory tower. Because of his efforts, governmental agencies and city planners in the United States are able to make better decisions about health care services, social services, employment programs, transportation, and other critical areas of modern life.

The cities of the San Francisco-Oakland Bay area, for example, owe a great deal of the work to Professor McFadden in terms of his research in helping to shape the design of our Bay Area Rapid Transit commuter train system, which is very crucial to tens of thousands of people for their daily commute to work.

Professor Daniel McFadden joins 16 other Berkeley colleagues as Nobel Prize winners. This impressive roster of intellectuals also demonstrates the commitment of this university to the larger social and economic world. As an alumna of the University of California at Berkeley, I am especially proud of these accomplishments.

Mr. Speaker, once again, I congratulate Professor McFadden for his Nobel Prize award. I appreciate having this opportunity to express my appreciation for the hard work and commitment of our most recent Nobel Prize winner in economics, Professor Daniel J. McFadden.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to speak on the Congress education agenda, or lack of one.

Two months ago, the Nation's schools opened their doors to the largest number of students in history. Yet, the Nation began the 2000–2001 academic year facing a national education crisis.

Our teachers and students are struggling to teach and learn in underfunded, inadequate, substandard, and crowded conditions. The average American school building is now more than 40 years old, and the estimated price tag to bring our schools into good condition is $127 billion.

Many of our Nation's communities, like my own, are working to build and modernize schools, but they lack or have very limited funding.

Our President has proposed a school construction tax credit to help communities build and modernize 6,000 schools, and grants and loans for emergency repairs to nearly 5,000 schools a year for 5 years. This school construction relief has bipartisan support in the House of Representatives, and needs to be voted on.

Mr. Speaker, there is also substantial support in the House of Representatives for H.R. 4094, the Rangel-Johnson bill, which would amend the Tax Code to provide incentives for school construction and modernization. It has more than 225 cosponsors. I ask my colleagues to include the provisions of that bill in the final agreement, as well.

But school modernization and reconstruction is only a beginning. Mr. Speaker, in the district of the Virgin Islands, which I represent, just under 3,000 members of the American Federation of Teachers are in the fifth day of a strike for retroactive wages and better working conditions.

When our teachers strike, our students suffer. We need the Federal government to help us in many areas so we can better address our teachers' very valid concerns and their long overdue salary increases.

We in the Congressional Black Caucus have an important education agenda. We are calling for a public school emergency recovery program, which comprehensively addresses the needs of our poorest and most needy schools. It will cost $10 billion of the surplus.

The schools in my and other districts need this help. It is more important than a tax break for the richest 1 percent in our country, and it is a much better and more effective way to address the needs of education than our vouchers, which at best is a risky deflection of funding from public schools, where most of our Nation's children are educated.

Mr. Speaker, my daughter Rabiah is a second grade teacher at Barnard School here in the District, a school that would benefit from the CBC's proposed initiative. This week, she and other teachers are being sent home. She had 22 students in her class. Barnard School and many others need more teachers, not less, to meet the needs of their children.

The time has come for us to send a message across the Nation that our children are a priority and that we value and will invest in the education that they receive. We need to pass a budget that reflects investment in school modernization, that addresses the needs of our teachers by creating smaller classes, by increasing opportunities for training, by giving them more support staffing and programs, and by providing incentives to keep good teachers in our classrooms.

I urge our leadership to follow the will of the majority of the Members of this House by bringing to the floor and passing an education budget that fully responds to the real education needs of all segments of our Nation.

□ 1930

I echo the President's call for continued work to strengthen accountability and raise test scores; to turn around failing schools or shut them down or put them under new management; to expand after school programs and college opportunities for young people; and to ensure a qualified teacher in every class.

Mr. Speaker, as we come to the end of this session of Congress, we will be saying good-bye to several of our colleagues. One of them is a steadfast champion of education as well as labor, the gentleman from Missouri (Mr. CLAY). As he leaves the House after his years of distinguished service, he leaves us in this country an outstanding legacy which includes enacting legislation to strengthen Head Start, elementary and secondary education programs, and college financial aid programs, as well as many other mainstays of American education.

I can think of no more fitting tribute to his service than passing landmark funding for this Nation's public schools and creating the Congressional Black Caucus' public school emergency recovery program.

Mr. Speaker, the outcome of our end-of-the-term negotiations this year must begin with an education budget that ensures a 21st century education for each and every one of our Nation's children, truly leaving not one of them behind.

GOVERNMENT MUST DO MORE TO IMPROVE EDUCATION

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, for the past few years, the American people have, through numerous focus groups and polls, sent a strong message to all elected officials. Government must do more to improve education. Government at every level, the local level, the State level, and at the Federal level must do more to improve education.

Now we are finally approaching the closing days of the 106th Congress, the scandal of this session of Congress is that, despite the existence of a $230 billion Federal surplus, to date, the Republican majority has refused to respond to the clear demand of the American voters.

The Republicans have chosen to move in the opposite direction. Republican inaction is sabotaging the Federal effort to improve our schools. Even long-standing programs, such as ESEA Title I have not been reauthorized by this Republican-controlled Congress. Only destructive proposals are being placed on the negotiations table by the Republicans.

Publicly funded school vouchers and block grants are two of the most dangerous Republican proposals on the table. Both of these radical programs will hasten the demise of the public school systems in our Nation.

We call on President Clinton to rule that block grants and vouchers are nonnegotiable items in the end game negotiations that are now beginning to take place. Title I block grants are nonnegotiable. We refuse to accept a situation where block grants would return the power to the States using Federal money to decide how Title I will be spent.

It is the neglect, the savage neglect over the years of the States that have created conditions in our inner city communities and poverty rural communities that the Federal Government found necessary to address when the Elementary and Secondary Education System Act was established.

Why should we abandon the very schools and communities that the Elementary and Secondary Education System Act was meant to help? There is no honorable trade-off possible for block grants and vouchers. We hope that, in the negotiations, there will be a flat refusal to trade off with the Republicans on block grants and vouchers.

The bad news is that Republicans have turned their backs on education as the number one priority of the American people. But the good news is that Democrats have responded vigorously. All year long, we have made proposals.

Democrats have proposed two school construction initiatives. One that most people know about is the Rangel-Johnson initiative that proposes to pay the interest on money borrowed by States and local governments. Up to $25 billion would be covered by a Federal allocation of about $4 billion to cover the interest. The President has also proposed a direct appropriations initiative of $1.3 billion.

Democrats support funding for smaller class sizes. Democrats support funding for more teachers in the classrooms, and therefore the ratio of students to teachers would be a more acceptable ratio and encourage greater teaching.

But one cannot have smaller class sizes if one does not have the classrooms. The construction initiative is vital to the implementation of the Democratic initiative to get smaller class sizes. Certainly in the poorest schools in the poorest communities, we do not have the classes for the smaller class sizes.

The 21st century learning centers proposed by the Democrats for after-school programs, for summer school programs, those programs also need room to operate in. One cannot operate effective summer schools unless one has buildings that are air conditioned in most parts of the country.

The community technology centers are an initiative of this Democratic administration. They want to expand that. We need space. We need buildings.

An increase in Head Start and preschool programs is another Democratic initiative. We cannot increase Head Starts in the poorest communities where they are most needed. We cannot increase preschool programs in the poorest communities where they are most needed unless we have new facilities. We have to have better buildings and more buildings in order to accommodate these programs.

In our inner-city communities, school construction comes first. In Brooklyn, in my 11th Congressional District, we worked vigorously to get rid of coal burning schools, schools that have furnaces that burn coal. I am happy to report that the end is almost in sight, that the School Construction Authority in New York City has an agenda where by the end of the year 2001, there will be no more coal burning furnaces in our schools.

It is imperative that we act now to construct more schools. The Democratic initiative is necessary.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the public schools in our country. I know that should not be a major statement, but after hearing all of what people want to do with vouchers and everything else, maybe we need to have an affirmative affirmation that says, yes, we support our public schools in our country.

Some of the key priorities for our public schools are class size reduction, school modernization, and technology improvements of both our elementary and our secondary schools.

We need to fund the President's plans for school modernization and class size reduction, to ensure that our most valuable national resource, our children, will not continue to suffer from substandard school facilities and overcrowded classrooms.

Studies by the National Center for Education Statistics show that, on the average, public schools in America are 42 years old: School buildings begin rapid deterioration after 40 years. Additionally, 30 percent of our schools were built before 1970 and have never been renovated.

These schools are also lagging behind in our efforts to connect every classroom to the Internet. Only 42 percent of schools built before 1985 are connected to the Internet, compared to almost 60 percent of those built since.

According to GAO's estimate, it would cost $112 billion to bring all our Nation's schools into good overall condition.

In my home State of Texas, where my wife teaches algebra, we have over 4 million students in almost 7,000 schools. Of those schools, 76 percent of the Texas schools need repairs or upgrades just to reach the "good" condition; 46 percent need repairs to a building such as plumbing, electrical, heating or cooling systems; 60 percent have at least one environmental quality like air quality, ventilation, or lighting; and the student-to-computer ratio stands 11 to 1, 11 to 1 student-computer ratio. So one just has to wait one's turn for the use of that computer.

The cost for this alone in Texas is estimated to be $10 billion to modernize school infrastructure and over $4 billion to address the technology needs.

Aging schools, however, are not the only problem we have before us. We have to address the growing student population.

Again, according to the National Center for Educational Statistics, elementary and secondary school enrollment, already at a record-high 52.7 million, will climb to 54.3 million by 2008.

Again, in Texas, we see similar trends. Our education system has stretched past a breaking point when one adds in the expected growth in the number of students.

Over the next decade, the number of students in the elementary and secondary schools are expected to grow almost 8 percent in Texas alone, approximately 316,000 students. It is estimated almost 13,000 new classrooms will have to be built to handle this influx of new students.

Voters in my own hometown in Houston are trying to address this problem. In a recent Houston ISD bond election, they approved $678 million to repair over 70 schools and to build 10 new ones. Fifty of the schools in HISD are over 50 years old. Twenty-five are over 70 years old. Much more is needed because they downsized it.

Also, voters in the Aldine school district where my wife teaches just approved a $115.8 million bond package that would fund six new schools, a transportation center, and would provide upgrades for existing campuses.

Aldine Independent School District is already feeling the impact of increased enrollment with the number of students having grown over 1,200 each year for the last 7 years.

$678 million and $115 million sound like a lot of money, but it is really a drop in the bucket. School populations continue to increase, newer schools are beginning to show wear and tear; and facilities must be upgraded to keep our schools equipped with the cutting edge technology our children will need to be competitive in tomorrow's job market.

These numbers show that it is absolutely vital that Congress address the conditions of our Nation's schools now because the situation will obviously get worse.

Now, most of the school construction comes from, first, local money but also State money. But we need to make sure that we help what we can. Even if it is only a few pennies on the dollar, Mr. Speaker, we can help. That is the reason I support the President's plan to reduce the class size and build more classrooms.

Additionally, I join my colleagues from around the country sponsoring legislation that will make tax credit bonds available to our schools, offer incentives for teachers who choose to teach at low-income or underserved areas and offer tax credits and student loan forgiveness for college students who choose to make teaching their profession.

I hope my colleagues will join me in supporting these important initiatives, and that we can work together and provide funding for our schools to educate our children. Our most important natural resource is the brains in our children that are being educated today.

GOVERNOR BUSH MISSES MARK ON COUNTRY PROSPERITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, we are engaged in a great fiscal debate in which the Governor of Texas tells us that, under his plan, every American who pays taxes will get tax relief. He is completely wrong. He should know that there are 15 million Americans who pay Federal taxes, who pay FICA taxes out of their wages that will not get a penny out of his tax plan, because he ignores the working poor. Those who care for people in nursing homes, those who clean our buildings and wash our cars are left behind. What is worse, of course, is that he provides almost half the benefits to the richest 1 percent of Americans.

Now, what concerns me most about the Governor's statements is that he mocks the importance of fiscal responsibility when he tells the country that the prosperity of the last 8 years has nothing to do with governmental decisions made in Washington.

He is correct that the lion's share of the credit for our national prosperity goes to American workers whose ingenuity, hard work and inventiveness is building a new economy. But for political gain, he denies that there is another essential element, and that is fiscal responsibility here in Washington.

By denying that what we do here in Washington has anything to do with how the economy performs, he grants to us a fiscal license, a statement that government has nothing to do with prosperity, hence government can do whatever it wants.

The fact is otherwise. The facts are that, during the mid-1980s and the late 1980s and the early 1990s, Americans were hard working and inventive and ingenious, and yet we did not have prosperity in this country.

□ 1945

Why? Because we had a budget deficit that was growing every year and threatened to swallow up private savings in our economy. We cannot afford the license the political rhetoric from the Governor of Texas would grant.

Now, we are told by the Governor that he does not want to provide so much benefit to the upper 1 percent. He tells us that his plan will provide only $223 billion of tax relief to that richest 1 percent over the next 10 years. He does this by ignoring the second largest piece of his proposal, and that is his repeal of the estate tax. He tries to minimize the fiscal effect of that by using fuzzy phase-in figures.

But the fact is the estate tax will be producing $50 billion a year, $500 billion over 10 years, which means the wealthiest 1 percent, over a 10-year period, will be getting $700 billion of tax relief, not just the $223 billion the Governor admits to. That is why when we look at the estate tax and the income tax the conclusion is clear: he provides more tax relief for the wealthiest 1 percent than everything he proposes to do to help our health care system, to strengthen Medicare, to strengthen the military and to provide for our schools combined.

It is time that we focus on the fiscal details of the plans of those who are running for President. This is not a popularity contest.

THE NATIONAL IMPROVEMENT IN MATHEMATICS AND SCIENCE TEACHING ACT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, we are fortunate to live in an exciting and prosperous time. The Internet has bridged gaps between generations and nations. Biotechnology has produced medical miracles. Our cars have more computing power than the Apollo spacecraft. Success in this information age depends not just on how well we educate our children generally but how well we educate them in science and mathematics specifically.

Following the launch of Sputnik in 1957, major steps were taken in the United States to improve resources going into science. The goal was to pursue a superior technical workforce. This produced generations of scientists and engineers who have contributed greatly to our economic and technical accomplishments. I am a product of the Sputnik revolution. I have spent several decades in the world of teaching and physics research. But now, as a policymaker, I see the shortcomings of our earlier revolution in science and mathematics education, and I see the need to increase our effort for science and mathematics education today.

The push for improving public competence in science and mathematics is justified by economics, national security, and arguments about democracy. It is also important for personal fulfillment. Mathematics and science bring order and harmony and balance to our lives. They teach us that our world is intelligible and not capricious. They give us the skill for lifelong learning; really for creating progress itself. From the evidence we currently have at hand, it is clear we are not providing this quality education in math and science to our children.

I am proud to have been one of four Members of the House and Senate to serve on the National Commission on the Teaching of Mathematics and Science, chaired by former Senator and astronaut, John Glenn, and including leaders from industry, academia and professional and educational organizations. The Glenn Commission, as it has come to be known, was established to improve math and science education throughout the United States, and in its report, released 3 weeks ago, "Before It's Too Late," the commission identifies teaching as the most powerful instrument for reform; and thus teaching is the place to begin.

The commission calls for major changes throughout the teaching profession, the scientific professions, and the institutions that produce our teachers. Our country must devote attention to the quality, quantity and professional work environment of teachers in science and mathematics. In the next 10 years, we will have to recruit and hire 2.2 million teachers just to stay even with attrition in the teaching force. Most of these teachers, including all elementary schoolteachers, will be called on to teach science, and many will feel inadequate to teach it.

Along with my colleague, the gentlewoman from Maryland (Mrs. MORELLA), who also served on the commission, I am introducing legislation that seeks to make these changes. The National Improvement in Mathematics and Science Teaching Act, as it is called, establishes a new title in the Elementary and Secondary Education Act to improve the quality of math and science education.

Specifically, this Glenn Commission bill establishes a State assistance grant program to recruit quality teachers into the field. Under this program, every State will receive funding that they can use for a variety of purposes that are designed to attract new and qualified math and science teachers. States can establish a loan forgiveness program, signing bonuses, or even create a career ladder for math and science teachers. The bill also establishes a similar grant program to improve professional development of these teachers. Like the previous grant program, States would have the flexibility to use these funds on a variety of activities, including master teacher initiatives, summer fellowships in relevant industries, or summer workshops, among other things.

The Glenn Commission bill establishes 15 John Glenn academies to recruit recent college graduates and mid-career professionals to compete for 3,000 prestigious 1-year paid academy fellowships. The fellows will be nationally recruited for a 1-year intensive course on effective teaching methods in mathematics and science. In return, these Glenn fellows will agree to teach for 5 years in districts with science and math teacher shortages. I am pleased that this bill establishes a grant program to address the achievement gap in math and science education.

Lastly, this bill establishes industry tax credits and deductions designed to encourage partnerships between schools and business and industry. Specifically, industries can receive tax credits for creating summer fellowships for math and science teachers. Likewise, businesses can receive deductions for donating new math and science equipment and materials to our public schools.

We are just days away from the end of the 106th Congress, so some may wonder why I am introducing a bill so late in this congressional session. In fact, I could have waited to introduce this bill at the start of the next session, but I see this as a critical problem that needs to be addressed starting now. The Glenn Commission only released its report a few weeks ago, and I believe it is important to get to work as quickly as possible to address the recommendations of this commission.

We should not wait until next year to address an issue that will have such a huge impact on the future of our children and our country. If we are going to make a difference in the education and the lives of our citizens, it is imperative that we start making changes right away.

The gentlewoman from Maryland (Mrs. MORELLA) and I are trying to do this, and I urge my colleagues to support this important legislation.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as I stand here and think about how the economy is booming, we talk about how many jobs that have been created; yet we have record unemployment, and we are passing bills to bring people over under the H-1B visas to take the better jobs. Now, I do not have a problem with that, Mr. Speaker; but we have got to educate the people here so that we do not continue to do this forever.

It has been said that a school is four walls and a roof with a future inside. If that is true, then we need to start to look at the investments that we make in education. I have heard far too much about the trillion dollar tax break and far too little on the investment in our future, which is with our young people. It is very simple. It is so easy. And this administration has taken a lead in standing firm and holding the line, hopefully until we can get some of these issues addressed.

All of us know we need additional teachers and after-school programs. We all know that we need to do something about our buildings. In my State of Texas there are buildings that have more portables than the main building, and some of the portables are a block from the first restroom that kids can go to. I do not believe that we think that all of this ought to be left to the local districts because they simply cannot afford it when the districts are poor.

Mr. Speaker, this is a wealthy Nation. This is a Nation that can do about whatever it wants to, and I do not believe that we are thinking soundly when we are willing to leave here without addressing the real needs of our future, which is our students. We have to get rid of these leaky inadequate buildings that have no heat, no running water, and are not even in a condition to be wired properly for today's education. Yet we continue to talk about how much we can give for a tax break.

I do not know why it is so difficult to understand that kids simply cannot grasp what they are being taught if they are in a class with too many other children and only one teacher. In my State of Texas, the ratio is one teacher for 22 children. That is really above the national average, but every one of those asks for a waiver each year so that they can have even more students in a class. Just imagine young children coming to school for the first time and finding themselves in a class of 25, 30, and 40 children with one teacher. We wonder why they do not do well on tests and wonder why they drop out or start being absent from school. No child wants to feel that they are being left out, and yet that is what we are getting when we have our classes that are too large because we do not have enough teachers.

One of the reasons we do not have enough teachers is because we do not pay them adequately. If we graduate young teachers now from college that are well prepared for today's classrooms, they can get a job making twice as much almost anywhere else. We have got to address the issue of educating our young people, and we have to acknowledge that we have a long ways to go in many of these communities.

The answer is not vouchers for a private school. I do not have a thing against private schools. I think whoever wants to send their children to private schools should be able to do that. But I do not think it should be with taxpayers' money while we are neglecting the public schools, which is where 90 percent of the children have to go. Imagine kids still going to school in areas that are not safe, where half the teachers are eligible for retirement, but they simply cannot retire because they do not have anyone to replace them. They go into schools that are not equipped with our technology and computer hardware that we all say we have to have.

In spite of all this, Mr. Speaker, the Republican leadership stands in the way of bringing a bill to the floor to just spend a portion of what we call the surplus to address these basic needs. I am hoping that we can remember our ABC's. A, for additional teachers and additional after-school programs. Without additional teachers, my own State will lose something like $146.8 million to reduce overcrowded classroom sizes.

And B is for building improvements. Current estimates indicate that my State faces $13.7 billion in costs for school modernization; 76 percent of the schools in Texas report a need to upgrade or repair buildings.

And C, of course, Mr. Speaker, is reducing classroom size. Hopefully, that is simple enough that all of us can remember that and not go home this session without addressing this.

CONGRATULATIONS TO CHRISTINE MARTIN, NEW J-SCHOOL DEAN

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, I would like to offer my congratulations to Christine Martin, who was recently named dean of the Perley Isaac Reed School of Journalism at West Virginia University.

Dean Martin led the school of journalism in an interim capacity for 1 year before receiving a permanent appointment. In that short term, she has greatly contributed to a first-class faculty with the addition of award-winning journalists George Esper and Terry Wimmer.

Mr. Speaker, in tribute to this talented, well-respected educator and journalist, and in recognition of her many achievements, I provide for the RECORD a recent newspaper article written on the occasion of her appointment as dean and extend my congratulations.

MARTIN SELECTED AS NEW J-SCHOOL DEAN

(By Chandra Broadwater)

Christine Martin, a West Virginia University journalism professor and interim dean of the Perley Isaac Reed School of Journalism, was selected as the permanent dean of the school last week.

The selection of Martin formally concluded a nationwide search for the position.

Martin was named to the post of dean after the search was narrowed down to three total finalists.

"I think that the school of journalism will be very well served with Chris as dean," Dean Bill Deaton of the College of Human Resources and Education and chair of the Journalism Dean Search Committee said. "She's demonstrated through her progress as interim dean her ability to effectively work with different media in the school."

Martin will be the first woman to lead the school and the sixth dean in its history.

"I've worked with Chris since I came to WVU in 1996 and I had also known her from a Pennsylvania paper that we both worked at," journalism professor and search committee member Leslie Rubinkowski said. "I know her as being an excellent journalist and good editor. She brings a lot of these qualities to her job."

Rubinkowski also acknowledges that Martin did a great job in getting projects within the journalism school started.

"Chris has spearheaded many projects in the last year," she said. "Under her guidance, we are redesigning the journalism curriculum. The way that scholarships are awarded has been changed and Journalism Week, which faded away in the last five years, was revived."

In addition to noting Martin's work in creating the Vietnam war correspondent women's panel, Rubinkowski ultimately felt that Martin was chosen as dean of the journalism school because of the respectable and likeable persona that she reflects.

"People like and respect her because she's a good journalist and leader."

After coming to WVU in 1990 as an associate professor, Martin directed the school's writing program, chaired the news editorial sequence and coordinated its honors program.

Before coming to WVU, she taught writing, literature and journalism at Washington and Jefferson College in Washington, Pa. Martin also worked as a reporter, education writer and news editor for the Pittsburgh Tribune Review and the Uniontown Herald-Standard.

Martin is also a 1999 Freedom Forum Teacher of the Year, a 1998 Carnegie Foundation Professor of the Year (the only one in West Virginia), a 1997–98 WVU Foundation Outstanding Teacher and the 1996–97 Journalism Teacher of the Year.

Martin also began a program that brings together WVU and state newsrooms called, "Bridging the Gap: A Personnel and Resource Exchange." In addition to her work with WVU, she conducts writing workshops for newspapers across the state.

Martin also co-directs the reporting and writing fellowship program for college graduates at the Poynter Institute in St. Petersburg, Fla. every summer.

Martin earned her undergraduate degree in English from California University (Pa.). She also holds a master's degree from the University of Maryland, where she is currently completing a Ph.D. in American studies.

Martin currently is in Vietnam, pursuing her interests in female war correspondents who covered the Vietnam War. She was unavailable for comment.

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EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when I first came to Washington, I was determined to make education our Nation's number one priority. That commitment has not changed.

What has changed is my understanding of what it takes so that our children are ready to learn when they enter the classroom. We can have the best schools and the best teachers in the world; but if our children do not enter the classroom ready to succeed, those schools and those teachers and those students will fail.

Let us face it, if today's children are lucky enough to have two parents living with them, chances are both parents work outside the home, they work long hours, they commute long distances, and it is our children who are being left behind.

It is certainly not their parents' fault. They are working and commuting long hours to support their families. But it is our children who are paying the price because their parents need to earn a living. That is not right. Parents should not have to choose between financial stability and their children's emotional stability. We need to help parents bridge the gap between work and family so their children are ready to learn when they enter the classroom.

Mr. Speaker, we know that learning does not start on the first day of kindergarten. Children are growing and changing from the very day they are born. Study after study has shown that the first 3 years are critical to a child's development. Provisions need to be made for families so that they can be together at these critical times so parents can be with new babies and newly adopted children.

Paid family leave is a key tool we can use to make sure that children get off to a positive start and that their parents can be with them at these critical times. And by providing parents with voluntary universal prekindergarten programs, we will give them the chance to get their children on the right track. Programs like Head Start and Early Head Start show us that pre-K programs work. All parents should have the option of enrolling their children in a structured, quality, voluntary pre-K program.

With parents working hard, children are spending more and more time in child care. Ensuring that quality child care is available to all children will go a long way to making sure that our children are ready to learn when they go to school.

We need more good child care, including care for children under the age of 3 and for night and weekend workers. But it is not just young children who are coming to school unprepared. Older children face challenges also.

Title XI of the Elementary and Secondary Education Act, which I wrote and saw signed into law in my first term, needs to be expanded. It needs to be expanded to allow schools to use more Federal funds for in-school support services for students and for their families.

Services such as after-school programs, mentoring programs, tutoring and counseling help young people address their angers and their frustrations and their fears before they have tragic consequences, and these programs ensure that young people are ready to learn when they enter the classroom.

Also, Mr. Speaker, students cannot learn when they are hungry. It is proven that those students who eat breakfast do better on tests, they are more well-behaved in school, and they miss less time from school than those who do not eat breakfast. We need to make sure every child starts the day off with a good meal.

My pilot Federal breakfast program, which is underway in five school districts across the Nation, is the first step toward a universal school breakfast program.

We must also make quality education accessible to all of our children. That means building new, modern schools that are welcoming to those with disabilities as well as to those without. That means making sure that no one is left behind.

In the high-tech global economy, however, those without a high-tech education, those without high-tech skills will be left behind. That is why we must make sure that minorities and women are encouraged to study math, science, technology, and engineering. Females make up slightly more than 50 percent of this country's population, but less than 30 percent of America's scientists are women.

My "Go Girl" bill will create a bold new workforce of energized young women in science, math and technology careers.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

EDUCATION IS KEY TO OPPORTUNITY, EQUALITY, AND SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but listen to the Members who have preceded me in discussing what I think is a universal issue, and that is to help our children in this Nation learn.

Education is the key to opportunity, the key to equality, the key to success. Unfortunately, we have failed in creating opportunities for excellence.

It is difficult for a country as powerful as America and Members of the United States Congress to be able to come to the floor of the House and admit, in some part, failure. That is why it is so very important for us to emphasize what needs to be done and to also emphasize that all cannot be done at the local level.

Education is national. It should be a national priority. And so, Mr. Speaker, I think it is vital that, before we leave this session, we focus on issues such as reducing class size so that our children can get individual tutoring and teaching and nurturing so that education is fun and education for them is a positive experience.

To do that, we must admit that our schools in America are crumbling and local jurisdictions cannot build all of the schools that are needed. Every one of us have schools in our community that have portable buildings, limited heat, limited air conditioning. They were only supposed to be there on a temporary basis. Yet first-graders and kindergartners and second-graders are all in these portable buildings maybe high school students and middle school students. And for some, in inclement weather, those individuals have to leave those portables to go to the restroom facilities, gym facilities.

What kind of life is that for our children?

We need increased teacher salaries. We need to respect teachers for the learning and the knowledge that they bring to the classroom. And, yes, we need the training of more math and science teachers.

I have seen the actual results of that. The ranking member on the Committee on Immigration Claims, we supported H–1B non-immigrant visas to help in our high-technology industry. But, Mr. Speaker, the real issue is are we preparing Americans for those jobs, are we training incumbent workers, are we training college students? There has to be a greater opportunity and there must be a greater access and opportunity for education.

I visited with some of my elementary school students this past week from Henderson Elementary School, hardworking students. But yet, Mr. Speaker, they had maybe three computers to a classroom, maybe not that many. I asked the 10-year-old and 9-year-old how often they got to the computer, and they said maybe once or twice or three times a week. Even if there is slightly more than that, that is not enough to prepare a technologically educated society.

Mr. Speaker, it is important that we do more for education.

Let me just simply close on another and different note, but I think it is extremely important to clarify something very close to my heart as a member of the House Committee on the Judiciary, a cosponsor of the Hate Crimes Prevention Act of 1999 and 2000. There seems to be a lot of debate about this, Mr. Speaker. But let me clarify the record.

Coming from Texas, all of the world's eyes were on Jasper, Texas, in 1998 when the heinous act of James Byrd, Jr. was discovered, the dismemberment of a man because of his color. Out of that terrible tragedy, legislators such as Representatives Senfronia Thompson of Texas, Senator Rodney Ellis of Texas, Joe Deshotel, a cosponsor, and many others put forward the Hate Crimes Act of Texas in order to ensure that this terrible act would be an illegal act not only in Texas but to show the world what Texas was made of.

That act was dealing with race, ethnicity, gender, disability, religion or sexual orientation. It was inclusive. It was constitutionally secure. It would pass constitutional muster, unlike the legislation of 1991, which was simply a Hate Crimes Reporting Act that I believe the Governor of the State of Texas was referring to in all of his debates.

We do not have a real hate crimes legislation or bill in the State of Texas. And when the family of James Byrd, Jr. went to the Governor's office and begged for his support for that very strong legislative initiative, he did not give it. Plain and simple, the signals went out to the Senate that it was not a legislative initiative that the Governor's office was supporting.

It passed the House, with Speaker Laney, the Democratic speaker in the House of Representatives in the State of the Texas. But in a Republican Senate in the State of Texas, it could not pass.

The Governor of my State, Governor Bush, did not help it pass and did not support its passage. And now we do not have, in light of the heinous act, murderous act against James Byrd, Jr., not even as a tribute to him could we pass a real hate crimes bill in the State of Texas.

I hope this Congress will take up the challenge and stop the opposing of a real hate crimes legislation that could be passed in this session and do what is right. We could not do what was right for Texas. Let us do what is right for all of America and make it a Federal law, and let us not stand in the way of acknowledging that that country abhors hateful acts because they are simply different. As the Voters' Rights Act was passed and the Civil Rights Act was passed, we can pass a real civil rights bill, the Hate Crimes Prevention Act, and tell America and the world that we stand not for hate but for inclusion and empowerment.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I rise tonight to discuss Social Security. It is going to be almost like a professor lecturing a class. So everybody that is interested in Social Security should listen up. Those that are not interested in Social Security should be because it is America's biggest program, probably the United States Government's most important program.

When I came to Congress in 1993, I left the Michigan Senate as chairman of the Taxation Committee. At that time, we were looking at the consequences of low investment and savings. I discovered that, in the United States, we have the lowest savings of any industrialized country in the world. And then I started looking at Social Security and the problems that Social Security was having in terms of the demographics in terms of financing the current promises in future years.

When I came to Congress, what I did in 1993, I introduced my first Social Security bill. And then 2 years later, in 1995, 1997, and 1999, I introduced subsequent Social Security bills, all scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

I have been serving as chairman of the Bipartisan Task Force on Social Security in the Committee on the Budget. With testimony we received, we came up with 18 unanimous recommendations of what should be in a Social Security bill. I incorporated those and introduced a bipartisan bill that is now before the House.

I would suggest to everybody, current retirees, near retirees and young workers and young people in general to start looking at Social Security because it has the potential of developing a generational warfare if we continue to make promises of increased Social Security benefits and then we simply satisfy that challenge by increasing taxes on future generations.

Let me just say that if we do nothing, if we add no more benefits to Social Security or Medicare or Medicaid but continue under the existing programs to keep those programs solvent, we will have to have a payroll tax to keep Social Security and Medicaid and Medicare solvent that will take 47 percent of our wages.

□ 2015

Right now the FICA tax is 15 percent of wages.

The Social Security Benefit Guarantee Act. When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans, and it is interesting, searching in the archives for some of the testimony back in 1935 when we started Social Security, to see that the Senate on two different occasions voted that it should allow private investment savings as an alternative to the government doing it; but when the House and the Senate went to conference, the decision was made that year to simply have it a totally government program, and that is what it is, a pay-as-you-go program where existing workers pay in their taxes to support existing retirees.

The demographics, the problem of demographics, fewer workers and more retirees, which we will get into in a moment. The system is really stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. These are the high-income people in general. That means they go out of the paying-in mode, paying in their taxes, directly related to their higher incomes, and start taking out benefits again directly related to what their incomes have been. That is when the problem starts. Social Security spending exceeds tax revenues starting in 2015. We increased the Social Security taxes substantially in 1983 so currently, temporarily, there are huge surpluses coming in, and we have been spending that surplus for other government programs.

Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. The crisis is going to arrive when we need to start coming up with the money that we borrowed and spent for other programs in the past, and that is the real problem. That is the real challenge.

Insolvency is not some guess or estimate. Insolvency is certain. We know how many people there are, and we know when they are going to retire. We know that people will live longer in retirement, and our estimates on how long they live have been fairly accurate over the past. We know how much they will pay into Social Security and taxes, and we know how much they are going to take out under the benefit structure we have. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion of extra money needed over and above what is coming in in taxes, $120 trillion between 2015 and 2075.

To put that in perspective, I am not sure any of us really know how much a trillion dollars is, but our spending that we are going to end up for this current fiscal year that we have just started is going to be approximately $1.9 trillion. Just for Social Security over the next 75 years, we are going to need to come up with an additional $120 trillion. It is a huge problem, and it is so frustrating that we have not paid attention to it.

We have let the last 8 years go because politicians have been afraid that they would be demagogued in the election. We have missed an opportunity over the last 8 years by not having the leadership in the White House to move ahead with saving Social Security. Instead, we have had words saying Social Security should come first but no legislation proposed that could be scored to keep Social Security solvent over the next 75 years.

Here is part of the demographic problems. The coming Social Security crisis, pay-as-you-go retirement system, will not meet the challenge of demographic change.

Workers per Social Security beneficiary. Back in 1940, here are 38 workers paying in their taxes for every one retiree. Today there are three workers paying in their taxes for every one retiree, and the estimate is by 2025 there are only going to be two workers paying in their benefits that is going to cover the Social Security check for every one retiree. So if that person's Social Security benefits end up being whatever, $15,000, or $1,200, $1,500 a month, those two workers are going to have to pay in that $600 or $750 a month each to cover those benefits of that one retiree. So we would let taxes go that high.

This depicts sort of graphically the short-term surplus and the long-term future deficits. Remember, I mentioned this red represents $120 trillion, $120 trillion that we are going to be short; that that much more is needed over and above the Social Security taxes to accommodate the promises that we have made in Social Security. Because we have been raising taxes a great deal on the fewer and fewer workers, we have ended up with a short-term surplus, and Republicans came in as a majority in 1995 and for the first time we started not using all of the Social Security surplus for other government program spending. For the first time in 40 years we started saying, look, we have to stop spending the Social Security surplus, and last year we called it a lockbox. Whatever it is called, what we did was made a decision, and we enforced it by saying we are not going to spend any of the Social Security surplus on any other programs.

We talk about all of these huge surpluses. Most of the surplus coming in is from the Social Security tax.

Let me just give three numbers in terms of what is going to happen this current fiscal year that started the first of this month. This year we are estimating that we are going to take in $533 billion of Social Security taxes, $533 billion coming in. What is needed to pay benefits this year is $367 billion. That means we have a surplus in Social Security of $166 billion. So the $166 billion that is coming in from the Social Security tax, where we are really at this time at least overtaxing American workers to come up with the extra money and we are using that extra money to pay down the debt held by the public. So what we will do is we will write an IOU to the Social Security trust fund. There is a box down in Maryland full of IOUs where we have spent the money in the past, where we have borrowed it and spent it for other things; and this current year we expect to take $166 billion for the Social Security surplus, write an IOU for it, and use that money to pay down the public debt.

This is Barry Pump. I do not know if the cameras see him; but Barry Pump is from Iowa, one of our star pages. So I thank Barry very much.

Economic growth will not fix Social Security. So some have said the economy is great, it is going to mean that we are not going to have the Social Security problems; let us keep this economy rolling and we can quit worrying about Social Security. Untrue.

Social Security benefits are indexed to wage growth. So the higher one's wages, when they retire the higher their benefits.

So an increased economy means that more taxes are paid in earlier; but later on when one eventually retires, they are going to take more benefits out. So the growing expanding economy, the way we have Social Security structured right now, is not going to solve the problem. I mean, that is why 4 years ago when I introduced my bill Social Security was estimated to go insolvent, to not have enough money coming in in 2012.

The expanding economy over the last 3 years has grown enough, a lot of it coming in from capital gains taxes, by the way, has grown enough that short-term, as far as the extra money coming in, means that we will have enough money to cover benefits another extra 3 years until 2015. Growth makes the numbers look better now but leaves a larger hole to fill later.

The administration has used these short-term advantages as an excuse to do nothing; and I just want to emphasize that this growing economy, though they can say, look, the Social Security trust fund is going to be there to pay benefits until 2035, it used to be 2032, or we are not going to have enough money coming in from the Social Security tax by 2012, now we are extended to 2015, does not solve the long-term financial fiscal problems for Social Security because the paychecks going out later on are going to be that much greater.

I think this is important that most Americans do not realize. Somehow they feel that somehow they earn something with a Social Security account, a Social Security fund. Not true. There is no Social Security account with their name on it. These trust fund balances, and I am quoting from the Office of Management and Budget of this administration, these trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public, or reducing benefits or somehow reducing other government expenditures.

Again, the source is the Office of Management and Budget. I think it is interesting to note that the Supreme Court now in two decisions has ruled that there is no entitlement for Social Security. Regardless of how many years one paid into Social Security, Social Security is a tax. The benefits are whatever Congress and the President decide those benefits are going to be. So what we have seen in the past, when there was a financial problem in 1977, 1983, when they were coming short of money, they reduced benefits and increased taxes. I just stress as vigorously as I can that it is going to be unconscionable to yet again raise taxes on the American worker.

We will see a chart later I have, but right now 75 percent of American workers pay more in the Social Security tax than they do in the income tax.

This represents the public debt versus the Social Security shortfall. Our total debt in this country, what we owe the trust funds and what we owe in Treasury bills, is $3.4 trillion. The shortfall of Social Security between now and 2057 is $46.6 trillion.

Vice President GORE is suggesting that if we pay off this debt by using extra Social Security money coming in and any other surplus that can be found, that if we pay off this debt it is going to solve this problem and keep Social Security solvent until 2057. It is like adding another giant IOU to the trust fund. So technically if this Chamber passed a bill saying we are going to write an IOU for $9 trillion to the Social Security trust fund, the actuaries would say well, this will keep Social Security solvent for the next 75 years. The fact is that the challenge, the problem, is coming up with those dollars once we have fewer dollars coming in on the taxes than are required for the benefits.

I am going to portray this in another way. The blue at the bottom, the light blue, represents the $260 billion that we are now using to pay on financing the debt, the interest on that particular debt approaching $300 billion. Vice President GORE is suggesting that if we dedicate somehow this savings every year for the next 75 years to Social Security, it will keep Social Security solvent.

So what the difference between the $46.6 trillion that is needed and what this interest savings will be is $35 trillion. So the red part of this graph represents the shortfall that still is going to be there even if this Chamber and the Senate and the President has the guts, has the intestinal fortitude, to dedicate this kind of interest rate savings to Social Security. It is a problem that cannot be solved by adding IOUs.

□ 2030

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. I mentioned that over the next 75 years you need $120 trillion of future dollars, that inflated future dollar. To raise that $120 trillion over the next 75 years, you need $9 trillion today. So Alan Greenspan, the Chairman of the Federal Reserve, suggests that we need $9 trillion today, so put it in a real interest bearing account that will bring in 6 to 7 percent real return in order to accommodate the $120 trillion shortfall over the next 75 years.

Nine trillion dollars we have got to come up with today if we are going to solve the problem and not make any changes in this program, and not get any better return on the investment than we are getting on Social Security now, which is less than 2 percent for the average taxpayer.

The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent.

Everyone should start out with a prerequisite that we are not going to increase taxes once again, and we are not going to cut benefits for existing retirees or near term retirees. Somehow we have got to do a better job on getting a better return on that investment.

The Social Security lockbox. A little bit of a gimmick, but it has served us well in trying to make sure that we do not spend the Social Security surplus. It saves the Social Security trust fund dollars for Social Security. It keeps Washington's big spenders from using trust fund dollars for other government spending.

I have heard the Vice President say, look, we need that lockbox for Social Security. The House, this Chamber, has passed the lockbox language. We have sent it to the Senate. Now the Democrats in the Senate are filibustering that so it is not passed into a bill and sent to the President.

If Vice President GORE really wants to implement that lockbox provision to make sure that we do not spend the Social Security surplus, then I think probably all he has to do is tell that particular Chamber that they should go ahead and pass the legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would remind the gentleman not to cast reflections on the other Chamber, such as characterizing Senate action or their activities.

Mr. SMITH of Michigan. Thank you, Mr. Speaker, and I would apologize if I did that.

Mr. Speaker, this Chamber passed the bill. It has languished over in the Senate. With the Vice President's help, I am sure we could get it through the Senate Chamber.

The diminishing return of your Social Security investment. The average Social Security taxpayer will receive a 1.9 percent interest rate, real interest rate return, on what that worker and their employer, or, if they are self-employed, what they pay into Social Security. So the average worker is not going to live long enough, even though our life spans are substantially increasing, to get back what they have paid in in Social Security tax. So that is part of the problem, is getting a better return on that investment.

The real return on Social Security is 1.9 percent for most workers, and it shows a negative return, as you see over here, for some, compared to over 7 percent for the marketplace. So the marketplace for the last 120 years has averaged a return of 7 percent, a real return. This is what this graph depicts.

You have a negative return if you happen to be a minority. The reason is that a young black worker today, their life expectancy is about 62.5 years. That means they can work all their life, paying into Social Security, but, on average, they die before they start taking any benefits out, and they are substantially shortchanged. But even the average, even the best, even the person that lives to be 105, on average they are only going to get a return that is 1.9 percent real return on the money, tax money, that has been sent in. And this is over and above that amount of the Social Security tax that is used for insurance, for disability insurance. This only counts that amount that is put into the OSDI fund. Again, on the average, the market return is 7 percent.

Another way of depicting the problem, because it is sort of like maybe the mechanic that knows the operation of the internal combustion engine, so they are very careful about taking care of their automobile, and they change the oil and they do the lubrication on a regular basis.

Well, I have been studying Social Security now for 7 years. I know the internal workings of Social Security, and it is running out of lubrication. The friction currently on Social Security means that there are going to be tremendous problems in the future, and that huge liability is going to fall on our kids and our grandkids.

I am a farmer from Michigan, and traditionally we have always tried to pay down the farm mortgage in an effort to leave our kids a little better off.

This government, this Congress, this White House, is now taking a course where we are jeopardizing the potential happiness and success of our kids and our grandkids by leaving them this great huge obligation. We have got to deal with it, we have got to change it. It has to be more than rhetoric. It has got to be real action for written bills that can keep Social Security solvent.

This chart, very briefly, is the number of years it takes to get back your Social Security tax. If you were lucky enough to retire in 1940, because of the low taxes, you could get back everything you and your employer paid in in 2 months. By 1980, you have to live 4 years after retirement.

If you retire in 2005, you have got to live 23 years after retirement to break even, to get back just what you and your employer put in into the tax. In 1983, they increased the age limit that starts this next year, and that is why this sort of levels off up here. But by 2015 and 2025, you are going to have to live 26 years after you retire in order to get back what you and your employer paid in. I am not sure our medical technology is going to be that good by that time. It may be, but a better way to do it is to make some changes now that will mean that our kids and our grandkids are not put under this huge burden and that they can appreciate the benefits of Social Security, as their grandparents and their parents hopefully have.

This is a picture of my grandkids getting ready for Halloween. Whether it is Selena or James or Henry or George, he is a real tiger, or Emily or Clair or Francis or Nicholas. Nicholas is now 13. When he retires, he is going to have this challenge, not to mention his younger brothers and sisters and cousins, that they are going to have if we do not do something on Social Security.

I put the picture of my grandkids on my office wall. As I walk out to vote, I try to make my voting decisions on how it will affect this country and the future generations of this country 15, 20, 30, 40 years from now.

We have got to start looking longer range. We have got to start dealing with the two important programs that we have for seniors, Medicare and Social Security; and Medicaid with nursing home care is another issue that we have got to start dealing with.

We cannot keep putting it off simply because it is hard, because it is a difficult problem, simply because somebody might criticize us for things or portions that we do in it. Somehow Republicans and Democrats have got to get together and seriously move ahead.

This chart represents what we have done in the past. I do not know if the cameras still show my grandkids, but imagine them up there, because what we are going to do with their taxes down here can be very significant. Here is what we have done in 1940, 1960, 1980 and 2000. In 1940 the rate was 2 percent and the base was $3,000. So the total amount of tax for the employee and the employer was $60, combined; combined.

In 1960, it got to 6 percent, and the base was $4,800. So you, the employee, paid 3 percent on the first $4,800, and the employer paid the same; a maximum tax combined for the employee and the employer of $288.

It got up to 1980, and they raised the tax again; got into a little problem, so this Chamber decided, well, an easy way to do it is load more taxes on the American worker. So, again we increased the tax up to 10.16 on the first $25,900, total possible tax for employee and employer combined, $2,631.

In 2000, we got up to 12.4 percent on the first $76,200, a total tax now of $9,448.

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I would like to congratulate my friend. I just walked in, and I see the picture and I see the headline saying "increasing payroll taxes again is not the answer."

I would like to say that I could not agree with the gentleman more. Obviously increasing the payroll taxes would be a horrible thing on those struggling workers, certainly the middle-income wage earners.

Mr. Speaker, I would simply like to compliment my colleague on this very interesting special order.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, I would certainly thank the gentleman from California (Mr. DREIER), the chairman of our Committee on Rules.

Mr. Speaker, just finishing the taxes, and maybe really what we have not finished is the bottom line. If we do not get a better return on the investment, we are in for real problems. Governor Bush has suggested that we have some real investment that stays within Social Security; that is not going outside of the Social Security system, but simply allows a better return on some of the money.

We can do better. As we know, you can get a CD and do better than a 1.9 percent return. Any return that we can expand over and above 1.9 percent on average is going to mean that retirees live a better life.

My oldest grandson's name is Nick Smith. Maybe that is my immorality. But Nick painted the fence for us this past year. He made $180, and I said, Nick, you really need to put some of that into a Roth IRA. Then I went through the tables year by year on the magic of compound interest. So we went year by year and found out that by age 66, he would have almost $70,000; and if he waited until he was 72 to take that money out at the rate investments have been earning money over the last 100 years on average, it would end up $140,000.

He said, well, grandpa, can I still put some money, maybe, in your Roth IRA, but I want to save most of it to buy a car.

That is part of the problem we are facing today. Our savings and investment in this country is still low, and that means two things. It means we do not have the money to do the research, to put into the companies, to expand to the best possible state-of-the-art machinery to compete in this world, but it also means that the retirement for these individuals is not going to be as good as it really could be.

With good investments, let me say, and I am going to show you some examples from Texas and California, with good investments, a modest-income worker today can retire as a rich retiree. This is one of the problems why it is so important, I think, that we do not again raise taxes on the working poor in this country, on the average working family.

This pie chart represents that 78 percent of families now pay more in the payroll tax than they do the income tax.

□ 2045

Mr. Speaker, 78 percent of our families pay more in the FICA tax than the payroll deduction. Actually, it drops down to 74; 74 percent pay more in the Social Security tax than they do in the income tax.

Let us not raise taxes again. The longer we put off this decision, the longer we put off this decision, the more drastic the changes are going to have to be. So the bills that I introduced in 1995 and 1997 were less drastic, it did not have to make the kind of changes, but the bill I introduced this year actually had to borrow some money from the onbudget surplus to accommodate the transition to make the system work, to make the system solvent, without reducing any benefits for existing or near-term retirees and without increasing taxes. The longer we wait, the more drastic the solution. So let us do it.

Mr. Speaker, the six principles of saving Social Security that Governor Bush has proposed, that are consistent with the bills many of us have introduced: protect current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off; create a fully funded system; no tax increases.

Mr. Speaker, let us talk just for a second about personal retirement accounts. They do not come out of Social Security. They stay in Social Security, and they are part of your retirement. They can only be used for retirement purposes, and the way Governor Bush has proposed, the way I have proposed, the way the gentleman from Texas (Mr. STENHOLM) and the gentleman from Arizona (Mr. KOLBE) have all proposed is that we have limited safe investments, that we can only invest in certain safe investments, such as an IRA or a 401(k) or the Thrift Savings Plan that we have for Federal employees, where you get your choice of four or five safe investments to invest in, and then you can only use it for retirement purposes.

They become part of your Social Security retirement benefits. A worker will own his or her retirement account; and if you die before you reach retirement age, it is not a case where you get zero, zip, nothing; but it will go into your estate for your heirs and, again, limited to safe investments that will earn more than the 1.9 percent paid by Social Security. That is dramatic maybe, but no new taxes, no cut in benefits for existing or near-term retirees.

Mr. Speaker, I borrowed a lot of these charts from Senator ROD GRAMS. He has also introduced a Social Security bill that keeps Social Security solvent that allows choice within safe savings accounts. Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly pays of $6,514 from his personal retirement account compared to Social Security, which is $1,280. And that is because of the magic of compound interest.

Mr. Speaker, choosing personal accounts, in our law in 1935, we gave State and local governments the option of whether or not to go into Social Security or set up their own retirement pension system, where they could do their own investments for their own pension. The Galveston County, Texas, employees reap the benefits. Employees of Galveston County, Texas, opted out of Social Security.

This is how they faired: death benefits under Social Security $253. You get a burial benefit. Under the Galveston plan, you get $75,000 death benefit. Disability benefits per month, Social Security $1,280, and Galveston plan, they are ending up with $2,749.

This is disability. This is retirement. The retirement benefits per month, retirement is the same as disability under Social Security $1,280; but under the Galveston plan for retirement benefits, it is $4,790 a month compared to Social Security of $1,280 a month for that same person if they had paid into Social Security and let government use the money the way the government administers and uses this program. Spouses and survivors benefit under the Galveston County plan.

I use these plans to try to argue to my grandson Nick Smith why the magic of compound interest is so important and why savings and investment now can make a huge difference.

This is a quote from a young lady whose husband died, and she said, "Thank God that some wise men privatized Social Security here. If I had regular Social Security, I'd be broke." After her husband died, Wendy Colehill used her death-benefit check of $126,000 to pay for his funeral expenses and she entered college. Under Social Security, she would have received a mere $255. Fairly young, so he died at an early age, she was not eligible for all of those benefits.

How do we save Social Security? That is the question. Right now, as chairman of the Joint Task Force on Social Security, some of the witnesses came in making predictions with the new RD&A technology, the new gene sequencing, where the new gene catalog and the nanotechnology that is developing very rapidly, they were estimating that within 25 years a person would have the option of whether or not they wanted to live to be 100 years old; and within 35 years, our technology would be such that they could have the option of whether or not to live to be 120 years old. Tremendous policy implications, let alone the increased argument that young people more than ever before should be as diligent as possible to save and invest today.

You should take that money out, get it out, have it directly taken out of your paycheck, maybe, something to add to those retirement benefits, because you need that personal savings on top of Social Security even at its best, even if we can solve it.

Again, San Diego enjoys the personal retirement accounts because they opted out of Social Security. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his personal retirement account would receive $3,000 per month in retirement. Under the current system, he would contribute twice as much, but receive only $1,077 in Social Security.

The difference between the San Diego system and the PRAs and the Social Security is more than the difference in a check. It is also the difference between ownership and depending on politicians in Washington on what they do with your Social Security. Even those who oppose PRAs agree they offer more retirement security.

This is interesting. It is a letter from Senator BARBARA BOXER, Senator DIANE FEINSTEIN, and Senator TED KENNEDY to President Clinton allow the PRAs in San Diego to continue and not go into Social Security. They said in the letter to the President, quote, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security. So let them keep Social Security. At least that has to be an option."

Nobody is proposing, Governor Bush is not proposing that it be a mandate. Everybody is saying it is still an option whether you want the potential to earn more money where it belongs to you, where it is in your account; but if you want to stay in the existing system, you can.

The United States certainly trails other countries in saving its retirement system. In the 18 years since Chile offered PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland offer workers PRAs.

I represented this country in an international conclave, if you will, discussing public pension retirement benefits and listening to those other countries what they are doing to very quickly move ahead with getting a better return on some of that investment. It made me feel somewhat embarrassed as we lag behind, as we have been unwillingly to step up to the plate, if you will, and make some solid decisions that are going to save Social Security, one of our most important programs.

British workers chose PRAs with 10 percent returns. And who could blame them compared to our 1.9 percent return we are getting? Two out of three British workers enrolled in the second tier Social Security, they have half of it they allow to go into the second tier. They chose to enroll in PRAs. The British workers have enjoyed a 10 percent on their pension investment.

Over the past few years, the pool of PRAs in Britain exceeds nearly $1.4 trillion larger than their entire economy and larger than the private pensions of all other European countries combined. So what we have now is other European countries that are following the lead of Australia, Chile, Great Britain in terms of looking at ways to get a better return on the investment that is coming in.

Based on a family income of $58,475, the return on a PRA is even better. If you invest 2 percent of what you earn versus 6 percent for pink or if you are investing 10 percent, which is the dark purple, and if you were to invest that kind of money over 20 years and 30 years and 40 years, even at the 2 percent, you see you have $55,000 at the end of 20 years. That is the magic of compound interest. In 30 years, it keeps going up, and by 40 years, it is worth $278,000.

Look at what happens if you were to invest 10 percent and the Social Security tax is now 12.4 percent. It takes about 2 percent for the disability insurance program. Nobody is touching that. That insurance has to stay in place for the disability portion; but eventually, if you were allowed to invest 10 percent or you dig into your pocket and come up with other investments to account for 10 percent, in 40 years that would be worth $1,389,000; and if you have a 10 percent return on that, you would not have to go into the base, but just the interest would be $138,000 a year. A 5 percent return would be half of that, or about 70,000 a year.

The magic of compound interest is important. Somehow we have to allow and provide ways for more Americans to save and invest more.

Mr. Speaker, I saved out the chart of my grandkids just to stress with every grandparent, with every parent that might be listening tonight, with every young student who is really the kids that are at risk for the kind of future that we might give them, if we do nothing, because the potential is that they are going to have to pay huge tax obligations, Vice President Gore by suggesting that we add another IOU and take the interest savings and apply it to other Social Security and, therefore, the trust fund gets big enough to pay it simply demands that sometime in the future, somebody is going to have to come up with that money to pay off the trust fund.

To do that, what we have done in the past is increase taxes; that is the easiest thing for this Chamber to do. It is the worst thing for our economy. There are only three ways to come up with the money. Let me point that out; I will put my pointer down so I can use my hands as I conclude this last statement.

Some people have said, do not worry, there is a trust fund out there. If we use the payback, the money from the trust fund, Social Security will last until 2035; and for the most of us, that is long enough.

I would suggest to you that there is no difference between having a trust fund and not having a trust fund, if we are going to keep our commitment that we are going to provide the benefits that we promised, because if we do not have a trust fund, the way to come up with the money to continue paying benefits is threefold. You either borrow the money from the public, and all the leading economists say if we were to borrow $120 trillion over the next 75 years, it would so disrupt our economy that it would be disastrous for the United States of America.

□ 2100

So if we cannot borrow it, then how about the option of increasing taxes? That is the other option, increasing taxes.

Of course, the third option is cutting benefits. What they did in 1973 and again in 1983, before I got here, was they did both, increased taxes and cut benefits. Let us not do that again.

Those are the same alternatives we would have if we have a trust fund. So to pay back the money that is in the trust fund, we still have to raise taxes or cut other spending, or increase public borrowing. So, in effect, it is the same having or not having a trust fund.

It is important to pay down the public debt. It is a good start. It means we do not start spending the money for other government programs, and that is the danger.

The argument between the Republicans and the Democrats is, the Republicans say, let us get the money out of town. Otherwise, we will spend it. The Democrats say, we will pay down the debt but we have a lot of increased spending we want to do.

The challenge is not whether we cut spending or pay down the debt, the challenge is, are we going to hold down spending in this country? Can we get this money out of town in some way?

The first choice would be to continue to pay down the debt held by the public with all of these surpluses that we bring in. We have decided 2 weeks ago, our Republican majority, that we were going to draw a line in the sand. Like last year, we drew a line in the sand saying, here is the social security lockbox. We are not going to spend any of the social security surplus for any government programs.

We held to it, we did it. That was good. This year we went further. We said, of all of the social security surplus, of all of the surplus coming into all of the other 120 trust funds, where most of the money is coming from, of all of the surplus, on-budget and off-budget, we are going to take 90 percent of that and use that money to pay down the debt held by the public.

Good. Good policy. That leaves 10 percent that we are arguing about, and that we hope to conclude this budget and this spending this year as we argue about that remaining 10 percent. But I think we have the edge now in the support of public opinion that we at least take 90 percent of all that surplus and use it to pay down the public debt.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 114, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules (during the special order of Mr. SMITH of Michigan), submitted a privileged report (Rept. No. 106–989) on the resolution (H. Res. 637) providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. DREIER, from the Committee on Rules (during the special order of Mr. SMITH of Michigan), submitted a privileged report (Rept. No. 106–990) on the resolution (H. Res. 638) waiving points of order against the conference report to accompany the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. DREIER, from the Committee on Rules (during the special order of Mr. SMITH of Michigan), submitted a privileged report (Rept. No. 106–991) on the resolution (H. Res. 639) providing for consideration of the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER, from the Committee on Rules (during the special order of Mr. SMITH of Michigan) submitted a privileged report (Rept. No. 106–992) on the resolution (H. Res. 640) providing for the consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ACCESS TO HEALTH INSURANCE

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to make reference initially to last night's debate between Vice President AL GORE and Texas Governor Bush, but my focus this evening is on health insurance and the various health care issues that have come into play in this Congress, as well as in the presidential debate last evening.

I have always felt that one of the most important issues that we face and one of the biggest concerns that I have is the inability of many Americans to find health insurance, to be covered by health insurance. The candidates last night presented starkly different views on how to extend coverage to the 42.6 million Americans who currently lack health insurance. That is a large segment of our population, 42.6 million Americans, and it continues to grow.

During their exchange on this issue last night, the Governor said something which I found to be very telling and very disturbing. I wanted to read back what Governor Bush said during the debate. He said, "There is an issue with uninsured. There sure is. And we have got uninsured in my State. Ours is a big State, a fast-growing State. We share a common border with another nation, but we are providing health care for our people."

Continuing, the Governor added, "One thing about insurance, that's a Washington term."

Mr. Speaker, I was very offended by Governor Bush's referring to insurance, in this context health insurance, as a Washington term. In fact, I consider that remark very elitist and really absurd. All American parents who are out in the real world struggle to find a way to provide insurance for their children. I think they should be very alarmed when the Governor views health insurance as a Washington thing.

Really, all Americans should be alarmed because of his statement that somehow this is a Washington thing. Does that mean that Governor Bush thinks it is okay, for example, that my colleagues here, I will use the opposition, the Republican Members of Congress, the fact that they have health insurance and 42.6 million Americans do not?

And really, I would like to look at Governor Bush's record on the issue of health insurance, because I think that by referring to it as a Washington thing, he belittles it and shows that he really does not have much concern about the 42 million Americans that do not have health insurance.

If we look at the Governor's record in Texas, it shows that Texas has the highest number of uninsured children in the country. When setting up the State's Child Health Insurance Program, which we adopted as a Federal program in this House and was signed into law by President Clinton, but when setting up the State's Child Health Insurance Program pursuant to and with Federal money, Governor Bush wanted to set the eligibility threshold at only 150 percent of the Federal poverty level.

I say that by way of contrast to my own State of New Jersey, which also has a Republican Governor, but set 350 percent of the Federal poverty level for that CHIP Federal kids' health insurance program, or more than twice the level that Governor Bush proposed in Texas.

Now, what happened eventually is the Texas legislature came forward and said they wanted to push this eligibility threshold up to 200 percent, which Governor Bush eventually signed. But the point of the matter, the fact of the matter is that it was possible under the Federal law to push this eligibility higher and to include more children under the Texas child health care program, and Governor Bush did not do it.

So when he says that insurance is a Washington thing, does that mean that he does not really care that much about the kids in Texas, that they should not be able to take advantage of the Federal program and Federal dollars that are allowing them to be covered by health insurance?

When it comes to insuring adults, Governor Bush's record is really no better than it is with the kids. Texas has the highest percentage of uninsured low-income adults, 51 percent, in the Nation. Its Medicaid eligibility level is just a paltry $4,728 in annual income for parents of three-person families.

A little later I am going to get into the proposals that Vice President GORE and President Clinton and the Democrats in the House have put forward to try to get more adults insured. We care deeply to try to end the problem of the uninsured in this country. If that is a Washington thing, so be it. But I would maintain it is an American thing, that kids are suffering because they do not have health insurance, parents are suffering because they do not have health insurance.

When it comes to overall spending on health in the State of Texas, the Governor has distorted his own record. He made it look like health care is a much bigger priority for him than it really is.

In last week's debate, the previous debate prior to last night, Governor Bush said Texas had spent $4.7 billion on health care under his administration when in fact that is simply not true. Something like $3.5 billion of that money came from private and local sources and not the State expenditure.

I am trying to make the point, Mr. Speaker, that access to health insurance is simply not a priority for the Governor, not a priority in terms of spending, not a priority in terms of trying to get the State of Texas to cover more kids and more adults.

The lack of health insurance in the United States is not a problem that should be cavalierly dismissed as a Washington thing by any policymaker or any politician, let alone a candidate for the President of the United States. It is a very real problem that affects real Americans with real consequences.

Let me just give some statistics about why I say that, and why it is true that health insurance is not just a Washington thing, but something that everyone in the country has to be worried about.

There are millions of American parents who are unable to take sick and suffering children to the doctor because they simply cannot afford it. There are 27,000 uninsured women who are diagnosed with breast cancer every year, and are 50 percent more likely to die from it because they are uninsured. There are older couples whose hopes for a dignified retirement after a lifetime of work are swept away in an instant by an unexpected avalanche of medical debt. There are young families whose hopes for the future are destroyed when a breadwinner dies or is disabled because an illness was not diagnosed and treated in a timely fashion.

Eighty-three thousand Americans die each year because they do not have insurance, and as a result, do not get adequate or timely care. I can assure the Members, Mr. Speaker, that to them, insurance is far more than just a Washington term to their families.

The Federal government and State governments across the country have spent the last 10 years trying to stem the tide of people turning to the emergency room for their medical care.

I know Governor Bush throughout the debates has talked about the fact that, you know, you can go to an emergency room in Texas, you can go to a hospital emergency room. The problem with that is that that is not really good health care because there is no prevention. If we have preventative care and take measures before we have to go to an emergency room, our likelihood of doing well and living longer and not being disabled are much greater.

Preventative care does not just save lives and stop tragedies before they occur, it is also more efficient and less expensive for everybody, including the Federal government. Those facts are understood by health experts, but not a lot of times by politicians.

I would say the same thing to the Governor: Rather than talk about the fact that people in Texas have access to an emergency room, put programs in effect so people can get health insurance and can take the preventative measures so they do not have to wait until they get so sick that they have to go to an emergency room.

Governor Bush's view that insurance is a Washington term may be a view that is held by wealthy people who have insurance and can foot the bill easily for any medical emergency that may arise, but it is definitely a view that is clearly out of touch with the American mainstream.

It is a view every American, particularly those without insurance, should be aware of in this political season. It is a view that, if followed, will throw a monkey wrench in both private sector and public efforts to bring down the cost of health care, and it is a view that nobody who is interested in addressing the problems of the uninsured in this country should for a single second take seriously.

I know it sounds very critical of me to talk about the Governor in this light, but it really annoyed me to hear the term "insurance" somehow referred to as a Washington term, as if the rest of the country or the average person was not concerned about it. I know that they are.

I want to spend some time also this evening contrasting, if you will, not only the presidential candidates but the parties on the issue of health care. I know it sounds very political, but the bottom line is that this Congress only has another week or so before it adjourns.

The Democrats, including myself, over the last 2 years that this Congress has been in session have put forth a number of proposals, whether it is a prescription drug benefit under Medicare or it is HMO reform with the Patients' Bill of Rights, or it is the idea that whatever surplus is available should be primarily used to shore up social security and Medicare, or it is the idea of trying to cover more kids or more parents.

We have been out there putting forth, with President Clinton and Vice President GORE's support, many proposals that would address some of the problems that Americans face with health insurance, whether they are uninsured or they have some type of insurance that is inadequate.

It really galls me to think that we are here at the 11th hour and most of these problems have not been addressed by the Republican leadership on the other side of the aisle, and will not be addressed if Governor Bush is elected president.

So I think it is important to contrast the candidates and the parties on health care. I am just going to take a little time tonight if I could to give my own view, and then give the view of an independent group that has analyzed the proposals that have been put forth by both sides.

I want to start with the issue of prescription drugs, because I think right now the fact that so many seniors and disabled people who have Medicare are not able to access prescription drugs is a major problem, almost a crisis in the country.

If we listen to what George Bush has been saying, what Governor Bush has been saying, he is saying that he wants to provide some sort of prescription drug program that would provide coverage initially through State-based low-income-only programs, and then through HMOs and insurance companies.

I say that because what the Governor has proposed is not to bring prescription drugs under the rubric of Medicare, but rather, to give a subsidy or a voucher, if you will, to low-income people so they can go out and try to buy prescription drug policies in the open market, in the private market.

That is very different from what Vice President Gore and the Democrats have been saying. I think it was clearly defined in last night's debate. What Vice President Al Gore has been saying is that Medicare is a successful program that provides coverage for one's hospital care and for one's doctor's care, and it would not be that difficult and would not cost that much money, particularly if we have a surplus, for the Federal government to provide prescription drug benefits under Medicare, as well.

So that is the major difference between the Democrat and the Republican proposals. The Democrats are saying they want to expand Medicare to include prescription drugs. The Republicans are saying they do not want to use Medicare as the vehicle, they want to give a subsidy or they want to give a voucher, or in the case of Governor Bush's proposal, a voucher essentially just for low-income people.

There are a lot of other differences, but I just want to say, Members do not have to take my word for it. There is an organization called Families USA which just put out a report on health care and the 2000 election.

I just want to describe Families USA. Families USA is a nonprofit, nonpartisan consumer health organization established under section 501(c)(4) of the Internal Revenue Code that has never endorsed, supported, nor opposed any political candidate, and they are not doing it now.

In addition, Families USA has spent two decades working on various aspects of our health care system, and has amassed considerable expertise on health issues. The Democrats and myself have cited them many times, and the Republicans as well.

On the issue of prescription drugs, and I just want to run through this, if I could, in their report that just came out they say, "There is a marked contrast between the two candidates on this issue."

□ 2115

Vice President GORE intends to establish a voluntary prescription drug benefit in the Medicare program, and I stress in the Medicare program. This would ensure that all seniors and people with disabilities gain access to prescription drug coverage. It would also enable Medicare to bring its considerable market clout on behalf of program beneficiaries to the bargaining table.

Now, that sounds a little bureaucratic, but let me explain what that means. One of the biggest problems with prescription drugs right now is the cost for seniors. If they do not have some kind of coverage through their employer or through some sort of coverage that they are able to purchase, which many do not, then they have to go buy it on the open market at the local pharmacy, and the cost is prohibitive.

There is a price discrimination between seniors who have to just go buy the prescription at the local pharmacy out-of-pocket versus seniors who happen to be fortunate to be in some sort of plan, either through their employer or in some other way.

But what Vice President GORE does and what the Democrats do with their Medicare prescription drug proposal is they give the seniors who are now part of this plan clout with regard to prices, because they establish a benefit provider in each region of the country that will bargain for the best price, just like an HMO does, for example, for the prescription drugs, and that brings the price down. So that is what they are talking about here when Families USA says that the Democratic plan is better.

Then they say in the Families USA report, they contrast Governor Bush's approach by way of contrast. Initially he relies on State-run pharmaceutical programs and subsequently on insurance companies, HMOs, to offer prescription drug coverage.

To date, however, State pharmaceutical programs reach only a tiny portion of seniors who need drug coverage, and such assistance is usually confined to seniors with very low incomes.

The point is that the Republican plan is only going to help seniors with low incomes. It is not going to help the vast majority of seniors with middle incomes, which basically are the people that are crying out for some sort of help.

In addition, in analyzing the Bush plan, Families USA's assessment says that private health plans and insurance companies have very limited success in providing drug coverage for seniors.

I mention that because what they are basically saying here is that, if one gives the senior or the disabled person the voucher, the way Governor Bush has proposed, to go out and try to buy prescription drug coverage in the open market, not under Medicare, they are not going to be able to find it. They are not going to find an insurance company that will offer that for the price of the subsidy that the Bush plan proposes.

Now, additionally, what Families USA says about the GORE plan, the Democratic Medicare prescription drug plan, is that it is very specific in detailing the drug coverage that is guaranteed to every Medicare beneficiary as well as the cost sharing that seniors would have to pay.

So what we are saying in the Democratic plan is that we are going to be able to guarantee one to have any drug that is medically necessary. We are going to tell one exactly what the premium is, exactly what one is going to get.

Under the Bush proposal, on the other hand, decision making about the specifics of the drug benefit as well as out-of-pocket costs are left to the private insurance companies and the HMOs. So, again, one does not really know what one is getting.

But I want to stress again the difference here, the difference is the Bush Republican plan is a voucher plan. It does not come under the rubric of Medicare. The Democratic plan, the Gore plan, is an expansion of Medicare that covers prescription drugs just in the same way that hospital care and physician care is provided under Medicare right now.

Now, let me go to a second category here because I want to cover each of these health care issues because I think they are so important in terms of contrasting the difference between the parties.

The second one is the future of Medicare itself. Medicare, as we know, in the next, maybe, 10, 20 years, not right away, but at some point in the future will start to run out of money because there are going to be so many baby boomers that become 65, that become seniors, that there is not enough money to pay for it.

Now, what President Clinton and Vice President GORE have been saying is that they want to use most of the surplus to shore up the Social Security program and the Medicare program.

But what we see is that, instead, by contrast, Governor Bush talks about restructuring the Medicare program in ways that I believe that will increasingly privatize and encourage people to opt out of Medicare or go to private insurance.

I do not want to dwell on that too much because I want to get to the next issue, which is I think so important and, again, became an issue in last night's debate, right at the beginning of the debate.

That is HMO reform. HMO reform is clearly something that so many Americans are concerned about because more and more people are in HMOs, and they find that they are victims of various abuses, primarily because what they find is that decisions about what kind of Medicare they get, whether they get a particular operation, whether they get to stay in the hospital a particular length of time is determined, not by their physician and themselves as a patient, but by the insurance companies. Naturally they do not like it because it lends itself to all kinds of abuse.

Well, it was interesting last night because, during the debate, Governor Bush said that he was in support of HMO reform and that he mentioned that, in the State of Texas, his home State, that they actually had passed legislation that would provide for certain patient protections if one was in an HMO.

But the interesting thing about it is Governor Bush used the example of HMO reform to say he would be successful if he were to be elected President because, in Texas, he was able to bring both parties together and everyone together to pass patient protections.

Well, I have to point out that, when the issue of patients' rights in the context of HMO reform first came up in the tax legislature and the bill was passed in 1995, Governor Bush actually vetoed the legislation.

So he talked about playing a role and bringing people together, the Texas legislature decided they wanted HMO reform, he vetoes the bill. Well, a couple years later, in 1997, there was again passed in the Texas legislature legislation to protect patients in the context of HMOs. This was a very comprehensive HMO reform that Governor Bush referred to in last night's debate. Well, this time, even though he opposed the legislation and refused to sign it, he let it become law.

That is hardly an advocate for patients' rights. That is hardly someone who, as he says, is trying to bring people together to pass legislation. You veto it once and then you say, okay, I do not like it, but I will let it become law without my signature.

What it means is this was happening despite what Governor Bush wanted. He did not want it to happen, but he did not want to stop it probably because he was afraid of the political consequences if he vetoed it again.

By contrast, Vice President GORE last night and throughout the 7 years now that he has been the Vice President, with the support of Democrats and some Republicans as well in Congress, has been an advocate on a Federal level for a comprehensive HMO reform bill which Vice President GORE mentioned last night, the Norwood-Dingell bill.

He was very specific about bringing up that legislation in the debate last evening and asking Governor Bush repeatedly whether he supported the Norwood-Dingell bill and, of course, Governor Bush would not say whether he supported it or not. If he would not admit he supported it, I would say we have to assume he does not support it.

It is a much stronger bill than even what the Texas legislature passed without Governor Bush's signature. It is a bill that is vehemently opposed by the HMOs and the health insurance industry and all of the special interests and very much supported by the majority of the American people.

We passed the Patients' Bill of Rights, the Norwood-Dingell bill here in the House of Representatives. Almost every Democrat voted for it, and some Republicans voted for it too, otherwise it wouldn't have passed. In fact, the gentleman from Georgia (Mr. NORWOOD), one of the sponsors, is a Republican, the lead sponsor.

But the bottom line is that the Republicans both here, the Republican leadership, both here in this House as well as in the other body, have tried to kill this bill ever since it passed. It went to conference. I was part of the conference committee. It has never come out of conference.

I would almost guarantee that, in the week or two we have left here, it will not appear on the floor of this House or this Senate. It will not go to the President. It will not become law. Why? Because basically what it does is it does two major things. It says that decisions about what is medically necessary, what kind of care one gets, what kind of operation one gets, how long one stays in the hospital, decisions about what is medically necessary are going to be made by the physician and the patient, not by the insurance companies; and the insurance companies oppose that tooth and nail because they want to make the decisions to save money.

Secondly, it has very good enforcement so that if, in fact, one is denied care by one's insurance company, one has a way of redressing one's grievances by going to an independent panel that will review the decision and have the power to overturn it or ultimately going to a court of law and having the decision overturned so that one can get the medical care that one's doctor and that one feels is necessary.

So, again, marked contrast here between the views of the two candidates, the Presidential candidates as well as the parties on this issue.

I do not mean to suggest that all the Republicans are bad on this, because some of them are good. But the Republican leadership in the House as well as in the Senate, as well as Governor Bush, refuse to support the Patients' Bill of Rights, the Norwood-Dingell bill.

Let me go to an issue that I mentioned earlier, and that is the whole issue of increased access and for people to be covered with insurance who do not have it. I am not going to keep repeating over an over again what Governor Bush said about insurance being a Washington thing. I think he probably regrets that he made the statement, hopefully. But the bottom line is we still have over 40 million Americans who are uninsured. What are we going to do about it.

Again, I would like to contrast the records between the two candidates and again between the two parties. Fortunately, here in the House of Representatives, the effort to expand coverage for children was successfully passed on a bipartisan basis, the CHIP program. Initially, the Republican leadership opposed it, but eventually they came around to passing it, and it was passed on a bipartisan basis.

But what happened is that when this program then was given back to the States to handle it and to try to handle it in a way that would provide for coverage for the 5 million kids that it was meant to try to deal with and to give health insurance, as I mentioned already, Governor Bush, in his capacity as Governor of Texas, tried to make the eligibility for the program very minimal, only 150 percent of the poverty level. In terms of the outreach to try to get kids signed up for the program, he was very ineffective.

In fact, the situation in Texas got so bad that a Federal judge just ruled a few weeks ago that Texas had to, under pain of the court's action or penalty, do a better job about enrolling kids in Medicaid as well as the CHIP program. So they were not even doing a good job getting kids enrolled in Medicaid at the very low end of poverty, let alone the ones that are eligible for the Federal CHIP program.

Now, by contrast, what Vice President GORE has been saying, and he mentioned it in the debate last night, is that he wants to expand the eligibility at the Federal level, and that money then goes back to the States so kids whose parents are even at a higher income can join up in the Federal-State health insurance program called CHIP.

He suggests raising the CHIP program, the Children's Health Insurance Program, eligibility to 250 percent of the Federal poverty level. He also says that, if you are parents and your income is even higher than, that he will allow you to buy into CHIP or Medicaid for children with family incomes above 250 percent of the Federal poverty level.

Now of course Vice President GORE successfully pushed for enactment of the existing CHIP program which Governor Bush tried to cut back in the State of Texas. But beyond that, what the Democrats and what Vice President Gore are now proposing is that the CHIP program be even expanded to cover the parents of the kids who are eligible for CHIP. Basically, this is a way of now expanding health insurance for people who were working but whose incomes are too high to be eligible for Medicaid.

What I would stress again, Mr. Speaker, is that, when we talk about Vice President Gore's program and the Democratic initiative here with children, the CHIP program, and expanding it to adults, we are not talking about people who are on welfare. They are usually eligible for Medicaid. We are talking about working people who on the job, because of their low income or because the employer does not offer it, are not able to get health insurance. These are working people. These are people oftentimes who have two or even three jobs, and they are not able to offer health insurance for their kids or for themselves.

So what Vice President GORE is saying is let us take this CHIP program, which is working, and let us expand it to the parents. If we enroll the parents, we also find that that means that they are more likely to get into the program and enroll their kids.

Some parents, unfortunately, selfishly, will not enroll their kids if they are not eligible for the program.

□ 2130

Vice President GORE has also been saying that with regard to the other large group of people that are uninsured, which are the people between 55 and 65, we call them near elderly, who are not yet eligible for Medicare, that they would be able to buy into the Medicare program and pay so much a month, $300 or $400 a month, to buy into the Medicare program. It is another way of expanding access to health insurance for people who are currently uninsured.

Now, I have made reference once so far this evening to the Families USA report in the context of prescription drug coverage, but I wanted to make reference to it again, if I could, in the context of health coverage for children and expanding the CHIP program to include more kids at higher incomes and also for their parents. If we look at this Families USA report, and I will not repeat what Bush and GORE are proposing, but I wanted to just give a little bit of the analysis that the Families USA report provides.

The report says, under the section that deals with expanding insurance for adults, that at the centerpiece of his proposal to expand coverage Governor Bush proposes to establish a refundable tax credit for people and families who purchase health coverage on their own if they do not receive insurance through their employers and do not qualify for Medicaid or any other government assistance. For individuals with incomes below $15,000 per year, the tax credit would equal $1,000 and would taper off as an individual's income increases above $15,000. For families with incomes below $30,000 per year, the tax credit would equal $2,000 and would taper off as the family's income increases above $30,000.

Now, Governor Bush has made reference to these tax credits, $1,000 or $2,000 depending on where one is below a certain income, and he suggests that that is one way of expanding coverage. This contrasts of course to what Vice President GORE has been saying about expanding the CHIP program for children and expanding it to include adults, the parents of those kids, as well as GORE's proposal to let the near elderly buy into Medicare.

Well, this is how Families USA assesses the two proposals. It says Governor Bush's proposals to expand health coverage for adults are likely to be ineffectual and in some respects may even be harmful. Because of its limited size, the tax credit proposal for low- and moderate-income individuals and families who purchase their own health coverage is unlikely to make a significant dent in the number of people who are uninsured.

Today, the average cost of a family health plan purchased by an employer is $6,351 per year, and coverage purchased by families in the individual market typically cost considerably more. As a result, a family would need to spend more than $4,300 over and above the $2,000 family tax credit simply to pay for premiums. This amount would constitute over 14 percent of income for a family earning $30,000 a year and over one-fifth of the income of a family with $20,000 in annual income. Either way, the tax credit would still leave most of these families with an inability to purchase health coverage.

Now, to his credit, Governor Bush is at least proposing something, and I will grant him that. But it is not anything that is going to be effective in expanding health coverage for those who are uninsured.

Vice President GORE's proposal, by contrast, and this is what Families USA says, to expand health coverage for adults builds on public programs, such as Medicaid, CHIP, and Medicare that work well. His proposal to establish CHIP-type health coverage for low-wage working parents will not only provide increased coverage for those parents but is likely to spur children's enrollment in CHIP as families are enabled to enroll together. The Medicare buy-in proposal is projected to increase health coverage for approximately 300,000 near-elderly persons.

Now, Mr. Speaker, I do not want to spend too much more time, and I think my time is probably running out; but I just wanted to say this in conclusion. I do not look at these health care issues from the point of view of ideology. I know that generally most Republicans tend to be more conservative than most Democrats, and more Democrats are liberal, even though not all of them are. But the bottom line is, I do not look at the ideology. I look at what works. And the difference between what Vice President GORE and Governor Bush are proposing and between what most of the Democrats and most of the Republicans are proposing, I think really does not come down so much to ideology but what works practically.

Practically speaking, if we want to provide a prescription drug coverage program for seniors, we should put it under Medicare, because Medicare works. And we should not look at the Republican proposals to provide some voucher that assume that people are going to go out and buy coverage that does not exist.

And the same thing is true for the CHIP program and the efforts to try to expand health coverage for the uninsured. Basically what Vice President GORE and the Democrats have been doing here for the last 6 years is advocating and, in some cases passing, legislation that would provide for the government to set up a program like CHIP through the States that people can pretty much be guaranteed that they are going to have health insurance. It is health insurance that is provided by the government.

Now, I am not saying that we want national health insurance, but where we have gaps and people who are working and still having the inability to get health insurance on the open market, the government needs to step in. That is what Vice President GORE proposed with CHIP. It is working. That is what he proposes for expanding coverage for the near elderly and for the parents whose kids are in CHIP. What Governor Bush is proposing as an alternative is simply to give a tax credit, which once again will not provide the money or the ability for those families to buy health insurance.

So all I am saying is that there are huge contrasts here between the two presidential candidates. There are huge contrasts between the parties on these various health care issues. And I think the major difference is that the Democrats are proposing plans that will actually work and make a difference for people who do not have health insurance, or who do not have prescription drugs, and who suffer from the abuses of HMOs. That is why what we are proposing should be passed.

My greatest regret in this Congress is that on many occasions when the Democrats have tried to put forward these programs they have not been successful because the Republican leadership has opposed them. We have had a few occasions where the Republicans have joined us, but in most cases they have not. And it is a very sad commentary that this Congress is going to end within the next week or two not having addressed these major problems that face so many Americans.

TRIBUTE TO THE HONORABLE JOHN E. PORTER, MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the Porter special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, it gives me great pleasure to host this special order tonight for the gentleman from Illinois (Mr. PORTER), and I want to thank the gentleman from Colorado (Mr. MCINNIS) for giving up his time to allow us to honor this very special gentleman tonight.

The gentleman from Illinois (Mr. PORTER) is retiring, after serving in Congress for 21 years. It is difficult for those of us who are gathered to honor JOHN tonight to sum up in the short time everything that he has done for the 10th Congressional District of Illinois and for his country since joining this body in 1980. It is my hope, based on the words that my colleagues and I will offer tonight, that all who are within the sound of our voices will understand the tremendous character of this man and all that he has accomplished, most notably in the areas of human rights, health research, and protecting the environment.

It is also my hope that based on our comments JOHN PORTER will know how well-respected he is, not only by his congressional colleagues but by the elected officials of his home State and district, his staff, former staff, his constituents, and the many groups who have had the pleasure of working with him throughout the years.

Tonight, Mr. Speaker, we will hear of the legacy JOHN has created during his years of service in this body. We will hear a small part of the large impact he has made on his district, his State, his country, and the world.

I have a confession to make. I am an unabashed JOHN PORTER fan. It is not because I have lived for many years in his district and know how well his leadership and his views suit those of his constituents there, nor is it because of the small kindnesses he has always personally shown to me. Those are reasons enough to sing the praises of this wonderful man. Like hundreds of thousands of men and women in Illinois, throughout the United States and around the four corners of this globe, I know and love this man for his great humanity, his concern for the underdog, and his unquestioned commitment to making this world a better place in which to live.

When I was elected in 1998, to serve the people of the 13th District of Illinois here in Congress, I knew that it would be helpful for me to look at the other members of the Illinois delegation for guidance. Knowing his excellent reputation, JOHN PORTER was the first person I sought out. Asking him for input was easy, given our similar political ideologies. However, I doubt JOHN, and the ease with which he provided advice, fully understood how much guidance he truly gave.

With that, Mr. Speaker, I am going to turn to some of my colleagues so that they too can share their thoughts on our dear friend. And I will first yield to the gentleman from Illinois (Mr. LAHOOD). As my colleagues know, before his election, the gentleman from Illinois (Mr. LAHOOD) served as the chief of staff to then House minority leader, Bob Michel of Illinois. In this capacity he had the opportunity to work on a number of issues with JOHN PORTER and, as a result, probably knows him as well or better than any other Member in this body.

I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I appreciate the time that has been set aside here by the gentlewoman from Illinois (Mrs. BIGGERT) to honor our colleague, JOHN PORTER.

Mr. Speaker, JOHN deserves to be honored. JOHN has been an outstanding Member of this body. Prior to coming to the House of Representatives, he served with great distinction in the Illinois House of Representatives.

JOHN has known political turmoil in his life because he has been through some very, very tough elections. I think people who have not really followed his career should know that JOHN is probably as good a politician as there is. In order to get to this body, one has to be a politician, and JOHN has been, particularly in the early days of his election to the House of Representatives, come through some very, very close elections in the district that he represents.

JOHN represents a district north of Chicago, primarily Lake and McHenry County, Lake County primarily, and it is an area that is not really considered a suburban area of Chicago but kind of an entity unto its own. His district runs right up against the Wisconsin border. JOHN has done so well in representing his district that the last several years, he has had elections that were less contentious and the people of his district have recognized the many good things that he has been able to do.

Serving on the Committee on Appropriations, JOHN is known as a cardinal. What that means is that he is a chairman of a subcommittee. If not the most important, certainly one of the most important subcommittees of the Committee on Appropriations, the Labor-HHS subcommittee, which is the subcommittee that really looks very carefully at dollars that are provided for medical care and dollars that are provided for research. And JOHN has really set a legacy for himself in terms of his commitment to cancer research, to Alzheimer's research, to AIDS research, and to so many of the real, real serious kinds of diseases that face our country.

JOHN PORTER has been at the forefront of making a commitment of dollars to really find cures for these dreaded diseases; as I said, whether it be cancer or Alzheimer's or AIDS, or any other number of diseases. So he has been a leader in this area. And I really think it will be his legacy that he will be remembered for the enormous commitment that he made to research and particularly research to the National Institutes of Health, the National Cancer Institute, and so many of these programs here in Washington that try to reach out and find the very best people in America to help us find cures for these dreaded diseases.

JOHN has been a wonderful public servant not only for the 10th district but also for the State of Illinois and for the country. He has been a strong, strong leader in human rights and has lead the cause of human rights in many different parts of the world that go unrecognized in so many ways because they do not always get the headlines. But I think those people that have worked with JOHN on human rights issues recognize the leadership that he has provided in that area.

□ 2145

So an outstanding career, an outstanding career of leadership, an outstanding career of commitment to the people of Illinois, to the people of the 10th district, and to the people of this country.

JOHN has also been a regular attender of our delegation lunches. And those of us that attend those very regularly, as I know the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Illinois (Mr. EWING) and the gentleman from Illinois (Mr. SHIMKUS), do enjoy sharing our apple pie with JOHN. Because of all I guess the funny things I will remember about JOHN is that he loves apple pie, and he cannot sit through a lunch with just one piece of apple pie. And so the gentleman from Illinois (Mr. EWING) or myself or somebody is always passing him an additional piece of apple pie. That is something that I think I will always remember about JOHN in terms of sort of the funny things, the humorous things, the human things that happen in this business.

So we will miss JOHN for his leadership and his commitment. I am delighted to have had a chance to say a word or two about his leadership, and I thank the gentlewoman from Illinois for setting aside this time to do that.

I know that all of us wish JOHN PORTER good luck and Godspeed in whatever he does. We will surely miss him.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for his comments. Is it not curious that it is always the thinnest people that can eat two pieces of pie while the rest of us try to avoid them so we can pass them on to him?

Mr. LAHOOD. I would agree.

Mrs. BIGGERT. Mr. Speaker, the other area that the gentleman from Illinois (Mr. LAHOOD) and I see a lot of the gentleman from Illinois (Mr. PORTER) is at the "Tuesday Lunch Bunch That Meets on Wednesday But Does Not Have Lunch Group." We spent meetings once a week to discuss issues that are important to those of us that belong in that group what we call the "Republican Moderates."

Mr. Speaker, I am pleased to recognize my friend and colleague, the gentleman from Illinois (Mr. SHIMKUS).

I should note that the gentleman from Illinois (Mr. SHIMKUS) will hold a similar special order next week for another Member from Illinois who is retiring from the 106th Congress, the gentleman from Illinois (Mr. EWING), who we will hear from in just a few minutes. But, unfortunately, we are losing two great members of the Illinois delegation due to retirement this year, and it is our pleasure to honor both of them.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) for arranging this special order. I wish we did not have to have our next one next week. I wish we were finished with our business. But I look forward to taking up that cause next week.

Of course we are here to pay tribute to who has become a good friend of mine, the gentleman from Illinois (Mr. PORTER), who is retiring. It has really been an honor and a privilege to serve with him in the House of Representatives.

I have always been impressed by his commitment to his ideas and his beliefs. He has always been a gentleman and treated even newbies like myself as a colleague and as an equal. I have learned much about the process in this House of Representatives by observing how JOHN PORTER has gone about doing his business, and I appreciated his tutelage and his friendship.

Most important, however, is that I have a newfound respect for our Nation's efforts and ongoing need for medical research. As we all know here, and it is nice to be able to publicly acclaim the ongoing efforts of the gentleman from Illinois (Mr. PORTER) to increase Federal funding for medical research as our colleague and friend, the gentleman from Illinois (Mr. LAHOOD), just mentioned.

Prior to coming to Congress, I had little knowledge of how much our Government played in the fight against diseases and how much it emphasized medical research. Thanks to JOHN, I now not only understand that role, but I am now an advocate for expanding it.

Far too many of us do not think of sickness or diseases until we have a loved one who is faced with it. We are lucky and the Nation is lucky to have a person like JOHN PORTER who has worked hard to ensure that quality health care will be available when we need it.

There are many people involved in providing health care, whether it is the hospitals, big inner-city hospitals or rural hospitals, community health centers, home health, visiting nurses, you name it, there are many people working diligently in the fields. Most of them are working long hours for little to no pay. They have an advocate here in Washington, D.C., who has also worked numerous long hours, sometimes without recognition, a champion in health care and health care delivery and medical research. And that is Mr. JOHN PORTER.

We have benefited from his time here in this body. We have benefited as a people. We have benefited as colleagues. We have benefited as a Nation. I have benefited personally from observing his leadership and his thoughtful, deliberate process to help in the benefit of all.

I would really like to thank the gentlewoman from Illinois (Mrs. BIGGERT) for arranging this special order and paying tribute to our colleague, the gentleman from Illinois (Mr. PORTER). It is an important thing to do before we adjourn in this Congress, and her thoughtfulness in remembering him goes a long way and adds to her credentials as being a great new Member who we are glad to have here.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, it really is a pleasure to be on the Illinois delegation. I think that we have had such a unique opportunity for both sides of the aisle to work so carefully together. So I think that we are going to miss the gentleman from Illinois (Mr. PORTER) so much because of his contribution to that Illinois delegation.

We have another Member, as I mentioned before, from Illinois. So I am pleased to recognize the gentleman from Illinois (Mr. EWING), my friend and colleague. Unfortunately, like the gentleman from Illinois (Mr. PORTER), the gentleman from Illinois (Mr. EWING) is stepping down at the end of this Congress. That is not the only thing that these two men have in common, however.

Much, like they have been in this body for 9 years together. The gentleman from Illinois (Mr. EWING) and the gentleman from Illinois (Mr. PORTER) served together in the Illinois General Assembly in the mid-1970s. So they have been traveling on the same circuit for a long time. I am happy to have the gentleman from Illinois (Mr. EWING) here to say something about the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, I yield to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentlewoman very much for putting this special order together for our friend, the gentleman from Illinois (Mr. PORTER), and for allowing me to take a few minutes to talk about JOHN and some of the experiences that we have experienced over the years.

I must say that the gentlewoman is a wonderful addition to our delegation and she is such a good participant in all that we do here and I appreciate that and I will miss working with her.

The gentleman from Illinois (Mr. PORTER) though has spent 11 terms here in this body. That is hard to believe, but that is 22 years.

Prior to that, as the gentlewoman said, he was in the Illinois Assembly. I was kind of looking back at my figures here and I realized that JOHN came 2 years before I did. He will have had a career of 28 years in public office. And at the end of my term, I will have put in 26 years.

Besides that, JOHN and I had offices next to each other in Springfield in, I think it is, the Illinois State Office Building behind the Capitol. So we shared a great many things. I do not think we had to share a secretary, as many members do share a secretary, but we did not have the same one. But we would be in there late at night, which is the way the legislature operated back then, and we would have a lot of time to visit about family and our children and those things. So JOHN and I reached a deep friendship early on in our political career.

JOHN then ran for Congress. I do not know exactly how that was, but he ran three times to get to Congress for one term. And there was, I think, an election he lost and than a special election. And then by the time he had done those two elections, it was time for the next election to get him a full term here. So he worked very hard to become a Member of Congress.

After he got here, he went on the Committee on Appropriations. And as he leaves, he leaves as one of the 13 cardinals of that committee, which is an attainment that many here would like to emulate. Few get the opportunity to be one of the cardinals in the appropriations process.

I have heard my other colleagues, the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Illinois (Mr. SHIMKUS), talk about some of his priorities there. And I know that JOHN has had a very kind heart. He is certainly a compassionate conservative in the best sense of the word.

JOHN is a very quiet man. His area now is Labor HHS, one of the hardest of the appropriation bills to pass. And while I know that that sometimes worries JOHN greatly at the end of the sessions, I have seen him go through that, he is always so mild mannered about it. I do not know if I could keep my restraint as much as JOHN does in handling that bill and all the rhetoric that goes on on this floor about that bill.

But he has done many other things in his career here. He has been a great supporter of the Pottawattamie Airport and the Waukegan Regional Airport. And through those efforts, those institutions in his area, his district, have grown and they brought air service to northern Illinois and he has helped secure the funding for very important improvements there.

The gentleman from Illinois (Mr. PORTER) also worked to help local school districts particularly address the shortfall in impact in Federal aid. This may seem like kind of a strange thing to talk about, but that is very important to school districts. Because when they do not get that Federal aid, they have got to reach into their pocket and take it out of the money that they normally would have to spend for education that they get out of their local tax dollars. And that Federal aid comes because of the military people who were in those school districts, and that is very important.

He has been an advocate for strengthening ethics in Government and reforming the way this institution, the U.S. Congress, operates.

The gentleman from Illinois (Mr. PORTER) has advanced legislation to make urgently needed improvements in Congress's internal standards, and I think that we should thank him for that. That is a thankless job but one that we have to continue to work on always.

He has been a fighter against drunk driving and instrumental in the passage of legislation mandating a 21-year-old drinking age in this country.

He has worked to prevent the spread of chemical weapons. He authored the Chemical and Biological Weapons Nonproliferation Act and directed the Secretary of Commerce to develop effective export controls to prevent the spread of deadly chemical and biological weapons to other nations.

He has been a leading voice in support of human rights and democratic reforms in China and Hong Kong. He led the successful effort to defend the Great Lakes Naval Training Center against the threat of closure during the most recent round of cutbacks considered by the Base Realignment and Closure Commission. The decision to keep this center open is expected to bring 8,000 jobs to his area.

Did my colleagues know that that is the only base we have in Illinois? Many States have a number of military installations. Sometimes we talk about how much comes back to our State in tax dollars. Well, one reason we are a little behind some of our sister States is that we only have one major military installation left in our State, where we used to have a number of them. The gentleman from Illinois (Mr. PORTER) is to receive the thanks for protecting that important installation.

I would just say in closing that I consider JOHN PORTER a true friend, a real gentleman, a fine legislator, and I know that he will go on to do many, many other fine things in service of his country and his State.

I thank the gentlewoman very much for allowing me the time to talk about my friend.

Mrs. BIGGERT. Mr. Speaker, it is my pleasure to hear what the gentleman had to say about him. I know that he is both of our friends, and we will miss him. It is nice that the gentleman has expressed that so eloquently.

□ 2200

We will now move to Arkansas. I am pleased to yield the gentleman from Arkansas (Mr. DICKEY). The gentleman from Arkansas (Mr. DICKEY) serves on the Committee on Appropriations Subcommittee on Labor, Health and Human Services, and Education of which John Porter is the chairman. So given the attention and controversy that our appropriation bill always seems to attract, I know that John Porter and the gentleman from Arkansas (Mr. DICKEY) have gone through some interesting battles together. So I am happy that the gentleman from Arkansas (Mr. Dickey) could join us tonight to honor our friend John Porter.

Mr. DICKEY. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT) for her thoughtfulness in remembering this fine gentleman.

I would like to state a little bit for the listeners and the viewers just exactly what type of a committee he has been the chairman of. The Committee on Appropriations has 13 subcommittees. One subcommittee is called the Subcommittee on Labor, Health and Human Services, and Education. It has over maybe 820 agencies or programs that it administers. JOHN PORTER is the chairman, and I have been a committee member now for 6 years. This will be my sixth year.

A chairman and the subcommittee members get to know each other quite well. They first of all have to jockey for positions to see who is doing what and what positions we have and what favors and corresponding votes that you give and take, and then you set about trying to find out exactly what the purpose of the committee is.

JOHN PORTER took this chairmanship as if he was made for it. It is the most amazing match I have ever seen. Of course, he had been on it as a minority member for some time but as chairman I have sat and watched him and listened to story after story after story of pain, suffering and human misery. He has done it always with attention and he has asked questions. We sometimes in this committee get what is called compassion fatigue. We hear these sad stories and all of these circumstances where people are just left out alone and this committee is the one with the heart, as I call it, of the Committee on Appropriations and we are the ones that go out and try to help others.

JOHN EDWARD, as I call him, has been just a wonderful, patient listener and been an active participant in trying to help use the Federal resources to help the people who are suffering.

As that chairman, he has shown a great gift in bipartisanship, and that is one of the reasons why he can come to this floor and pass these bills. We sometimes have to pass them with just Republican votes, sometimes with Republican and Democrat votes, but mainly it is because of the controversy in the legislation, it is generally considered liberal. The appropriations are considered liberal. He goes and he tells the story and he does not do it in a bragging sort of way or in an emotional sort of way, and maybe he is not even charismatic in his approach but he just methodically explains each part of the bill and he answers questions and he gets the rhetoric from the other side, the loyal opposition as we call it, and I think it is a great thing to watch him go about it.

He led me quite a bit in health care, in that I could not quite understand what our commitment was and the number of dollars that we were spending, let us say on the National Institutes of Health. He kept saying, no, this is the thing we ought to do and this will be something that you will look back over the years as being the best thing that you have done on any of these committees; and he is probably right.

Dr. Francis Collins came to Hot Springs, Arkansas, in my district not long ago and explained the human genome project. That would not have been done, in my opinion, without JOHN EDWARD PORTER being there trying to in a five-year period of time double the budget of the National Institutes of Health. He had a vision for what that institute, the National Institutes of Health, could do and then he stayed with it.

He was constantly going over there. He was taking us over there. He was having their staff come and explain things to us, but without his leadership and understanding I do not think it would have ever worked.

I have also had an opportunity to go with him on a human rights and health mission to China and Cambodia and Hong Kong and other places, and I not only watched how he was able to speak to the people of those countries and in a knowing way he had been there before or he had talked to them or they had been to America and he had visited with them there and he was an outstanding spokesman. The chairman of the CODEL, as we call it, always leads the introduction and always gives the acceptance to the welcome in each country and he was an outstanding ambassador for our country. I mean, he was so well spoken and calm and did such a good job representing what we consider the best of our country, and that is our concern for people who are suffering and who need care.

Some of the things that we worked on besides the NIH was TRIO, where we rescued the program from a cut. TRIO is a program that encourages kids who are not from a family whose parents are college graduates and which says if you want to stay after school, if you want to stay on the weekends, if you want to come back and have extra work in the summer, we will match your ambition with assistance. Money has been added for the TRIO program year after year after year.

AHEC, which is a program providing for health care to rural areas, has seen a dramatic increase. Head Start has seen a dramatic increase in our committee. All of this shows what JOHN EDWARD PORTER was doing as a leader.

There are some problems that I have had with him, of course. In the early days, a chairman just kind of controls things. He is kind of upset about it so I was always badgering him and keeping him with amendments and he was having to deal with my activist type of approach. He is completely different in that respect, and he is always well prepared, always thinks out his product and it is kind of hard for him to see some of us who were just firing off in several different directions at once. One time in particular it was late at night, I can remember, like 11:00 or 12:00 at night and everybody was talking in the committee and I just stood up kind of kiddingly and said, Mr. Chairman, I think you have lost control of this meeting, and he said one reason I have lost control is you are standing up. Why do you not sit down?

He had that way of doing it. So I sat down and we got on with the business, but he got a kick out of that.

I think one of the reasons, and he will not admit it, but one of the reasons he is leaving is because we have term limits in the chairmanships. We have imposed that on ourselves in the House rules. He has a term limit. He knows that he could not go to another committee that would be as satisfying in his heart and his soul as this one. He knows if he went to another committee he could be chairman, but that he might want to stay here and not being chairman is a factor. I think this might be laid at the feet of term limits, the term limits program; but he probably would not say it. He is too much of a gentleman to say something like that.

I am going to miss him. It might surprise him for me to say that because we have really fought hard on several different issues and compromised and worked out our differences as we have had them, but he is such a fine gentleman. It is a pleasure for me to participate in this special order for JOHN EDWARD PORTER. We will miss you, JOHN.

Mrs. BIGGERT. I thank the gentleman from Arkansas (Mr. DICKEY) for his comments. It is nice to hear from somebody who has worked so closely with Mr. PORTER and had such a wonderful experience from it.

I would like to enter into the record, as I said before I had some statements, and this is from Governor George Ryan the governor of the State of Illinois. I am going to read some of it. I will not read the whole thing but that will be submitted for the record. This letter says,

> Dear John, on behalf of the State of Illinois please accept our heartfelt gratitude for your extraordinary contributions during a lifetime of public service. On the occasion of your retirement from the U.S. Congress, it is fair to recognize and applaud what you have accomplished for your constituents, for people within Illinois and throughout the United States. It is also not an exaggeration to highlight the fact that your leadership in human rights and on environmental issues has benefited people around the world. You are a strong advocate for a thoughtful Federal appropriations process, a clean environment and adequate funding for the arts.
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> You have earned an influential role among the green Republicans to fight for the Nation's environmental interests in Congress. And you are only one of five House members ever to be appointed to the board of directors of the Kennedy Center for the Performing Arts. Your service in Illinois began in the Illinois House of Representatives during 1972 and I am proud that we served together in the State House before you were elected to Congress in 1980. Those of us who were fortunate to work with you then have not been surprised by what you have accomplished since. As a champion and supporter of the National Institutes of Health, your efforts have helped the Institute bring about numerous medical and health advances. You have successfully advocated Federal funding to expand the Metro commuter rails into the northern suburbs of Illinois, including many towns in your district. The 290 acres of open space at Fort Sheridan is an outgrowth of your creative determination and ability to persuade the Federal Government to transfer the land to the Lake County Forest Preserve District when Fort Sheridan was closed. That this land transfer occurred without cost to the district and continues to exist as an open space for all to enjoy is among your most special contributions. The Great Lakes Naval Station remains open, viable and an economic anchor in Illinois because of your efforts. Among the critical military missions conducted here is Navy and Coast Guard training. Your commitment and effectiveness as an advocate of free trade continues to produce immeasurable economic benefits for the people of Illinois. Our farmers have more markets in which to sell their crops and livestock. Our business community has additional opportunities to positively impact their bottom line. Our workers enjoy a more stable work environment with better compensation.
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> Additional contributions that will not be forgotten include your efforts for comprehensive flood control measures for the north branch of the Chicago River; the enhancement of safety and operational capacities at Waukegan Airport, including new instrument landing equipment and runway improvements. Waukegan Harbor has been cleaned up with Federal resources and payments you helped secure from the firm who did the polluting.
>
> On behalf of my family and our shared constituents within all walks of life in Illinois, thank you for all you have accomplished. Your ideas and experience and voice in Congress will be sorely missed. We wish you the very best in your next endeavor and hope that it brings you all the joy and happiness that you deserve. Please extend our very best regards to your entire family and especially your children, John, Ann, David, Robin and Donna. Sincerely George H. Ryan, Governor.

STATE OF ILLINOIS,
WASHINGTON OFFICE,
Washington, DC, October 11, 2000.
Hon. JOHN EDWARD PORTER,
Chairman, Labor, Health & Human Services and Education Appropriations Subcommittee, House of Representatives, Washington, DC.

DEAR JOHN: On behalf of the State of Illinois, please accept our heartfelt gratitude for your extraordinary contributions during a lifetime of public service.

On the occasion of your retirement from the US Congress, it's fair to recognize and applaud what you have accomplished for your constituents, for people within Illinois and throughout the United States. It's also not an exaggeration to highlight the fact that your leadership in human rights and on environmental issues has benefited people around the world.

You are a strong advocate for a thoughtful federal appropriations process, a clean environment and adequate funding for the arts. You have earned an influential role among the "Green Republicans" to fight for the nation's environmental interests in Congress. And you are one of only five House members ever to be appointed to the Board of Directors of the Kennedy Center for the Performing Arts.

Your service in Illinois began in the Illinois House of Representatives during 1972 and I'm proud that we served together in the State House before you were elected to Congress in 1980. Those of us who were fortunate to work with you then haven't been surprised by what you have accomplished since.

The National Institutes of Health and biomedical research have been huge beneficiaries of your legislative skills and your leadership as Chairman of the Labor/HHS Appropriation Subcommittee. As a champion and supporter of the NIH, your efforts have helped the Institute bring about numerous medical and health advances.

You have successfully advocated federal funding to expand the METRA Commuter rails into the northern suburbs of Illinois, including many towns in your district. The METRA extension into these areas via the Wisconsin Central tracks has stimulated wide ranging economic expansion. The passenger rail service this expansion made possible connected the northern suburbs to O'Hare International Airport and Chicago's Union Station.

The 290 acres of open space at Fort Sheridan is an outgrowth of your creativity, determining and your ability to persuade the federal government to transfer the land to the Lake County Forest Preserve District when Fort Sheridan was closed. That this land transfer occurred without cost to the District and continues to exist as open space for all to enjoy is among your most special contributions.

The Great Lakes Naval Station remains open, viable and an economic anchor in Illinois because of your efforts. Among the critical military missions conducted here is Navy and Coast Guard training.

Illinois is among the first tier of states benefiting from new opportunities to market our products, produce and ideas internationally. Your commitment and effectiveness as an advocate of free trade continues to produce immeasurable economic benefits for the people of Illinois. Our farmers have more markets in which to sell their crops and livestock. Our business community has additional opportunities to positively impact their bottom line. Our workers enjoy a more stable work environment with better compensation.

Additional contributions that will not be forgotten include your efforts for comprehensive flood control measures for the North Branch of the Chicago River. The enhancement of safety and operational capabilities at Waukegan Airport, including new instrument landing equipment and runway improvements. Waukegan Harbor has been cleaned up with federal resources and payments you helped secure from the firm who did the polluting.

On behalf of my family and our shared constituents from all walks of life within Illinois, thank you for all that you have accomplished. Your ideas, experience and voice in Congress will be sorely missed. We wish you the very best in your next endeavor and hope that it brings you all the joy and happiness that you deserve. Please extend our very best regards to your entire family and especially your children—John, Ann, David, Robin, and Donna.

Sincerely,

GEORGE H. RYAN,
Governor.

I think it is amazing all of the correspondence that we have had. The praise from several fellow Illinoians for JOHN PORTER's service in Illinois include a couple of members from the Illinois delegation that I would like to summarize what they have submitted. The gentleman from Illinois (Mr. LIPINSKI) points out that not only has JOHN's work resulted in millions of dollars going to fund biomedical research but his legacy will be saving lives. While they have not always agreed on every issue, he commends John for his conservative stance on fiscal issues and his unwavering commitment to eliminating deficits and balancing the Federal budgets. The gentleman from Illinois (Mr. COSTELLO) touts JOHN's efforts to ensure funding for the National Institutes of Health, and his dedication to human rights issues. He expresses his admiration for JOHN's work in the Illinois delegation and on the Committee on Appropriations. He states that his friendship will be missed.

A couple of comments from former chiefs of staff to JOHN PORTER. Mark Kirk states that America is not great because we are rich or field the most powerful military. We are great because our Nation has been the largest force for good on this earth. JOHN PORTER and the Human Rights Caucus made our values and respect for human rights an essential part of our country's mission to the world. We here in Illinois will miss JOHN PORTER's calm, intellectual and dignified service to the Nation.

At this point, I would like to submit his letter.

MARK STEVEN KIRK
Glenview, Illinois, October 18, 2000.
Congresswoman JUDY BIGGERT,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN BIGGERT: I want to applaud you for leading today's Special Order for John Porter.

Our country and future generations owe a real debt to Congressman Porter. he led our nation's commitment to double funding for medical research. It was his decision that laid the foundation for the mapping of the human genome, finding the cause of Alzheimer's disease and a cure for some types of diabetes. John Porter's legacy is one of longer, healthier lives, not just for our nation but the world.

John Porter also embodies the values we hold most dear. America is not great because we are rich or field the most powerful military. We are great because our nation has been the largest force for good on this Earth. We enshrined our values in the Bill of Rights and exported them through the Universal Declaration of Human Rights. John Porter and the Human Rights Caucus made our values and respect for human rights an essential part of our country's mission to the world.

After 21 years of John Porter's service to the nation, human freedom has spread throughout Eastern Europe and the former Soviet Union, turning enemies into allies. The new leaders in many of these countries were once prisoners of conscience whose best friend and advocate was John Edward Porter. The bond they formed in prison cells with their voice and friend in Congress will reap a permanent reward to the United States.

We here in Illinois will miss John Porter's calm, intellectual and dignified service to the nation. He served us all in the highest tradition of public service and commitment to the greater good.

Sincerely,

MARK KIRK.

Another chief of staff, Robert Bradner, who worked for JOHN for 13 years, cites a specific example of JOHN's foresight. Fifteen years ago, before anyone saw it as a problem, JOHN began pointing out the potential problems with Social Security. While many thought it to be an act of political suicide, he had the courage to take on the issue of Social Security reform. Popular wisdom has finally caught up with him.

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Robert further states, "JOHN'S belief in a fair process and his ability to work on the basis of mutual respect with colleagues of widely divergent views allowed him to shepherd difficult legislation through the House over the past 6 years that he has been the chairman of the Labor-HHS Committee, in a manner that confirmed to all the true measure of his policy making talent."

I continue with Robert Bradner. "Ultimately, I regard JOHN PORTER as a teacher. He taught me and a number of others who passed through his offices about the honor of public service and the importance of ideas."

OCTOBER 18, 2000.
Hon. JUDY BIGGERT,
Member of Congress,
Washington, DC.

DEAR JUDY: I am delighted that you have organized a special order on the eve of John Porter's retirement from the House of Representatives to commemorate his many years of public service.

I had the great honor to work for John Porter for a total of thirteen years, both during the time that he served as a member of the minority party in the House, and later when he rose to an important chairmanship in the majority. A litany of all that he accomplished in that time would run many pages. However, I would like to share a few observations.

During the 1980s, John Porter distinguished himself as a tireless advocate for human rights and the environment, as a defender of the rights of women and an advocate for a common sense approach to family planning, and as a fierce opponent of federal budget deficits. One accomplishment deserves particular note, for it is emblematic of both his intelligence and his political courage. Fifteen years ago, John began pointing out the dangerous growth of unfunded liabilities in the Social Security system and, soon thereafter, he began introducing legislation to provide for individual social security retirement accounts. At the time, such behavior was considered an act of political suicide. But John had the courage to take on the issue, and a constituency that trusted and valued sound judgment over demagoguery. He was well ahead of his time in seeing this problem for what it was. Today, the popular wisdom has finally caught up with where John was well over a decade ago: recognizing this as a serious problem and beginning to come to grips with solutions. Indeed, a very closely related proposal to John's original legislation is playing a very prominent role in the current Presidential election.

Later in his career, John had the opportunity to accede to the Chairmanship of the Labor, Health & Human Services and Education Subcommittee. This was no easy assignment. In recent years, the Labor-HHS bill has been a place where some of the most passionately held beliefs of conservatives and liberals about the shape and size of government and a myriad of emotional social issues collide headlong. And it is the place where, on an annual basis, those disagreements must somehow be resolved. I would argue that John Porter was almost uniquely qualified for this most difficult assignment. This capability stemmed not from his views on any particular issue but rather from the innate decency that he has always shown to his co-workers and his strong belief that the process by which issues are resolved in a democracy is of equal, if not greater, importance than the particular outcome achieved on a particular issue on a particular day. John's belief in a fair process and his ability to work on the basis of mutual respect with colleagues of widely divergent views allowed him to shepherd this most difficult legislation through the House over the past six years in a manner that confirmed to all the true measure of his policy making talent.

Ultimately, I regard John Porter as a teacher. He taught me, and a number of others who passed through his offices, about the honor of public service and the importance of ideas. He encouraged intellectual discourse and vigorous policy discussion within the office toward the goal of developing a better understanding of the issues and a sounder approach to policy. And he showed me that, on the most trying and emotional issues facing the Congress—such as the resolution to authorize hostilities against Iraq—there is no substitute for a member of Congress that exercises, to the best of their ability, independent judgment to ascertain the best course of action and the courage to support that course.

I thank you again for your efforts in organizing this fine tribute to John Porter, and join with you and so many others in wishing John all the best in his future endeavors.

Sincerely,

ROBERT H. BRADNER.

Another Chief of Staff, Gordon MacDougall, cites JOHN'S motivation for reducing Federal budget deficits as being "based on his conviction of public service as a responsibility for perpetuating our free and democratic society." He also praises JOHN as being a champion of the ideals upon which our system of governing was originally based. He states that "today's young Americans and their children will be better off for Congressman PORTER'S 20 years of devoted service in Congress."

OCTOBER 18, 2000.

Hon. JUDY BIGGERT,
U.S. Representative,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT: I understand that you have organized a "Special Order" to celebrate the career of Congressman John E. Porter, and that you have invited former staff to Congressman Porter to contribute sstatements.

I was fortunate to have been introduced to Congressman Porter in 1983, during his second term in Congress. I was subsequently offered a position as Legislative Assistant in his office beginning in January, 1984. I was promoted to the position of Administrative Assistant in 1995, and served on his staff until early 1997. Since leaving his office I have had the opportunity to continue a professional and a personal relationship with Congressman Porter.

John Porter is an individual of high integrity and deep intellect. He has an unwavering commitment to our open system of representative democracy. I believe that he is one of the finest Members of Congress to serve during the last quarter of the 20th Century.

During the first eighteen years of his career, Congressman Porter devoted the majority of his time to efforts to reduce federal budget deficits. In my view, his motivation was not simple or myopic fiscal conservatism, his motivation was based on his conviction of public services as a responsibility for perpetuating our free and democratic society. Congressman Porter remained focused for the majority of his tenure in Congress on adopting fiscal policies to enable future generations to avoid being burdened with federal debt. Coming generations of Americans will benefit from his steady and deliberate effort to help balance the federal budget. I am pleased for Congressman Porter that he has been able to stay in the House long enough to see a balanced federal budget.

With federal fiscal policy coming into balance during the past two years, Congressman Porter has refocused his efforts on federal programs of significance to future generations of Americans. He has led an effort in the House to increase funding for medical research, an investment which will improve the quality of life for future generations of all mankind. Also during this period he has conscientiously worked to forward proposals to stabilize a Social Security system which, without changes, will not last to serve our children.

John Porter has been a champion of the ideals upon which our system of governing was originally based. He is a unique individual, and his character and demeanor will be missed in future Congresses. Today's young Americans and their children will be better off for Congressman Porter's twenty years of devoted service in Congress. I wish him well.

Sincerely,

GORDON P. MACDOUGALL

We also heard from former Illinois officials, Mr. Speaker. Former Illinois State Representative David Barkhausen from JOHN PORTER'S district states that "one has only to look at the example of JOHN PORTER to recognize that in him we have truly had an exemplary leader and representative in the mold that our Founding Fathers envisioned. The impact of his many contributions will endure, as will the high standards of public service that he has held high for others to follow."

LAKE BLUFF, IL,
October 18, 2000.

Re "Special Orders" tribute for John Porter.

Hon. JUDY BIGGERT,
U.S. Representative,
Washington, DC.

DEAR JUDY: It is my pleasure and privilege to participate in this special tribute to Congressman John Porter from his colleagues and friends.

I am fortunate that my service in the Illinois General Assembly from 1981–1997 (2 years in the House and 14 in the Senate) coincided with most of John's years of service in Washington. He was both a great leader and team player. He also recruited and maintained a staff that was second to none and that was always extremely courteous, cooperative, and effective.

John Porter has been an extraordinarily thoughtful and conscientious Congressman and a model servant. He has combined the characteristics that everyone could hope for in a Congressman from our kind of district. He is a deep and original thinker who has greatly influenced important policies in such areas as health care research. He has reflected and continuously sought the views of his constituents while maintaining an admirable independence of judgment. And he has been extremely attentive to problems and projects of local interest and influential in offering solutions.

In the final Presidential debate last night, the candidates were asked at the end what might help to overcome the cynical and negative views that so many citizens have of their government and its leaders. Cloning John Porter might be one effective solution. One has only to look at the example of John Porter to recognize that, in him, we have truly had an exemplary leader and representative in the mold that our Founding Fathers envisioned. We owe him our deep thanks for the many good years of service he has given us. The impact of his many contributions will endure, as will the high standards of public service that he has held high for others to follow.

I am confident that we can look forward to additional, important contributions from Congressman Porter in the service of his country. For now, I want to join all of you in this heartfelt, if inadequate, praise for his job extraordinarily well done as a member of the United States Congress for the past 21 years.

Sincerely,

DAVID N. BARKHAUSEN.

Illinois State Senator Kathleen Parker worked on JOHN'S campaign for state representative, how many years ago was that, and remembers that he once tracked down a cabinet member in an airport to resolve a problem for a constituent. She further states that he was a man of integrity and, above all, a true friend.

ILLINOIS STATE SENATE,
Springfield, IL, October 18, 2000.
Hon. JUDY BIGGERT,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE BIGGERT: Thank you for the opportunity to be included in a Congressional tribute to John Porter.

It's hard to believe that John will have served for 22 years in Congress. It seems like yesterday when I worked on his campaign for State Representative!

I can tell you that through the years Congressman Porter has been loved by his district. He has never forgotten his constituents. While in Washington John has been ever mindful of local views and issues.

Congressman Porter's staff is, if not the best, tied with the best in the country. They work hard, are always responsive and are a pleasure to work with. They work closely with John enabling him to take personal interest in helping his constituents. In one case that I know of Congressman Porter even went as far as to track down a cabinet member in an airport to resolve a problem for an individual in his district.

Out of the four ways to leave office John is leaving the only good way! He has served the Northshore area of Illinois well. He leaves us with the memory of a true statesman and Congressman that we can always admire and be proud of. A man of integrity and above all a true friend.

We will miss John as our Congressman. However, we are hopeful that there is a future ahead in some capacity he may serve our country again. We will all be better off if that occurs.

Sincerely,

KATHLEEN K. PARKER,
State Senator, 29th District.

Illinois State Representative Jeff Schoenberg recounts the first time he met JOHN PORTER was when he was working in his first paid political job for JOHN's election opponent, then Congressman Abner Mikva. Despite these beginnings, Jeff has had an extremely good working relationship with JOHN, and states their offices have maintained a "seamless cooperation" in serving the residents of Chicago's North Shore. He agrees that JOHN will best be remembered for his commitment and diligence in bettering the lives of millions of Americans.

His words commending Congressman PORTER follow:

Please allow me to join the many others in offering my best wishes to my colleague and constituent, Congressman John Porter, in his future endeavors.

I must concede that I first became acquainted with John when I was hired in 1978 for my first paid position in politics, as a young field organizer for his election opponent, then Congressman Abner Mikva. Nonetheless, despite that less than auspicious beginning to our working relationship, it has been an extraordinary pleasure to work with Congressman Porter to address our mutual constituent concerns and district needs.

For the past ten years, our offices have maintained a seamless cooperation in serving the residents of Chicago's North Shore. And on the issues that matter most to those who we serve—whether it has been funding for health care and medical research, deficit reduction and greater fiscal accountability in government, or most recently, when we worked shoulder-to-shoulder with the United Power for Action and Justice coalition to increase the availability of funding for affordable housing and health insurance for lower-income women and children—John Porter will always be remembered for his commitment and diligence in bettering the lives of millions of Americans.

I wish Congressman Porter the best of luck and hope his tenure in the Illinois legislature and the United States Congress will continue to inspire young people to public service.

May you continue to go from strength to strength, John, in your pursuit of just causes.

Sincerely,

JEFF SCHOENBERG.

Illinois State Senator Adeline Geo-Karis appreciates how responsive JOHN always was to her constituents, and states how much he will be missed.

ILLINOIS STATE SENATE,
Springfield, IL, October 18, 2000.
Congresswoman JUDY BIGGERT,
13th Congressional District.

DEAR JUDY: I worked with John Porter in the Illinois House, and he became my Congressman. He was always very responsive to my District and to my people, and he did a great job for the 10th District.

I wish him the best that life has to offer and I shall miss him.

Sincerely,

ADELINE J. GEO-KARIS,
Senator—31st District,
Assistant Majority Leader.

Illinois State Representative Elizabeth Coulson states that she will always remember the lessons she learned from JOHN, and that his work on environmental issues was second to none.

ELIZABETH COULSON,
STATE REPRESENTATIVE,
Springfield, IL, October 17, 2000.
Hon. JOHN EDWARD PORTER,
Congressman, 10th District,
Deerfield, IL.

DEAR CONGRESSMAN PORTER: Congratulations on eleven terms in the United States House. We will miss your compassion and good judgment in our 10th District.

As a State Representative, I have often looked to your leadership as an example. I watch with great interest your lead on the Labor, Health and Human Services and Education Subcommittees. Your work on environmental issues is second to none. Again, we will miss you.

You will always be remembered for your independent thinking. As I continue my career in Government I will remember the lessons that I learned from you. I wish you the best of luck in your future endeavors!

Sincerely,

ELIZABETH COULSON,
State Representative, 57th District.

I would like to take a moment to highlight one of JOHN's most notable achievements, and that is his commitment to biomedical research. He is truly a champion in this field, as has been noted by so many who I have quoted. His work on the National Institutes of Health deserves particular mention.

When he became chairman of the Labor-HHS appropriations subcommittee in 1995, NIH had been appropriated $11.3 billion for the previous fiscal year. While that is hardly small chump change, JOHN recognized that NIH is responsible for so many of our country's scientific advances and could be responsible for so much more with additional funding.

As a Congress we set out a few years ago, with the guidance of JOHN, to double the funding for the NIH, and JOHN has done this almost all by himself during his tenure. In the long-awaited conference report for Labor-HHS bill, he has set aside $20.5 billion for NIH. That is a 15 percent increase over last year, and an astounding 81 percent increase during his chairmanship.

These increases in funding for NIH mean good things for so many people. It will, we hope, lead to cures for cancer, AIDS, heart disease, diabetes, depression, Alzheimer's and so many others. In fact, earlier this year in the Wall Street Journal, Al Hunt wrote that this funding increase "may be the most significant achievement of this GOP Congress."

The chairman of Research America, a former representative, Paul Rogers, said in the same article that achieving the consensus necessary for this increase "would have been very difficult without JOHN PORTER. He has been the main purpose in this effort." With that praise, Mr. Rogers perhaps understated JOHN PORTER's role: He was the single motivating force.

This, of course, is not the only praise that JOHN has received, and I could use up the entire hour reciting the organizations that have honored JOHN for his support for biomedical research. Suffice it to say, it is a long and noteworthy list, from the American Medical Association, to the American Society of Microbiology. So, on behalf of the American public who benefits from this critical research done at the NIH, I know we thank JOHN PORTER.

I would also like to take a moment to pay tribute to John Porter's outstanding human rights record. In 1983, after witnessing the severity of human right violations in the former Soviet Union, JOHN helped to form the Congressional Human Rights Caucus. He knew that applying Congressional pressure on foreign governments could be a significant step towards ending human rights abuses around the world.

I doubt that even JOHN PORTER anticipated how successful the caucus would ultimately turn out to be, with a bipartisan membership now totaling 257 Members. Under JOHN's solid leadership, the Human Rights Caucus thoroughly reviewed the actions of and subsequently condemned Chinese authorities for the 1989 Tiananmen Square incident. Under JOHN's leadership the caucus has held regular briefings on important human rights issues, including religious freedom in China, the oppressive regime of the late Nigerian dictator Sani Abacha, the plight of North Korean refugees living in China, and the abhorrent use of children soldiers, just to name a few.

In addition to his work with the caucus, JOHN has been heavily involved personally in human rights work. He has provided a clear and loud voice for the oppressed, and has strongly supported human rights and democratic reform all over the world.

JOHN also cosponsored a Congressional fast and prayer vigil in which numerous Members of Congress fasted on behalf of specific oppressed individuals. Because of his leadership in this area, Representative PORTER received the Anatoly Shcharansky Freedom Award from the Chicago Action for Soviet Jewry, who described him aptly as "a champion of human rights and a powerful ally in the struggle against oppression and the fight for basic human freedoms."

JOHN introduced legislation to create a Radio Free China, a broadcasting service to bring uncensored news reports directly to the Chinese people without government intrusion. He then jointly introduced Radio Free Asia to serve China, North Korea, Burma, Vietnam, Cambodia and Laos. Congress authorized the program and JOHN quickly secured funding for the new service.

A Member of Congress who has served more than 20 years can amass a great deal of influence. JOHN PORTER as chairman of an influential appropriations subcommittee is certainly no exception. However, JOHN has bucked the trend and has not used his power and influence for his own personal gain or enrichment. He has used his influence to help those less fortunate than himself, those less fortunate than most Americans.

Gerald LeMelle, Deputy Executive Director for Amnesty International USA, eloquently summed this up when he said of Representative PORTER at a recent farewell reception, "Whether from your keynote speech at the Latin American Ambassadors Colloquium in 1991, or your steadfast support on issue after issue, you have always been there for us and for human rights, with integrity and principle."

I agree. JOHN PORTER has always been beside those who could not fight for themselves. For this I admire him.

JOHN PORTER has been a leader in so many areas, and in the middle of our testimonies to him on health care, human rights and health research, it is also important to emphasize his active interest and leadership on issues involving the environment. His record is clear enough on this point and long enough to document his strong and consistent support for major environmental legislation, including the Clean Water Act, the Clean Air Act, the Wilderness Protection Act, the National Park Protection Act and the Land and Water Conservation Fund.

But the fine print of his record also reflects his love of animals and his love of the outdoors. For instance, he voted for the Endangered Species Act and against the inhumane use of animals in product testing and the use of cruel leghold traps. Ten years ago JOHN successfully stopped the radical destruction of tropical rain forests in developing nations by tying future lending to conservation efforts to protect the forests and the wetlands.

Today he is fighting for the protection of the American bear with legislation to stop the illegal poaching of bears for their paws and gallbladders, which has garnered the support of 142 other Members of Congress. For these and many other efforts, he has received awards, honors and accolades from national and international environment groups like the Sierra Club, the Audubon Society, the United Nations Environmental Program and Conservation International.

JOHN is even the recipient of the prestigious Lorax Award from the Global Tomorrow Coalition, a group representing over 100 environmental organizations. But, most important to the people of the Tenth District of Illinois, have been JOHN's efforts to protect human health and the environment at home.

He orchestrated an agreement between the government and the polluters of Waukegan Harbor on Lake Michigan to clean it up. He led an effort to preserve the 290 acres of open space on the northern part of Fort Sheridan and make it available for recreation by transferring it from the army to the Lake County Forest Preserve District at no cost.

He sought and found effective solutions to help area residents and businesses along the North Branch of the Chicago River who suffered from flood damage. Thanks to his efforts, flood waters are now diverted from people's basements to a number of large reservoirs.

JOHN also has been a leading supporter of environmental projects that benefit all the residents of northeastern Illinois. He obtained funding to study Lake Michigan's shoreline erosion and to stabilize it. He introduced legislation to alleviate high water levels in Lake Michigan by increasing water diversion down the Illinois River and secured additional funding for wetland preservation.

So whether you are a resident of JOHN PORTER's district, the City of Chicago and any of its suburbs, or the tropical rain forests of any developing nation, your environment has been positively impacted by the efforts of a great environmental advocate, our friend, JOHN PORTER.

Mr. Speaker, I would like to add that I also have received a statement from the gentleman from New Jersey (Mr. FRELINGHUYSEN), and I would like to just say that he also applauds his work to increase funding for the National Institutes of Health and biomedical research, and says that believing that more funds would lead to more cures for disease and other medical advances. Chairman PORTER embarked on an ambitious program to double the NIH budget.

I would like to also say that he particularly remembers his work with JOHN PORTER as a Member of the Subcommittee on Foreign Operations. In particular, he recalls one battle that was waged with Mr. PORTER. They worked together, in 1997, when they opposed certain provisions of the fiscal year 1998 foreign operations appropriation bill that they thought should not have been included. He says the one thing that he could say about JOHN PORTER is that he always he always stands up for his principles, and, in this particular case, like so many others, he prevailed in the end because he knew the facts and he knew the cause was just.

The gentlewoman from New York (Mrs. MALONEY) says that she had had the privilege of working with Mr. PORTER on such a wide variety of issues; women's rights, health care, human rights, family planning, the environment and many, many more.

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He was always a tremendous advocate for bipartisan cooperation. Over the years, they often worked together to forge common sense solutions to important issues facing our Nation. She says that she knows that there are many Members of Congress who would join her in this sentiment, and she believes that that alone is an outstanding tribute to any Member of the U.S. House of Representatives. In the case of Congressman PORTER, it is an exceptionally fitting tribute.

She had the distinct pleasure of working with Mr. PORTER on international family planning issues and stood together in opposition to any antidemocratic gag rules which would interfere with the availability of family planning around the world.

On this issue, as with so many others, Congressman PORTER has touched so many lives; it is hard to measure the full impact of his efforts.

I would like to then turn to some remarks which I think are very fitting, and that is a thank you to Mr. PORTER from his staff. And they have said that the House of Representatives and the 10th District of Illinois will not be the same next year as Congressman JOHN PORTER sets off on a new career path. Members of his staff would like to take this opportunity to express their gratitude for the journey that they have traveled with him over the past 21 years.

Mr. Speaker, I will quote:

> Some of us have worked for the Congressman almost his entire time in office. Our longevity is a testament to the respect and

appreciation we have for his honesty, integrity, and leadership. The Boss, as we affectionately called him, has been the one constant amidst the hectic pace of a congressional office caught in a whirlwind of issues, including a government shutdown and impeachment hearings.

He has vigorously pursued those issues of greatest interest to him, including biomedical research, human rights, and environmental conservation. He has never wavered from his duty to fairly represent the people of Illinois' 10th Congressional District.

Congressman Porter rarely lets an occasion go by without acknowledging his appreciation for what he calls "the best congressional staff in America." However, leadership and success come from the top.

Congressman Porter has set service to his constituents as the highest priority. From his impeccable manners, to his insistence that no constituent request goes without response, he has taught us that everyone is to be treated equally.

The honor of working for Congressman John Porter has enriched our lives in more ways than we can ever express.

In the communities of Illinois' wonderful 10th Congressional District, it is a name that commands respect. We know this because we hear his praises sung daily. Even constituents who disagree with his vote respect his judgment and his courage to vote his conscience.

So as you move on, Boss, we wish you the great success in your next endeavor. We know that you will continue to contribute your many talents to helping the people of this great Nation. Thank you, Congressman Porter for setting the standard that others follow. Thank you for giving us the joy of working in this exciting environment that allows us to learn something new each day and be of service to others.

Thank you for standing by us during the ups and downs we have experienced in our personal lives over the past 21 years. Most of all, thank you for letting us be members of the Porter family, to work for you and be with you. We have loved every minute.

Signed Linda Maneck, Dee Jay Kweder, Ed Kelly, Ginny Hotaling, Carol Joy Cunningham, Mary Jane Partridge, Nancy Johnson, Linda Mae Carlson, Jerri Lohman, Katharine Fisher, Spencer Perlman, Jeannette Windon, Michael Liles, Erik Rasmussen, Jori Frahler and David Fabrycky."

Is that not a nice tribute to have from the members of your staff?

Mr. Speaker, much has been written during this presidential election year of legacy of what a public servant bequests to his succeeding generations, not just on his last days in office, but over the entirety of his career.

Let me close tonight's special order by summing up the sentiments expressed by my colleagues regarding the legacy of our esteemed colleague, JOHN EDWARD PORTER.

What we have heard tonight is that JOHN PORTER has not sought out glory or tried to advance his name at any cost. JOHN is the kind of Congressman that will leave a long record of accomplishments when he walks out of this Chamber as we adjourn sine die.

First, JOHN leaves a great legacy to the 10th District in the State of Illinois. As our governor, State senators and representatives mentioned in their letters and as my colleagues from Illinois attested tonight, JOHN's contributions are without equal. Among the many projects for which he will be remembered, his funding for the METRA Commuter rails that link the northern suburbs of Illinois with downtown Chicago and O'Hare Airport.

Second, JOHN leaves a great legacy to this country. His crusade to increase NIH funding will no doubt lead one day to the cures for the diseases that will save millions of lives. His work on behalf of women's and children's health issues, it is unparalleled.

JOHN leaves a great legacy for our world community. He has represented those around the world who are not able to represent themselves. JOHN fights not only for the most popular crusades, but also for the countries and people forgotten by the glare of CNN. This is a proud legacy.

Perhaps most importantly, JOHN leaves a great legacy for the people whose lives he has personally and directly touched. The thoughtful and loving testimony shared here tonight by his staff and former staff members speak out volumes on the quality and decency of this fine man.

Tonight we heard of the legacy that JOHN has created during his years of service in this body. We heard but a small part of the large impact he has made on his district, his State, his country, and the world.

But tonight is not a leave-taking. It is the exciting commencement of the next stage of JOHN's career. We will all watch with great pride and interest the new challenges that JOHN will decide to tackle in the months and years to come. We all will know that whatever cause or causes he chooses to take on in his next career will be benefited and blessed by his fine touch.

They say there is no limit to the amount of good that a man can do in this world if he does not care who gets the credit. Well, JOHN never cares and never has cared who has gotten the credit, and JOHN can never be credited sufficiently for the great good he has done in this world.

We will all miss JOHN PORTER a great deal, but we are all honored to have been able to serve with a leader of such integrity, dedication, and commitment to principle.

Tonight we celebrate his legacy, we delight in his friendship, and we wish JOHN EDWARD PORTER the very best that life has to offer.

Mr. Speaker, I include for the RECORD the following speech:

SPEECH DELIVERED BY GERALD LEMELLE, DEPUTY EXECUTIVE DIRECTOR FOR AMNESTY INTERNATIONAL USA, ON THE OCCASION OF A FAREWELL RECEPTION FOR REPRESENTATIVE JOHN PORTER, CO-CHAIRMAN OF THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, OCTOBER 3, 2000

Distinguished members of Congress, distinguished staff, dear friends and colleagues, it is my bittersweet pleasure to be here to bid farewell to our dear friend and Co-Chairman of the Congressional Human Rights Caucus, Congressman John Porter.

Chairman Porter has been a key leader in ensuring that the Congressional Human Rights Caucus did not just survive the abolition of caucuses, but has managed to thrive—even "thrive" might be an understatement! Today, the Human Rights Caucus has an almost frantic pace of briefings—Guatemala, Burma, Sudan, Algeria, East Timor, Turkey—it matters not the range of countries or even issues, all these countries are covered in a week, with recognized experts or with the activists who are on the front line of these issues! But the Caucus does not cover only countries in the headlines but countries and peoples forgotten by the glare of CNN. The Caucus is here to ensure that human rights around the world remain a focal point for congressional activity—even when Congress gets caught up in other business. And for that, sir, we salute you.

But Chairman Porter has gone beyond the Caucus in his pursuit of human rights. When Native American leaders converged on Washington earlier this year to call for the release of Leonard Peltier, they found a receptive ear in Chairman Porter who hosted an important briefing in which we in Amnesty International were honored to participate. When the Turkish government has gone on a public relations offensive, or when the Administration despite its wiser counsel has decided to pursue arms transfers to that NATO ally, it is Congressman Porter who has been publicly on the side of human rights.

In 1995, at a briefing organized by the Congressional Human Rights Caucus, when Nigeria was suffering under the oppression of the late dictator Sani Abacha, Chairman Porter was one of the few voices calling Abacha what he was—a dictator—and one of the lone voices blasting the Administration's policy.

And of course we cannot talk about the Chairman without talking about Kathryn Porter, a human rights activist in her own right. While her work on behalf of the Kurdish people and Afghani women is widely recognized and celebrated, we also remember the singular courage she exhibited when she spent some time with Jennifer Harbury in Guatemala, on a lonely stretch of rural road outside an Army base.

While a politician might boast of the state dinners he or she has attended, Chairman Porter attended a "stateless" dinner on behalf of Chinese dissidents. While politics is well tuned to the powerful and the popular, Chairman Porter has stood by the underdogs, supporting the rights of religious and ethnic minorities throughout the world, including the Armenians and the Ba'hais. While many in Congress have shunned the challenge of confronting the violations by powerful allies such as Saudi Arabia, Chairman Porter seems to embrace such opportunities. While governments and their representatives tend to have relationships with other governments, we can safely say that Chairman Porter has built relationships with peoples.

We in Amnesty International USA with its 300,000 members in the United states and more than a million members worldwide can say that we are a grateful people for your leadership and your support. I should also add, if I want my staff not to kill me, that your staff has also been fabulous, including Rachel Helfand, Karen Davis, Heidi Gasch, Katharine Fisher, Kelly Currie, and Jeannette Windon. We have grown to respect and rely on them as well.

Whether from your keynote speech at the Latin American Ambassadors Colloquium in

1991 or your steadfast support in issue after issue, you have always been there for us and for human rights, with integrity and principle that is second to none. Dear Chairman Porter, it's not just staffers who voted you number one Congressperson who will be missed most—we also read Washingtonian magazine—we too will miss you deeply.

Thank you sir for your wonderful example and contribution to human rights. You are a real hero to us.

Mr. FRELINGHUYSEN. Mr. Speaker, today we salute the very distinguished gentleman from Illinois, Mr. JOHN EDWARD PORTER, as he prepares to retire after 20 years of dedicated service in the House of Representatives, to the people of Illinois, and to our Nation. I rise to join my colleagues in paying tribute to him and the legacy he leaves behind.

Mr. PORTER embodies a unique blend of fiscal conservatism and social moderation. He is known as a most thoughtful, articulate, and responsible member of the Appropriations Committee, a consistent advocate for human rights for all people, a protector of volunteers to encourage their greater participation in their communities, and a supporter of programs that help men, women, and children in need to have full and productive lives.

It has been my honor to serve with Mr. PORTER as a member of the House Appropriations Committee for the past six years. As Chairman of its Labor, Health and Human Services, Education Subcommittee, he has had the Herculean task of shepherding the largest domestic spending bill through our committee and this Chamber. Not only does this bill contain a substantial amount of money, it also contains a substantial amount of controversial policy issues. Mr. PORTER has done an excellent job of balancing all the competing interests as he worked to craft his annual bill.

In this regard, I applaud especially his work to increase funding for the National Institutes of Health and biomedical research. Believing that more funds would lead to more cures for diseases and other medical advances, Chairman PORTER embarked on an ambitious program to double the NIH budget over five years. Against all odds, and under tight budget constraints, he has managed to increase NIH funding by 15 percent a year for the past three years. At this rate, Congress would meet his goal of doubling that budget in five years. I hope that my colleagues would continue toward that objective and that his leadership with the NIH will be remembered as one of his greatest legacies.

On a more personal note, I particularly remember our work as members of the Foreign Operations Subcommittee. In particular, I recall one battle we waged together in 1997 when we opposed certain provisions of the Fiscal Year 1998 Foreign Operations Appropriations bill that we thought should not have been included. One thing you can say about JOHN PORTER, he always stands up for his principles. In this particular case, like so many others, he prevailed in the end because he knew the facts and the cause was just.

My work with Mr. PORTER was not just confined to the Appropriations Committee, as both of us have been members of the Tuesday Lunch Bunch. Here we consumed a lot of pizza and discussed issues facing us in Congress that deserved extra attention and deliberation.

While we are saddened to see Mr. PORTER retire, we join in wishing him well in the future and thanking him for the high standard he has set for all of us.

Mrs. MALONEY of New York. Mr. Speaker, I want to thank the Illinois delegation for organizing this Special Order tonight, and I want to thank my friend JUDY BIGGERT for coordinating this particular effort honoring Congressman JOHN EDWARD PORTER.

I am here to honor my friend, Chairman JOHN PORTER, who is retiring at the end of this session of Congress. Mr. PORTER has been a good friend, he has been a terrific legislative partner, and he has been a superior legislator.

I have had the privilege of working with Mr. PORTER on such a wide variety of issues—women's rights, health care, human rights, family planning, the environment, and many, many more. He has always been a tremendous advocate for bipartisan cooperation. Over the years, we have often worked together to forge commonsense solutions to important issues facing our Nation. And I know that there are many Members of Congress who would join me in this sentiment. I believe that alone is an outstanding tribute to any Member of this House. In the case of Congressman PORTER, it is an exceptionally fitting tribute.

I had the distinct pleasure of working with Mr. PORTER on international family planning issues. We stood together in opposition to any anti-democratic gag rules, which interfere with the availability of family planning around the world. On this issue, as with so many others, Congressman JOHN PORTER has touched so many lives, it is hard to measure the full impact of his efforts.

He is a leader on protecting the environment. As co-chair of the Human Rights Caucus, he has been a leader on human rights. As Chairman of the Labor-HHS Subcommittee, he has been a leader on biomedical research.

This year, I am proud to serve as the cochair of the Congressional Caucus for Women's Issues. And every year, the Women's Caucus testified before his subcommittee.

Congresswomen would line up to testify about a whole host of issues—family planning, women's health, title IX, biomedical research, education funding, diabetes, cancer, heart disease, obesity, long-term health care, breast cancer, teen pregnancy, mental health, AIDS, osteoporosis, STD's, child care, homelessness, Head Start, pediatric asthma, violence against women, and many more subjects.

Chairman PORTER often said it was his favorite day in the subcommittee. Mr. PORTER was always interested, attentive, informed, and compassionate. We always knew we had a real advocate and friend on so many of these important issues in Chairman PORTER. He will be sorely missed by the Women's Caucus, he will be missed by the entire Congress, and his leadership will be missed by countless Americans whose lives have been touched by his work.

Mr. REGULA. Mr. Speaker, I know JOHN PORTER as a friend and as a member of the Appropriations Committee. We have served together on the committee during his entire twenty year tenure in Congress.

JOHN PORTER will be remembered as one of the most consistent fiscal conservatives on the Appropriations Committee during his service in office. During his first fourteen years as a minority member of the Labor-Health-and-Human Resources Subcommittee, JOHN worked tirelessly to assure strict oversight of the agencies under his jurisdiction. During that period, we looked to his leadership to hold the line on excessive spending by that subcommittee.

Also during our period together in the minority, JOHN worked hard to reform a budget process which he thought contributed to excessive Federal spending. As a member of the majority, JOHN has continued fighting to reform the budget process during the past six years. He has argued throughout his career that adopting a bipartisan budget resolution in March of each year would help restrain domestic spending at the end of each year. We will remember his thoughtful and wise counsel on how to use the budget process to control Federal spending.

As Chairman of the Labor-HHS Subcommittee JOHN has worked closely with the minority. He is respected equally by both Republicans and Democrats on the committee for his bipartisan approach. JOHN has worked effectively with the minority to manage and control Federal appropriations, and to establish and impose performance measures on Federal agencies. He has gained the respect of all of those who have worked closely with him.

Some of our colleagues will remember JOHN for his strong commitment to medical research. JOHN has championed medical research because of his belief in a better society for our children. His leadership on funding for medical research reflects his concern for the well being of all people.

He has used his position on the Appropriations Committee to make the Federal Government more accountable to taxpayers. JOHN has insisted, like his subcommittee predecessor Bill Natcher, on attending every oversight and public hearing. In order to ensure that all of his colleagues have a chance to amend the Labor-HHS bill, he has insisted on bringing the bill to the House floor every year. JOHN has managed the Labor-HHS in a manner which reflects the principles of our representative democracy.

We will miss JOHN's integrity and his independence. JOHN's work in Congress during the past twenty years will contribute to a stronger democracy for future generations. We will miss him as a leading member of the Appropriations Committee, and we hope that he will stay in close contact with all of his former colleagues on both sides of the aisle.

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to an outstanding Member of Congress and an individual who has helped make this Nation a better place for families, our veterans, and our armed forces.

Mr. PORTER first came to Congress in 1980. Since that time he has become a recognized leader in health care issues. He has always done a commendable job in working in a bipartisan manner to fund valuable programs through the most difficult of situations. His keen interest in supporting health care, education and labor issues, has helped set Federal priorities in those critical areas which further the best interests of our country.

Mr. PORTER and I share an interest in health care issues, which I developed in my days in the Ohio State Senate. I have always appreciated Chairman PORTER's leadership in supporting needed programs in the Labor/Health and Human Services bill to benefit pediatric care, physician training, mental health services, and other important health programs.

As a former Army Reservist, Mr. PORTER has approved a valued member of the Military Construction Appropriations Subcommittee, where I serve as Chairman. Mr. PORTER has always been a strong advocate for improving the living and working conditions for our military personnel and their families and he will be missed on our subcommittee.

Today, as we honor Mr. PORTER, I am pleased to join with his friends and colleagues, his wife, Kathryn, and his children, in wishing him all the best in the years to come and to thank him for his years of dedicated service to our Nation.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with members of the Ohio delegation and other members of the Appropriations Committee to honor the efforts and the many outstanding achievements of Representative JOHN PORTER. His many contributions as a member of the House of Representatives and leadership as a valued Committee Chairman will be remembered.

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to a great Illinoisan and a dedicated Congressman. My colleague, Congressman JOHN EDWARD PORTER, dedicated 20 years of his life to serve as the Representative from Illinois' Tenth Congressional District. At the helm of the Labor, Health and Human Services, and Education Appropriations Subcommittee, Congressman PORTER worked diligently to forge bipartisanship in the appropriations process.

Over the course of Congressman PORTER's tenure in the House of Representatives, he has taken a leadership role on health care issues. As Chairman of the Labor, HHS and Education appropriations since 1995, he was successful in making biomedical research one of our Nation's highest priorities. This is evidenced in the fact that during his tenure as Chairman, Congressman PORTER doubled funding for the National Institutes of Health (NIH). Congressman PORTER understands the great promise that NIH's research holds for saving lives and conquering diseases such as cancer, diabetes, Parkinson's disease, heart disease, and many others. In addition, he worked tirelessly to provide more funding for community health centers that serve the indigent poor.

I can speak endlessly on Representative PORTER's accomplishments, but I would be remiss if I did not point out that beyond his stellar accomplishments, he is a man of honor and integrity. And as Congressman PORTER enters into retirement, I am grateful to have served with a Member of such high esteem.

Mr. COSTELLO. Mr. Speaker, it is an honor for me to rise today to join my colleagues in paying special tribute to my good friend and colleague from Illinois, Mr. JOHN PORTER. Mr. PORTER and I have worked on many bipartisan issues to improve our nation and home state of Illinois including many health care initiatives. Since coming to Congress, I have appreciated his friendship and admired his work within the Illinois delegation and on the House Appropriations Committee.

Mr. PORTER began his distinguished career as an attorney, having graduated from the University of Michigan in 1961. JOHN PORTER has represented the 10th District and the State of Illinois well. He has dedicated himself to representing the citizens of the Great State of Illinois and has been tireless in his efforts to ensure medical research at NIH will continue and is adequately funded. In addition, he has helped countless people in the United States and around the world in an effort to resolve human rights issues.

Mr. Speaker, JOHN PORTER has served this institution well and he will be greatly missed. I wish Mr. PORTER and his family well in the years to come.

Mr. CRANE. Mr. Speaker, it is a pleasure for me to give this tribute to my good friend and colleague JOHN PORTER. John has served with distinction and honor with me for nearly 22 years in the United States House of Representatives.

JOHN is retiring this year as a senior member of the House Appropriations Committee, Vice-Chairman of the Foreign Operations Subcommittee, and Chairman of the Labor, Health & Human Services and Education Subcommittee. He also serves on the Military Construction Subcommittee.

Like all Congressmen, he on occasion has had things happen to bring him back down to earth. Several years ago when flying into O'Hare he stopped to freshen up before leaving the airport. After washing his hands he went to dry them. The hand dryer had a note attached to it that read: "Press here for a message from your Congressman."

On a more serious note, JOHN is founder and co-chairman of the Congressional Human Rights Caucus, a voluntary bipartisan association of members of Congress working to identify, monitor and end human rights violations worldwide.

JOHN also has nearly as large a kennel of bulldogs called Watchdogs of the Treasury from the National Taxpayers Union as I have in my office.

But JOHN has a record we should all be envious of—in 1992, he was one of only six out of 435 House members named a "Taxpayer Superhero" by the Grace Commission's Citizens Against Government Waste.

In 1994, he was one of only 35 members of the House to be cited by the Grace Commission for his votes against higher spending and taxes.

In 1997, JOHN had the best score of any House member in the bipartisan Concord Coalition's analysis of spending votes, earning him a place on the Coalition's "Honor Roll" of members with the strongest commitment to eliminating deficits and balancing the budget. The Concord Coalition placed him on its "Honor Roll" again for his 1998 voting record.

JOHN is regarded as one of the leaders of the "Green Republicans" in the House. A supporter of the Clean Air and Clean Water Act, he has enacted landmark legislation to stop destruction of tropical rainforests, fought to prevent unregulated export of waste, and has advocated new standards for recycling and energy efficiency.

A strong supporter of the arts and humanities, JOHN was appointed to the Board of Directors of the Kennedy Center for the Performing Arts in 1999, one of only five House members to receive this honor.

We all know JOHN loves golf almost as much as politics. JOHN will now have more time to spending working on his swing on the golf course. It is indeed an honor for me to salute Congressman JOHN PORTER.

Mr. LANTOS. Mr. Speaker, I rise today with a heavy heart to say good-bye to one of my dearest friends in this Chamber. I know that the entire House shares my sense of loss in the departure of one of the truly great legislators who has served this body for now over 20 years, the gentleman from Illinois, my friend JOHN EDWARD PORTER, I know that not only the 10th District of Illinois will miss him sorely.

Mr. Speaker, when I was a very junior Member of this House, I one day received a request from a young but already distinguished Republican, who wanted to meet with me. As you can imagine, I was impressed and honored to receive such a request, and I happily agreed to this meeting. I still remember vividly that day in my office with JOHN, his wife Kathryn Cameron Porter, and my wife Annette. What resulted from this meeting was not only the start of our long friendship with JOHN and Kathryn Porter, but also that JOHN and Kathryn suggested the creation of what I consider one of the most important entities in this body—the Congressional Human Rights Caucus. JOHN and Kathryn both experienced government harassment first hand, when the female members of their congressional delegation to the former Soviet Union were strip searched.

Mr. Speaker, JOHN and I have proudly cochaired the Congressional Human Rights Caucus since its inception in 1983, and have seen it grow into easily the most active working group on any issue on the Hill with currently over 257 Members from both sides of the aisle. No one can ever measure how many countless people JOHN PORTER has helped, how many people he has given hope, how many times he has spoken out in the defense of human rights, how often he has fought human rights violations wherever they occurred. The Caucus Mandate states, that the purpose of our organization is to "focus bipartisan attention on the most fundamental American values: the sanctity of the individual and the inalienable rights on which the Founders created our country," In doing that, and in continuing to do that, JOHN PORTER is a true American hero.

I am grateful that JOHN PORTER invited me to serve with him as co-chairman of the Human Rights Caucus. Annette and I are proud and honored to be his friends, and I know that he and I will continue to work on human rights issues. Farewell and Godspeed, and good luck in all your future endeavors.

Mr. Speaker, a few days ago the Congressional Human Rights Caucus formerly said good-bye to our outstanding Co-Chairman in a moving reception. Let there be no mistake, JOHN PORTER is still needed, and I know that he will always be closely involved with the human rights community in whatever capacity. For those Members of the Caucus who unfortunately could not attend our farewell to JOHN, let me just say that it was one of the most moving events the Caucus has held. Leaders of the human rights community representing organizations from around the world came to pay tribute to his outstanding leadership. Mr. Speaker, I submit for the Record two of the most moving tributes.

The first one is by our outstanding Assistant Secretary for Democracy, Human Rights and Labor, Harold Hongju Koh, and the second by Gerald LeMelle, Deputy Executive Director for Amnesty International USA.

Statement for the Record by Assistant Secretary Harold Hongju Koh

I am honored to join Members of Congress in this special tribute to the remarkable Rep. John Porter. A friend and ally to human rights activists and survivors, John has used his extraordinary talents and his time in Congress for decades to bring human rights issues and concerns to their rightful place on the national agenda. The work of John and the brilliant Tom Lantos in forming the Congressional Human Rights Caucus captures everything we seek in an American human rights policy: bipartisan, principled, global, executed by a genuine partnership between the executive and legislative branches, and deeply committed not just to addressing broad policy questions, but to improving the plight of individual people.

Those of us in the Department of State, in particular at the Bureau for Democracy, Human Rights and Labor, are blessed because our work receives such strong bipartisan support on Capitol Hill. There are many Members, on both sides of the aisle, who care deeply and passionately about human rights and fundamental freedoms. But passion needs a leader. And John, along with Tom Lantos, has been more than their leader—he has been their inspiration. Let me also take this occasion to pay tribute to John's own inspiration—Katharine Porter—who by her own witness, has given so much of herself for so many years to improving human rights for so many.

To highlight John's many accomplishments would take the rest of the evening. Let me say only that Congressional leadership on human rights issues has largely been the result of John's and Tom's joint vision, activism, and hard work. John not only established himself as a leader in the struggle for human dignity, by calling upon Colleagues to join the Caucus, he has focused their combined energies on a range of human rights issues that others said were losing propositions. From East Berlin to East Timor, the positive developments of the past seventeen years demonstrated again and again just how wrong John's critics were. Together with Katherine and their partners in this endeavor, Tom and Annette Lantos, John has challenged all of us to season after season of work on behalf of human rights victims. He initiated briefings, speeches, letters, phone calls, prayer vigils, and even fasts so that cause after cause was heard. He challenged us to remain dedicated to the principle that the cause of liberty is always worth the effort.

John Porter has been the conscience of the Congress on human rights. Although he now changes venue, whatever path he now chooses, he will surely remain a powerful ally in the struggle for human rights. As the Assistant Secretary for Democracy, however, I have half a mind to move to his district and exercise my vote, repeatedly, to force him to stay in office! Congressman Porter, Katharine: Good Luck and Godspeed.

Speech Delivered by Gerald LeMelle, Deputy Executive Director for Amnesty International USA

Distinguished member of Congress, distinguished staff, dear friends and colleagues, it is my bittersweet pleasure to be here to bid farewell to our dear friend and Co-Chairman of the Congressional Human Rights Caucus, Congressman John Porter.

Chairman Porter has been a key leader in ensuring that the Congressional Human Rights Caucus did not just survive the abolition of caucuses, but has managed to thrive—even "thrive" might be an understatement! Today, the Human Rights Caucus has an almost frantic pace of briefings—Guatemala, Burma, Algeria, East Timor, Turkey—it matters not the range of countries or even issues, all these countries are covered in a week, with recognized experts or with the activists who are on the front line of these issues! But the Caucus does not cover only countries in the headlines but countries and peoples forgotten by the glare of CNN. The Caucus is here to ensure that human rights around the world remain a focal point for congressional activity—even when Congress gets caught up in other business. And for that, we salute you.

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Whether from your keynote speech at the Latin American Ambassadors Colloquium in 1991 or your steadfast support in issue after issue, you have always been there for us and for human rights, with integrity and principle that is second to none. Dear Chairman Porter, it's not just staffers who voted you number one Congressperson who will be missed most—we also read Washingtonian magazine—we too will miss you deeply.

Thank you sir for your wonderful example and contribution to human rights. You are a real hero to us.

Mr. GILMAN. Mr. Speaker, I consider it a privilege to rise to honor the retirement of a colleague who has been an outstanding leader of this body.

I have had the opportunity to work with John Porter since he first came to this Chamber back in 1980. He brought with him honor to this job, and has shown great commitment and dedication to his country.

Prior to his election to Congress, John practiced law and served in the Illinois House of Representatives for eight years. He brought with him a great deal of legislative experience and has shown a rich understanding of the legislative process. The leadership skills that have allowed him to accomplish so much are inspiring.

John has accomplished a great deal while serving as Chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. He has diligently worked to allocate funds for family planning and for Medicaid.

John has worked to revitalize involvement in the political process, trying to draw voters in, to take part in the legislative process. He has been an advocate for education. He has also worked tirelessly to increase spending on medical research, recognizing the need to find cures for many life-threatening diseases.

As Chairman of the International Relations Committee, I am pleased to note that John Porter co-founded the Congressional Human Rights Caucus, and has in that capacity worked to raise awareness of the injustices that have been occurring in other countries.

John Porter has been a reformer who has crossed party lines on many issues. He has earned the respect of his colleagues on both sides of the aisle. His courage, and his dedication to his constituents is to be commended.

To John's wife, Kathryn, and their five children, we wish you all the best. I am sure you are as proud as we are of the many great years of service John has given to his office, to his constituents, and to our nation.

John Porter has been a great asset to this body, having fought hard for the people of his Congressional district and our nation. We all wish John good health and happiness in his retirement.

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to my friend and colleague, Chairman John Porter. John Porter is retiring from the U.S. House of Representatives after eleven impressive terms. Although I am sure that John will continue to be active on issues such as health care, the environment, and human rights, his presence will be missed by the House of Representatives as a whole and by the Illinois delegation in particular.

As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, John has been a tireless advocate of the Centers for Disease Control and the National Institutes of Health. In fact, JOHN has worked to increase funding for the National Institutes of Health, with a goal of doubling spending from fiscal year 1997 to 2002. Because of JOHN's efforts, Congress is on track to meet this important goal. By increasing funding for biomedical research into effective treatments and possible cures for diabetes, cancer, AIDS, and other life-threatening diseases, JOHN is helping to save lives. He is also helping to save our nation billions of dollars in health care costs. This is a proud legacy to leave behind.

In addition, JOHN can be proud of his active involvement in protecting and promoting human rights around the world. JOHN is the founder and co-chairman of the Congressional Human Rights Caucus, a voluntary bipartisan association of Members of Congress working to identify, monitor and end human rights violations worldwide. I am proud to be one of the 250 Members of Congress who participate in this important caucus. JOHN cares deeply about the plight of the persecuted around the world and has regularly engaged in fasts and prayer vigils to bring needed national attention to the issue of human rights. Although JOHN's leadership and active participation will be sorely missed, the Congressional Human Rights Caucus will continue JOHN's crusade to protect and promote human rights around the globe. Again, this a proud legacy to leave behind.

Finally, although JOHN and I do not always agree on all issues, I have always admired his conservative stance on fiscal issues. I also consider myself a fiscal conservative and admire JOHN's unwavering commitment to eliminating deficits and balancing the federal budget. He should be proud that he is leaving Congress in an era of balanced budgets and record budget surpluses.

Again, although I am sure that JOHN will remain active on issues like health care, the environment, and human rights, he will be missed here in the House of Representatives. He has served his constituents and the nation well. I wish JOHN the best of luck in all of his future endeavors.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. HANSEN (at the request of Mr. ARMEY) for today and the balance of the week on account of wife's surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CLAY, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MOLLOHAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. An act to amend title 5, United States Code, to allow for the contributions of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1654. An act to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 1715. An act to extend and reauthorize the Defense Production Act of 1950.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of pubic schools, roads, and other purposes.

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plague commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech.

H.R. 2883. An act to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargant River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. An act to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. An act to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 3995. An act to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5107. An act to make certain corrections in copyright law.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act".

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 1809. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

ADJOURNMENT

Mrs. BIGGERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, October 19, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10611. A letter from the Multimedia Systems Manager, Communications and Information, Department of the Air Force, Department of Defense, transmitting the Department's final rule—Visual Information Documentation Program (RIN: 0701–AA–63) received October 17, 2000,. pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10612. A letter from the Secretary of Defense, transmitting a Technology Control Assessment Plan pursuant to the National Defense Authorization Act for Fiscal Year 2001; to the Committee on Armed Services.

10613. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drugs and Biological Products in Pediatric Patients; Technical Amendment [Docket No. 97N–0165] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10614. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (Branchinecta sandiegoensis) (RIN: 1018–AF97) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10615. A letter from the Assistant Secretary for Land and Minerals Management, Department on the Interior, transmitting the Department's final rule—Amendments to Gas Valuation Regulations for Indian Leases (RIN: 1010–AC72) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10616. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Dealer and Vessel Reporting Requirements [Docket No. 991104295–0259–02; I.D. 100599D] (RIN: 0648–AM74) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10617. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2001 [I.D. 100400C) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10618. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period [Docket No. 000119014–0137–02; I.D. 100400D] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10619. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Special Management Zones [Docket No. 000616183–0278–02; I.D. 053000E] (RIN: 0648–AN35) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10620. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transporation, transmitting the Department's final rule—Traffic Separation Scheme: In the Approaches to Los Angeles—Long Beach, California [USCG–2000–7695] (RIN: 2115–AF99) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10621. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transporation, transmitting the Department's final rule—Safety Zone; Strategic Booming Exercise in the Cape May Harbor, Cape May, NJ [CGD05–00–047] (RIN: 2115–AA97) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Fees for FAA Services for Certain Flights; Extension of Comment Period [Docket No. FAA–00–7018; Admt. No. 187–11] (RIN: 2120–AG17) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Service Difficulty Reports [Docket No. 28293; Amendment No. 135–78] (RIN: 2120–AF71) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area; Modification of the Dimensions of the Grand Canyon National Park Flight Rules Area and Flight Free Zones—received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30205; Amdt. No. 2013] received October, 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30204; Amdt. No. 2012] received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10627. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines [Docket No. 2000–NE–38–AD; Amendment 39–11913; AD 2000–20–02] (RIN: 2120–AA64) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10628. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; CSX Railroad Bridge (South Fork of the New River), Ft. Lauderdale, Broward County, FL [CGD07–00–092] received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10629. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Florida East Coast Railway Bridge, across the Okeechobee Waterway, mile 7.4, at Stuart, Martin County, FL [CGD07–00–097] October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10630. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments [USCG–2000–7790] received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10631. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Allowing Alternatives to Incandescent Light in Private Aids to Navigation [USCG 2000–7466] (RIN: 2115–AF98) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10632. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Milford Haven, Virginia [CGD05-00-042] received October 16, 20000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10633. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone and Anchorage Regulations; Delaware Bay and River [CGD05-00-048] (RIN: 2115-AA98) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10634. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Thunderbird Air Show, Long Island Sound, Governor Alfred E. Smith/Sunken Meadow State Park, Kings Park, NY [CGD01-00-224] (RIN: 2115-AA97) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10635. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit—received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility (RIN: 1545-AW74) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 3250. A bill to amend the Public Health Service Act to improve the health of minority individuals; with an amendment (Rept. 106-986). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1552. A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the Marine Research and related environmental research and development program activities of the National Oceanic and Atmospheric Administration and the National Science Foundation, and for other purposes; with an amendment (Rept. 106-987 Pt. 1). Ordered to be printed.

Mr. WALSH: Committee of Conference. Conference report on H.R. 4635. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-988). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 637. Resolution providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-989). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 638. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4635) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-990). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 639. Resolution providing for consideration of the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106-991). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 640. Resolution providing for the consideration of motions to suspend the rules (Rept. 106-992). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1552. Referral to the Committee on Resources extended for a period ending not later than October 20, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WALSH:

H.R. 5482. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. PACKARD:

H.R. 5483. A bill making appropriations energy and water development for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. BILBRAY:

H.R. 5484. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits tax on electricity sold in Orange and San Diego Counties in California during the summer of 2000; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 5485. A bill to temporarily exempt from restrictions on carriage in coastwise trade the transport of petroleum and petroleum products between ports designated by the President; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Neal of Massachusetts, Mrs. Johnson of Connecticut, Mr. Matsui, Ms. Dunn, Mr. Cardin, Mr. Ramstad, and Mr. Sam Johnson of Texas):

H.R. 5486. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 5487. A bill to establish the W. John Child Memorial Foreign Language Award to recognize foreign language proficiency by members of the Foreign Service who are employees of the Department of Agriculture; to the Committee on International Relations.

By Mr. FRELINGHUYSEN (for himself and Mr. Weldon of Pennsylvania):

H.R. 5488. A bill to strengthen the National Defense Features program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas:

H.R. 5489. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. Boehlert, Mr. Rodriguez, Mr. Hobson, Mr. Boyd, Mr. Frelinghuysen, Ms. Kaptur, Mr. Gilman, Mrs. Meek of Florida, Mr. Towns, and Mr. McGovern):

H.R. 5490. A bill to amend title 10, United States Code, to provide for an Office of Air Force Research and enhance research functions of the Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. Spence, and Mr. Neal of Massachusetts):

H.R. 5491. A bill to suspend until June 30, 2003, the duty on certain R-core transformers; to the Committee on Ways and Means.

By Ms. McKINNEY:

H.R. 5492. A bill to require nationals of the United States that employ individuals in a foreign country to provide full transparency and disclosure in all their operations; to the Committee on International Relations.

By Mr. RADANOVICH:

H.R. 5493. A bill to improve the ability of local communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior and to respond to the local impacts of the heavy public use of the Federal lands administered by these agencies; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RILEY (for himself and Mr. Everett):

H.R. 5494. A bill to ensure that certain property which was taken into trust by the United States for the benefit of the Poarch Band of Creek Indians of Alabama to protect such land from development shall not be used for gaming; to the Committee on Resources.

By Mr. SIMPSON (for himself, Mr. Kind, Mr. Sherwood, and Mr. Peterson of Minnesota):

H.R. 5495. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture.

By Mr. SOUDER:

H.R. 5496. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenace and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes; to the Committee on Resources.

By Mr. WELLER (for himself, Mr. Foley, Mr. Becerra, Mr. Matsui, Mr. Ramstad, Mr. English, Mr. Rogan, Mr. Sessions, Mr. Sensenbrenner, Mr. Lewis of Georgia, Mr. Coyne, Mrs. Maloney of New York, Mrs. Jones of Ohio, Mr. Waxman, Mr. Condit, and Mr. Berman):

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain audio or video postproduction equipment; to the Committee on Ways and Means.

By Mr. EWING:

H.R. 5498. A bill to permit landowners to assert otherwise available State law defenses against real property claims by Indian tribes; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 114. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. HOEKSTRA (for himself, Mr. Frank of Massachusetts, Mr. Collins, and Mrs. Maloney of New York):

H. Res. 641. A resolution expressing the sense of the House of Representatives that Federal Prison Industries, Inc., should immediately cease taking excess Federal computer equipment and selling such computer equipment and other excess Federal property in the commercial market; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Rangel, and Mrs. Maloney of New York):

H. Res. 642. A resolution to honor Drs. Eric R. Kandel and Paul Greengard for being awarded the Nobel Prize in Physiology or Medicine for 2000, and for other purposes; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 995: Mr. Cox.

H.R. 1020: Mr. Murtha and Mr. LaTourette.

H.R. 1396: Mr. Blagojevich and Mr. McNulty.

H.R. 1515: Mr. Coyne.

H.R. 1890: Mr. Andrews.

H.R. 2635: Mr. Pallone.

H.R. 2720: Mr. Strickland.

H.R. 3003: Mr. McIntyre.

H.R. 3052: Mr. Cox.

H.R. 3202: Mr. Andrews.

H.R. 3218: Mr. Ehlers.

H.R. 3463: Mr. Andrews.

H.R. 3590: Mr. Hefley.

H.R. 3766: Mr. Gutknecht.

H.R. 4042: Mr. Pallone.

H.R. 4127: Mr. Cox.

H.R. 4272: Mr. Knollenberg, Ms. Baldwin, and Mrs. Thurman.

H.R. 4273: Mr. Knollenberg, Ms. Baldwin, and Mrs. Thurman.

H.R. 4277: Mrs. Capps and Mr. Gekas.

H.R. 4412: Ms. Carson and Ms. Waters.

H.R. 4467: Mr. Goodlatte.

H.R. 4471: Mr. Pastor.

H.R. 4543: Mr. Dingell, Mr. DeMint, and Mrs. Tauscher.

H.R. 4547: Mr. Goodlatte.

H.R. 4698: Mr. Cox.

H.R. 4723: Mr. DeMint.

H.R. 4728: Mr. Evans and Mr. Hall of Texas.

H.R. 4740: Mr. Boehlert, Mr. Wu, and Mr. Hoeffel.

H.R. 4773: Mr. Kennedy of Rhode Island.

H.R. 4825: Mr. Sanders, Mr. Ackerman, Mr. Andrews, and Mr. Boucher.

H.R. 4887: Ms. Velázquez, Ms. Carson and Mr. Payne.

H.R. 4971: Mr. Wolf, Mr. Wexler, and Mrs. Fowler.

H.R. 4976: Mr. Nussle, Ms. Brown of Florida, Mrs. McCarthy of New York, Mr. Foley, Mr. Talent, Mr. Bryant, Mr. Kingston, and Mr. Pastor.

H.R. 5079: Mr. Minge.

H.R. 5080: Mrs. Lowey.

H.R. 5090: Mr. Cox.

H.R. 5091: Mr. Norwood.

H.R. 5095: Mr. Blumenauer.

H.R. 5137: Mr. Kucinich, Ms. Carson, and Mr. Blumenauer.

H.R. 5247: Mr. Weygand.

H.R. 5265: Mr. McCrery and Mr. Scarborough.

H.R. 5344: Mr. Cox.

H.R. 5349: Mr. Burr of North Carolina, Mr. Frelinghuysen, Mr. Goode, Mr. LoBiondo, Mr. McInnis, Mr. McKeon, Mr. Miller of Florida, Mr. Stearns, and Mr. Tiahrt.

H.R. 5361: Mr. Kennedy of Rhode Island.

H.R. 5401: Mr. Green of Texas.

H.R. 5423: Mr. Hinojosa, Mr. Vitter, and Mr. Walden of Oregon.

H.R. 5475: Mr. Nadler.

H.R. 5479: Mr. Stark and Ms. Woolsey.

H. Con. Res. 321: Mr. Rodriguez.

H. Con. Res. 337: Mr. Pascrell, Ms. Carson, Mr. George Miller of California, Mr. Gejdenson, Ms. Rivers, and Mr. LaTourette.

H. Con. Res. 421: Mr. Tanner, Mr. Jenkins, Mr. Duncan, Mr. Gordon, and Mr. Ford.

H. Con. Res. 426: Mr. Simpson, Mr. Owens, Mr. Foley, Ms. DeGette, Mr. Udall of Colorado, Mr. Scarborough, Mr. Camp, Mr. Young of Alaska, Mr. Hall of Texas, Mr. Lampson, Mr. Chambliss, Mr. Wamp, Mr. Aderholt, Mrs. Meek of Florida, Mr. Boyd, Mr. Schaffer, Mr. Filner, Mr. Barcia, Ms. Brown of Florida, Mr. Towns, Mr. Pallone, Mr. Reynolds, Mrs. Myrick, Mr. McGovern, Mr. Dicks, Mr. Weldon of Florida, Mrs. Northup, Ms. Pryce of Ohio, Mr. Souder, Mr. Brown of Ohio, Mr. Baker, Mr. Kleczka, Mr. Tierney, Mr. Porter, Mr. Largent, and Mr. Kasich.

H. Res. 146: Ms. Baldwin.

H. Res. 203: Mr. Pickering.

H. Res. 631: Mr. Greenwood, Mr. Kennedy of Rhode Island, and Mrs. McCarthy of New York.

H. Res. 635: Mrs. Capps, Mr. Peterson of Minnesota, Mr. Minge, Mr. George Miller of California, Mrs. Tauscher, Mr. Ortiz, Mr. Sisisky, Ms. Waters, Ms. Pelosi, Mr. Engel, Mr. Weiner, Mr. Burton of Indiana, Mr. Duncan, Mr. Franks of New Jersey, Mr. Houghton, Mr. Lewis of Kentucky, Mr. Hall of Ohio, Mr. Payne, Mr. Scott, Mr. Skelton, Mr. Andrews, Mr. Stark, Mr. Lewis of Georgia, Mr. Frank of Massachusetts, Mr. Ballenger, Mr. Ewing, Mr. Wamp, Mr. Conyers, Mr. Owens, Mr. Baca, Mr. Pickett, Mr. Luther, Mrs. Maloney of New York, Ms. Lee, Mr. Shuster, Mr. Martinez, Mr. Watt of North Carolina, Mr. Bachus, Mr. Thompson of Mississippi, Mr. Gillmor, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Dickey, Ms. Baldwin, Mr. Baldacci, Mr. Condit, Ms. Eddie Bernice Johnson of Texas, Mr. Toomey, Mr. Clement, Ms. Jackson-Lee of Texas, and Mr. Taylor of Mississippi.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2796

Offered By: Mr. Sfuster

(Amendment in the Nature of a Substitute)

Amendment No. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

(a) Projects With Chief's Reports.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) Barnegat inlet to little egg inlet, new jersey.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) Port of new york and new jersey, new york and new jersey.—

(A) In general.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) Credit.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(b) Projects Subject to Final Report.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) False pass harbor, alaska.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) Unalaska harbor, alaska.—The project for navigation, Unalska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) Rio de flag, flagstaff, arizona.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) Tres rios, arizona.—The project ecosystem restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) Los angeles harbor, california.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) Murrietta creek, california.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) Santa barbara streams, lower mission creek, california.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(8) Upper newport bay, california.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(9) Whitewater river basin, california.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(10) Delaware coast from cape henlopen to fenwick island.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) Port sutton, florida.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) Barbers point harbor, hawaii.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(13) John myers lock and dam, indiana and kentucky.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) Greenup lock and dam, kentucky and ohio.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) Ohio river mainstem, kentucky, illinois, indiana, ohio, pennsylvania, and west virginia.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) Monarch-chesterfield, missouri.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) Antelope creek, lincoln, nebraska.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) Sand creek watershed, wahoo, nebraska.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) Western sarpy and clear creek, nebraska.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) Raritan bay and sandy hook bay, cliffwood beach, new jersey.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) Raritan bay and sandy hook bay, port monmouth, new jersey.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of

$32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

(23) WOLF RIVER, TENNESSEE.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) MIDDLE CUYAHOGA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(19) Tullytown Borough, Pennsylvania.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) In General.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) Cost Sharing.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) Reimbursement.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) Level of Flood Protection.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).".

SEC. 202. HARBOR COST SHARING.

(a) In General.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking "45 feet" each place it appears and inserting "53 feet".

(b) Applicability.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

(a) Environmental Dredging.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(b) Project Modifications for Improvement of Environment.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(c) Lakes Program.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

"(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

"(25) Lower Hudson River and tributaries, New York;

"(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

"(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.".

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) In General.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) Consultation and Coordination.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) Credits.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) Indian Tribe Defined.—In this section, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) In General.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) Transfer Authority.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) Definitions.—In this section, the terms "Indian tribe" and "Native American" have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

"(2) Criteria and procedures.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3)."; and

(2) in paragraph (3)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33

U.S.C. 2323a(d)) is amended to read as follows: "There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.".

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) In General.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) Report.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) In General.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) Procedures for Consideration and Reporting of Benefits.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) In General.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) Supporting Materials.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) Annual Report to Congress.—

(1) In general.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) Contents.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following: .

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) Pilot Program.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) Design-Build Defined.—In this section, the term "design-build" means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) Report.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

"SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

"(a) Projects Subject to Independent Review.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

"(b) Establishment of Panels.—

"(1) In general.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

"(2) Membership.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

"(3) Limitation on appointments.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

"(4) Consultation.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

"(5) Compensation.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) Duties of Panels.—A panel of experts established for a project under this section shall—

"(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

"(2) receive written and oral comments of a technical nature concerning the project from the public; and

"(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

"(d) Duration of Project Reviews.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

"(e) Recommendations of Panel.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

"(1) consider any recommendations contained in the evaluation;

"(2) make the evaluation available for public review; and

"(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

"(f) Costs.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

"(g) Report.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

"(h) Eligible Project Defined.—In this section, the term 'eligible project' means—

"(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

"(2) a water resources project—

"(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

"(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

"(ii) to which an affected State objects.".

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) In General.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

"(e) Enhanced Public Participation.—

"(1) In general.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

"(2) Membership.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

"(3) Limitation.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).".

SEC. 217. MONITORING.

(a) In General.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) Duration.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) Reports.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) Eligible Water Resources Project Defined.—In this section, the term "eligible project" means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) Costs.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after "environmental impacts" the following: "(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)"; and

(2) by inserting after the second sentence the following: "The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.".

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) Design of Mitigation Projects.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking "(1)" and inserting "(A)"; and

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(d) After the date" and inserting the following:

"(d) Mitigation Plans as Part of Project Proposals.—

"(1) In general.—After the date";

(4) by adding at the end the following:

"(2) Design of mitigation projects.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

"(3) Recommendation of projects.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated."; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) Concurrent Mitigation.—

(1) Investigation.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking "paragraph (3) and" and inserting "paragraph (3),"; and

(2) by striking "paragraph (4)" and inserting "paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements".

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "$40,000,000" and inserting "$50,000,000".

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking "Not more than ½ of the" and inserting "The".

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) In General.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) Specific Conveyance.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) Inventory and Assessment of Other Dams.—

(1) Inventory.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) Assessment of rehabilitation needs.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) Report to Congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) Interim Actions.—

(1) In general.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) Exclusion.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) Federal share.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) Coordination.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking "Lake" and inserting "Visitor Center"; and

(2) in paragraph (1) by striking "at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas" and inserting "on property provided by the city of Fort Smith, Arkansas, in such city".

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking "$8,600,000" and all that follows through "$2,150,000" and inserting "$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000".

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) Inclusion of Reach.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) Clarification.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting "shoreline associated with the" after "damage to the".

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) In General.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) Definitions.—For purposes of this section, the term "stabilize and renovate" includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking "TOTAL" and inserting "FEDERAL"; and

(2) by striking "total" and inserting "Federal".

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986

(100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) Revision of Project Cooperation Agreement.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) In General.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) Reduction.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.

The project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to direct the Secretary to prepare a limited reevaluation report to determine the feasibility of carrying out a nonstructural flood damage reduction project at the Green Brook Sub-Basin. If the Secretary determines that the nonstructural project is feasible, the Secretary may carry out the nonstructural project.

SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) Membership.—The task force shall be composed of 22 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the

achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718-3719), is amended by adding at the end the following:

"(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(g) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 334. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 335. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 336. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 337. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 338. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724-3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643-4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 343. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking "$8,000,000" and inserting "$20,000,000".

SEC. 344. COLUMBIA RIVER, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 345. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318-319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", printed as House Document number 99-135.

SEC. 346. RENTON, WASHINGTON.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) REIMBURSEMENT.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking "$12,000,000" and inserting "$73,000,000".

SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project substantially in accordance with the plans, and subject to the conditions, described in the watershed plan prepared by the Natural Resources Conservation Service for the project, dated 1992.

SEC. 349. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

SEC. 350. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) Narraguagus River, Milbridge, Maine.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) Cedar Bayou, Texas.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) Redesignation.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) Limitation.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) Area To Be Declared Nonnavigable; Public Interest.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) Boundaries.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17′25″ East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1, and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24′25″ West a distance of 1.00 feet;

(2) South 7°01′17″ West a distance of 170.15 feet;

(3) South 5°02′54″ West a distance of 180.00 feet;

(4) North 85°24′25″ West a distance of 3.00 feet;

(5) South 5°02′54″ West a distance of 260.00 feet;

(6) South 5°09′11″ West a distance of 110.00 feet;

(7) South 0°34′35″ West a distance of 110.27 feet;

(8) South 4°50′37″ West a distance of 220.00 feet;

(9) South 4°50′37″ West a distance of 365.00 feet;

(10) South 85°24′25″ East a distance of 5.00 feet;

(11) South 4°06′20″ West a distance of 67.00 feet;

(12) South 6°04′35″ West a distance of 248.08 feet;

(13) South 3°18′27″ West a distance of 52.01 feet;

(14) South 4°55′58″ West a distance of 133.00 feet;

(15) North 85°24′25″ West a distance of 1.00 feet;

(16) South 4°55′58″ West a distance of 45.00 feet;

(17) North 85°24′25″ West a distance of 7.00 feet;

(18) South 4°56′12″ West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55′58″ West a distance of 127.00 feet;

(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34′35″ West a distance of 12.55 feet;

(2) South 4°35′35″ West a distance of 118.50 feet;

(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25′14″ West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;

(3) South 30°42′49″ West a distance of 76.96 feet;

(4) South 22°06′03″ West a distance of 689.43 feet;

(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29′53″ West a distance of 267.84 feet;

(2) North 24°25′00″ West a distance of 195.01 feet;

(3) North 26°45′00″ West a distance of 250.00 feet;

(4) North 31°15′00″ West a distance of 205.00 feet;

(5) North 21°35′00″ West a distance of 110.00 feet;

(6) North 44°00′53″ West a distance of 26.38 feet;

(7) North 33°49′18″ West a distance of 74.86 feet;

(8) North 34°26′26″ West a distance of 12.00 feet;

(9) North 31°06′16″ West a distance of 72.06 feet;

(10) North 22°35′00″ West a distance of 150.00 feet;

(11) North 16°35′00″ West a distance of 420.00 feet;

(12) North 21°10′00″ West a distance of 440.00 feet;

(13) North 17°55′00″ West a distance of 340.00 feet;

(14) North 28°05′00″ West a distance of 375.00 feet;

(15) North 16°25′00″ West a distance of 585.00 feet;

(16) North 22°10′00″ West a distance of 160.00 feet;

(17) North 2°46′36″ West a distance of 65.54 feet;

(18) North 16°01′08″ West a distance of 70.04 feet;

(19) North 49°07′00″ West a distance of 79.00 feet;

(20) North 19°16′00″ West a distance of 425.00 feet;

(21) North 16°37′00″ West a distance of 285.00 feet;

(22) North 25°20′00″ West a distance of 360.00 feet;

(23) North 33°00′00″ West a distance of 230.00 feet;

(24) North 32°40′00″ West a distance of 310.00 feet;

(25) North 27°10′00″ West a distance of 130.00 feet;

(26) North 23°20′00″ West a distance of 315.00 feet;

(27) North 18°20′04″ West a distance of 302.92 feet;

(28) North 20°15′48″ West a distance of 387.18 feet;

(29) North 14°20′00″ West a distance of 530.00 feet;

(30) North 16°40′00″ West a distance of 260.00 feet;

(31) North 28°35′00″ West a distance of 195.00 feet;

(32) North 18°30′00″ West a distance of 170.00 feet;

(33) North 26°30′00″ West a distance of 340.00 feet;

(34) North 32°07′52″ West a distance of 232.38 feet;

(35) North 30°04′26″ West a distance of 17.96 feet;

(36) North 23°19′13″ West a distance of 111.23 feet;

(37) North 7°07′58″ West a distance of 63.90 feet;

(38) North 8°11′02″ West a distance of 378.90 feet;

(39) North 15°01′02″ West a distance of 190.64 feet;

(40) North 2°55′00″ West a distance of 170.00 feet;

(41) North 6°45′00″ West a distance of 240.00 feet;

(42) North 0°10′00″ East a distance of 465.00 feet;

(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14′01″ East a distance of 119.30 feet;

(2) North 46°15′13″ East a distance of 47.83 feet;

(3) North 59°53′02″ East a distance of 53.32 feet;

(4) North 38°20′43″ East a distance of 27.31 feet;

(5) North 68°12′46″ East a distance of 48.67 feet;

(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44′53″ East a distance of 623.56 feet;

(2) South 34°33′00″ East a distance of 200.00 feet;

(3) South 26°18′55″ East a distance of 500.00 feet;

(4) South 19°06′40″ East a distance of 1074.29 feet;

(5) South 28°03′18″ East a distance of 242.44 feet;

(6) South 18°38′50″ East a distance of 1010.95 feet;

(7) North 71°20′51″ East a distance of 90.42 feet;

(8) South 18°49′20″ East a distance of 158.61 feet;

(9) South 80°55′10″ East a distance of 45.14 feet;

(10) South 18°04′45″ East a distance of 52.13 feet;

(11) North 71°07′23″ East a distance of 102.59 feet;

(12) South 18°41′40″ East a distance of 63.00 feet;

(13) South 71°07′23″ West a distance of 240.62 feet;

(14) South 18°38′50″ East a distance of 668.13 feet;

(15) North 71°28′46″ East a distance of 958.68 feet;

(16) North 18°42′31″ West a distance of 1001.28 feet;

(17) South 71°17′29″ West a distance of 168.48 feet;

(18) North 18°42′31″ West a distance of 642.00 feet;

(19) North 71°17′37″ East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 353. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341-199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes.04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 mirutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 354. WYOMING VALLEY, PENNSYLVANIA.

(a) IN GENERAL.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.

(b) ADDITIONAL PROJECT ELEMENTS.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:

(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.

(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.

(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.

(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.

(5) All necessary evaluations and modifications to all elements of the existing flood

control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.

(c) Credit.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of $500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.

(d) Modification of Mitigation Plan and Project Cooperation Agreement.—

(1) Modification of mitigation plan.—The Secretary shall provide for the deletion, from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.

(2) Modification of project cooperation agreement.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its $1,800,000 total cost from the mitigation plan under paragraph (1).

(e) Maximum Project Cost.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

SEC. 355. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources development Act of 1996, is modified to authorize the project at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) Escambia bay and river, florida.—Project for navigation, Escambia Bay and River, Florida.

(2) Illinois river, havana, illinois.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) Spring lake, illinois.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) Port orford, oregon.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) In General.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

"(b) Consultation.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

"(c) Priority Consideration.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

"(1) Delaware River.

"(2) Potomac River.

"(3) Susquehanna River.

"(4) Kentucky River.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) Assessments.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) Period.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) Reports.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) Lower Mississippi River System Defined.—In this section, the term "Lower Mississippi River system" means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) Authorization of Appropriations.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) In General.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) Consultation.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) Components of the Study.—

(1) Computer modeling.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) Research.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) Use of Information.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) Report to Congress.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking "date of enactment of this Act" and inserting "first date on which funds are appropriated to carry out this section.".

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) In General.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) In General.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled "Preliminary Investigation: Lone Star Management Project", prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled "Master Plan of Drainage", to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled "Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California".

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

"SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

"(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

"(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.".

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled "Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road", to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff),".

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking "date of enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2000"; and

(2) by inserting "and Miami" after "Pensacola Dam".

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C.

2309a) a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) COST SHARING.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to the Houston Ship Channel from Redfish Reef to Morgan Point in Galveston, Texas.

SEC. 437. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 438. MILWAUKEE, WISCONSIN.

(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324-325) is amended by adding at the end the following:

"(d) CREDIT.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.".

SEC. 440. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) ACTIVITIES.—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) DETERMINATION.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) IN GENERAL.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) REIMBURSEMENT.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.±

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the "Program") and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) COOPERATIVE ACTIVITIES.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) GEOGRAPHIC SCOPE.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the "Bay-Delta Estuary"), as identified in the agreement entitled the "Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate".

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b-13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and $800,000 for each fiscal year beginning after September 30, 2003,".

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C.

2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).".

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) Project Authorization.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: ", including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) Authorization of Appropriations.—Section 541(b) of such Act is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) In General.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) Lands, easements, and rights-of-way.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) Operation, maintenance, repair, rehabilitation, and replacement.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) Credit for non-federal work.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) In General.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) Project Selection.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) Cost Sharing.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) Nonprofit Entity.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) Missouri River Mitigation Project.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) Upper Missouri River Aquatic and Riparian Habitat Mitigation Program.—

(1) In general.—

(A) Study.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) Pilot program.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) Reservoir fish loss study.—

(A) In general.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) Authorization of appropriations.—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) $200,000; and

(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.

(c) Missouri and Middle Mississippi Rivers Enhancement Project.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

"(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.".

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) Definitions.—In this section, the following definitions apply:

(1) Committee.—The term "Committee" means the Las Vegas Wash Coordinating Committee.

(2) Plan.—The term "Plan" means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) Project.—The term "Project" means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) Participation in Project.—

(1) In general.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) Cost sharing requirements.—

(A) In general.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) Operation and maintenance.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) Federal lands.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) Authorization of appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) In General.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) Technical Assistance, Staff, and Financial Support.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) Flexibility.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) Research.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) In General.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) Scope of Research.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) Location.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) Report to Congress.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) Implementation of Strategy.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) Cooperation Agreements.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) Non-Federal Share.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) Upper Mohawk River Basin Defined.—In this section, the term "Upper Mohawk River basin" means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) In General.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) Cost Share.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) Conditions.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) Major Disaster Defined.—In this section, the term "major disaster" means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) In General.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) Evaluation.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) Findings.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) Sense of House of Representatives.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) Modeling and Forecasting System.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) Use of Contracts and Grants.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) No Effect on Other Needs.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) Use of Management Plans.—

(1) Lower columbia river estuary.—

(A) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) Tillamook bay estuary.—

(A) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) Authorized Activities.—

(1) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) Limitations.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) Priority.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) Cost-Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) Ecosystem restoration projects.—

(A) In general.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items provided by non-Federal interests.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) In-kind contributions.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) Operation and maintenance.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) Federal lands.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) Definitions.—In this section, the following definitions apply:

(1) Lower Columbia River estuary.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) Tillamook Bay estuary.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: "If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley."

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

"(d) Research.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.".

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) In General.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking "and" at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) the Lackawanna River, Pennsylvania.".

(b) Authorization of Appropriations.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting ", and $5,000,000 for projects undertaken under subsection (a)(1)(C)" before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) In General.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Cooperation Agreements.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) Implementation of Strategy.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.".

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) Transfer From TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) Report.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) In General.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) Project Selection.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(c) Project Cost Limitation.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) Cost Sharing.—

(1) In general.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) Credit.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) Meeting non-Federal cost share.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) Critical Restoration Project Defined.—In this section, the term "critical restoration project" means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67-68-C-0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

"(d) HISTORIC STRUCTURE.—The Secretary shall ensure the stabilization and preservation of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.".

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive

Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting "environmental restoration," after "distribution facilities,".

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: "Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.".

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

(a) Illinois River Basin Defined.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) Comprehensive Plan.—

(1) Development.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) Technologies and innovative approaches.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) Specific components.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) Consultation.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) Additional studies and analyses.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) Critical Restoration Projects.—

(1) In general.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) Federal share.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) General Provisions.—

(1) Water quality.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) Public participation.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) Coordination.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) Justification.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) Applicability.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) Operation, maintenance, rehabilitation, and replacement.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) In-kind services.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) Credit.—

(A) Value of lands.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) Work.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 570. GREAT LAKES.

(a) Great Lakes Tributary Model.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

"(3) Report.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) In general.—There is authorized";

(B) by adding at the end the following:

"(2) Great lakes tributary model.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) Alternative Engineering Technologies.—

(1) Development of plan.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) FISHERIES AND ECOSYSTEM RESTORATION.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2005.".

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

"(28) Tomales Bay watershed, California.

"(29) Kaskaskia River watershed, Illinois.

"(30) Sangamon River watershed, Illinois.

"(31) Lackawanna River watershed, Pennsylvania.

"(32) Upper Charles River watershed, Massachusetts.

"(33) Brazos River watershed, Texas.".

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

"(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

"(17) Morehead City Harbor, North Carolina.".

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking "and design" and inserting "design, and construction";

(2) in subsection (c) by striking "50" and inserting "35";

(3) in subsection (e) by inserting "and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and" after "entities"; and

(4) by striking subsection (f) and inserting the following:

"(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

"(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

"(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.".

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

"(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

"(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.".

SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking "$20,000,000" and inserting "$30,000,000";

(2) in subsection (f)(4) by striking "$15,000,000" and inserting "$35,000,000";

(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000";

(4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000";

(5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000";

(6) in subsection (f)(43) by striking "$15,000,000" and inserting "$35,000,000"; and

(7) in subsection (f) by adding at the end the following new paragraph:

"(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.".

SEC. 585. LAND CONVEYANCES.

(a) Thompson, Connecticut.—

(1) In general.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) Land description.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled "Property Survey Prepared for West Thompson Independent Firemen Association #1" dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) Reversion.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) Sibley Memorial Hospital, Washington, District of Columbia.—

(1) In general.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the "Hospital") by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) Land description.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) Terms and conditions.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) Limitation on the use of certain portions of the parcel.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) Limitation on certain legal challenges.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) Easement.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) Appraisal.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) Ontonagon, Michigan.—

(1) In general.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together

with any improvements thereon, for public ownership and for public purposes.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM–46 and FM–47, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation

of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and east of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

SEC. 587. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled "An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)", approved November 1, 1988 (102 Stat. 2944), is amended by striking "$2,000,000" and inserting "$4,000,000".

SEC. 589. DEVILS LAKE, NORTH DAKOTA.

No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) Treatment of credit between projects.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) Periodic monitoring.—

(i) In general.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) Audits.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) Evaluation of Projects.—

(1) In general.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) Project justification.—

(A) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) Applicability.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) Exclusions and Limitations.—The following Plan components are not approved for implementation:

(1) Water included in the plan.—

(A) In general.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) Project-specific feasibility study.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) Wastewater reuse.—

(A) In general.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) Submission.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) Projects approved with limitations.—The following projects in the Plan are approved for implementation with limitations:

(A) Loxahatchee National Wildlife Refuge.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) Southern Corkscrew regional ecosystem.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) Assurance of Project Benefits.—

(1) In general.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) Agreement.—

(A) In general.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) Enforcement.—

(i) In general.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) Limitations on commencement of civil action.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) Trust responsibilities.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) Programmatic regulations.—

(A) Issuance.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) Concurrency statement.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) Content of regulations.—

(i) In general.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) Report on Aquifer Storage and Recovery Project.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) Full Disclosure of Proposed Funding.—

(1) Funding from all sources.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) Funding from corps of engineers civil works program.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) Surplus Federal Lands.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) Severability.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) Findings.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of Congress.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) Pick-sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) State.—The term "State" means the State of South Dakota.

(4) Task force.—The term "Task Force" means the Missouri River Task Force established by section 705(a).

(6) Trust.—The term "Trust" means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) Establishment.—There is established the Missouri River Task Force.

(b) Membership.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) Duties.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) Assessment.—

(1) In general.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) Consultation.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) Plan for Use of Funds Made Available by This Title.—

(1) In general.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) Contents of plan.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) Plan review and revision.—

(A) In general.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) Revision of plan.—

(i) In general.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

EXTENSIONS OF REMARKS

TRIBUTE TO JASON HAYES OF MADISON, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a very brave and fortunate young man from Madison, Alabama, Mr. Jason Hayes. Last Thursday while in a Yemen port, the U.S.S. *Cole* was attacked with a bomb that blew open a 40 by 40 ft. hole in the midsection of the ship. The attack destroyed an engine room and nearby mess hall. Hayes was on the mess deck at the time and is currently recovering from cuts, bruises, smoke inhalation and a chemical burn on his foot.

Hayes, a third class petty officer on the Navy destroyer, is a hero. The word "hero" is not a word to be flippantly uttered—but Hayes and the other surviving sailors aboard the U.S.S. *Cole* that day are heroes. Their quick and brave actions saved lives as well as the ship.

Today, people from all across North Alabama and especially his friends in the Madison area are gathering at the Huntsville International Airport to welcome their hero and his family home. I cannot be there today but I wish I could to join his friends in telling Jason how proud we are of him and how thrilled we are that he is home safe. Hayes is a 1995 graduate of Bob Jones High School and his parents, Jean and Stephen, still live in the Madison community. Our community has come together in this crisis after receiving word of Jason's injuries and it is right that we gather to celebrate his homecoming. Jason and the Hayes family including Jason's wife, Roxanne, in Norfolk have been in our prayers.

What happened last Thursday was an intolerable act of terrorism. Across the country, 17 families are having much different and much more solemn ceremonies than the Hayes today as they bury their sons and daughters who did not survive the attack. My thoughts and prayers are with those families today. I urge our federal agents to exhaust all conceivable avenues to capture those responsible and bring them to justice for this horrific crime.

On behalf of the Congress of the United States, I want to express my gratitude for Jason's bravery and his service. I know today is an emotional and special day for the Hayes family and the Madison community. I hope that this time is a time for them to relish being together and celebrate the bonds of family.

J.T. WEEKER SERVICE CENTER

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. HYDE. Madam Speaker, I rise in support of H.R. 5016, which designates the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the J.T. Weeker Service Center. It is with great pride that we in the Illinois Congressional Delegation honor a man for whom our entire Nation is eternally grateful.

John Thomas (J.T.) Weeker was born in New York, New York in 1947. He graduated from Cornell University in 1969 and completed Executive Management Programs at Harvard, Pennsylvania State, and Duke Universities.

Mr. Weeker began his career with the Postal Service in 1972 in Akron, Ohio, as District Director, Employee Relations and served in a variety of management positions for the Postal Service throughout the United States. In 1988 he was appointed General Manager/Postmaster of the Albany, NY Field Division, and served in that capacity until 1993, when he was appointed District Manager for the Albany District.

When Mr. Weeker was appointed to direct operations of the U.S. Postal Service's Great Lakes Area in 1995, mail service in the area had been lambasted by public and postal officials the year before. Joining a rehabilitation effort already in progress, Mr. Weeker, known for fostering optimism in his coworkers, stressed employee development and built a professional relationship with the region's largest postal customers. He brought tremendous energy to this effort, despite his own fragile health. In 1977, he received a kidney and pancreas transplant to replace organs damaged by a lifelong struggle with diabetes.

As Vice President of Operations of the Great Lakes Area, Mr. Weeker was responsible for mail processing and distribution, customer service and sales operations in a territory covering most of Illinois, Indiana, and Michigan, serving 25 million customers and staffed by more than 80,000 employees in 32 plants and 2,140 post offices.

Noted for his innovative leadership and team building activities, Mr. Weeker implemented the first extensive Quality Process in the Postal Service and was a founding member of the first national Management by Participation committee. During the four years he directed operations, Mr. Weeker changed operational structures in the office, as well as the way the region examined its performance. As a result, mail delivery times in the Great Lakes Area, and especially in Chicago, improved considerably. In FY 1998, the overnight committed first-class mail arrived on time in the Great Lakes Area 93.4 percent, and 93.5 percent in Chicago and further improvements were seen in FY 1999 and FY 2000.

Mr. Weeker died on January 6, 2000 at the University of Wisconsin Hospital in Madison, Wisconsin. He is survived by his wife, Julia (from Wheaton, Illinois), his parents Samuel and Maxine, his sister Wendy Vaccaro, and his brothers, Brett and Scott.

Madam Speaker, I urge the adoption of H.R. 5016. I thank the gentleman from Illinois (Mr. BLAGOJEVICH) for recognizing this great man from Illinois.

IN HONOR OF SALLY MORILLAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to one of Cleveland's finest citizens. Mrs. Sally Morillas. At 86 years old, Mrs. Morillas continues to be an example of selflessness, volunteerism, and the spirit of community.

Sally Morillas was born in Missouri, but she spent most of her childhood in Youngstown, Ohio. Mrs. Morillas became an active force in her community at an early age. Following her graduation from Oberlin College in 1934, Mrs. Morillas was instrumental in organizing the Youngstown Steelworkers Union. She continued her admirable fight on behalf of the Union until moving to Cleveland in 1942.

Since then, Sally Morillas has made immeasurable contributions to the city of Cleveland, particularly for women and the Hispanic community. Her interminable commitment to peace has earned her prominent positions in the Women's International League for Peace and Freedom and Women Speak Out for Peace and Justice. Her unfailing dedication to peace first became evident during the Vietnam War when she participated in anti-war demonstrations in Cleveland and in Washington, DC. However, Mrs. Morillas does not only exercise her political activism during times of war and struggle. She worked diligently on the campaign to lift the embargo on Cuba and on the effort to return Elian Gonzales to his family in Cuba.

Beyond her extraordinary involvement with international issues and world peace, Mrs. Morillas also supports causes that hit closer to home. As a full-time teacher at Glenville High School for 7 years and a substitute teacher for 10 years, Mrs. Morillas aimed to advance the interests of teachers through her membership in the Cleveland Teacher's Union. In addition to the Teacher's Union, Mrs. Morillas honorably served on the first advisory committee of the Hispanic Senior Center, where she is still a member. Finally, she donated considerable time and effort as a senior companion for the Benjamin Rose Institute, a non-profit, health

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and social services organization that seeks to help Cleveland's elderly population.

Despite her numerous other commitments, Sally Morillas always found time for her family. She has one daughter, Lucha, with her husband Diego Morillas who passed away in 1966.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me today in honoring this remarkable woman, Sally Morillas. The tremendous impact that she has made on her community and the city of Cleveland will last for generations to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 19, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 20

9 a.m.

Armed Services

To hold closed hearings on issues related to the attack on the U.S.S. *Cole*.

SR–222

SENATE—*Thursday, October 19, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy, holy, holy, Lord God Almighty. Heaven and Earth are filled with Your glory. Praise and thanksgiving be to You, Lord most high. Ruler of the universe, reign in us. Creator of all, recreate our hearts to love You above all else. Provider of limitless blessings, may we never forget that we have been blessed to be a blessing. Sovereign of our Nation, we commit our lives to You. We surrender the false idols of our hearts: Pride, position, power, past accomplishments. Without You, we could not breathe a breath, think a thought, or devise a plan. May our only source of security be that we have been called to be both Your friends and Your servants. You are the reason for living, the only one we must please, and the one to whom we are ultimately accountable. With united minds and hearts, we dedicate the work of this Senate to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Missouri is recognized.

SCHEDULE

Mr. ASHCROFT. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today. At 12:30, the Senate will recess for a party caucus meeting until 2:15 p.m. It is hoped that the Senate will receive the HUD–VA appropriations conference report and/or the continuing resolution from the House by early afternoon. The Senate may also have a procedural vote with respect to the bankruptcy reform bill during today's session. Therefore, Senators can expect up to three votes this afternoon. As usual, Senators will be notified as votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each and with the time to be equally divided between the two leaders or their designees.

Under the previous order, the Senator from Missouri, Mr. ASHCROFT, is recognized to speak for 15 minutes.

The Senator from Missouri.

REMEMBERING GOVERNOR MEL CARNAHAN

Mr. ASHCROFT. Mr. President, today I rise with a deep sense of sadness. As you all are aware, on Monday night Missouri's Governor, Mel Carnahan, was killed in a tragic plane crash. Also killed in the crash were the Governor's son, Randy Carnahan, and the Governor's long-time aide, Chris Sifford. My wife Janet and I join with all Missourians in mourning these deaths. We express our deepest sympathies to the Carnahan and Sifford families. We will continue to pray that God will grant these families comfort, healing, and strength in this time of great sorrow. This is a time when the Carnahan and Sifford families must bear the burden of a tragedy so unexpected and so profound that each of us feels their loss. That our Senate campaign could have ended so tragically is shocking.

As the collective heart of Missouri mourns the loss of a leader, this is a time for unity and common purpose in Missouri. We, as both a State and Nation, join together to mourn the loss of Governor Carnahan—a committed public servant. Although we were competing for the same office, Governor Carnahan and I had a unique relationship united by the common bonds of public service and respect for the people of Missouri. We both were honored to be sons of educators. We both loved time spent with our families on our farms.

Governor Carnahan and I also shared a commitment to the greatest promise for our Nation's future: the education of our children. We committed to the commonsense idea that to continue our prosperity, we should invest part of the Federal surplus in educating America's children. That is a theme which I will pursue with intensity here in the Senate. Governor Carnahan has always been present and accounted for when duty called. He served as a member of the United States Air Force. He was a municipal judge. As a member of the State House of Representatives, he served as majority flood leader. He was elected State Treasurer in 1980, Lieutenant Governor in 1988, and Governor in 1992. He was highly respected and the State prospered during his time as Governor.

As we absorb the blow of this tragedy, we should be reminded of what truly is important in life—commitment to God, to family, and to our fellow citizens. These were the commitments of Mel Carnahan. He served the people of Missouri with dignity and honor for more than four decades. I will remember him, and all of Missouri will remember him, for his dedication to his family—as a husband, a father, and a grandfather. We are all grateful that Mel Carnahan was willing to spend his life serving the people and the State of Missouri. I again extend my deepest sympathies to Governor Carnahan's wife, Jean, and to his family. Our prayers are with them in this time of great loss.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague from Missouri in telling the family of Mel Carnahan how deeply sorry we all are.

It must be a terribly difficult time for the citizens of his State, for his family, and for everyone who knew him. I hope we can carry on his tradition, one about which he talked so much in the last four decades, of making sure all of our children get a good education and the people of this great country have the opportunities about which he cared so deeply.

I thank the Senator from Missouri.

EDUCATION

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about education.

In the past month, students across our country have gone back to school.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

They have entered schools where there are health and safety hazards, and they are trying to learn in classrooms that are overcrowded. They are competing for the time and attention of a teacher, and they are looking to us for support.

I am frustrated to say this, but as this session of Congress draws to a close, this Congress has done very little to support those children across this country. This Congress, for the first time in 30 years, has failed to reauthorize the Elementary and Secondary Education Act. That is a disservice to students who are trying to learn in overcrowded classrooms, to students who are stuck in crumbling schools, and to students who do not feel safe at school.

We can't pass ESEA reauthorization; it is too late. But we do have one place to make it up: in the final funding plan for the upcoming fiscal year.

There are kids out there counting on us to do the right thing, and we need to pass a budget that addresses their needs. That is why I have come to the floor today, to urge my colleagues to do just that.

As I look back on this session of Congress, I am frustrated by the way this process has broken down. We have been updating our national education policy for about 30 years. It has always been a bipartisan and productive process—but not this year. This year, the ESEA reauthorization was stalled by sharp partisanship. We had a chance to make a lot of progress, but this Congress failed.

We weren't able to update our Nation's education policy to meet the needs of today's classrooms. As a parent, as a former educator and a former school board member, that is discouraging. What is even more discouraging is some of the talk that we have heard on the campaign trail this year. Not long ago, Governor Bush said that our country is experiencing a "recession in education." I have thought a lot about that statement. To the teachers who are working harder than ever, it certainly doesn't feel like a recession. In fact, I think Governor Bush has it exactly backward. A recession is where there is a slowdown in economic activity, when production and employment decline, when there isn't much demand, when workers are idle and factories are slow. That is a recession.

But that is not what is happening in education today at all. Our schools are not slowing down; they are working harder than ever. Our classrooms aren't empty; they are overcrowded. Our teachers aren't being idle because they are not needed; they are needed more now than ever. It is not that demand has slowed. The demands on our schools are higher than ever. The problem is our investment has not kept up. Any enterprise or business that wants to stay in business invests in its people, invests in the latest equipment, invests in capital projects, so that the capacity will keep up with the demand. That is what we have to do. But for some reason, when it comes to our schools, we have not made those investments. We have let schools that were built 40 or 50 years ago simply decline. We have let great educators leave the classroom because they are frustrated by a system that doesn't give them the support or respect they deserve.

Governor Bush, we are not in an education recession; we are in a period of explosive growth and growing demand in the classroom, and we need to make the investment to meet that growing demand. Governor Bush has the problem backward and that is why he has come up with the wrong solution. As a parent of two students who went to public school, I can tell you I don't want our next President to close down my school; I want him to make my school better. You don't do that by bashing public schools. You do it by investing in the things that we know work in the classroom.

I have said it before and I will say it again: Our schools are facing overwhelming challenges with inadequate resources. Our public schools are not failing, but by failing to invest in them this Congress is failing our public schools. We need to give our schools the resources, the tools, and the support to meet today's challenges.

There are important needs in my home State in classrooms. Sitting here in the Chamber, it is easy to forget the challenges that schools face across the country. If this Chamber is about to go into recess without making an investment in education, it needs to hear directly from people on the front line. So I decided to read a few letters I have received from students and teachers in my home State of Washington.

Kristen Jensen Story is a parent and a teacher at White Center Heights Elementary School in the Highline School District. At her school, the majority of the students live in public housing and come from homes where English is not the first language.

She tells me:

> We have been working hard to make sure these children succeed and become contributing citizens to our great Nation. The need for Federal public education funding is greater now than ever before.
>
> We have the money. The Federal budget is forecasted to have a $1.9 trillion surplus over the next decade. Make the funding of public education a national priority.

Let me read another letter. This one is from Becky Scheiderer, a teacher from the Bethel School District in Washington State.

She writes:

> Children cannot wait another session.

She goes on to explain some of the challenges her school is facing:

> Our students need to continue the successful programs, such as Title I, special education, and smaller class sizes to work with these students inclusively.
>
> Our district is growing, and we need schools constructed soon.
>
> Our teachers, students and staff need safe schools to work in for 7.5 hours a day.
>
> The need for Federal funding is even greater now than ever before.

Those are some of the real challenges facing our schools, and you don't fix them by bashing educators; you fix them by making an investment in the things that we know work.

I want to turn to a few investments that we should be making in our final budget plan. It is our last chance this year to do the right thing for America's students. Let me start with making classrooms less crowded. We know our classrooms are overcrowded and we know that students can learn the basics, with fewer discipline problems, in less crowded classrooms.

Parents know it, students know it, teachers know it, and studies show it.

Two years ago, we made an investment in making classrooms less crowded. I am pleased to report that the investment is paying off for America's students. It is making a positive difference in their education. We gave local school districts the money to go out and hire more than 29,000 new qualified teachers for the early grades. And today, 1.7 million students are learning in less crowded classrooms.

Our goal is to hire 100,000 new teachers. You would think that with the success we have had so far, there would be no question that we would keep our commitment to reducing class size. But that is not the case in this Congress. Right now, there is no guarantee that schools across the country will have funding guaranteed to reduce classroom overcrowding. Some of my colleagues on the Republican side say we don't need to commit money for class size reduction. They say if schools want to hire teachers, let them take the money out of title VI funding.

Reducing overcrowding should not be done at the expense of something else. That money should be there—guaranteed to make a positive difference for students.

In this debate, two things have been forgotten. First, part of the Federal role is to help disadvantaged students. The class size program is set up to target funding to low-income schools. If you dump that program into a block grant, there is no guarantee that it will be focused toward disadvantaged students. Title I, homeless and migrant education programs are all targeted to ensure that disadvantaged students get the help they need. A block grant offers no guarantees.

The second point overlooked in this debate is the importance of accountability. Under a block grant, there is no guarantee this money will go to hire new teachers.

Block grants mean less accountability. Right now, we can show that money was spent and how it is making a difference. If the money is block granted, we have no idea if it is making classrooms less crowded. Today, everybody is talking about accountability, and the best way to ensure accountability is to show that Federal dollars are being spent in a specific, targeted way to reach a specific goal. If we put Federal education funding into a block grant, there is no way to keep that money accountable. Class size is just one of the areas in which we need to invest.

Let me mention another: school construction and modernization. Today, too many students enter school buildings that are crumbling or that have major safety hazards. In fact, 7 million students attend schools with safety code violations, including the presence of asbestos, lead paint, or radon in ceilings or walls. Almost 16 million students in this country attend schools without proper heating, ventilation, or air-conditioning. And too many of our schools don't have the technological infrastructure to meet our students' needs. For example, in our poorest schools, only 39 percent of classrooms have Internet access. We need to pass legislation that will give local school districts the financial help they need to build new schools and to modernize old ones.

I want to turn to teacher quality. We can help ensure that every teacher in America is fully qualified and has the tools and the support to help our children reach their full potential. Today, there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education, and any of us would be lucky to have our children learn from them. But the current system makes it harder and harder for teachers to really do their best. Instead of offering them the support they need to make a difference, the current system puts roadblocks in front of too many teachers.

Teachers and parents have told me that the main challenges are the three R's: recruiting great teachers, retaining great teachers, and rewarding great teachers.

We need to recruit young people into the teaching profession. We need effective, ongoing, professional development programs that are aligned with local standards and curricula. We need efforts to boost pay for great teachers and to raise respect for educators. In the closing weeks of the 106th session, we should be supporting efforts to improve teacher quality.

Finally, the subject of accountability. We should not accept defeat or give up on our Nation's schools. We need to identify schools that need extra help and turn those schools around.

It is late in the legislative process, and we are in a rush to end this year's session. Let's remember one thing. America's students didn't create this rush. I am standing here today and I will be fighting to make sure that our students are not penalized because this Senate failed to do its work. I know my colleagues are eager to go home, but we still have time to do the right thing. We still have time to support the work that local educators, students, and parents are doing. The way to do it isn't to bash public schools but to put Federal dollars where they will help the most and to keep those dollars accountable. The way to do that is to invest in things that we know work, such as smaller classes, modern facilities, fully qualified teachers, and accountability. It is not too late to do the right thing.

Parents, teachers, and students across this country are counting on us to do our part as a responsible Federal partner. Let's not let them down.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

106TH CONGRESS

Mr. THOMAS. Mr. President, I think the focus today, as we move toward the appropriations bills, is education. It has been a focus during this whole Congress. I saw some figures that we spent a total, in the 106th Congress, of 5 weeks talking about education. That is indicative, I believe, of the importance all citizens place on education. I don't think anyone would say education isn't a very high priority for everyone.

The question is, How is the role of the Federal Government best created? In my view, one of the important things is to have some assistance from the Federal Government, to have some financial assistance. We also are in a system where people move about and are educated in one place and work in another place. There has to be some continuity or accountability that each of us is educated enough to be able to be successful.

One of the most important issues is who makes the decisions with regard to individual school systems. I think the Republicans, working on this side of the aisle, have had a very strong agenda for education, returning control to the parents for sending dollars to the classroom, dollars to States and local school boards so they can make the decisions that are necessary to be made in that particular school, give families greater educational choice, support exceptional teachers, and focus on basic academics, stressing accountability.

I have always thought, as a member of the Wyoming legislature, we cannot have a good school system without the dollars. Dollars alone do not necessarily result in a good school system. There has to be some accountability as well.

Of course, on the Federal level, the needs in Chugwater, WY, are quite different from those in Pittsburgh. Many things are that way. There needs to be flexibility; in one particular school, perhaps what is most needed is to build a new school or replace the old school; in another school, what is needed is computers, teacher training, or more academic materials. "One size fits all" does not work. Frankly, that has been the underlying difficulty in this entire debate.

The President of the United States will be here this afternoon pushing for his plan so bureaucrats in Washington can decide and dictate what the Federal dollars are spent for. On the other side of that argument, we have given more dollars to the budget than even the President asked for. We are saying those ought to offer flexibility so local people can decide the best use for the dollars, yet with accountability for the taxpayers' dollars.

The Democratic approach has been a series of mandates: 100,000 federally funded teachers, federally funded school construction, federally funded afterschool. All those are fine if that is the priority in your particular school district. However, we are not in the business of having a bureaucracy in Washington make those decisions.

There have been difficulties moving forward:

The Taxpayer Relief Act, vetoed by the President, over $500 million in family tax relief—families could have used that money at any level to have supported schools;

Passing the Ed-Flex bill, with Federal requirements being waived if they are interfering with what they seek to do.

These are the items we are debating with regard to education.

We are, hopefully, near the end of this session. We will wind up next week. We have accomplished quite a number of things. Some people talk about a do-nothing Congress, which absolutely is not the case. The Republicans have balanced the budget, pushed forward and obtained the balanced budget in 1998, the first time since 1969 we have had a balanced budget. We saw that because of some restraints on spending, because of the flourishing economy bringing in more dollars. Nevertheless, it is the first time we have had enough dollars to balance the budget outside of Social Security dollars. We have changed the deficits to surpluses and lowered interest rates, paid down the debt $360 billion over the past 3 years.

In addition to that, of course, at the same time, Republicans have lowered the tax burden over the next 5 years. The tax cuts will provide the average household with almost $2,000 in tax relief. We enacted the $500 child tax credit that keeps $70 billion in the checking accounts for 25 million families. These are important things. We created the individual retirement accounts with IRAs to help families save more money, help people prepare for their own retirement, so that Social Security is a supplement, as it was designed to be.

The Republicans have stopped the raid on the Social Security trust fund and set aside Social Security funds so that they will be spent on Social Security and not borrowed and spent for other programs. We need to ensure that continues to be the case.

Welfare has been reformed and has helped Americans go back to work. In 1995, there were 13 million Americans on welfare. In 1996, there was reform, helping more than 6 million of those, nearly half, to be now employed—to be able to sustain themselves. That is really the purpose of Government programs. It is not to have a continuing source of relief but to provide an opportunity to help people help themselves, which not only is a good issue governmentally but, of course, individually it is something that is so important.

We strengthened the military. More needs to be done. We find ourselves in the situation where we have had more military deployments out of this country over the past 6 or 8 years than we have ever had in the past. We find ourselves, of course, in sort of a semipeaceful time but with a voluntary military, so we have to be able to compete somewhat with the private sector in pay so people will join. It is not only in the recruiting, of course, but the maintenance of people who have been trained so they will stay in the military. We have done that. We need to do more, of course.

We need to change the military. Our needs are different than they were 20 years ago. We are not going to see ourselves having to send 12 divisions with tanks somewhere. We are going to see ourselves with smaller, more flexible combat units moved quickly to a place with enough support to stay there for some time.

These are some of the things that continue to be important. I hope we continue to focus on them. Our job now, of course, is to get out about three or five more appropriations bills and fund those programs. I am a little discouraged at the amount of spending we have had this time. Much of that has come from pressure from that side of the aisle and the White House. They will not agree to appropriations bills unless they have all the things in them the President wants. He is entitled to do that. But this is one of the three units of Government, a separate unit. We ought to do those things we think are right and the President can do what he thinks is right. But I hope we do not get ourselves into a position where the President is deciding what we in the Congress do. That is not the system. We ought not be doing it that way.

I look forward to us moving forward, completing our work, and coming back with a new Congress, able to take a look at where we are going. I hope each of us, as Americans, gives some thought to where we would like to be, where we would like to see these various programs go—regardless of which you are looking at; whether you are looking at education; whether you are looking at reregulation of electricity; whether you are looking at the military. One of the difficulties is we move forward many times and make decisions that impact those issues without having a very clear-cut image of where we want to go. It is a little like Alice in Wonderland where she was wandering around and no one was able to tell her anything. She finally saw the Cheshire cat. There was a fork in the road and she said, "Which one should I take?" The cat said, "Where are you going?" "I don't know," Alice replied. The cat said, "Then it doesn't make any difference which road you take."

That is true. So we need to come with an idea of what our goal or mission is, where we want to end up over a period of time in education, and what are the steps we can best take to ensure that happens. Regarding Social Security, where do we want to be in 20 years or 30 years? These people who are paying in 12.5 percent of their salaries into Social Security, are they going to have benefits 40 years from now when they are entitled to them? Not unless we make some changes.

The choices are fairly clear. You can raise taxes; people are not excited about that. You can cut benefits; that is probably not a good idea. One of the alternatives we are pursuing, and there may be others, is to take a portion of the Social Security dollars that have been paid in over time by younger people to make that decision for themselves—take a portion of that and have it invested on their behalf in their accounts in the private sector so the return, instead of being 2.5 percent, could be 5 percent or 6 percent.

People say: Well, look at the market now. Look at the market over time. The market over each 10-year period has grown fairly substantially.

So these are some of the things I hope we consider. I hope we consider them promptly so we are out next week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. KENNEDY. Is there a time limitation?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. KENNEDY. I thank the Chair.

FOCUSING ON PRIORITIES

Mr. KENNEDY. Mr. President, as we are coming into the final hours, the final days of the Senate session, there are still a number of measures which need focus and attention and priority. I welcome the leadership that is being provided now by the President and a number of our colleagues to try to make sure that before we leave town we try to remedy a situation that has developed since we passed the Balanced Budget Act in 1997. Included in that balanced budget effort were cuts that were directed to the health care providers. It was estimated at that particular time that the cuts would be about $100 billion. What we have found out over the last several years is that the projected cuts have been well over $200 billion. As a result, there have been unintended consequences that have developed.

It seems only fair that when we look at the steps that were taken in the past that resulted, and continue to result today, in some very dramatic adverse impacts to a number of different providers in our health care industry, that we remedy that situation. It is particularly important to remedy their situation when we have the fortuitous economic situation in terms of the surplus that we are faced with.

I doubt very much—in fact, I am quite sure—that if we had known in 1997 the actual impact the projected cuts were going to have on health care providers, that those particular provisions of the Balanced Budget Act would have been successful. I am sure they would not have been successful. I certainly would not have voted for those provisions.

But I welcome the opportunity to join with a number of our colleagues to try to remedy the situation. It is the responsible thing to do. It is absolutely necessary. It is not only affecting many of our excellent health care providers in our urban areas, but it also reaches out to many rural communities.

We have had an excellent presentation from our friends as to what these cuts have meant for rural health care and rural health care providers. Let me mention, for a few moments, what is happening to some of the different health care providers now.

We are very fortunate in Massachusetts to have some of the best teaching hospitals in the world. These teaching hospitals are the backbone of our quality health care system in America and the world.

We are facing many challenges in our health care system. The most obvious one today is a Medicare prescription drug benefit. That is the challenge that comes first to the minds of people when we talk about health care needs and needed changes in our Medicare system. That is a very legitimate challenge. We think of our Patients' Bill of Rights. Many of us deplore the fact that we have not addressed these issues in the Senate.

It is irresponsible that we have not taken action on a Patients' Bill of Rights. Although we have a majority of the Members of the House and a majority of the Members of the Senate in favor of a strong Patients' Bill of Rights, still we are denied the opportunity of addressing the issue. We know that every day we fail to do so, there are tens of thousands of Americans who are suffering as a result.

We are unable to free ourselves from the power of the HMO industry to successfully pass legislation that would allow doctors to make health care decisions, unfettered by the decisions of bean counters from the HMOs who are more interested in profits than in the health of individuals. That is certainly one very important issue. I think we fail in this Congress by the fact that we have not addressed it.

I am constantly amazed as I travel around my State, and the States of Pennsylvania and New York and a few other places where there are candidates running for Congress. One of the first pieces of legislation they say they support is a Patients' Bill of Rights, which obviously has nothing to do with the strong Patients' Bill of Rights that has been supported by more than 300 health providers representing women and children and the disabled, cancer research groups, the doctors, the nurses, the medical professionals. That is one issue. The second, as I mentioned, is a prescription drug benefit.

We also are now focusing on teaching hospitals. These are the hospitals that provide the training and teaching for our future medical professionals including doctors, some of the applied health professionals, and advanced practice nurses. We have the best teaching hospitals in the world. We ought to keep them healthy, not endanger them. By not providing a healthy and robust provision in legislation in these final 2 days, we risk endangering our teaching hospitals.

What do these teaching hospitals do? No. 1, they provide the best teaching. Secondly, they provide about 30 percent of the indigent care in our country, primarily—obviously—in the communities in which they serve. They play a very important role in providing health care to those who have no health insurance. Third, they are also the places that are developing the new technologies and techniques used in treating some of the most complicated cases. From there the research disseminates; other hospitals and other health care delivery centers benefit from the research done at teaching hospitals.

These teaching hospitals are really the jewels of our health care system, and we cannot put them at risk. And they are at risk. The proposal that is being advanced by the Republicans is basically a nice blank check to the HMOs, the industry that is leading the fight against the Patients' Bill of Rights. Yet there is no guarantee that they will continue to provide health care to people in our society or to Medicare recipients. More than 900,000 Medicare recipients will be dropped from HMOs next year. Yet we find the Republicans shoveling billions of dollars into HMO coffers without any assurance that they will use those resources to look after the elderly. The Republicans are shoveling the funds into HMOs rather than investing in a prescription drug program for our seniors.

We know we have the teaching hospitals on the one hand. Next we have the community hospitals. The community hospitals are the backbone of health care delivery in our communities. They are the primary health delivery provider in communities all across this country. They have an irreplaceable position. They are exceedingly hard pressed and stressed in being able to perform this function. They need some relief. Any legislation ought to have provisions in it to help provide needed assistance to community hospitals.

Then there is the home health care system—the visiting nurses, home health care agencies. We have seen a significant decline in home health care agencies and home health care services generally. At a time when our senior population is going to double over the next 20–25 years, we are seeing a significant decline in home health care services, which makes absolutely no sense. We end up finding out that if patients aren't going to be able to receive home health care services, they will have to go into the more costly hospitals and nursing homes. It makes no sense from a health standpoint, and it certainly makes no sense from a humane standpoint.

Our nursing homes are facing bankruptcy in increasing numbers. We have seen scores of bankruptcies of nursing homes in my own State of Massachusetts. The number of nursing homes going bankrupt is increasing every single day. They are in desperate straits. Not only are they in desperate straits, but other health care providers, such as the hospice program that provides such important help and assistance to those who have terminal illnesses, are in desperate straits as well.

It isn't just those of us who have these facilities in our States. We have heard eloquent statements from those who come from rural areas. We want to work with them as well. We are not trying to rob Peter to pay Paul. We ought to have something that is going to address the needs of rural areas, and we welcome the opportunity to work with our colleagues.

Under the leadership of Senator DASCHLE and Senator REID, Senator MOYNIHAN on the Finance Committee, Senator BAUCUS, and others, an excellent program has been developed from our side. We want to try to make sure that that is going to be considered. We don't want to be shut out of the process, as we are shut out of a lot of issues here.

We have heard a good deal of debate about desiring bipartisanship. Well, for a good part of the time I have been in the Senate, when we had these kinds of matters that needed to be discussed or debated, we had Republican and Democratic leaders working these matters out with the Administration. But we are finding out that this apparently is a solo flight by our Republican friends, to the great disadvantage of our health care system. That makes no sense.

The President has indicated he would veto this early proposal that has been put forward by the Republicans as a nonstarter. I certainly would defend that position and welcome the opportunity to discuss it or debate it, whatever will be necessary, because their proposal just does not do the job. It is one of the key remaining issues we have as we come to the end of this session.

Finally, I do hope we will be able to have included in the final wrap-up in our balanced budget refinement the Grassley-Kennedy bill that helps parents of children who have disabilities. Last year, in a bipartisan effort, we developed legislation that permitted those individuals who were disabled to go into the labor market and not lose their health insurance. We had a good debate on it. We passed it. Now we find people saying, Why did it take you so long? What is happening is these individuals are moving towards greater independence and self-reliance. They are becoming taxpayers and paying into the public system rather than just drawing from it. It has taken a good deal of time to achieve, but it has been enormously important.

What we are saying now, Senator GRASSLEY and I—and I pay tribute to Senator GRASSLEY for the hard work he has done on this in the Finance Committee—is help parents who have children with severe disabilities. So many parents have children who have severe disabilities. The parents are unable to take any increase or any enhancement of their own pay because if they do, they will no longer qualify for Medicaid. And if they no longer qualify for

Medicaid, they lose the health care they get for their children under Medicaid, and they can't afford the health care bills. These parents have to refuse pay increases and advancement to remain below the income levels for Medicaid coverage. Of course, this not only does an enormous disservice to that individual but also to the other members of the family.

Many of these children with severe disabilities have brothers and sisters, yet the parent still has to work at a wage below the Medicaid level in order to qualify for health coverage of their children. It makes no sense. It is wrong. We have legislation that will address it, and we hope that will be considered.

We say once again that the proposal our Republican friends are putting forth is a nonstarter, because we know what they are trying to do; that is, to give a great bundle of cash—so to speak a blank check—to the HMOs that have been resisting our ability to take actions to protect American patients. It makes no sense. It is unfair, and it is fundamentally wrong.

We are going to do everything we can to try to fashion a proposal that is balanced, fair, and that really meets the health care needs of our people.

EDUCATION AND HEALTH CARE

Mr. KENNEDY. Mr. President, on Tuesday night the American people witnessed the third and final Presidential debate between Vice President AL GORE and Governor Bush.

We are now less than 3 weeks away from the election. As the debate demonstrated, the choices for the American people could not be clearer.

Are we going to continue the economic prosperity of the past 8 years? Or are we going to waste it on excessive tax breaks for the wealthiest one percent of Americans?

I remember in 1981 when the economic program of then President Reagan came to the Congress. It had the same kind of rhetoric around it. We are going to cut all of the taxes and increase defense spending and balance the budget, all at the same time. During that period of time, only a handful of us voted against it. It was so clear and obvious at that time that we were going to move into large deficits, which we eventually did—deficits in the hundreds of billions of dollars.

I am always amused to hear from others who say it really wasn't the establishment of economic policies; it was just the American energy. If it had been the American energy, why wasn't it the American energy when we were running up deficits? It is quite clear that you had two entirely different economic policies that were being followed. One was a disaster.

I am always interested in the fact that it was President Bush who called Ronald Reagan's proposal "voodoo economics."

Now we are coming right on back again to that similar kind of proposal of excessive tax breaks for wealthy individuals. That is the heart and soul of the Bush proposal, although it was difficult to quite understand what it was following the debate the other evening.

Are we going to continue to have balanced Federal budgets? Or are we going to return to the bad old days of trickle-down economics that created the biggest deficits in our history?

And perhaps most importantly—are we going to stand with working families to make the critical investments in education and health care that are needed to help children, help parents, help working men and women, and help senior citizens in their retirement years?

These issues are critical not only for the Presidential race but in Congress as well.

Governor Bush and the Republicans like to talk education and health care. But look what has happened in this Congress. For the first time in 35 years, they have not reauthorized the Elementary and Secondary Education Act. They are 3 weeks late in providing the needed funds for the Nation's public schools.

The time has expired. The new fiscal year is here. Yet we haven't done our business. We always leave the appropriations bill which funds the schools in this country for last.

It is always interesting to me to hear and watch these promises that are made by the Republican leadership on education.

On January 6, 1999, Senator LOTT said:

> Education is going to be the central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act.

On January 29, 1999, he said:

> But education is going to have a lot of attention, and it's not going to just be words.

On June 22, 1999 the Majority Leader stated:

> Education is Number one on the agenda for Republicans in the Congress.

On February 1, 2000 he said:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

On May 1,2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Why don't you bring up the appropriations to fund education? Why is it 3 weeks late? Why is it the last appropriations bill? Why is it that we didn't reauthorize it? Don't come and tell American families that education is number one in your priorities when for the first time in 35 years we don't have a reauthorization.

What is the Republican leadership going to do? They are calling the bankruptcy bill back up—the bankruptcy bill. We had 14 days and 55 amendments on that bill. But that isn't enough. They are going to call that up later on for a vote this afternoon. They are going to try to jam that bill, which benefits a small group of credit card companies, rather than deal with the education of American families. That is their priority. Any American family can understand that.

We are here. We are prepared to deal with the education program. Oh, no. We can't do that. We are going to go back to bankruptcy which is so important. Important for whom? Important for the credit card companies. Just as in their patients' bill of rights, they have not been able to quote a single health organization in the country that supports them because it is fraudulent. Every health group in the country supports the proposal that was passed by a bipartisan majority in the House of Representatives, and that was supported by the Democrats and a few Republicans in the Senate. Every health organization—over 300 of them.

Now we have the industry itself saying no, no—the HMOs saying don't pass the good bill, because we don't want it. Now what happens? The credit card industry says they want this bill. And what happens? The Republican leadership is trying to jam that right down here. What has happened to education in between? Not only are we not reauthorizing it, but we are not funding it. It is 3 weeks late already.

What happened to children in this country? If they hand their homework in 3 weeks late, they would be in the principal's office. They would be getting some kind of discipline in any school in the country. But, nonetheless, we are 3 weeks late. We haven't reauthorized it, and the appropriations have not been finished.

I hope our friends on the other side are going to ease off when they talk about how committed their party is on education. I hope they are going to at least have the decency not to try to say: Oh, yes. We are really interested in education—we really do care about it.

I was here when one of the first things the Republican leadership did in 1995 was to rescind some $1.7 billion that had been appropriated—the greatest rescission on any single bill that I can remember in my service in 38 years. On what subject? Education. Who offered it? Republicans. How many supported it? Virtually the whole Republican Party.

I was here a few years later after we were able to dull some of those rescissions when they came back and tried to abolish the Department of Education. Who offered it? Republicans. Who supported it? The Republican Party. Who opposed it? We did. Not just because it is an agency, but because many of us believe that any President ought to have in the Cabinet office someone talking about education every time that Cabinet meets.

That is why we need a Department of Education. We have a department for housing. We have a department for the interior lands of this country. Many believe we ought to have a department for education. Not the Republicans. No, they wanted to abolish it.

We have the rescinding of education funding. We have proposals to abolish the Department of Education. We have the refusal to authorize the Elementary and Secondary Education Act, and we have the denying of funding of the existing law—3 weeks late. That happens to be the record.

Now, we watched the other night the Republican candidate for office talking about how concerned they were. I wish he had called up our majority leader and said: Look, I am interested in education; why don't you take that up?

Let's take up our proposals. We know what they are. We are prepared to vote on them. We are prepared to take those to the American people. Why isn't the other side prepared to do it? What are they so frightened of? What are they so scared of?

All we have is silence. We have this empty Chamber where all of these other deals are going on—All these other deals that are not on education. They are on how we can try and get bankruptcy that will basically undermine families who in many instances are hard pressed, mothers who have not been able to get their alimony or child support and are going into bankruptcy. Half the bankruptcies are a result of health care costs for older workers. We cannot wait in order to draw out the last few dollars from those individuals for the credit card companies and shuffle aside education. That is what is happening. The American people ought to begin to understand it.

The Republican leadership keeps on saying how important education is. On July 10, 2000 the majority leader said:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel strongly about getting it done. . . . We can work day and night for the next 3 weeks.

On July 25, 2000 he said:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

Mr. President, SAT scores are the highest in 30 years. They have not moved up greatly, but they are going in the right direction for males and females. Of course, it isn't going in the right direction in the State of Texas. Texas falls below the national average on SAT scores between 1997–2000. The national scores are going up a little bit in the right direction. Texas is going along in the wrong direction for SAT scores.

We have heard a great deal about what happened to the children in the State of Texas, being 48th of 50 for the number of children that are covered by health insurance. The other night, Governor Bush was talking about what a high priority they put on education and what they have done on education.

This tells the story. These are the SAT scores, standard scores. This reflects the national average moving up over the last 3 years, while Texas has been moving down the last 3 years. We don't have any explanation. I know the Vice President didn't want to appear negative, but the fact is, I don't think drawing out what the records are should be considered negative. These are the facts. The American people ought to be able to understand them. The national average has gone up; in Texas the scores have gone down.

I was here 30 years before we ever had a vote on education. We had Democratic chairs and Republican chairs. We had Senator Stafford, the education chairman of our committee; Senator Pell was the chairman. During that period of time, education was never a partisan issue. The American people don't want it to be partisan. But it is now. It is when you refuse to let us debate it and abide by the outcome. That is wrong. We ought to fund the education for the children in this country. The Republican leadership has not done it. We ought to be dealing with the education reauthorization prior to bankruptcy and other priorities, and the Republican leadership refuses to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

EDUCATION

Mr. BENNETT. Mr. President, I listened with interest to my colleague from Massachusetts. I am always interested as he holds forth on these issues about which he feels passionately, and I congratulate him on his passion.

I have a similar commitment to education but a rather different view of things. Let me review again, as I have in this Chamber before, my own experience with respect to education that causes me to come to a different opinion and a different position than that of the senior Senator from Massachusetts.

As I have related to the Senate before, I was happy in a business career when I received a phone call that asked me to serve as chairman of the Strategic Planning Commission of the Utah State Board of Education. That got me into educational issues and actually started me down the road out of corporate life and into public life, ultimately leading me here to the Senate.

Apropos of the things that the Senator from Massachusetts has said, I share an experience I had that resonated with the comment that Governor Bush made the other night. The Senator from Massachusetts has already referred to the debate between the two Presidential candidates, so I think it is appropriate I should go there, as well.

We started, in my education about what happens in education by talking about the money. That is always a good place to start. Start with the numbers, start with the dollars. The dollars pretty much drive everything else.

I looked at the various things that were being done in the State of Utah, some of which struck me, as a businessman, as being maybe a lesser priority than some other areas. I asked the question: Who sets the priorities? Who determines that we spend more money on topic A than topic C? I was told, that is the Federal Government. The Federal Government puts up matching funds and requires that the States come up with their match, and the Federal Government determines that topic A will be topic A, topic B will be topic B, and so on.

I looked at some of the programs. I said, we would be better off in Utah if we spent that money on something else. Our needs in Utah are different than the needs in other States. Maybe it is nice to have the Federal dollars, but why don't we tell the Feds, sorry, we won't take your dollars for topic A, because for us topic C or topic D should be topic A, so we will forego the Federal dollars, and we will take the money that we have been forced to put up as matching dollars and spend it on our priorities.

The fellow who was briefing me on this kind of smiled at how naive I was, how foolish a notion that was. He said:

> You can't do that. The Federal Government will sue you and will win. They have already sued States that tried to do that and won.

So if the Federal Government says this is what you have to spend your money on, then you have no choice but to do that, even if it is not in the best interests of the schoolchildren in your State.

That was a disappointing thing for me to realize, but I thought: OK, we are dealing with 50-cent dollars here, at least. We are putting up matching funds. So the Feds put up 50 cents and we put up 50 cents, so it is not hurting us quite as badly to be spending 50-cent dollars on a project we would not have chosen.

Once again, smiles of indulgence on the part of the fellow who was briefing me. He said:

> No, no, you don't understand, BOB. The State doesn't put up 50 cents. The State puts up 80 cents, the State puts up 90 cents. When we say matching dollars, we don't mean matching dollar for dollar; we mean the Feds

put up 5 percent or 10 percent or, if they are feeling really generous, 15 percent or 20 percent. But the States are required to put up the rest of it.

I thought: That is really not fair. That is not a good deal. That is controlling the direction of education everywhere with a small amount of money. I thought: There is something wrong with that. I looked into it. I found that the only program where the Federal Government puts up half or more of the money in so-called matching funds is school lunch—which is not an educational program; it is a welfare program. I have nothing against school lunch. Indeed, I recognize that there is a great need for school lunch. I am a supporter of school lunch. But let us not stand here and say that, because the Feds put up more money for school lunch percentagewise than anything else, they are making a major contribution to education.

When Governor Bush was speaking about this the other night, he made this point that went by many people but that I would like to focus on here. He said the Federal Government puts up about 6 percent of the money but they control—if my memory is correct from what the Governor said—60 percent of the strings.

I don't know whether that 60 percent is exactly right, but it is in the ball park, and I will use that figure because that is what my memory says. Six percent of the money, but they control 60 percent of the strings that are attached to that money. So the people in Utah, Colorado, or Arizona or, yes, Massachusetts, have to jump through the Federal hoops with the 96 cents that they put into every dollar spent on education, jumping through at the dictate of the people who put up the 6 cents.

Here is the fundamental difference we need to confront when we have this debate on education, the fundamental difference between the Republicans and the Democrats, between those who are demanding we put more money into the present system, as does the Senator from Massachusetts, and those who are saying let's experiment a little bit. The fundamental difference is, Who should be allowed to call the shots? The people closest to the problem, the people facing the children day by day, the people administering the schools on a regular basis in their home communities? Or the people in Washington, DC? Who should make the ultimate decisions about education?

Let me make it clear, I am not calling for the abolition of the Department of Education. The senior Senator from Massachusetts would seem to be very upset that somebody suggested we abolish the Department of Education. I have never made that suggestion, so I am on his side on that one. I agree there should be a voice at the Cabinet level talking about education. But I do not think the voice at the Cabinet level that is talking to the President about education should be the voice at the school board level, talking to the principal of the school where my grandchildren go about education.

I have to talk about my grandchildren now because all of my children have graduated. All of them are out of school, out of college, raising families, pursuing careers. But there was a time with six children—seven, actually, because we had a foster child in our home for 4 years—when I spent a lot of time at school board meetings. I went to school board meetings and listened to them discuss the budgets. I recognized that there were differences within the school district, between schools. I heard them debate about how they were going to take care of problems in this middle school that were different from problems in that middle school. I recognize that is where the rubber meets the road. That is where the decisions have to be made. That is where the problems really arise.

I do not think there is anybody in Washington who can differentiate between the problems in this middle school in the Las Virgenes School District in California, where my children went, and that middle school in Las Virgenes School District in California where my children went. I don't think there are very many people in Washington who have ever heard of the Las Virgenes School District in California where my children went. That is the issue. That is what we are talking about.

The Senator from Massachusetts says the Republicans don't care about Massachusetts because all they do is block all of our efforts to go forward with a massive Federal program in education. Yes, we do try to block some of those efforts. Not because we are saying the Federal Government should have no role in education, but we are saying the Federal Government should begin to trust people at the local level to make their own decisions. It is a fundamental difference. We saw it in the debates the other night. We are saying it on the floor now.

Whom do you trust? Do you trust the Federal Government and the Federal bureaucracy and the Federal Department of Education as the ultimate authority as to what should be done or do you trust the people who are closest to the problem to decide what should be done? It should be a partnership, not a dictatorship. It seems to me someone who puts up 6 percent of the money, who then controls 60 percent of the decisions, is getting close to dictatorship and not partnership.

At the State level, I found myself resenting it. Now that I have come to the Federal level, I bring that bias with me. I continue to resent it. I continue to think we would be better off if we said those who are putting up 6 percent of the money have an opinion, have a role to play, they have a function they can perform that no one else can perform, but when it comes to the nitty-gritty of the daily decisions, those who are putting up 6 percent of the money should yield to the decisionmaking power of those who are putting up 94 percent of the money and doing virtually 100 percent of the work.

Let's look at this Congress. The Senator from Massachusetts attacked the record of this Congress on education and said we have not done anything. We have. For example, we passed the education savings accounts which would have put more power in the hands of individuals and parents. Once again, the fundamental difference: Whom do you trust?

The education savings account bill, which was cosponsored by the chairman of the Democratic Senatorial Campaign Committee, the Senator from New Jersey, Mr. TORRICELLI, would have put more power in the hands of individuals, and the President vetoed it. The President vetoed an education bill on the grounds that it would have taken power away from the Washington establishment and put power in the hands of the parents.

It is not fair to stand here on this floor and say, regardless of the decibel level at which you say it, that this Congress has done nothing about education, because we have passed education bills that the President has vetoed and he has vetoed it on this basic issue.

Straight A's: This is a bill, we call it the Academic Achievements for All Act—Straight A's Act. It was supported by the Senator from Georgia who used to occupy this place on the Senate floor, Mr. Coverdell.

The Democrats blocked it. The Democrats said the President will veto it. The Democrats said: No, we cannot allow this kind of flexibility at the local level. We must continue to dictate to the local people what will happen with respect to education.

Once again, those who put up 6 percent of the money control 60 percent of the strings, and they are using their 6 percent of the money to dictate to the people at the local level how things should be.

I remember the debate on the Elementary and Secondary Education Act. We have had that debate. I regret that it did not result in the passing of the act, but one of the reasons it did not result in the passing of the act was because of blocking efforts on the part of the Democrats to a Republican proposal that would have given States, on an experimental basis, the opportunity to try something new. There was no dictating in the position of the Senator from Washington, Mr. GORTON, that said States have to try this. His amendment said if a State thinks the present system is wonderful, the State can continue to receive money with the present system. They can continue to accept those 60 percent of the strings. They can continue to do exactly what they are doing.

What if a State does not want to do it quite that way? What if a State wants to experiment in a very tentative fashion with something new? Let's give them the opportunity to try it. The senior Senator from Massachusetts was one of the first to take the floor and roar that we must not allow that kind of experimentation. We must not allow anyone to try anything different.

Look at the States that are making progress. And, yes, look at the State of Texas. Look at the progress that has been made among Hispanic students, the progress that has been made among black students—the progress that has been made among minorities generally in the State of Texas. It leads the national average. It is a record of extremely beneficial accomplishment, and it is taking place in the early grades where it needs to take place because if you wait until the time they get to the SAT scores, it is too late.

If you want to look at SAT scores, you are looking at high school students, and the high school students in Texas were cheated by the administrations in Texas that were there prior to the time Governor Bush took over. It is in the lower grades where they are seeing the fruits of the activities in Texas where they are trusting people, trusting the locals, giving the opportunities that need to be given to those who need education the most.

The white middle-class suburban kids do pretty well in this country in almost every State in which they live. The real educational crisis is among the minorities. The real educational crisis is among those people who live in the inner cities and do not have the opportunities that come to the white middle-class suburban kids. Let's be honest and straightforward about that.

It is very interesting. Who has led the fight, which seems to upset the senior Senator from Massachusetts more than any other, for experimentation with vouchers? It has been Polly Williams, an inner-city representative of a minority, a black member of the State legislature. She comes from Milwaukee, and she has led the fight not for the rich, not for the upper 1 percent, not for the other groups that have been demonized in this political campaign. She has led the fight for poor inner-city kids. She has won the fight, and the fight in Milwaukee is over. If you run for an educational position in Milwaukee now, you better be for vouchers because the public has seen it and has embraced it, and it is now the strong majority position.

It comes down to this fundamental question when we talk about money: Do you want to fund the individual or do you want to fund the system? We say let's fund the individual and let the individual take the money wherever he wants to go. They say: Oh, no; that's terrible. He might take it to a—dare we say it?—religious school. He might take the money in such a way that violates the separation of church and State. We can't have that.

In what is considered the most successful social program since the Second World War, we did exactly that. We gave the money to individuals, and we said to them: We don't care what you do with it; just use it to get an education. I am talking, of course, about the GI bill. When we said to the GIs who came home from World War II, "We are going to give you money to go to school," we did not say, "We are going to pick the institutions that will receive this money and then you go petition for it." We just said if they served in the Armed Forces, they have the money under the GI bill of rights. And if they wanted to go to Notre Dame and study to be a Catholic priest, they could do that and nobody was going to claim that was somehow a violation of the separation of church and State.

We said if they want to take the money and go to Oral Roberts University, they could do that. It may well be Oral Roberts University did not exist under the GI bill—I am not sure—but the principle still holds. If they wanted to go to Harvard, if they wanted to go to Wellesley, if they wanted to go to Ohio State University, or if they wanted to go to Baylor or Southern Methodist—they pick the school and the money follows the individual, giving the individual power, and America is the better for it. That is what we are talking about here. The money should go where it will do the individual the most good and not be controlled out of Washington that puts up 6 cents out of every educational dollar and then wants to make 60 percent of every educational decision.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now begin consideration of the conference report to accompany H.R. 4635, the VA-HUD appropriations bill, notwithstanding the receipt of the papers, and it be considered as having been read and the conference report be considered under the following agreement: 30 minutes under the control of Senator GRAHAM of Florida, 10 minutes equally divided between Senators BOND and MIKULSKI, 20 minutes equally divided between Senators DOMENICI and REID, and 10 minutes equally divided between Senators STEVENS and BYRD. I further ask consent that at the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report without any intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the conference report.

(The report was printed in the House proceedings of the RECORD of October 18, 2000.)

Mr. BOND. Mr. President, for the information of all Members, let me point out that at the request of the leadership on both sides of the aisle, we are moving forward and hope to have a vote, certainly no later than 3:30 this afternoon, because we do need to get this measure passed, as well as several others.

I will take just a few minutes of my time now. I am pleased to present to the Senate the conference report to H.R. 4635, the VA-HUD appropriations bill for fiscal year 2001. As I indicated previously, this has been a very unusual year. The conference report represents the compromise agreement reached with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and myself, in consultation with the administration.

Certainly it is not a perfect situation. It is not the way I would like to do the bill. I would prefer to proceed with passage of the VA-HUD appropriations bill in a more customary manner. Nevertheless, with the assistance of the leaders of the committee, and the leadership, we have brought the bill to the floor. I think it is a good and balanced compromise that I believe addresses the concerns of our colleagues, both in the House and the Senate, while striking the right balance in funding programs under the jurisdiction of the VA-HUD appropriations subcommittee.

The conference report totals approximately $105.8 billion, including $24.6 billion in mandatory veterans benefits, some $1 billion over the Senate committee-reported bill and almost $1 billion less than the President's budget request. Outlays are funded at roughly $110.8 billion for the current fiscal year, $540 million over the Senate committee-reported bill.

We did our best to satisfy priorities of Senators who made special requests for high-priority items, such as economic development grants, water infrastructure improvements, and the like. Such requests numbered several thousand, demonstrating the high level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at roughly $7.8 billion.

I am not going to summarize the bill today. We have done that before when the Senate passed the identical bill on October 12. The conference between the House and Senate has now confirmed that legislation.

I think everyone has had an opportunity to review the bill.

I offer my sincerest thanks to my ranking member, Senator MIKULSKI, and her staff for their cooperation and support throughout the process. Particularly, I thank Paul Carliner, Sean Smith, and Alexa Mitrakos from Senator MIKULSKI's staff. I obviously could not have done it without the good leadership and hard work of my team: John Kamarch, Carrie Apostolou, Cheh Kim, and Joe Norrell.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to all those allocated time.

The PRESIDING OFFICER. The time will be charged to all sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I now wish to use time allotted to Senator STEVENS under the agreement just reached. He has agreed to delegate that time to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING EDUCATION

Mr. BOND. Mr. President, I rise to speak on another very important appropriations bill that has been addressed on this floor and is being considered. That is the debate on education in the Labor-HHS bill. We want to see that important bill moved forward, get passed and signed by the President.

It is clear that the two sides of the aisle have very differing views on how we ought to go about improving education. Let us all agree that improving education should be our national priority. We on this side happen to think it is a local and State responsibility, but it is a national priority, the top national priority.

Now, one side of the aisle trusts the Federal Government to make the decisions. The other side of the aisle, our side, trusts the parents and teachers, the school districts, the school board members, to make those decisions. This side of the aisle seems to base its decision on whether we are successful in education on the total dollars spent. Our side would judge success on academic achievement of students. This side of the aisle believes accountability comes in successfully filling out paperwork, jumping through the hoops that Washington lays out for school boards and teachers. Our side believes accountability is based on academic achievement.

Our friends on the other side of the aisle believe that the Olympians on the Hill—Capitol Hill, that is—know what is best for the folks down in the valley. Our side believes that the great ideas, accomplishments, and actions occur on the local level and that the Olympians on the Hill should watch and learn.

My colleagues on the other side of the aisle and the Vice President talk a good game. Let me give you my view on what is going on. First, they have talked about the 100,000 teachers program, the school construction program. They have proposed to set aside billions of dollars for these programs alone and not allow flexibility that we strongly believe should be rested in the hands of the local schools, the parents who are served by them, and their children, and the people who run them.

I support reduced class size. I campaigned for Governor on that basis. I know there are many school districts around the country that need new school buildings. However, as one of my colleagues on the other side of the aisle said, I want to do the right thing. I agree with that. I know our children and parents and schools are counting on us, in my view, to get out of the way and let them do the job they are not only hired to do but they are dedicated to do.

We saw in the first debate what happens when Washington tries to make decisions for what is best in local schools. Vice President GORE told a terrible tale about this young girl who had to stand up in class. After the debate, we found out that she had to stand up or she had to have a chair brought in for 1 day because they had $100,000 worth of new computers. The school superintendent said that getting a place for her to sit was not really the problem. I understand he mentioned something about school lunches in another school district, and very quickly some of the folks from that school district said that is not the problem at all. That is not to say—and I am not saying here—that the Vice President didn't hear real concerns, that he made them up.

I am just saying: How are we here in Washington, how is the Federal bureaucracy, how is the Department of Education, and how are those of us who are sitting here in this room trying to make decisions for local schools all across the country supposed to know what the problems are in the Sarasota School or the Callaway County R–6 school in Missouri or a school district in California or a school district in Washington or a school district in Maine?

There is a lot of talk about 100,000 new teachers. That proposal sounds good. It is a great slogan to use when you are trying to gain national headlines. But when you look at the formula, trying to find out whether it works, it doesn't work.

I traveled around to school districts and talked to school boards and teachers and administrators. Let me tell you how that formula works in Missouri. The Gilliam C–4 School District would get $384; the Holliday C–2 School District would get $608; the Pleasant View R-VI School District would get $846.

I first heard about this problem from a small school district when someone in that room said: We would get enough money for 11 percent of a teacher. One other person in the room said: We would get enough money for 17 percent of a teacher. They haven't quite figured out how to use 11 percent of a teacher or 17 percent of a teacher or how to spend $846 on a teacher.

Over 175 school districts in the State of Missouri would receive less than $10,000 under this program. Surely you don't think they are going to be able to hire a teacher to reach that 100,000 new teacher goal for less than $10,000.

Many of the schools have already addressed classroom size at the expense of other things.

Yet my colleagues on the other side of the aisle oppose giving them the flexibility to utilize these resources in another manner which may suit their needs but which doesn't fall into the dictates of the one-size-fits-all solution that Washington is being pushed to propose by the administration and by my colleagues on the other side of the aisle.

They are saying that we are not providing the school the resources to do what they need to do because Washington is trying to tell them what their priorities should be without knowing why that girl had to stand up or sit on a stool brought in for that one classroom.

Our colleagues on the other side of the aisle and Vice President GORE advocate taking billions of dollars off the table for thousands of schools across the country. To me, the issue is simple. We must give our States and localities the flexibility to use the resources to improve our public education system and to make decisions at the local level.

UNANIMOUS CONSENT AGREEMENT

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that following the debate on the HUD-VA conference report, notwithstanding the receipt of the papers, the Senate proceed to the continuing resolution and that it be considered under the following agreement, with no amendments or motions in order: 20 minutes under the control of Senator DORGAN; 10 minutes equally divided between Senators STEVENS and BYRD.

I further ask unanimous consent that at the conclusion or yielding back of time the Senate proceed to vote on adoption of the joint resolution, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, in light of this agreement, two back-to-back votes can be expected to occur sometime between 3:30 and 4 o'clock this afternoon.

I yield floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, what is the order of business?

The PRESIDING OFFICER. The time is reserved.

Mr. KERREY. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

Mr. BOND. Mr. President, I must object to speaking in morning business. We reached an agreement to utilize this time. Perhaps my colleague could gain time.

All right. I am advised by the staff that Senator DORGAN might be willing to yield some of his 20 minutes to the Senator. If that is agreeable with my colleague from Nebraska, I would be happy to give up Senator DORGAN's time.

Mr. KERREY. I thank the Senator.

Mr. President, I revise my unanimous consent to ask unanimous consent to speak for up to 10 minutes under Senator DORGAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERREY. Mr. President, at Pier 12 in the Norfolk Navy Base, along with the Presiding Officer in Norfolk, VA, I joined 10,000 others to mourn and to pay our respects to the families of 17 U.S. Navy sailors who were killed or who are missing following the explosion that ripped into the portside of U.S.S. *Cole* as she was preparing to set anchor in the Yemen Port of Aden.

It was one week ago today at fifteen past midnight that a routine port call became a violent killing of 17 Americans, the wounding of 34 more, and the disabling of a billion dollar destroyer.

In attendance at the ceremony to honor those lost on the *Cole* were many Members of Congress, Attorney General Janet Reno, National Security Adviser Sandy Berger, the Secretaries of Defense and the Navy, and the uniformed commanders of the Navy and the Marine Corps. In a gesture of Yemen's cooperation, their Ambassador to the United States, Abdulwahab A. al-Hajjri, was also present.

As I sat and listened to the powerful words of President Clinton, Secretary of Defense Cohen, Chairman of the Joint Chiefs Shelton, and others, I looked at the solemn faces of the Naval officers and enlisted men who stood on the decks of the aircraft carrier U.S.S. *Dwight D. Eisenhower* and two of the *Cole*'s sister ships, the destroyers *Ross* and *McFaul* and wondered how long the unity we felt would last? How long would the moving stories of the lives of these 17 young Americans bind us together?

Their stories define what makes America such a unique place. President Clinton captured it perfectly:

> In the names and faces of those we lost and mourn, the world sees our nation's greatest strength. People in uniform rooted in every race, creed and region on the face of the earth, yet bound together by a common commitment to freedom and a common pride in being American.

They were bound together by other common characteristics. Sixteen were enlisted men and women; the lone officer was an ensign who had served more than a decade in the enlisted ranks. None were college graduates, though many saw the Navy as a means to that end. They were from small towns and Navy towns, the places where patriotism burns bright and crowds still form to remember on Memorial Day and Veterans Day.

I watched young widows and brothers and fathers cry without restraint or shame when President Clinton read the rollcall of the fallen heros. Sadness gripped me as once more I thought of lives that ended too soon knowing their dreams would not now come true.

Chief of Naval Operations Admiral Clark appropriately reminded us that risk is a part of all sailors' lives. When going out to sea, there is never certainty of a joyous homecoming. Death is a frequent visitor in Navy households. Loss is never a complete surprise.

However, in this instance it was not the unpredictable ways of the ocean or the violence of a storm that ended these American lives. No, in this instance the killer was a highly sophisticated, high-explosive device set and detonated by as yet unknown villains.

There were words from our leaders that addressed the anger we feel in the aftermath of this tragedy. From President Clinton: "To those who attacked them we say: you will not find a safe harbor. We will find you, and justice will prevail." From Secretary of Defense Cohen: "This is an act of pure evil." And from General Shelton: "They should never forget that America's memory is long and our reach longer."

Yet, this desire for vengeance is as misplaced as it is understandable. Vengeance is one of the things a terrorist hopes to provoke. Such acts of vengeance—especially when carried out by the United States of America—are bound to provoke sympathy for our enemies. If we are to give meaning to the sacrifice of these men and women, we must take care not to allow the bitter feelings to govern our action.

While we await the results of a combined U.S.-Yemeni effort to find out who was responsible for this attack, let me challenge the idea that the attack on the *Cole* was a pure act of terrorism or criminal action. In my opinion it is not. In my opinion, it is a part of a military strategy designed to defeat the United States as we attempt to accomplish a serious and vital mission.

This is the third in a series of violent attacks on the United States dating back to the car bombing of Khobar Towers in Saudi Arabia at 10 pm, on Tuesday, June 25, 1996, that killed 19 United States Air Force Airmen and wounded hundreds more. The second attack occurred on August 7, 1998, when U.S. Embassies in Dar es-Salam, Tanzania, and Nairobi, Kenya were bombed. These attacks wounded more than 5,000 and killed 224, including twelve Americans who were killed in the Nairobi blast.

I believe all three of these incidents should be considered as connected to our containment policy against Saddam Hussein's Iraq. The *Cole* was heading for the Persian Gulf to enforce an embargo that was authorized by the United Nations Security Council following the end of the Gulf War in 1991.

In order to evaluate this incident and put it in its larger context, I had to relearn the details of the action of Gulf War and its aftermath. The Gulf War began on August 8, 1990, when United States aircraft, their pilots, and their crews arrived in Saudi Arabia. Two days earlier the Saudi King Fahd had asked Secretary of Defense Cheney for help. Saudi Arabia was afraid that Iraq's August 2 invasion of Kuwait would continue south. Without our help they could not defend themselves. Desert Shield—a military operation planned to protect Saudi Arabia—began.

At that time, General Norman Schwarzkopf was Commander-in-Chief of Southern Command. On September 8, 1990, he ordered Army planners to begin designing a ground offensive to liberate Kuwait. His instructions from

President Bush were to plan for success. We were not going to repeat the mistakes of the Vietnam War. On November 8th, President Bush announced that a decision had been made to double the size of our forces in Saudi Arabia. On November 29, the UN Security Council voted to authorize the use of "all means necessary" to drive Iraq from occupied Kuwait. On January 12, 1991, Congress authorized the President to use American forces in the Desert Storm campaign.

The campaign began at 2:38 AM on January 17 with Apache helicopters equipped with anti-tank ordnance. The next day Iraq launched Scud missiles against Israel. The first U.S. air attacks, flown out of Turkey, were launched and were continued until February 24 when the ground war began. The ground war was executed with swift precision and was ended at 8 AM on February 28 when a cease fire was declared.

The purpose of the Gulf War—to liberate the people of Kuwait—had been accomplished in an impressive and exhilarating display of U.S. power and ability to assemble an alliance of like-minded nations. Afterwards, Iraq was weakened but still led by Saddam Hussein. In their weakened state, they agreed to allow unprecedented inspections of their country to ensure they did not possess the capability of producing weapons of mass destruction. The United Nations Security Council voted unanimously to impose an economic embargo on Iraq until the inspections verified that Iraq's chemical, biological, and nuclear programs were destroyed.

Contrary to popular belief, the military strategy to deal with Iraq did not end with the February 28, 1991, cease fire. It has continued ever since with considerable cost and risk to U.S. forces. In addition to the embargo, the United States and British pilots have maintained no-fly zones in northern and southern Iraq designed to protect the Kurds and Shia from becoming victims of Saddam Hussein's wrath. The purpose of both the embargo and the no-fly zones is to "contain" Iraq so that Saddam Hussein does not become a threat in the region again.

Unfortunately, this containment object was doomed from the beginning. And while we have begun to change our policy from containment to replacement of the dictator, change has been too slow. The slowness and uncertainty of change has increased the risk for every military person who receives orders to carry out some part of the containment mission.

There are three reasons to abandon the containment policy and aggressively pursue the replacement of Saddam Hussein with a democratically elected government. First, it has not worked; Saddam Hussein has violated the spirit and intent of UN Security Council Resolutions. Second, he is a growing threat to our allies in the region. Third, he is a growing threat to the liberty and freedom of 20 million people living in Iraq.

As to the first reason, under the terms of paragraph Eight (8) of United Nations Security Council Resolution 687 which passed on April 3, 1991, Iraq accepted the destruction, removal, or rendering harmless of its chemical, biological, and nuclear weapons program. Under the terms of paragraph Nine (9), Iraq was to submit to the Secretary-General "within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection" as specified in the resolution.

From the get-go, Saddam Hussein began to violate this resolution. Over the past decade, he has slowly but surely moved to a point where today no weapons inspectors are allowed inside his country. As a consequence, he has been able to re-build much of his previous capability and is once again able to harass his neighbors. All knowledgeable observers view Iraq's threat to the region as becoming larger not smaller.

As to the third reason—his treatment of his own people—there is no worse violator of human rights than Saddam Hussein. The people of Iraq are terrorized almost constantly into compliance with his policies. His jails are among the worst in the world. His appeal for ending sanctions on account of the damage the embargo is doing to his people rings hollow as the food and medicine purchased under the Oil-for-Food Program goes undistributed. Desperately needed supplies sitting in Iraqi warehouses while construction continues on lavish new palaces demonstrates that Saddam Hussein has no real interest in the welfare of his people. Rather, he maintains their misery as means to make political points.

If these reasons do not persuade, consider what happened in the other two cases when the United States was attacked. In 1996 we sent an FBI team to Saudia Arabia to investigate Khobar Towers. The investigation led to improving security on other embassies but no other action was taken. In time we have forgotten Khobar. In 1998 following the attack on our embassies in East Africa we sent Tomahawk missiles to bomb a chemical factory in Khartoum, Sudan, and Osama Bin Laden's training compound in Afghanistan. Neither had the decisive impact we sought and may—in the case of Sudan—have been counterproductive.

For all these reasons, I hope we will direct the anger and desire for vengeance we feel away from Yemen and towards Saddam Hussein. I hope we will begin to plan a military strategy with our allies that will lead to his removal and replacement with a democratically elected government. This would allow us to end our northern and southern no-fly zone operations, remove our forces from Saudi Arabia, and cease the naval patrols of the Persian Gulf. I can think of no more fitting tribute to the 17 sailors lost on-board the *Cole* than completing our mission and helping the Iraqi people achieve freedom and democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have with Senator REID 20 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Senator REID is not here, but I understand he might want some time. I yield myself 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. First, I say to the distinguished Senator from Nebraska, I don't know if I will have an opportunity again to be on the floor when the Senator makes a speech on the Senate floor because I don't know where the next 5 or 6 or 8 days will bring us. But I want to tell the Senator thanks for all he has done while he has been here. You have been, as you were in the military, a hero; you have taken some tough stands.

While not a budgeteer, as I am, you have chosen to express yourself many times in terms of the great concern you have for the outyear, the long-term effect of some of our entitlement programs, and actually you have expressed yourself that maybe appropriations are not getting enough money. That is perception, with reference to the Federal Government, of a very, very right kind.

Mr. KERREY. If I could respond to say the Senator from New Mexico and any of my colleagues who are uncomfortable and wish I would not do this, if I had not done this the last 6 or 7 years, it is the fault of the Senator from New Mexico. You and Senator Nunn came repeatedly to the floor, I think, in 1990, 1991, 1992, and 1993. I think in 1990, 1991, and 1992 I voted against you, but in 1993 the light bulb came on. It takes me a while to learn, I say to my friend from New Mexico, but I appreciate very much your leadership on these issues.

Mr. DOMENICI. Mr. President, I rise today to discuss the Energy and Water Development Appropriations Act which is included in this conference report along with the VA-HUD appropriations bill.

The energy and water bill is a very good bill that has unfortunately had a difficult path toward enactment. The bill originally passed the Senate by a vote of 93-1 on September 7. The Senate then approved the original energy and water conference report by a vote of 57-37 on October 2. However, the President vetoed that bill because of a provision intended to prevent increased springtime flood risk on the lower Missouri River—a provision the President had signed the previous 3 years.

Whatever the reason, it was vetoed, it came back to us, and now it is in a conference form. I regret it has taken so much of our time and taken so long to get done but it is a very good bill.

Earlier today, the House passed the conference report by a vote of 386–24, and I hope the Senate will also overwhelmingly support the conference report.

Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairmen were very supportive and have provided the additional resources at conference that were necessary to address many priority issues for Members. They have allowed the House to come up $630 million to the Senate number on the defense allocation ($13.484 billion), and the Senate nondefense allocation to be increased by $925 million.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides $5.0 billion for nuclear weapons activities within the National Nuclear Security Administration, an increase of $370 million over the request and $580 million over current year.

The additional funds are required to meet additional requirements within the aging nuclear weapons complex, and reflects the conferees' concern about the state of the science-based Stockpile Stewardship Program. As it is now, the program is not on schedule, given the current budget, to develop the tools, technologies and skill-base to refurbish our weapons and certify them for the stockpile. For example, we are behind schedule and over cost on the production of both pits and secondaries for our nuclear weapons. The committee has provided significant increases to these areas.

When we use the term "Stockpile Stewardship Program," we are talking about a program that the United States has put in place to make sure that our weapons systems are indeed safe, reliable, and that we do not have to do underground testing to confirm that. In fact, we have not been doing testing because the Congress of the United States said we should not. To supply the information necessary to keep the stockpile strong, reliable, and safe, this science-based Stockpile Stewardship Program was put in place. It has a few more years before we will have it proved up and then we will look at it carefully and make sure that it does the job.

This does not mean we are making nuclear weapons, for we are not. It will come as a surprise to some who are listening that the United States makes no nuclear weapons and we have not for some time. Nonetheless, we must keep in place the infrastructure and the things that are necessary in the event we have to do that, because of a failure of our program called science-based stockpile stewardship or some other untoward event that might occur in the world.

Furthermore, DOE has failed to keep good modern facilities and our production complex is in a terrible state of disrepair. To address these problems, the mark provides an increase of over $100 million for the production plants in Texas, Missouri, Tennessee, and South Carolina.

But it is not just the physical infrastructure that is deteriorating within the weapons complex, morale among the scientists at the three weapons laboratories is at an all-time low. For example, the last 2 years at Los Alamos have witnessed security problems that greatly damaged the trust relationship between the Government and its scientists. Additionally, research funds have been cut and punitive restrictions on travel imposed. None of this seems to move in the right direction, in fact, they probably did not help.

As a result, the labs are having great difficulty recruiting and retaining America's greatest scientists. To help address this problem, the conference agreement has increased the travel cap from $150 million to $185 million, and increased laboratory directed research and development to 6 percent.

The travel restrictions which have become so burdensome were put in because, somehow, we thought if we didn't let scientists travel they wouldn't go to meetings in Taiwan and China and someplace like that and exchange secret information. Clearly, travel restriction has become a very onerous burden, for good scientists working for universities or otherwise do travel. That is part of their growing up, maturing, and once they are mature and great scientists, they go there to show their fellow scientist what the past has put into their minds.

The conference agreement also includes a compromise proposal that allows work on the National Ignition Facility, a major laser complex to be used for nuclear weapons stewardship work, to continue. That project is funded at $199 million, $10 million below the request of $209 million. Of that amount, $70 million is fenced pending the project meeting a number of milestones by March 3, 2001.

The conference agreement also includes several provisions to strengthen and clarify the operation of the National Nuclear Security Administration. The conference report includes provisions to give the Administrator a 3-year term of office, prohibit the "dual-hatting" of NNSA and DOE employees, and limit the authority of the Secretary of Energy to reorganize the statutory structure of the NNSA.

I tell the Senate they have to do some very difficult things by March 15 or they do not get the fenced funding that is in this bill.

For defense nuclear nonproliferation activities within the NNSA, the conference report provides $874 million, which is $8 million above the request and $145 million over current year. This amount of funding again shows the Congress' strong support of a broad variety of efforts to stem the proliferation of nuclear materials and expertise from the former Soviet Union.

For other programs within the Department of Energy, the conference agreement provides $422 million for solar and renewables, which is $33 million below the request but $60 million over current year.

For nuclear energy, the conference report provides $260 million, $28 million below the request. The decrease is due to a transfer of cleanup obligations to the Office of Environmental Management. Nuclear power R&D actually increased significantly over current year.

The conference report provides $6.8 billion for environmental cleanup at DOE sites across the country. That is $56 million over the request and $496 million over current year.

For the Office of Science, the conference report provides $3.19 billion, $24 million over the request and $400 over current year. The conference added over $300 million in order to address significant shortfalls that existed in both the Senate and House bills. The conference agreement includes full funding of $278 million for the Spallation Neutron Source in Tennessee.

On the water side of the bill, the conference report provides $4.5 billion for water resource development activities of the Army Corps of Engineers, including $1.7 billion for construction activities, and $1.9 billion for ongoing operation and maintenance activities. The total Corps number is $461 million over the budget request and $415 million over the enacted level for fiscal year 2000.

The conference agreement includes funding for approximately 40 high priority new construction starts across the country. While the recommendation is a significant increase over both the budget request and fiscal year 2000 level, it should be pointed out that there is a $40 to $50 billion backlog of authorized projects awaiting construction.

Regarding the construction account of $1.7 billion, although it is $350 million above the request, it is within the range of the current year construction level of $1.6 billion.

The conference agreement provides $776 million for activities of the Bureau of Reclamation. That is $25 million below the budget request and $23 million over the funding level for fiscal year 2000. No funding is included for the California Bay-Delta restoration due to the lack of program authorization for fiscal year 2001 and future years.

The conference agreement includes funding to initiate a small number of new water conservation and water recycling and reuse projects. Finally, the conference agreement provides funding for a number of independent agencies.

For the Appalachian Regional Commission, the conference report provides $66.4 million, $5 million below the request but slightly above the current year. For the Denali Commission, the conference report provides $30 million, compared to $20 million provided in the current year. For the Delta Regional Authority, the conference report provides $20 million for the initial year of funding, a reduction from the request of $30 million. For the Nuclear Regulatory Commission, the conference report provides $482 million, the amount of budget request. The conferees have also included a provision extending and revising NRC's fee recovery authority. The revised fee structure will reduce fees gradually over 5 years to address fairness and equity issues raised by licensees.

Overall, this is an outstanding energy and water conference report. We have made a good faith effort to address the concerns raised in the President's veto message and I believe we have a bill that the President will sign.

Suffice it to say, we have been able in this bill to keep the Corps of Engineers moving ahead, to have projects in the States that many Senators requested that we believe feel are very solid projects. Without the extra money given to us in the allocation, we would have been unable to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senate is now considering the combined VA/HUD and Energy and Water appropriations bills. This combined bill follows the pattern established by previous appropriations bills considered by the Senate. Looking first to the VA/HUD appropriations bill, in the fiscal year 2000 that ended September 30 of this year, the appropriation for these accounts was $99.2 billion.

We had committed ourselves to a standard of previous year appropriations plus inflation. The Consumer Price Index has risen 3.5 percent over the past year. Making that adjustment, we would have set as a target for the VA-HUD bill an appropriation this year of $102.7 billion. In fact, the bill we are about to vote on has an appropriation of $105.5 billion, or approximately $2.8 billion over the standard that has been set. This budget represents an increase from fiscal year 2000 to fiscal year 2001, not of the 3.5-percent inflation but, rather, of 6.4 percent.

Looking at the second bill which has been added to the VA-HUD bill, which is the energy and water appropriations bill, again in fiscal year 2000, the appropriation for this budget was $21.2 billion. Adjusting it for the 3.5-percent inflation increase, we would have had a target of $21.9 billion for energy and water. In this conference report, we are being asked to authorize spending of $23.3 billion, or approximately $1.4 billion over the scheduled maximum increase. The increase in the energy and water appropriations bill represents a 9.9-percent growth from fiscal year 2000 to fiscal year 2001.

What is the significance of this? The significance is we started with a budget plan, and the plan was that we would attempt to restrain the growth in spending to the rate of inflation. If we did that, according to the Congressional Budget Office, we would have at the end of 10 years substantial surpluses not only in the Social Security trust fund but also surpluses in general government.

There are many important events which are taking place in the world today: The tragedy of the U.S.S. *Cole*, the crisis in the Middle East and, of course, the heat of fall Presidential and congressional elections. All of these things are fighting for the attention of the American people. In that context, it is easy to understand why most Americans have not focused their attention on what is happening under this dome, but I suggest that in the autumn of 2000, some of the most important decisions for our individual and our national futures are being made in these changes.

The House and the Senate are slowly closing the curtain on the 106th Congress. As the curtain draws to a close, we are in the midst of an orgy of spending and tax cuts, an orgy which threatens the fiscal discipline that many Members of this Congress and the administration have worked so hard to achieve. Worse than the decisions that are being made, however, is the process that is being used to make those decisions.

Long gone is the normal legislative process where we had hearings on ideas in the committees with jurisdiction. We developed legislation on a bipartisan basis with amendments being offered and votes taken; Presidential consideration of individual bills; and, should the President exercise his or her veto power, further debate and congressional action to potentially override the veto; finally, the give and take of negotiation that results in bills which will secure a Presidential signature.

In the place of this normal legislative process, we now have a process—if it deserves that word—where a handful of individuals make far-reaching decisions on legislation. Those decisions are then rushed to the House and Senate floors for final votes, often without the actual language of the measure being considered available to the Members of the House and the Senate.

Lest we be overly critical of October 2000, I say sadly that, with some tactical variations, we were in exactly the same position in the fall of 1999. At that time, I wrote an article for the Orlando Sentinel which outlined my distress with what was occurring a year ago. I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, what we are now doing in the fall of 2000 is characterized by some representative examples of our excess. The Transportation appropriations conference report was not available for Members to review the night before the final vote, but at least there had been some debate on the Senate floor on the Transportation appropriations bill when it originally passed the Senate.

In the remaining days, we are going to be asked to approve measures for which there has never been Senate debate. As an example, we are going to be asked to make some significant paybacks to the providers of services through the Medicare program. This add-back legislation was never considered in the Senate Finance Committee, nor has it been considered on the Senate floor, but mark my word, we will soon be asked to vote on this substantial legislation.

The Commerce-State-Justice appropriations bill will also likely come to this body attached to an unrelated conference report without ever having been separately considered by the Senate.

I suggest we all need to grab hold of our aspirin bottles because we are likely to need plenty of those pills when we find out what is in these measures, a disclosure that is likely to occur several weeks after we have adjourned.

I ask unanimous consent to print in the RECORD immediately following my remarks a column which appeared in the October 18 Washington Post by David Broder under the headline "So Long, Surplus."

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

(See Exhibit 2.)

Mr. GRAHAM. Mr. President, it is hard to determine why we have fallen into this legislative abyss. It appears there is a strong desire to avoid the traditional legislative process in order to protect against having to take any votes at all, particularly any votes on controversial issues. In order to achieve that desire to avoid public commitment as to how we stand on various issues, we have abandoned all semblance of fiscal responsibility. Let me provide some large numbers.

In 1997, we passed the Balanced Budget Act which was a key step toward achieving first the elimination of the annual deficits that had become so much a part of our Nation's fiscal life and ushered in this era of surpluses.

In that 1997 Balanced Budget Act, we set a spending target for each of the future years. For the fiscal year 2001, our spending target for domestic discretionary accounts—these are the subject of the 13 appropriations bills, not taking into account expenditure for items such as Social Security, Medicare, interest on the national debt. But focusing on those things for which we in Congress have a responsibility to annually appropriate, we decided in 1997 that the spending limit for this year should be $564 billion. When the Senate passed its budget resolution in the spring of this year, we set a target, a constraint on ourselves, not of $564 billion, not even of $564 billion adjusted for some inflation, but rather $627 billion was the number to which we committed ourselves in the budget resolution.

As of today, with one appropriations bill that is an amalgamation of two bills before us and three more appropriations bills yet to be considered, we have already committed ourselves to appropriations of $638 billion. It is estimated that when those final three bills are voted on, we will likely raise the final tally of total appropriations to as much as $650 billion, or some $85 billion more than the 1997 Balanced Budget Act indicated we should be spending this year.

There has been an attempt to lay the blame for this orgy of spending at the White House step. In the Washington Post of October 13, there was an article under the headline, "DeLay Urges GOP Showdown With Clinton Over Spending Bill," where the majority whip in the House made this statement:

> [He] argued that Clinton is "addicted to spending" and that Republicans must draw the line if they hope to conclude budget negotiations next week.

Mr. President, I ask unanimous consent that that article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. GRAHAM. Mr. President, I would say this is not the case; that we have both Republicans and Democrats alike entered into an enthusiastic, willing, and self-confessed role as coconspirators to the raiding of the surplus.

Our colleague from Arizona, Senator MCCAIN, stated it clearly last week when he chided his fellow Republican colleagues. "We didn't come to the President with clean hands—we came with dirty hands," said Senator MCCAIN.

In another example of the lack of fiscal discipline—and it is part of the bill that we are going to be asked to vote upon this afternoon—the President vetoed the appropriations bill covering energy and water projects because there had been added to the appropriations bill a provision prohibiting, under certain circumstances, the use of funds to revise the Corps of Engineers' Missouri River Master Water Control Manual. This was not an issue of spending; it was an issue of the management of the Missouri River and who should have ultimate responsibility for that management.

Nevertheless, when this bill came back from the President's office with his veto, the response was to revise the bill by excising the provision which had led to the veto and then adding $26 million in additional water projects. This spending spree is not limited to the appropriators. Others have eagerly joined in the party.

Other spending and tax cuts which are being considered in the final hours include increases in spending for Medicare providers. I mentioned that earlier as an example of a provision that we are likely to get with no opportunity for debate or amendment. News reports indicate that this may total $28 billion over the next 5 years and perhaps as much as $80 billion over the next 10 years. We are about to be asked to do that without any debate, without any opportunity to amend or give the thoughtful consideration for which this institution is supposedly empowered.

We passed a military retiree health benefit that will add $60 billion over the next 10 years—again, with no open debate or opportunity to amend.

We repealed the Federal telephone tax, a provision that was tucked away in the Treasury-Postal appropriations bill. That will reduce revenues by $55 billion over 10 years.

I understand that there may be further proposed tax cuts that could have a cost of $200 to $250 billion over the next 10 years.

These are just examples of the almost total absence of any sense of fiscal discipline. It is possible to support many of these proposals, but I am concerned that we are operating without a blueprint. Congress is flying blind, and our plane has no global positioning system. In fact, we do not even have a hand compass to give us general direction as to where we should be going.

You might ask, What difference does it make? Why should Americans care this fall in the year 2000 as to what we are doing? Don't we have an enormous surplus? Can't we afford to do all of these things?

Americans can and do care because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses and without addressing the big long-term problems facing our Nation.

Americans should care because by sleepwalking through the surplus, we are denying ourselves the chance to face these major national challenges.

A few days ago, the Congressional Budget Office released its long-term budget outlook. The Congressional Budget Office findings are not encouraging, but they are not surprising. That may explain why that report garnered such little attention by the media and by Members of Congress.

What were those Congressional Budget Office findings? The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—dominates the long-term budget outlook. Why? The retirement of the baby-boom generation will drastically increase the number of Americans receiving retirement and health care benefits. The cost of providing health care is growing faster than the overall economy. The number of Americans working to support that much larger retirement segment of our population will be essentially stabilized.

Saving most or all of the budget surplus that CBO projects over the next 10 years—using those savings to pay down the debt—according to the Congressional Budget Office, would have a positive impact on those projections of future obligations and substantially delay the emergence of a serious fiscal imbalance.

Despite the clear delineation of the long-term problems, and the even clearer outline of the short-term steps Congress can take to begin to address those problems—primarily, saving the surplus and paying down the debt—Congress seems content on frittering away the surplus.

We have an obligation to not let this happen. In fact, it is not necessary. There are some basic principles to which we could recommit ourselves which would avoid the path that I fear is about to take us over the canyon cliff.

First, we should return to that admonition that guided us so effectively just 2 years ago, and that was: Save Social Security first. The surplus should be used to pay down the debt. The kind of direction which the Republican leadership in the House of Representatives has suggested to us—that we should use 90 percent of the fiscal year 2001 surplus for debt reduction—is not only a good idea for the fiscal year 2001 but should be a guiding principle into the future until we have met that first obligation of saving Social Security first. We also need to establish some priorities.

In those ugly days of deficits, we were taught some valuable lessons. One of those lessons was the need to prioritize. The tool that forced us to do that was a requirement that for each additional dollar of spending enacted, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That was a firm discipline.

The surplus has eroded that discipline. Many of the proposals being enacted in these waning days are desirable. Perhaps they are even more desirable than commitments that are already on our law books.

We are failing the American public by not having an honest, open debate about the tradeoffs that are necessary to enact these programs. If we are going to add a substantial new benefit—whether it be to Medicare providers or whether it be to military veterans—we should be prepared to answer the question, Where are we going to pay for that new commitment, either in terms of reducing spending elsewhere or raising taxes to pay for it?

We should not be eating away at the surplus which is going to be the basis upon which we can meet some of the long-term significant challenges that face our Nation.

There are few Congresses in the history of this Nation which have had such a wonderful opportunity to face and respond to important challenges to our Nation's future. Few Congresses will be judged so harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

I urge my colleagues in Congress, as well as those in the White House, to stop acting as the proverbial children in the candy store and start acting as statesmen and stateswomen. At the very least, let us follow the admonition given to all healers, which is: First, do no harm.

I regretfully announce that I will have to vote against this appropriations bill because it fails to comply with the fiscal discipline we established for ourselves, first in 1997 as part of the Balanced Budget Act and then this year in the development of our own budget resolution. I hope there will be a sufficient number of my colleagues who will join me in expressing our outrage as to what we are doing in terms of our Nation's future, what we are doing in terms of asking our children and grandchildren to have to deal with some of the issues that will be much more difficult for them than they are for us today.

Now is the time to face the issue of dealing with these long-term commitments that we as a society have undertaken. We have the capacity to do so. The question is, Do we have the will to do so?

I thank the Chair.

EXHIBIT 1

[From the Orlando Sentinel, Thurs., September 23, 1999]

CONGRESS' SPENDING IMPERILS ECONOMIC GROWTH

In early 1993, a new U.S. Congress and a new presidential administration took office under the cloud of the largest deficit in our nation's history: $290 billion. In the past year, we have learned that five years of fiscal austerity and economic growth have transformed that record deficit into the first budget surplus in more than a generation—and paved the way for annual surpluses far into the future.

This historic reconstruction of our nation's fiscal house was no small accomplishment. Both Congress and the president made tough choices—a combination of revenue increases, spending reductions and long-term budget restraints—in stemming the tidal wave of red ink that had threatened to drown our children and grandchildren's economic future.

That fiscal life-preserver worked better than anyone could have imagined. In addition to eliminating the deficit, it powered one of the strongest economic expansions in our nation's history:

—Nineteen million jobs have been created since 1992, including more than a million in Florida.

—In the past six years, long-term interest rates have been reduced by nearly 20 percent while our national savings rate—personal savings plus governmental savings—has doubled.

—We enjoy the lowest national unemployment rate in 29 years and the highest homeownership rate in history.

But these successes do not give lawmakers license to return to the fiscally irresponsible days of the past. If anything, we face an even more difficult test in preserving the discipline that has brought us to this enviable economic position. It is a test that requires us to forego instant gratification in favor of policies that will reap benefits for future generations. Thus far, it is a test that Congress is failing miserably.

The current surplus is the result of surpluses in the Social Security Trust Fund and the federal government's annual operating budget. Congress has mishandled both. Earlier this summer, the U.S. House of Representatives passed a plan to protect Social Security by holding its surpluses in a so-called lockbox. One political pundit even asserted that this action removed Social Security as an issue for debate.

Wrong. While a lockbox seems responsible, it does nothing to extend Social Security's solvency beyond its currently projected expiration date of 2034. In fact, it numbs us to the structural changes that will be needed to preserve Social Security until 2075, a lifespan that will ensure that this important program is there for three generations of Americans.

Worse yet, Congress seems determined to exhaust the surpluses before they can even enter the lockbox. Wisely, the president has said he will veto a risky tax scheme that would deplete nearly $800 billion from the federal government's operating surplus during the next 10 years—leaving no resources whatsoever to enhance Social Security's solvency further or to strengthen Medicare.

The story gets worse when it comes to federal spending, where Congress' appetite is as voracious as ever. The historic deficit-reduction legislation enacted in 1993 and 1997 included strict discretionary-spending limits. Not surprisingly, it has been difficult to maintain these limits. But rather than dealing with this challenge in an honest manner that salutes fiscal austerity, Congress has reverted to using an escape clause that allows "emergency" spending to fall outside the budget limits and further deplete the surplus.

When this emergency-spending provision was originally passed, many assumed that it would be reserved for natural disasters such as hurricanes or floods, urgent threats to national security and other sudden, urgent or unforeseen needs. For the past year, however, Congress has misused its emergency-spending powers in a manner befitting the little boy who cried wolf.

In October of 1998, it stretched the emergency definition to direct $3.35 billion to the long-foreseen Year 2000 (Y2K) computer problem and $100 million for a new visitors center at the U.S. Capitol. In June of 1999, Congress added non-emergency spending items to an "emergency" bill for the Balkans conflict. And this fall, Congress is expected to consider an "emergency" bill to pay for the cost of the 2000 Census, which was ordered by our Founding Fathers in Article I of the U.S. Constitution.

It took the federal government 30 years to turn its federal budget deficit into a surplus. Yet it has taken us less than 12 months to revert to the same irresponsible behavior that produced record deficits in the first place. For the sake of our economy and our children and grandchildren's futures, I hope that the American people will demand that the 106th Congress establish a new record of fiscal prudence.

EXHIBIT 2

SO LONG, SURPLUS

(By David S. Broder)

Between the turbulent world scene and the close presidential contest, few people are paying attention to the final gasps of the 106th Congress—a lucky break for the lawmakers, who are busy spending away the promised budget surplus.

President Clinton is wielding his veto pen to force the funding of some of his favorite projects, and the response from legislators of both parties is that if he's going to get his, we're damn sure going to get ours.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be $100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watching group, estimates that the $2.2 trillion non-Social Security surplus projected for the next decade is likely to shrink by two-thirds to about $712 billion.

As those of you who have been listening to Vice President Al Gore and Texas Gov. George W. Bush know, they have all kinds of plans on how to use that theoretical $2.2 trillion to finance better schools, improved health care benefits and generous tax breaks. They haven't acknowledge that, even if good times continue to roll, the money they are counting on may already be gone.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

A few conscientious people are trying to blow the whistle, but they are being overwhelmed by the combination of Clinton's desire to secure his own legacy in his final 100 days, the artful lobbying of various interest groups and the skill of individual incumbents in taking what they want.

Here's one example. The defense bill included a provision allowing military retirees to remain in the Pentagon's own health care program past the age of 65, instead of being transferred to the same Medicare program in which most other older Americans are enrolled. The military program is a great one; it has no deductibles or copayments and it includes a prescription drug benefit.

Retiring Democratic Sen. Bob Kerrey of Nebraska, himself a wounded Congressional Medal of Honor winner, wondered why—in the midst of a raging national debate on prescription drugs and Medicare reform—these particular Americans should be given preferential treatment. Especially when the measure will bust the supposed budget ceiling by $60 billion over the next 10 years.

"We are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short-term political considerations," Kerrey declared on the Senate floor. "I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town."

The Republican chairman of the Senate Budget Committee, Pete Domenici of New Mexico, joined Kerrey in objecting to the folly of deciding, late in the session, without "any detailed hearings . . . [on] a little item that over a decade will cost $60 billion." Guess how many of the 100 senators heeded these arguments? Nine.

Sen. Phil Gramm, a Texas Republican, may have been right in calling this the worst example of fiscal irresponsibility, but there were many others. Sen. John McCain of Arizona, who made his condemnation of pork-barrel projects part of his campaign for the Republican presidential nominations, complained that spending bill after spending bill is being railroaded through Congress by questionable procedures.

"The budget process," McCain said, "can be summed up simply: no debate, no deliberation and very few votes." When the transportation money bill came to the Senate, he said, "the appropriators did not even provide a copy of the [conference] report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long, with the barest of detail, with actual text of the report to come later."

Hidden in these unexamined measures are dozens of local-interest projects that cannot stand the light of day. Among the hundreds of projects uncovered by McCain and others are subsidies for a money-losing waterfront exposition in Alaska, a failing college in New Mexico and a park in West Virginia that has never been authorized by Congress. And going out the window is the "surplus" that is supposed to pay for all the promises Gore and Bush are making.

EXHIBIT 3

[From the Washington Post, Oct. 13, 2000]

DELAY URGES GOP SHOWDOWN WITH CLINTON OVER SPENDING BILL

(By Eric Pianin and Dan Morgan)

After weeks of trying to accommodate the White House on key budget issues, House Republican leaders are pushing for a more confrontational strategy over a giant health and education spending bill, the largest piece of unfinished business in the final days of the session.

Unable to resolve their differences over spending for new school construction and for hiring more teachers to reduce class sizes, GOP leaders are prepared to challenge President Clinton to sign or veto a GOP-crafted labor, health and education bill rather than making further concessions.

House Majority Whip Tom DeLay (R-Tex.), the chief architect of the strategy, has argued that Clinton is "addicted to spending" and that Republicans must draw the line of they hope to conclude budget negotiations next week. House Speaker J. Dennis Hastert (R–Ill.) agrees that Republicans already have made ample concessions, according to an aide.

"If it's considered confrontational to reject the idea we should just write the White House a blank check, I guess we're being confrontational," Jonathan Baron, a spokesman for DeLay, said yesterday.

But Senate Majority Leader Trent Lott (R-Miss.), House Appropriations Committee Chairman C.W. Bill Young (R-Fla.) and others have argued in private meetings that it would be politically risky to confront Clinton over education spending policy only weeks before the election.

Those Republicans are worried about appearing to be resisting new spending for education when Vice President Gore and Gov. George W. Bush have made education a top priority in the presidential campaign.

"I've never been an advocate of a veto strategy," Lott said yesterday. "I don't understand the wisdom of running a bill down to be vetoed and then bringing it back and doing it over. For one thing, it usually grows."

GOP leaders have put off a decision on how to proceed until next week, when they determine whether they have the votes in the House and Senate to pass the bill without Democratic and administration support. A White House budget office spokeswoman said that Clinton would not back down on his demands for increased spending for education.

The threatened showdown comes just when it appeared that the two sides were making substantial headway in completing work on the 13 must-pass spending bills for the fiscal year that began Oct. 1.

The Senate approved two packages that each carried two compromise spending bills. One combined a $107 billion measure financing veterans, housing, environment and science programs with a $23.6 billion energy and water bill. The other contains the $30.3 billion Treasury Department bill, a $2.5 billion measure to fund the legislative branch and another repealing a 3 percent federal excise tax on telephones.

The Treasury measure also would pave the way for members of Congress to receive a $3,800 pay raise in January, to $145,100.

The spending bill for veterans, housing, space and environmental programs provides much of what Clinton had sought. That includes increased funds for AmeriCorps, the president's signature national service program; the Environmental Protection Agency; veterans' health care and housing vouchers; and other subsidies for low-income families.

The energy and water bill to which it was attached was retooled after Clinton vetoed it in a dispute over water management along the Missouri River.

The pairing of unrelated appropriations bills for final passage is part of the leadership's efforts to finish work on the spending bills as soon as possible, so lawmakers can return to campaigning. Congress yesterday approved its third short-term continuing resolution that will keep the government operating through next Friday.

The festering dispute over the labor, health and education appropriations bill for the coming year has as much to do with how money will be spent as how much will be made available.

Although the $108.5 billion bill worked out by House and Senate Republicans exceeds the president's original request, Democrats say it largely reflects Republican priorities, such as health research and special education. The White House and congressional Democrats want an additional $6 billion for their priorities.

About half that amount would go to summer job programs, the training of dislocated workers, health care for the uninsured and the Centers for Disease Control and Prevention, along with smaller programs.

But the largest differences are over education, where Republicans fall about $3.1 billion short of Democratic targets.

The White House is pressing for another $1.8 billion to pay for initiatives to train high-quality teachers, renovate schools and fund after-school programs. At the same time, House Democrats want an additional $1.3 billion for special education and for Pell Grants for needy college students.

In addition to the money difference, Republicans are insisting that more than $3 billion sought by Clinton for school construction and reducing class sizes be rolled instead into a block grant to the states.

GOP officials contend the argument over this issue is more political than substantive, because federal funds going to states and school districts invariably are mixed with local money. But Democratic officials say that the Clinton plan would be far more effective in targeting the money to the neediest school districts.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the VA–HUD conference report and I urge my colleagues to do the same.

I want my colleagues to know that this conference report is the exact same bill that was passed in the Senate last week.

It has come back to the Senate in the form of a conference report, which includes report language in the statement of the managers.

I urge my colleagues to vote for this measure to give our veterans the health care and benefits they deserve, to provide housing for families of modest income, and to protect our environment.

First, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as geriatrics, Alzheimer's, Parkinson's, and orthopedic research.

We are also providing $100 million in funding for State veterans homes. This is $40 million above the budget request and $10 million above last year's level.

I am also very pleased that we were able to include a new title in our bill that will provide medical care and veterans benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

Our bill provides almost $13 billion to renew all expiring section 8 housing vouchers. We have included $453 million in funding to issue 79,000 new vouchers to help working families find affordable housing.

Unfortunately, we were forced to drop Senator BOND's housing production bill due to objections from the authorizing committee, but I hope we will revisit the issue next year.

We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators.

We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases over the President's request. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the Hope VI Program. This year, we provided $575 million for Hope VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill for urban and rural empowerment.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million above the President's request.

All of NASA's core programs are fully funded and all NASA centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science and more than $2.5 billion for space science.

It includes $20 million to start an exciting new program called "living with a star," which will study the relationship between the Sun and the Earth and its impact on our environment and our climate. I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

And, of course, we fully fund the space shuttle upgrades, space station construction, and the new "space launch initiative" to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service. The corporation is funded at $458 million, a $25 million increase over last year's level. The Corporation for National Service has enrolled over 100,000 members and participants across the country.

As many of my colleagues know, I have been very concerned about the digital divide in this country. I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide. I am pleased that this bill contains $25 million within the national service budget to create an "e-corps" of volunteers by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding. All together, this is an increase of $400 million over last year's level and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs.

We also provided an additional $550 million for the clean water state revolving fund.

Taking care of the infrastructure needs of local communities has always been a priority for the VA–HUD Subcommittee.

A number of my colleagues have raised concerns about some environmental provisions in the bill.

I will address these topics in more detail later. But let me say that the administration helped negotiate these provisions and the administration supports them. They do not threaten the environment and they maintain EPA's authority and flexibility.

A am a strong supporter of FEMA and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level and one of the largest increases in NSF's history. This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA–HUD bill is good for our country, our veterans, and our communities.

To reiterate, Mr. President, I rise in support of the VA–HUD conference report and urge my colleagues to do the same. As I said, this conference report is the exact same bill we passed last week. It has come back to the Senate in the form of a conference report and includes the report language contained in the Statement of Managers.

That is kind of inside baseball, but what I want people to know is, this is the same bill we voted on, so there does not need to be extensive debate. What is not inside baseball, and it is how we played the game, is that we played it very fairly. We tried to both exercise a great deal of fiscal prudence while looking out for the day-to-day needs of our constituents and the long-range needs of our country.

Our appropriation—the VA-HUD, EPA, National Federal Emergency Management, space program, National Science Foundation, and 22 other agencies—had the least increase, the least gross increase, of any other subcommittee to come before the Senate. I tell my colleagues who believe in fiscal discipline, have worked for fiscal discipline, and have voted for fiscal discipline, that they need not fear voting for the VA-HUD-other agencies appropriations.

Throughout our entire deliberation on moving this bill, we wanted to have legislation that could both meet the responsibilities of fiscal stewardship as well as meet the needs. I believe we did do it. Sure, there are increases, but it costs more to do what we do. One of the major areas where it costs us more to do what we do is in veterans health care.

Health care is on the rise everywhere. It costs money to have the best nurses in America working for our veterans. It costs money to be able to have primary care facilities. It costs money to provide a prescription drug benefit. The cost our veterans gave in their service to America is far greater than any monetary spending we can do to ensure they get the health care they need.

That is why we do have increases. We have increased veterans health care. We have ensured the benefits that they deserve. At the same time, we have worked very hard to provide housing for people of modest income. We have an increase in section 8 vouchers.

What does that mean? It means there are Federal funds to enable the working poor to be able to have a subsidy for housing. If you have gotten off welfare, we make work worth it by making sure that if you are working and you can't afford to live and pay for the housing that you need, there will be this modest subsidy.

We are also doing housing for the elderly. Like it or not, America is getting older. Like it or not, we need housing for the elderly, and we also bring some innovations to it. Those need to be project based.

My esteemed Republican colleague and I don't believe vouchers work for the elderly. We don't believe if you have a wheelchair or a walker, we should give you a little voucher while you forage for housing in your neighborhood. We met those needs.

We have also protected the environment. We have encouraged voluntarism, and we have also made major public investments in science and technology. Why did we do that? Because we want to be sure America is working in this century.

These major investments in science and technology are to generate the new ideas that are going to give us the new jobs for the new economy.

We believe we bring to the Senate a bill that really does represent what America wants—yes, fiscal stewardship, but promises made, promises kept to those who served the country in the U.S. military through its benefits, to make work worth it, and make sure we have a helping hand for those who are out there working every day and have moved from welfare to work, to protect our environment, encourage voluntarism, and come up with the science and technology for the new ideas, for the new jobs.

I encourage my colleagues to vote for this bill.

I again thank my colleague. There has been much made about bipartisan cooperation. We saw it in the debates. We see it in the ads, and so on. I can tell my colleagues, I saw it in the Subcommittee on VA, HUD, and Independent Agencies. I thank my colleague, Senator BOND, for his cordial and collegial support. I thank the members of the subcommittee on both sides of the aisle. It really worked for us. Quite frankly, I believe if the rest of the Senate is working in the cooperative way we work, when all is said and done, more will get done.

I yield the floor.

SEDIMENT REMEDIATION TECHNOLOGIES

Mr. INHOFE. Mr. President, I know the Senator from Missouri has addressed similar questions before the conference on this legislation was convened, but now that we have the actual text of the statement of managers before us, I would like to clarify a section in the statement of managers. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging or capping until specific steps have been taken with respect to the National Academy of Science report on sediment remediation technologies, with limited exceptions. It is my understanding that in directing that the report's findings be properly considered by the Agency, the conferees are not directing any change in remediation standards. However, the conferees are directing EPA to consider the findings and recommendations of the forthcoming report, in addition to the existing guidance provided by the Agency's Contaminated Sediments Management Strategy, when making remedy selection decisions at contaminated sediment sites, and as the Agency develops guidance on remediating contaminated sediments.

Mr. BOND. The Senator is correct. I have addressed similar questions, but to remove any confusion, I clarify the statement of managers now before the Senate. In directing that the NAS report by properly considered by the Agency, the language in the statement of managers directs the Agency to consider the findings of the report when making site-specific remedial decisions and in developing remediation guidance for contaminated aquatic sediments. In both cases, EPA should consider the findings of the report so that the best science available will be taken into account before going forward. In implementing this direction, EPA should seek to ensure that Congress can evaluate how the findings of the report have been considered.

Mr. INHOFE. It is also my understanding that in providing for an exception for urgent cases, we anticipate that the EPA will use the four part test set forth in previous committee reports, namely that (1) EPA has found on the record that the contaminated sediment poses a significant threat to the public health to which an urgent or time critical response is necessary, (2) remedial and/or removal alternatives to dredging have been fully evaluated, (3) an appropriate site for disposal of the contaminated material has been selected, and (4) the potential impacts of dredging, associated disposal, and alternatives have been explained to the affected community.

Mr. BOND. The Senator is correct.

Mr. INHOFE. Finally, it is my understanding that the references to "urgent cases," "significant threat," "properly considered" and other key terms should be interpreted consistent with ordinary dictionary definitions and in light of previous years' statements of managers.

Mr. BOND. Again, the Senator is correct.

RELICENSING NON-FEDERAL HYDROELECTRIC PROJECTS

Mr. CRAIG. Mr. President, one of my top priorities this Congress has been to improve the process by which our Nation's non-federal hydroelectric projects are relicensed by the Federal Energy Regulatory Commission. Over the next 15 years, over half of all non-federal hydroelectric capacity (nearly 29,000 MW of power) must go through a relicensing process that takes too long and results in a significant loss of domestic hydropower generation. Oversight and legislative hearings before the Energy and Natural Resources Committee this Congress have established a solid record of the problem and the need for a legislative solution. I want to commend the Chairman of the Water and Power Subcommittee, Senator SMITH, for his dedication to this issue and for working with me to seek a bipartisan, legislative solution to the licensing problem. I look forward to working with all my colleagues to pass this legislation in the next Congress.

Mr. BINGAMAN. I thank the Senator for addressing this issue. We are clearly looking, in the next 15 years, at a substantial relicensing workload for hydropower facilities. No one can be against wanting to conduct that process in an efficient and informed manner. But, these projects have multiple impacts and benefits that cut across a wide range of issues that are important to the citizens who live in the vicinity of those projects and to the country at large. Any changes to the current system should deal with these multiple impacts in a sensible way. I fully expect that the hydropower relicensing issue will remain as a topic of concern on our Committee agenda in the next Congress, and I am ready to engage in discussions on how to move forward on this issue in a bipartisan fashion.

ABATEMENT PROGRAM FUNDING

Mr. CRAIG. Mr. President, I note that the bill allocates approximately $100 million to HUD to fund its lead abatement program. In a number of areas around the country some of our children are still at increased risk of exposure to high levels of lead, which can lead to development problems.

The bill further provides that from this account, HUD will provide financial assistance to the Clear Corps lead abatement and education network administered by the University of Maryland at Baltimore. This assistance is set at $1 million.

Clear Corps is a public-private partnership which organizes and manages cleanup and education affiliates around the country in close cooperation with local organizations and government. Significant resources are provided to this program by various companies in the paint industry, and by the National Paint and Coatings Association.

Based on reports I have seen, it has proven highly efficient and cost effective. At my invitation, Clear Corps representatives visited Northern Idaho to meet with officials of several private and public organizations, including U.S. EPA, to determine if an affiliate arrangement might prove helpful in addressing the lead exposure issue in that area. While significant progress has been made, there remain pockets where further testing, cleanup (particularly inside some older houses), and focused education could reap large rewards in the near future. It appears that with its growing national network and in-depth experience in providing cost effective solutions, my state and its children would benefit from such a project. Clear Corps is currently evaluating the resources which might be required to establish a new site in Idaho. It is my hope, Mr. Chairman, that we are able to at least begin to establish this program this year in Northern Idaho. Next year, I hope to work with the Chairman and the other members of the VA-HUD Subcommittee to review the Clear Corps approach with a view towards increasing the federal share of its resources. We need to see more of creative and cost effective approaches to issues such as reducing lead exposure of children. Public-private ventures to address such issues make a lot of sense.

Mr. BOND. I thank the Senator from Idaho for his thoughtful remarks on the lead exposure issue and the Clear Corps program. I might point out that in my home state, St. Louis now has a Clear Corps affiliate. I might also point out that Senator Mikulski has a Clear Corps affiliate in Baltimore. I concur that the public-private approach as one avenue of a larger program should be encouraged. I would be happy to work with Senator Craig and other members to determine an appropriate level of higher funding for Clear Corps.

DEFINITION OF AN "URBAN COUNTY" UNDER FEDERAL HOUSING LAW

Mr. MACK. Mr. President, I would like to engage my colleague, Senator Bond, and Chairman of the Senate VA-HUD Appropriations Subcommittee in a brief colloquy concerning a provision in the conference agreement relating to the definition of "urban county" under federal housing law.

Mr. BOND. I would be pleased to engage my colleague in such a colloquy.

Mr. MACK. Mr. President, as the Chairman knows, the Community Development Block Grant (CDBG) Program statutory provisions relating to the "urban county" classification do not contemplate the form of consolidated city/county government found in Duval County, Florida (Jacksonville) where there is no unincorporated area. A recent decision by the Bureau of the Census, and subsequently by the U.S. Department of Housing and Urban Development (HUD), has questioned the status of Jacksonville/Duval County as an entitlement area.

Mr. BOND. I am aware of this problem facing the city of Jacksonville.

Mr. MACK. Mr. President, my purpose for entering into this colloquy is to seek clarification from the Chairman about the effect of the provision adopted by the Conference Committee to amend the definition of "urban county" to address this problem facing Jacksonville.

Is it the Chairman's understanding that section 217 of the VA-HUD Conference Report addresses the concerns of the Town of Baldwin, Jacksonville and the Beaches communities, by amending current law to classify Jacksonville as an "urban county". Is it further his understanding that the language would preserve the area's longstanding status as an entitlement area for CDBG grants, while also allowing the Town of Baldwin to elect to have its population excluded from the entitlement area?

Mr. BOND. Yes. I believe the language clarifies that Jacksonville/Duval County meets the definition of an urban county under the statute, as amended. HUD also agrees with this interpretation.

Mr. MACK. I thank the Chairman for his comments.

• Mr. McCAIN. Mr. President, I want to thank both Senator Bond and Senator Mikulski for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs, VA, and Housing and Urban Development (HUD), and Independent Agencies. Unfortunately, Mr. President, this year-end process to rush spending measures through Congress at the last minute again leaves very little time for members to review in full detail the finalized conference reports, which are all too often bottled up until just before they arrive on the Senate floor. The VA-HUD conference report, regrettably, is no exception.

The House of Representatives just passed this report, despite the fact that most of the voting members did not have adequate time to fully review its contents. And now, the Senate is being asked to do the same. How can we make sound policy and budget decisions with this type of budget steamrolling?

This conference report provides $22.4 billion in discretionary funding for the Department of Veterans Affairs. That amount is $17.2 million more than the budget request and $1.5 billion above the fiscal year 2000 budget level. It does appear that some progress has been made to reduce the overall amount of earmarks in this spending bill. The conferees have earmarked approximately $40 million this year; last year, earmarks exceeded $31 million.

Certain provisions in the Veterans Affairs section of the bill also illustrate that Congress still does not have its priorities in order. Let me review some examples of items included in the bill.

The conferees direct that $250,000 be used by the Department of Veterans Affairs to host The Sixth International Scientific Congress on "Sport and Human Performance Beyond Disability." The conference report continues to express the view that the conferees believe this sporting event is within the mission of the VA.

Neither budgeted for nor requested by the Administration over the past nine years is a provision that directs the Department of Veterans Affairs to continue the nine-year-old demonstration project involving the Clarksburg, West Virginia, Veterans Affairs Medical Center, VAMC, and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list. The committee has also added $1 million for the design of a nursing home care unit at the Beckley, West Virginia, VAMC.

The VA-HUD funding bill also includes construction projects not originally included in the President's budget request.

For example, the VA-HUD appropriations report adds $12 million not previously included in the President's budget for the construction of the Oklahoma National Cemetery. Obviously, the VA-HUD Appropriations Subcommittee felt compelled to include this money since the VA and the Administration chose to ignore the Committee's report language last year. Last year the VA-HUD Senate report directed the VA to award a contract for design, architectural, and engineering services in October 1999 for a new National Cemetery in Lawton (Oklahoma City/Fort Sill), Oklahoma, and also directed the President's fiscal year 2001 budget to include construction funds for a new Oklahoma National Cemetery.

Most questionable are several special interest projects not previously included in the House or Senate version of the fiscal year 2001 VA-HUD appropriations bill. Some examples are: $15 million for land acquisition for a national cemetery in South Florida, $5 million for the Joslin Vision Network for telemedicine in Hawaii, and continued funding for the National Technology Transfer Center, NTTC, at Wheeling Jesuit College in Wheeling, West Virginia. None of these programs were in the President's budget request, nor in either House or Senate veterans funding bills.

In addition, the bill adds $1 million not previously included in the President's budget for planning and design activities for a new national cemetery in Pittsburgh, Pennsylvania, and $2.5 million for advanced planning and design development for a national cemetery in Atlanta, Georgia. Last year, the Senate provided an additional $500,000 for design efforts for Atlanta, as well as other congressionally-directed locations.

Although these areas are likely deserving of veterans cemeteries, I wonder how many other national cemetery projects in other states were bypassed to ensure that these states received the VA's highest priority.

This bill also contains the funding for the Department of Housing and Urban Development. The programs administered by HUD help our nation's families purchase their homes, helps many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

Unfortunately, this bill shifts money away from many critical housing and community programs by bypassing the appropriate competitive process and inserting earmarks and set-asides for special projects that received the attention of the Appropriations Committee. This is unfair to the many communities and families who do not have the fortune of residing in a region of the country represented by a member of the Appropriations Committee.

And once again, Utah has managed to receive additional funds set aside for the 2002 winter Olympic games.

This bill includes $2 million for the Utah Housing Finance Agency to provide temporary housing during the Olympics. It is certainly a considerate gesture that the housing facilities are expected to be used after the 2002 games for low-income housing needs in Utah. However, I am confident that the many families in Utah and around the country who are facing this winter and next without affordable and safe housing would much rather have this $2 million used for helping them now rather than in two or three years when the Olympics are over.

Some of the earmarks for special projects in this bill include:

$500,000 for the restoration of a carousel in Cleveland, Ohio;

$500,000 for the Chambers County Courthouse Restoration Project in the City of LaFayette, Alabama;

$2.6 million for the rehabilitation of the opera house in the City of Meridian, Mississippi;

$3 million for restoration of an historic property in Anchorage, Alaska;

$2 million for renovation on the Northwest corner of 63rd Street and Prospect Avenue in Kansas City;

$500,000 for infrastructure improvements to the W.H. Lyons Fairgrounds in Sioux Falls, South Dakota; and

$400,000 for Bethany College in Bethany, West Virginia for continued work on a health and wellness center.

This bill also funds the Environmental Protection Agency, EPA, which provides resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. I support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a cursory review of this year's conference report for EPA programs, I find it difficult to believe that we are responding to the most urgent environmental issues.

There are many environmental needs in communities back in my home state of Arizona, but these communities will be denied funding as long as we continue to tolerate earmarking that circumvents a regular merit-review process.

For example, some of the earmarks include:

$300,000 for the Coalition for Utah's Future;

$1 million for the Animal Waste Management Consortium in Missouri;

$2 million for the University of Missouri-Rolla for research and development of technologies to mitigate the impacts of livestock operations on the environment;

$200,000 to complete the soy smoke initiative through the University of Missouri-Rolla; and

$500,000 for the Economic Development Alliance of Hawaii.

While these projects may be important, why do they rank higher than other environmental priorities?

For independent agencies such as the National Aeronautics and Space Administration, this bill also includes earmarks of money for locality-specific projects such as:

$3.5 million for a center on life in external thermal environments at Montana State University in Bozeman; and

$15 million for infrastructure needs of the Life Sciences building at the University of Missouri-Columbia.

Let me also read two paragraphs from an article by David Rodgers, to be included for the RECORD, in today's Wall Street Journal:

"Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 "earmarks"—listed on 46 double-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of "member initiatives" totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests so that, in the future, we can better serve the national interest.

Mr. President, I ask that the full text of the attached Wall Street Journal article be printed in the RECORD immediately following the conclusion of my remarks on the Fiscal Year 2001 VA-HUD Appropriations bill.

The article follows.

[From Wall Street Journal, Oct. 19, 2000]

SPENDING BILL IS FULL OF PROJECTS COVETED AS FAVORS FOR ELECTORATE

(By David Rogers)

WASHINGTON.—As Congress dithers over spending bills, committee clerks are putting the final touches on what may be the most important political business at hand: an unprecedented number of home-state projects attached to the budget this election year.

Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 "earmarks"—listed on 46 doubled-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of "member initiatives" totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Pork-barrel politics are nothing new. The annual $78 billion agriculture budget bill, which cleared Congress last night, has always been a haven for dozens of research projects favored by lawmakers. But this year's surplus-inspired spending breaks new ground. it permeates the labor, health and education accounts, once considered sacrosanct. Moreover, as the number of items has exploded, both parties are openly steering funds to districts to help win seats in November.

The tone was set in the free-for-all negotiations on a $58 billion transportation budget. Dozens of highway and bridge projects totaling more than $1.9 billion were added. When Republicans insisted on $102 million to help a hard-pressed Arkansas incumbent, Democrats got an almost equal sum to spread among candidates in tight races in Mississippi, Connecticut, New Jersey, Pennsylvania and Kansas.

Running for Congress from Utah, Republican Derek Smith isn't even a member of the House yet. But thanks to the intervention of House Majority Leader Dick Armey of Texas, he can already lay claim to two budget earmarks worth $5 million to fund water and lands-related projects in his district.

Sen. John McCain, the Arizona maverick and former presidential candidate, took to the Senate floor again yesterday to chastise fellow Republicans. But one of his greatest allies in the House, Rep. Brian Bilbray (R., Calif.), hasn't been shy about claiming credit for Washington money that could help his chances in a tough reelection campaign. "Bilbray Applauds San Diego Funding" a press release for the congressman said last Thursday, trumpeting millions of dollars in earmarks attached to a housing, veterans and environmental budget bill pending in the House.

"I will condemn it in his district," said Mr. McCain, who is scheduled to campaign for his friend in California next week. "It is one of those gentleman's disagreements," said an aide to Mr. Bilbray.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

Most of the grants appear to be less than $2 million, some as small as $21,500. Thanks to the New York delegation, Buffalo would lay claim to two grants of $250,000; one to help renovate a Frank Lloyd Wright-designed home, the other to build a new city boathouse—based on Mr. Wright's blueprints—for the West Side Rowing Club.

Meanwhile, in related action:

The Senate approved the agriculture budget 86–8. The measure provides increased spending for food safety and rural development while relaxing trade sanctions against Cuba. For the first time in decades, commercially financed, direct U.S. shipments of food to Havana would be permitted. Shipments of medical supplies, which are already sold on a modest basis, may also be increased.

Trying to free up a $14.9 billion foreign-aid bill, Republicans are proposing compromise language on the divisive issue of U.S. assistance to population-planning programs overseas. The proposal would continue current restrictions, favored by antiabortion forces, only through March 1, as a transition to the next administration. The initial reaction from Democrats was skeptical, but if the transition period is shortened—and funding increased—it could yet be the framework for a deal.

Top House Republicans are pressing for big increases in aid to children's hospitals under a fledgling program to help train pediatric medical residents. Last year, spending was $40 million, but it could grow to $280 million under the proposal, three times the administration's request.

SPECIAL TREATMENT

[Examples of funds set aside for Members' projects.]

Project/sponsor	Cost
San Diego Storm Drain Diversion Rep. Brian Bilbray (R., Calif.)	$4,000,000
I-49 and Great River Bridge Study Rep. Jay Dickey (R., Ark.)	102,000,000
Route 7 Brookfield Bypass Rep. James Maloney (D., Conn.)	25,000,000
Frank Lloyd Wright Boathouse N.Y. Delegation	250,000

Mr. JEFFORDS. Mr. President, today the Senate will pass the final version of fiscal year 2001 Energy and Water Appropriations bill. Included in the legislation is a provision that requires the Department of Energy to spend not less than $2 million on the Small Wind Turbine Project. This effort is vitally important to our Nation's continued development of American wind technology for consumer use. It was added as a program at the Department of Energy in 1995, to develop cost-effective, highly reliable Small Wind Turbine systems for both domestic and international markets. In fact, due to the Small Wind Turbine Program, U.S. companies have been able to advance the performance and cost-effectiveness of small wind turbine systems. The participants in the Small Wind Turbine Project are Windlite Corp, a subsidiary of Atlantic Orient Corp, Bergey Windpower Co., and World Power Technology. Through the Small Wind Turbine Project, these three companies are advancing the technology of wind energy for homes, small businesses, rural development and export. To end the effort that these three companies are undertaking at this time would be a giant setback and for this reason the Congress has included funding to continue the project under their guidance.

I worked closely with Senators DOMENICI and REID and Assistant Secretary of Energy Dan Reicher in developing the language in this legislation related to small wind. The language is clear, that the department should spend no less than $2 million on the Small Wind Turbine Project. We must continue to develop, test and certify the wind turbines being developed under this program to date.

Mr. WELLSTONE. Mr. President, I rise today to offer a few remarks on the fiscal year 2001 VA-HUD Appropriations bill.

First, I would like to commend my colleagues on the Appropriations Committee for doing some excellent work on this bill. Many important housing initiatives—including housing assistance for the elderly and disabled, the HOME Investment Partnership Program, the Community Development Block Grant, Housing for People With AIDS, and the Lead-Based Paint Hazard Reduction Program—will all receive funding increases under this bill in fiscal year 2001. Furthermore, an additional 79,000 Section 8 vouchers will be funded under this bill. These are all critical programs, program that help low-income working families find safe and affordable housing, and the authors of this bill should be commended for recognizing the need to continue to fund these programs at the appropriate levels.

Having said this, though, I would also like to take a few minutes to express my disappointment that this bill does not include funding for a housing production incentives program, despite the fact that the need to produce more affordable housing in this country is critical. Unfortunately, a Senate provision which would have used $1 billion in excess Section 8 funds to pay for the production and preservation of affordable housing failed to make it into the final conference report. Yet many of the programs that are funded in this bill, including Section 8 housing assistance, only work when affordable housing units are available. It does low-income working families no good whatsoever to be given a rent voucher when they can't find an apartment on which to spend it.

As it is written, this bill fails to address one of the most important problems underlying the current affordable housing crisis: the rapid erosion of this country's affordable housing stock. Every year, in fact, every day, we see the demolition of old affordable housing units without seeing the creation of an equivalent number of new affordable housing units. And while there can be no question that some of our existing affordable housing units should be demolished, we have yet to meet our responsibility to replace the old units that are lost with new, better, affordable units. We must do a better job of this, for our current policy simply results in too many displaced families, families who are forced to sometimes double-up or even become homeless in worst-case scenarios, overburdening otherwise already fragile communities.

The National Low Income Housing Coalition reports that right now there are a record 5.4 million households, 12.5 million people, that pay more than one half of their income in rent or live in seriously substandard housing. Who are these people? One and a half million are elderly, 4.3 million are children, and between 1.1 and 1.4 million are adults with disabilities. Waiting lists for housing assistance are longer than ever, and there are still far too many people who simply lack shelter altogether—an estimated 600,000 people are homeless in this country on any given night.

The fact is that incomes for our poorest citizens are simply not keeping pace with the increase in housing costs. A July 1998 study by the Family Housing Fund found that in Minneapolis-St. Paul rents increased 13 percent from 1974 to 1993 while real incomes declined by 8 percent. They found that there were 68,900 renters with incomes below $10,000 in the Twin-Cities and only 31,200 housing units with rents affordable for these families. That means that there were more than two families for every affordable unit available, and the situation has only gotten worse since then, as the vacancy rate has plummeted to below two percent.

Housing is usually considered to be affordable if it costs no more than 30 percent of a household's income. In the Twin Cities area, however, 185,000 households with annual incomes below $30,000 pay more than this amount for their housing. Knowing this, it isn't hard to understand why the number of families entering emergency shelters and using emergency food pantries is on the rise.

This situation certainly isn't unique to Minneapolis-St. Paul. Out of Reach 2000, a recent publication by the National Low Income Housing Coalition, finds that the cost of housing is exceeding the reach of low-income families across the country. This study estimates that the national "housing wage"—a measure that represents what a full-time worker must earn to afford fair market rent, paying no more than 30 percent of their income—for a 2 bedroom apartment is $12.47 an hour, more than twice the minimum wage. The report notes that in no county, metro area, or state is the minimum wage as high as the corresponding housing wage for a 1, 2, or 3 bedroom home at the fair market rent; in more than half of metropolitan areas, the housing wage is at least twice the federal minimum wage.

Such high rents are, of course, fueled at least in part by the shortage of housing. Demand for housing exceeds the supply, so rents spiral upwards, far beyond the reach of the poor and often well-beyond the reach of the middle class who find themselves priced out of the very communities in which they grew up. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, even those families fortunate enough to receive housing vouchers cannot find rental units. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, hefty application fees, and credit checks that price the poor and young new renters out of the market.

In my own State of Minnesota, a family must earn $11.56 an hour, 40 hours a week, 52 weeks out of the year to afford the fair market rent for a two-bedroom apartment, more than double the minimum wage. That's more than double the minimum wage. This means that a person earning the minimum wage in Minnesota would need to work 90 hours a week in order to afford a two bedroom apartment at the fair market rent. Here's the real secret of why so many single parents are in poverty; because it has become impossible for one parent, one worker, to support a family on the bottom rung of the economic ladder.

So what happens to those families who are unable to earn $11.56 an hour? Families with a single worker at minimum wage who cannot work 90 hours? The answer is no secret, and is unfortunately too common in all parts of our country. These families quite simply can't afford adequate housing. Instead, families crowd into smaller units, a one bedroom, an efficiency. Sometimes these families double up, two or more families in a home, with multiple generations crowded under one roof. When the stress of multiple families becomes unbearable, they are left with no other option than homeless shelters. Families rent seriously substandard housing, exposing their children to lead poisoning and asthma, in neighborhoods where they don't feel safe allowing their children to play outdoors. They rent housing with leaky roofs, bad plumbing, rodents, roaches, and crumbling walls.

And even for such substandard housing, many families find themselves forced to pay more than the recommended 30 percent of their income in rent, sometimes spending more than half of their income on housing costs. Families in this situation must then "cut corners" in other ways, sometimes doing without what others might consider necessities. Not luxuries like cable television, but necessities: gas, heat, electricity, food, or medical care. This is simply unacceptable. In an era of such tremendous economic prosperity, no family should have to choose between food and shelter, or heat and medical care.

In a recent study of homelessness in Minneapolis-St. Paul, the Family Housing Fund reported that more and more children are experiencing homelessness. On one night in 1987, 244 children in the Twin Cities were in a shelter or other temporary housing. By 1999, 1,770 children were housed in shelter or temporary housing. Let me repeat that: 1,770 children in the Minneapolis-St. Paul area on one night alone spent the night in a homeless shelter or temporary housing. That's seven times as many homeless children in 1999 than in 1987. And families are spending longer periods of time homeless. If they had a family crisis, if they lost their housing due to an eviction, if they have poor credit histories, if they can't save up enough for a two or three month security deposit, they will have longer stretches, longer periods of time in emergency shelters before they transition into homes.

Let me provide a stark and disturbing example of the desperate need for affordable housing in this country: for six days in February of this year, the Minneapolis Public Housing Authority distributed applications for families interested in public housing. They distributed applications for only six days, and then stopped entirely. This was the first time since 1996 applications were accepted for public housing and it is likely to be the last time for several years to come. Mr. President, 6,000 families sought applications for public housing in those six days —an average of 1,000 families each day requesting public housing in one metropolitan area. This is not free housing. Residents would be required to pay one-third of their income in rent. This is not luxury housing. Many families seem to look upon public housing with disdain, though I know those communities are rich with the talents and contributions of their tenants. This is not even immediate housing. Many of those families will wait years to get into public housing.

Surely this should tell us there is a huge housing crisis. One thousand families a day sought to pay one-third of their income in rent to live in public housing in one metropolitan area. Surely, if this tells us anything, it tells us we must do more.

Mr. President, I know this Nation is prosperous. I know we can afford to solve this problem. We can afford to take this step today. We must make a commitment to address the shortage of affordable housing. Although we were not able to include funding for housing production initiatives in this appropriations bill, it is my hope that each of my colleagues will join me next year in assuring that this critical need is met.

Mrs. BOXER. Mr. President, the Senate considered the VA-HUD conference report a week ago today. During consideration of the bill, the Senate extensively debated report language included in the conference report that dealt with the cleanup of river and ocean sediment contaminated with DDT, PCBs, metals and other toxic chemicals.

Upon passing the conference report today, it is critically important to reiterate that it was understood by the managers of the bill in the House and the Senate that our resolution of the contaminated sediments issue in the VA-HUD conference report on October 12, 2000 was final, and that modifications to the report language or bill language relating to this issue would not be permitted this legislative session on any legislative vehicle.

It is also important to reiterate and to underscore the clarifications the Senate made to that report language.

One of the most important clarifications was a statement of the managers that the report language would not apply presently or prospectively to any site in California.

Another important clarification included a colloquy between Senators BOND, MIKULSKI and LEVIN stating that EPA had full discretion to define the operative terms of the report language.

Yet another critical clarification was a colloquy between Senators BOND, MIKULSKI and LAUTENBERG that stated that the National Academy of Sciences study referred to in the report language was not to be afforded any type of extraordinary or special standing in the Environmental Protection Agency's established process for selecting remedies under Superfund.

Finally, a colloquy between Senators BOND and L. CHAFEE clarified that report language would not affect the cleanup of the Centredale Manor Restoration Project in Rhode Island.

Make no mistake about it, Mr. President, I would have preferred that the proponents of this report language not be given even one bite at the apple in an appropriations bill on the important issue of cleaning up heavily contaminated river and ocean waters. I was concerned that the report language they advanced would slow cleanups in California and around the nation.

I am satisfied that our debate on the report language will ensure that it does not have that effect.

Under no circumstances, however, should the proponents of this report language be permitted a second bite at the apple to undo the work of this chamber and the commitments of the House and Senate managers not to revisit the issue of contaminated sediments—in bill or report language—in this legislative session on any legislative vehicle.

Mr. REID. Mr. President, I truly enjoy working with the chairman and his staff in putting together the Energy and Water appropriations bill each year.

The third time's the charm.

This time, I think we really have completed work on the FY 2001 Energy and Water Appropriations bill.

I am a little surprised to be talking about final passage of the Energy and Water Appropriations bill in late October. Ours is usually one of the earliest to be passed and signed by the President.

Ours is also a bill that is very rarely vetoed. However, this has been an unusual year.

We have modified our bill to meet the Administration's needs on the Missouri River and I am confident that the President will now sign this bill promptly.

For the information of Senators: the Energy and Water portion of this Conference Report has not changed since all of our colleagues joined us in voting on this matter last week.

Our counterparts in the House insisted upon having a Conference, but no changes have been made since we completed work on the package that came before the Senate last week. In fact, it has not changed much at all since it originally passed both Houses earlier this month.

For the third, and, I hope, final time this year, I encourage all of my colleagues to support final passage of this Conference Report which includes both the final energy and Water and VA-HUD Conference Reports.

This is a very important appropriations bill, one where we are asked to pay for a broad array of programs critical to our nation's future. We fund

the guardians of our Nation's nuclear weapons stockpile our nation's flood control and navigation systems, infrastructure that contributes to human safety and economic growth

Long-term research, development, and deployment of solar and renewable technologies, programs critical to our nation's long-term energy security and environmental future and

Science programs that are unlocking the human genome and other breakthroughs that help to keep the U.S. at the scientific forefront of the world.

By and large I think this is a fine Conference Report.

The Conference Report we lay before the Senate totals just over $23.5 billion. Of that, $13.7 billion is set aside for defense activities and just under $9.9 billion will be spent on nondefense activities at the Department of Energy, Army Corps of Engineers, Bureau of Reclamation, and several other independent agencies.

It addresses the needs of our Nation's nuclear stockpile and the crumbling infrastructure at the weapons labs and plants.

Enhanced funding in the water accounts allows us to move forward on a handful of important new construction starts while maintaining our emphasis on clearing out the $40 billion backlog in work already authorized and ready to go.

We have also been able to provide much needed additional funding to both the Science and Solar and Renewable accounts at DOE.

I am particularly pleased to report that funding for the solar and renewable programs is $60 million higher than last year. This year's numbers are the highest these programs have seen in quite some time.

At a time when our Nation is once again questioning our utter and singular dependence on fossil fuels, I am delighted that we are going to be able to move forward aggressively on renewable programs.

Obviously, I have some disappointments about things we were not able to do this year.

However, as all of us know, an appropriations bill is a one year funding bill. We are never able to do all that we want and there is always next year.

The twin notions of one-year funding and re-visiting issues next year brings me to my final point this evening.

Today we are providing $199 million for the National Ignition Facility at the Lawrence Livermore National Lab in California. This is about $15 million below the oft-revised DOE request for this project. They are lucky to get that much.

The final funding figure represents a compromise between the Administration and Congressman PACKARD, both supportive of NIF, and Senator DOMENICI and I who both would have preferred a substantially smaller dollar amount.

For reasons I have discussed at length in other venues, I believe the Department and laboratory sold the Congress a bill of goods on NIF, and I do not feel that they can be trusted to get it right now.

Chairman PACKARD feels strongly that the lab and Department have gotten their House in order and should be given the opportunity to proceed for another year in order to prove it.

I have great respect for the chairman of the conference. We both came to the House of Representatives together in 1982 and I consider him a friend. I do, however, disagree with him on this matter.

His work on this subcommittee has been excellent and I will miss both his good nature and his fine judgement after he retires this Fall.

He has prevailed upon Chairman DOMENICI and me to allow NIF to go forward for one year, albeit with substantial reporting and milestone requirements.

It is my hope and expectation that DOE will go out of their way to find credible, external reviewers to add some element of objectivity to the new project reviews we are imposing on the Department.

I am going to watch this program like a hawk for the next year.

If the Department and lab fall a day behind schedule or go a dollar over budget, I will not hesitate to zero NIF right out of the Senate bill next year and I suspect that Senator DOMENICI will help me do it.

We have given them all but a couple of percent of what the Administration requested for this project. Now is the time for performance, not excuses.

After nearly a year of listening to DOE and Livermore discuss the problems with this project, I am still not sure what bothers me more: The notion that DOE woke up one morning and discovered that their estimate was off by a billion dollars; or that they simply expected us to give them the money without much of a fuss.

A billion dollars is a tremendous amount of money.

I am done sitting by while DOE and the three weapons labs continue to sweet talk us into beginning projects and then revealing the real price tag to us later.

Livermore is on the hot seat now, deservedly so, but this is a complex-wide problem.

It is going to stop.

The chairman and I have worked together on this bill and so many other issues for many years. Despite the hard work and late nights that completing this bill requires, it is always a pleasure to work with him and his staff to get the job done.

Both of us had staff changes at the clerk position this year and we just kept humming along. The bill has worked as well as it ever has.

I thank the entire staff for all their hard work. Clay Sell, David Gwaltney, and LaShawnda Smith of Senator DOMENICI's staff have worked very well with Drew Willison, Roger Cockrell, and Liz Blevins of my staff.

Every year the associate subcommittee staff provides valuable advice, input, and recommendations to our staff and I am grateful for their help, too.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, under the unanimous consent agreement before the Senate, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, as I did at the conference committee we had last night, I express my appreciation to Senator MIKULSKI for the great leadership she has shown in working this bill through this very difficult process.

As she has indicated, it takes two to do that. It is important we recognize that there are matters, when we are able to work together, where both Democrats and Republicans can work toward a common goal. That goal has been, for many months now, getting this very difficult VA-HUD bill to a point where we are now going to approve it. The Senator from Missouri is also to be commended for working so closely with the Senator from Maryland in coming up with this great piece of legislation. They are both a couple of experts in this field, not only experts in the field that covers the legislative matters before us but experts in moving the matters through the legislative process. Both sides of the aisle recognize their expertise.

After this conference report is approved, we will next move to a vote on a continuing resolution. What is a continuing resolution? It is when we have failed here to do our work to extend the operation of Government so it doesn't shut down.

So we are going to have another continuing resolution approved this afternoon. I am disappointed that we are now to a point where this is the fourth continuing resolution, I believe, that we will approve. This is for 6 days—until next Wednesday. We just completed work on a long continuing resolution. We basically completed very little during that period of time.

The new fiscal year is now nearly 3 weeks old, and Congress has still failed to have signed into law 9 of the 13 appropriations bills.

To compensate for the failure to do our work, we pass these continuing resolutions that I have talked about to stop the Government from shutting down. We have been through a Government shutdown. We know it can happen. We will now consider in a few minutes another continuing resolution. That is too bad. I find it disturbing that the continuing resolution didn't go for 24 hours at a time.

I have not been in the Congress as long as some people, but I have been here a long time. I can remember when a congressional session was winding down and we worked day and night. We worked Mondays. We worked Fridays, Saturdays, and on occasion we worked Sundays to complete our work. No, not here. We have had leisure time. We have not had any hard lifting. We just took a 5-day break.

I understand the importance of the upcoming elections as well as anyone else. The elections represent a crucial choice regarding the future of this great Republic. However, no election is more important than the election that takes place here in this Congress every day when we, in effect, vote on legislation. This election represents something just as important. That is why we were sent here—to do the work of the people. We are not doing it. The majority isn't allowing us to do it.

We will never finish these appropriations bills until it is clear to everyone that we must do our work and do it every day of the week. We have been used to 3-day weeks around here where we worked Tuesdays starting about 2:30, and Wednesday and Thursday. But we finished early on Thursday. I have never seen a congressional session such as this. We don't work on Mondays. We don't work on Fridays. And now we have a new deal: We are working 2-day weeks. We are now going to a 2-day week schedule. Of course, on the first day we will work late. So it will only be about a day and a half. I don't think when we have work to do that we should be working 2-day weeks.

I bet the hard-working American people who work for these massive corporations and small businesses would like a 2-day workweek. That is what we are having here.

It is no secret that this exceptionally slow work schedule is responsible for the fact that Congress has completed only a few appropriations bills. We passed one in July, one in August, none in September, and two so far this month. I think we should pick up the pace a little. I think the American people would agree.

Until we finish the 106th Congress, I think every continuing resolution we pass in the future should be for 24 hours. I am not going to vote for any more continuing resolutions that are for more than 24 hours. I don't know if I am going to vote for this continuing resolution. I think it is a shame that we are not going to be here literally doing work on this floor until probably next Tuesday with probably no votes until next Wednesday.

Not everyone would like this approach—because we have more certainty with a longer continuing resolution. I hope the President will support our efforts to have a 24-hour continuing resolution. I want to give everyone a hint here. The President just told us that is what he is going to do—that he will no longer approve a multiday continuing resolution—24 hours only.

When we get here Wednesday and that expires, remember that we are not going to get one for more than 24 hours. We have to complete our work. It is important that we do that.

Let's set aside for the moment the disappointing record on the appropriations bills and focus instead on the laundry list of missed opportunities that litter Capitol Hill this fall.

The lack of action on the appropriations bills is rivaled only by the chronic inaction by this Republican Congress on the many other important issues that face our country. While the Republicans blame the Democrats for lack of action, how they can do that with a straight face is a little hard for me to comprehend. The problem is the Republican majority doesn't seem to work with each other.

We all recognize that one of the highest priorities for America at the beginning of this century is education. We have spent in this Congress parts of 6 days working on education. That is it. It couldn't be a very high priority. We don't set the agenda here. I wish we could. But instead of parts of 6 days, we would spend weeks working on education. For the first time in 35 years we haven't approved the Elementary and Secondary Education Act. That is too bad.

Another issue before the Congress is that we have failed to address any meaningful way raising the minimum wage. Sixty percent of the people who draw minimum wage are women. For many of these women it is the only money they earn for their families.

I think it is important that women who get only 74 percent of what men make for the same job should at least be recognized by getting an increase in the minimum wage.

This long list of missed opportunities which will be compounded by a 2-day workweek that we are now going to have demonstrates the irony that the majority is more interested in plowing down the campaign trail than helping plow down the field to help us pass some legislation that helps working Americans.

What legislation am I talking about? Am I making this up? The long list of missed opportunities of this Republican-controlled Congress is:

The minimum wage we talked about;

The failure to enact anything dealing with health care; Prescription drug benefits, no; Prescription bill of rights, no; Helping make college education affordable, no; Doing something about education and lower class sizes, no; Having money for school construction, no.

In the State of Nevada—the most rapidly growing State in the Nation—we have to build a school every month in Las Vegas to keep up with the growth. We need some help.

The average school in America is over 40 years old. We have crumbling schools. We must build some new schools. In one school in Ohio, the ceiling collapsed and kids were hurt.

Then there is the failure to pass a meaningful targeted tax cut for middle-class working Americans.

It is important.

One issue that we should talk about a little bit is campaign finance reform. We are awash in money. People are out raising money. Why? Because one has to be competitive. JOHN MCCAIN has been very courageous. He is one of the few Republicans to join with every Democrat over here to do something about campaign finance reform.

Get rid of corporate money; let's at least do that.

Two years ago, in the small State of Nevada, over $20 million was spent on the election for the Senate. Neither one of us spent more money. We spent the same amount of money. Can you imagine that in a small State of Nevada with over $10 million each? It is shameful. We have to change it. But, no, we are not able to even vote on it.

This continuing resolution is going to be coming up, and I am not happy with it. I am certainly supportive of making sure that we complete our work. But we don't need to take off from Thursday until next Wednesday. That is, in effect, what we are doing. That is too bad.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe there is some time left for Senator STEVENS under this agreement. We are interested in yielding back time, to the extent that the other side will yield back time.

Mr. President, there are lots of statements that could be made to answer the political charges of my colleague from Nevada. Let's just say we disagree with them. We will debate those later.

We have been delayed in this process because we had to file cloture because of filibusters this summer on the measures.

I ask the distinguished chairman of the committee if he would like time. I would be happy to yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Has my time expired?

Mr. BOND. On the continuing resolution?

Mr. DOMENICI. He had 5 minutes.

The PRESIDING OFFICER. On the pending conference report.

Mr. STEVENS. Whatever it is, I am happy to yield back my time so we can vote.

Mr. REID. Senator BYRD has time. He is not here. I am confident that we can yield back his time.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. If the Senator wishes, he may use his time on the continuing resolution.

Mr. REID. I reserve Senator BYRD's time.

It is my understanding now the time goes to the CR, and Senator DORGAN has 10 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Are we going to vote on VA-HUD now or have stacked votes?

Mr. REID. It is my understanding we are to use the time on the CR and on the VA-HUD conference report and have two back-to-back votes.

Mr. BOND. That is our understanding. So the sooner we use up or yield back the time on the continuing resolution, the sooner we can vote, and perhaps colleagues who wish to use time can talk quickly.

Ms. MIKULSKI. Are we now done with VA-HUD?

Mr. BOND. It is my understanding the time for VA-HUD has expired. Some of the time has been used off the CR. I believe there is a willingness to yield back on our side.

Mr. REID. I used time I had reserved for me under the continuing resolution. Senator BYRD has 5 minutes. He is not here. I am sure he would be willing to yield that back. The only time remaining, as I understand it, is time on the CR. Is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. REID. Who has time reserved under the CR?

The PRESIDING OFFICER. Senator DORGAN has 10 minutes and Senator STEVENS and Senator BYRD have 5 minutes each.

Mr. STEVENS. I have yielded back my time, if I had any.

Mr. DORGAN. Mr. President, it is my understanding Senator STEVENS yielded back his time on the continuing resolution?

Mr. STEVENS. Yes.

Mr. DORGAN. Mr. President, I may not take all of the 10 minutes, but I want to speak on the continuing resolution for a moment.

It is now Thursday, October 19. We have a continuing resolution, which in English means continuing the funding for the Government for appropriations bills that have not yet been completed, until next Wednesday. This is one more in a series of continuing resolutions required by this Congress because we do not have the appropriations bills completed and sent to the President to be signed into law.

Now we have to do this. I understand that. We have to pass a continuing resolution. But this is not the way for the Senate to do its business. I came from a meeting we had with the President. The President indicated this is the last continuing resolution of this sort that he will sign. He indicated the next continuing resolution will be for 24 hours, no more than 24 hours. That is what he told a large group of people a bit ago. This continuing resolution takes us until next Wednesday, after which, apparently, continuing resolutions will be for no more than——

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course.

Mr. STEVENS. Mr. President, I ask the Senator, if the President said we can only have 24 hours, does that mean within 24 hours we will have the full scope of his demands under the Appropriations Committee?

We have not seen the full scope of the President's demands, and until we do we will continue to have continuing resolutions.

Mr. DORGAN. Mr. President, let the record show there is a search for scope around here.

The President's number is 456-1414. Certainly, the Senator can consult with the President on that issue.

It is now October 19. We are keeping the Senate in session and preventing the Senate from doing business in many ways. We have something pending. As soon as we finish these votes, do you know what is pending on the floor of the Senate? The motion to proceed to S. 2557. Do you know when the motion to proceed was filed in the Senate? A month ago; a motion to proceed to an energy bill. Does anybody think there was ever an intent to proceed to a bill? No.

Why is this motion to proceed pending? To block every other amendment that would be offered by anybody else in the Senate. So the purpose is, keep us here for the desires of those who need to do the appropriations bills but don't let anybody do anything else with respect to other issues.

That is the purpose of this block motion. It has been in place a month. Some of us chafe a little by being told, you stay in session for our purposes; that is, the purposes of those who control the agenda. But in terms of what you are here for, in terms of your desires and your passions on a range of issues, forget it because we will block it with this motion to proceed.

Now, this continuing resolution takes us until next Wednesday. We apparently will have at least two votes stacked, two sequential votes, following this discussion. Then I guess the question is—this is Thursday—what happens tomorrow, on Friday or Saturday or Sunday, Monday, Tuesday, or Wednesday? Who is doing what? When are we going to get these issues resolved?

I think the import of the question from my colleague was that this is somebody else's fault. Maybe so. Maybe someone hasn't provided a list of scope here or there. All I can say is it is now October 19. This is, I think, the third CR, perhaps the fourth, and more will be required, I suspect. But if we are going to be in session, if we are going to be in session for some while, some days, then I ask the question, why aren't we working on other issues? Why should we be prevented—those on this side of the aisle—from offering amendments on a range of issues?

I think it is not the way to run this Senate, to put up a blocking motion. I believe it was put up September 22. It is now October 19. The import of that blocking motion to proceed was to say we are only going to allow the Senate to work on the following issues, and we will do it by blocking all other amendments to be offered.

I don't know what next week will bring. I will say the President indicated he is not going to sign long-term continuing resolutions. I don't know how you could. A week from now, next Wednesday, is October 25. I don't know how much further you can take this session of Congress.

At some point we have to do the appropriations bills and resolve the funding issues. I don't think anybody has had an easy job doing this. The difficulty of this job started with the passage of the budget. That budget never added up. It was not realistic. We all knew we would have to spend more money than called for in the budgets on discretionary spending.

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course I yield.

Mr. STEVENS. Yesterday, this Senator completed 5 days of negotiations and finally got an agreement with the House and with everyone on how to lift the caps of the 1997 act. That did not take place because the Senator's side of the aisle objected at the last minute. We don't have a provision in this bill lifting the 1997 caps; we can't go forward until we do.

We don't have the ability to go forward yet this afternoon and tomorrow and the next day. We have to lift those caps.

It is enough to take abuse once in a while, but this Senator doesn't take it when it is undeserved. To accuse this side of the aisle for delay now is absolutely wrong. The President of the United States just came here and demanded 100 percent of what he asked for, but we don't know what it is.

Mr. DORGAN. Mr. President, let me reclaim my time. If the Senator from Alaska heard anything that represented "abuse," that was not my intent. If there were discussions yesterday about lifting the cap, yesterday was October 18, 18 days past the October 1st deadline.

I happen to think the chairman of the Appropriations Committee is someone for whom I have had great respect. I don't think he has caused these problems. But I do think if you go back to the spring of this year with respect to the budget that was passed, there was not enough money in it, and we knew it then. There wasn't enough money in it for domestic discretionary programs, and we knew we would come to the end of the process with gridlock. Now we have this gridlock, and then we have these CRs that say: By the way, we will keep you in session until Wednesday but only on our issue. If you have issues—prescription drugs, minimum wage, the Patients' Bill of Rights—you ought not offer them, and we will block you. So they block it for a month.

I say to my colleagues, if you were in this circumstance, I don't think you would be as quiet as we have been. The fact is, we have been blocked for a month from offering amendments dealing with the central issues that we came to Congress to deal with and resolve and deal with. People talk about not leaving people behind. There are a whole lot of folks left behind with the agenda this Congress hasn't dealt with.

I am going to relinquish the floor, and we will vote on a CR. I assume this is not the last CR. I assume we will have more. I don't think any of us ought to be white eyed with surprise when we find ourselves in October trying to get out of a budget that was passed this spring. Incidentally, that is a budget I did not vote for because, in my judgment, it did not add up in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent I might be permitted to speak for 5 minutes since all the time has expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think the arguments by the Senator from North Dakota require some response. If I could have the attention of the Senator from North Dakota? I know the number of the White House. I called it last night in an effort to try to resolve the outstanding differences on the appropriations bill for the Departments of Labor, Health and Human Services, and Education, the subcommittee of appropriations which I chair.

When the Senator from North Dakota talks about insufficient money for discretionary spending, that is not necessarily true. In our subcommittee, on those three Departments we met the President's figure, $106.2 billion. We have structured our priorities somewhat differently. He wanted $2.7 billion for school construction and for more teachers. We gave that to him. But we added a very appropriate proviso, and that is, if the local boards decide they have sufficient of those items, they can use it for something else.

The grave difficulty here has been, since the Government was closed, there has been a radical shift in power between the Congress and the President. Now the President expects everything on the threat of a veto. If he is going to veto something, that means the Congress has to cave to him and knuckle to him. We are proceeding in a nonconstitutional way. We have the executive branch in our legislative discussions before we arrive at our bills, and then we have a situation where the President has to have his way. There is no such thing as compromise. We are discussing language——

Mr. DORGAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. No.

We are discussing the issue of schoolteachers. Last year, in the middle of the night, there was a compromise which went around this Senator, the chairman of the subcommittee, and I am not prepared to take that unacceptable language. But it is a high-handed demand. We are not going to retreat from last year's language on a program the President thinks is important.

We need to go back on track, and that is to follow the Constitution and submit our bills to the President. The Congress has the primary authority and responsibility for assessing priorities. We have the purse strings, it says in the Constitution. But that is not the way it is functioning today.

When the President comes to Capitol Hill and issues a dictatorial statement that he is not going to sign continuing resolutions for longer than a day, fine, let him stay in town. It will be quite a change for the President's schedule if he stays in town to sign these continuing resolutions day in and day out. It is time the Congress stopped being blamed for everything.

If the American people understood where we stand on my bill, that the President got the full sum he asked for, there is a difference in priorities—I ask unanimous consent for 2 more minutes, Mr. President.

Mr. DORGAN. Reserving the right to object—and I shall not object—I would like to observe, I have yielded to requests on that side and I hope the Senator will yield at the end of his time.

Mr. SPECTER. I will be glad to yield at the end of my time, limited as it is.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. If the American people knew we met the President's figure of $106.2 billion but we think the National Institutes of Health ought to have a priority—we have raised them $1.7 billion more than the President, we have given more money to special education—I think if the American people knew that, they would say those are more important priorities.

If the American people knew that we want to retain local control so school boards can spend the money the way they see fit on the local level if they do not think the President's priorities are preferable, that they prefer local control to a Washington, DC, bureaucratic straitjacket, then we could have that decision.

But this Senator is not at all concerned about 1-day continuing resolutions. I am prepared to stay here a lot longer than is the President.

I yield for a question.

Mr. DORGAN. I thank the Senator for yielding for a brief question. If the Senator's contention is there was enough money in the budget this spring for domestic discretionary, why, then, are people on his side discussing the need to increase the budget caps, the spending caps?

Mr. STEVENS. If I may answer that, with regard to the bill on which we are about ready to vote, I, as chairman, delegated some of the 302(b) allowance to Health and Human Services to VA-HUD and to the other bill, energy and water. It is because of the limits that were set in the 1997 act, not just the budget resolution. We have not lifted them to the point to have enough money to pass this bill.

Mr. BOND. Mr. President, might I ask if everybody will yield back the time so we can get on with the votes?

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

Mr. BOND. Mr. President, there are other pressing matters. It is an interesting discussion that might go on after the vote.

Mr. DOMENICI. Regular order.

The PRESIDING OFFICER. Time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding now we are going to vote on VA-HUD. After that, because of one of the senior Members, and others, we are going to have to wait until the papers get here before we vote on the CR.

I understand they should be here momentarily. I am sure by the time the vote is closed they will be here, so I hope we can go to the vote now on VA-HUD.

Mr. STEVENS. Mr. President, parliamentary inquiry: Isn't there an order to vote back to back on these bills?

The PRESIDING OFFICER. There is an understanding that will occur. That will be the case.

Mr. STEVENS. Is it the order, the unanimous consent agreement?

The PRESIDING OFFICER. Time has expired on both measures, and votes will occur on both measures back to back.

Mr. STEVENS. Let's run the first one here.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON H.R. 4635 CONFERENCE REPORT

Mr. BOND. Mr. President, have the yeas and nays been ordered on the VA-HUD conference report?

The PRESIDING OFFICER. They have not.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—85

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Allard
Feingold
Graham
Gramm
Grassley
Inhofe
Kyl
Voinovich

NOT VOTING—7

Feinstein
Grams
Helms
Inouye
Kerry
Lieberman
McCain

The conference report was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the chairman of the committee and the ranking member, Senator MIKULSKI, for the work they have done on this bill. It has been a long process, and they both have done excellent work. We appreciate their leadership.

UNANIMOUS CONSENT REQUEST—H.R. 2415 CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report containing the bankruptcy bill, H.R. 2415, and the conference report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

WITHDRAWAL OF MOTION TO PROCEED TO S. 2557

Mr. LOTT. I now withdraw my motion to proceed to S. 2557 regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report containing the bankruptcy reform bill, H.R. 2415, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAFO), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—89

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Frist
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—10

Burns
Crapo
Feinstein
Grams
Helms
Inouye
Kerry
Lieberman
McCain
Murray

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I now move to proceed to S. 2557, regarding America's dependence on oil.

The PRESIDING OFFICER. The motion is debatable.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 114

Mr. LOTT. I ask unanimous consent when the Senate receives from the House the continuing resolution, the resolution be immediately considered, advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will have conducted its last vote for the day. We will adjourn shortly, although I understand there is one bill that is going to be taken up with some brief debate, and also there will be some debate on the bankruptcy issue. The Senate will not be in session on Friday, but the appropriations negotiators and others who are negotiating some policy decisions will be meeting tomorrow and throughout the weekend, if necessary.

The Senate will be in session on Monday, and I expect that there will be a period for morning business. Unless some procedural step is necessary regarding the bankruptcy bill, I do not expect any further announcements with regard to the schedule.

The Senate will next be in session after that on Tuesday. Therefore, votes could occur on Tuesday in an effort to wrap up the session of Congress. We do have four appropriations bills that need to be completed, and, one way or another, we also are looking at a tax package and, of course, bankruptcy, with a vote on cloture if necessary.

Later on, either tomorrow or Monday, we will notify Members jointly as to exactly when votes could be expected, but it will depend on when agreements are reached, when the conference reports are filed, and when the House acts because I think in each of these four instances the House would have to act first. We will move on the bankruptcy, depending on what is happening on these appropriations bills and the tax package.

MORNING BUSINESS

I now ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, my understanding is we are on the bankruptcy bill, is that correct?

The PRESIDING OFFICER. No. We are on a motion to proceed to S. 2557.

Mr. WELLSTONE. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold for a moment?

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I wanted to ask the majority leader a couple of questions. I say to my friend, as he knows, there is some angst over here as to whether or not the people, especially from the West, have to travel back here on Tuesday.

We will have to know Monday night; otherwise, Senators have to catch planes early Tuesday morning to get back on time.

Mr. LOTT. Mr. President, I say to Senator REID, we had to make a decision last Monday. Unfortunately, we did not immediately communicate with both sides of the aisle because it was late in the afternoon. We need to be in close touch. I will be here Monday. I know the Senator from Nevada will be. Once we see when the reports are filed and when these votes will be ready, we will be prepared to notify everybody as to when they can expect a vote.

It appears to me it is possible we could have one or more of these conference reports ready late Tuesday, but if it becomes apparent the House is not going to get it until late Tuesday or even late in the afternoon, we may want to make a conscious decision to go ahead and announce Monday those votes may not occur until Wednesday.

I think we need another day or perhaps the weekend to see if these agreements can be worked out between the House and Senate Republicans and Democrats and the White House and get the reports filed. It is impossible to say right now. I assume all Senators would like to get this work completed as soon as possible. If we can do it Tuesday and Wednesday, I presume that is preferable, but if it is going to be Wednesday or Wednesday/Thursday, then obviously Senators want to know that. I will stay in close touch with Senator REID, and we will make those decisions and those announcements jointly, not later than Monday afternoon.

Mr. REID. Mr. President, I say to my friend, if we knew sometime late Monday afternoon, 4, 5, even 6 o'clock, we could——

Mr. LOTT. I will be out here. I will see the Senator from Nevada on the floor. We will make those calls at that time and notify everybody so they at least have 24 hours' notice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I am going to take a few moments. I know Senator KENNEDY is here on the floor, and I believe Senator FEINGOLD may be coming down as well. In any case, I want colleagues to know next week when we do get back to the bankruptcy bill, whenever it is, there are a number of Senators who are ready to speak on this bill and go into its substance.

I think the 100–0 vote is an indication that we do not mind going forward with the bill, but we do intend to speak about this legislation because the more people know about this legislation, the more likely Senators will vote against it. We certainly intend to have the debate, and if there is a cloture vote next week—there may or may not be—we intend to do everything we can to defeat this legislation. We have time to debate this legislation next week. If it goes to beyond cloture, we will have more hours then to debate this legislation. Let's take one step at a time.

I will point out to Senators the process first, and then we will go to substance. I do not know whether or not this is an argument that wins with the public. The argument about this bankruptcy bill on substance wins with the public. We have had some discussion about the scope of the conference and rule XXVIII.

This was a State Department authorization bill. We had an "invasion of the body snatchers" where all of the content dealing with State Department reauthorization has been taken out and bankruptcy has been put in. It is a clear abuse of the legislative process. I doubt whether any Senator who views himself as a legislator can be comfortable with the way we are proceeding.

I believe there are many Senators who are going to want to speak about this outrageous process. I do not know if I have ever seen anything like this where we have a State Department reauthorization bill conference report that is hollowed out, gutted completely, and replaced by the bankruptcy reform bill conference report. It is unbelievable. It is beyond anything I ever imagined could go wrong in the Senate. It is a way to jam something through, but in one way I can understand why the majority leader and others would try to jam this through because the content, the actual legislation itself, is so egregious.

I simply point out to Senators that there is not one word, not one aspect of this legislation—next week I will have a chance to talk a lot about it; we will talk a lot about this legislation—there is not one word, not one provision, not one sentence, not one section which holds credit card companies or large banks accountable for their predatory practices. There is no accountability whatsoever.

We have nothing in this legislation that holds them accountable, but what we do have is legislation that, first of all, rests on a faulty premise. The bill addresses a crisis that does not exist. We keep hearing these scare statistics, which, by the way, do not jibe with the empirical evidence that there has been all these increased bankruptcy filings. In fact, bankruptcy filings have fallen dramatically over the last 2 years.

We have heard about the abuse. The American Bankruptcy Institute points out that, at best, we are talking about 3 percent of the people who file chapter 7 who actually could pay back their debts; 3-percent abuse, and for 3-percent abuse, what we are doing is tearing up a safety net for middle-income people, for working-income people, for low-income people who are trying to rebuild their lives.

Do we do anything about health care costs? No. Is the No. 1 cause of bankruptcy medical bills? Yes. Do we do anything about raising the minimum wage? No. Do we do anything about affordable housing? No. Do we do anything about affordable prescription drugs for elderly people? No. But the banking industry and the credit card industry get a free ride, and we pass a piece of legislation which is so harsh that it will make it difficult for middle-income people, much less low-income people, to rebuild their lives.

Hardly anybody abuses this. No one wants to go through bankruptcy. People are doing it because there is a major illness in their family. They are doing it because somebody lost their job. They are doing it because of some financial catastrophe. When people today try to rebuild their lives, we come to the floor of the Senate with a piece of legislation basically written by the credit card industry, written by the big financial institutions. They are the ones with all the clout. They are the ones with all the say.

I say to my colleagues, it is not coincidental that every civil rights organization opposes this; that every labor organization opposes this; that almost every single women's and children's organization opposes this; that the vast majority of the religious communities and organizations oppose this.

Today we had a vote to proceed, but next week there will be an all-out debate and we will focus on the harshness of this legislation, the one-sidedness of this legislation. By the way, this legislation in this hollowed out sham conference report is worse than the legislation that passed the Senate.

Now we have a bill that says to women, single women, children, low- and moderate-income families: You are not going to be able to rebuild your lives; we are going to pass a piece of legislation that is going to make it impossible for you to rebuild your lives even when you have been put under because of a huge medical bill, no fault of your own. At the same time, for those folks who have lots of money, if they want to go to one of the five States where they can put all their money into a $1 million or $2 million home, they are exempt; they are OK.

This is what the majority party brings before the Senate. It is unbelievable. No wonder they have to do it through this "invasion of the body snatchers" conference report. They take a State Department conference report, gut it, take out every provision that deals with the State Department reauthorization, and put in a bankruptcy bill that is even more harsh than the one that passed the Senate that is anticonsumer, antiwomen, antichildren, antiworking people and I think anti some basic values about fairness and justice.

I hope next week—I do not hope, I know—there will be a sharp debate, and we are prepared to debate this; we are prepared to use every single privilege we have as Senators to fight this tooth and nail.

And next week there will be a long, spirited discussion about this piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to, first of all, thank my friend and colleague, the Senator from Minnesota, for his very eloquent statement, and most of all for all of his good work in protecting working families in this country on this extremely important piece of legislation.

I, too, am troubled, as I mentioned earlier today, by the fact that with all the unfinished business we have in the Senate that now with the final hours coming up next week, we are being asked to have an abbreviated debate and discussion on the whole issue of bankruptcy without the opportunity for amendments. Effectively, we are being asked to take it or leave it on legislation which is going to affect millions of our fellow citizens.

I had wished that we had scheduled other legislation, as I mentioned earlier today. I wish we were willing to come on back to the Elementary and Secondary Education Act or in terms of a Patients' Bill of Rights or a prescription drug program for our seniors in our country.

As someone who has been traveling around my own State, this is what I hear from families all over Massachusetts: Why isn't the Senate doing its business? Why didn't it do its business reauthorizing the Elementary and Secondary Education Act? This is the first time in 34 years that it has not done so. Why is it 3 weeks late in terms of appropriating funding for education, of which we hear a great deal in the Presidential debates? And in the Congress, aren't we somehow sensitive to what our leaders are saying in the Republican and Democratic parties about the importance of education? Here we are now 3 weeks late, and the last appropriation, evidently, is going to be the education one. That is not the way that we think we ought to be doing business.

So we find ourselves coming back to this issue—or will next week—on the question of whether we are going to accept bankruptcy legislation.

I want to make a few points at the outset of my remarks: some proponents of this legislation argue that all the outstanding concerns about the bill have been resolved and that the problems have been fixed. That is simply untrue. It is a myth that women and children are protected under the provisions of this bill.

Over 30 organizations that advocate for women and children wrote us and said that by increasing the rights of many creditors—including credit card companies, finance companies, auto lenders, and others—the bill would set up a competition for scarce resources between parents and children owed child support, and commercial creditors, both during and after bankruptcy. Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems.

I have here a list of advocates for women and children who are opposed to this bill. I listened recently, a few hours ago, to a very impassioned statement by one of my colleagues about how the women and children were being protected. Here is a list—and I will include the list in the Record—of groups that, for the life of their years, have been advocates for children and women. These groups say that provisions in the conference committee report are going to put children and women at serious risk and that the proposed bankruptcy law will do a significant disservice to their rights. This is not only what these various groups have said, but this is also the conclusion of the 82 bankruptcy scholars I have listed that I will include in the RECORD.

Mr. President, I ask unanimous consent that the letter written by 82 bankruptcy scholars to our colleagues outlining the provisions of the conference report that put women and children at risk be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 7, 1999.

Re The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATORS: We understand that the United States Senate is scheduled to consider S. 625, the Bankruptcy Reform Act of 1999, in the near future. This letter offers the views of the eighty-two (82) undersigned professors of bankruptcy and commercial law on important consumer bankruptcy aspects of this legislation.

We recognize the concern that some individuals and families are filing for chapter 7 bankruptcy to be relieved of financial obligations when they otherwise could repay some or all of their debts. Fostering increased personal responsibility is a worthwhile aim. However, we believe that S. 625 as currently drafted will not achieve the goals of bankruptcy reform in an equitable and effective manner, and we fear that some provisions of the bill have the potential to do more harm than good.

Specifically, we urge consideration of two principal points:

The "means test" in S. 625 may not identify those individuals with the ability to repay a substantial portion of their debts, while at the same time it may work considerable hardship on financially strapped individuals and families filing bankruptcy petitions that are not abusive.

This bill contains much more than a means test. Dozens of provisions in S. 625 substantially enhance the rights of a variety of creditor interests and increase the cost and complexity of the system. Taken as a whole, these provisions may adversely affect women and children—both as debtors and creditors—as well as other financially vulnerable individuals and families.

MEANS TEST

The cornerstone of consumer bankruptcy reform is the "means test." Why have a means test? The perception is that some debtors with a meaningful ability to repay their debts are filing chapter 7 to discharge those debts, and instead should repay their debts in chapter 13. A means test is supposed to find and exclude those "can-pay" debtors from chapter 7. The trick is identifying the real abusers at an acceptable cost, without unfairly burdening those "honest but unfortunate" debtors who legitimately need chapter 7 bankruptcy relief.

In thinking about the proper design of a means test, it first is essential to understand the extent to which individuals and families are actually abusing the bankruptcy system. Since last year's debates on bankruptcy reform, a study funded by the independent and nonpartisan American Bankruptcy Institute found that less than 4% of consumer debtors could repay even 25% of their unsecured nonpriority debts if they could dedicate every penny of income to a repayment plan for a full 5 years. In short, for about 96% of consumer debtors, chapter 7 bankruptcy is an urgent necessity. Of course, the fact that most debtors cannot pay does not mean that the S. 625 means test will not affect them.

Last year, the Senate worked hard on a bankruptcy reform bill that went through substantial revision and ultimately passed by a vote of 97 to 1 (S. 1301). S. 1301 was reintroduced this year (now S. 945, known as the Durbin-Leahy bill), but was not the starting point for this year's bankruptcy reform debate, and many key provisions of S. 625 differ substantially from those in S. 1301, including many details of the means test:

S. 625 uses a rigid, arbitrary, nondiscretionary mathematical test to define "abuse"; whether a debtor could repay 25% of $15,000 of unsecured nonpriority debts over 5 years versus S. 945, which considers whether a debtor could repay 30% of such debts over 3 years in a chapter 13 plan under the standards used in chapter 13 today. In an effort to impose a standardized and objective means test, S. 625 contains loopholes that permit high income debtors to escape the means test by incurring extra secured debt or reducing income. Individualized discretion vested in the hands of those closest to the front—the able bankruptcy judges—will be more effective in identifying abusive cases.

S. 625 uses rigid IRS collection standards, which have been criticized by Congress in other debates, to determine the allowable expenses of families versus S. 945, which analyzes actual expenses and whether those expenses are reasonable. The IRS collection standards are used by the IRS on a case-by-case basis and are not well suited to form the basis of an objective bankruptcy means test, particularly because they do not automatically cover critical expenses such as health insurance and child care. As noted by House Judiciary Committee Chairman Henry Hyde, using the IRS collection standards as part of a bankruptcy means test may produce substantial hardship for financially troubled families. That hardship is unnecessary when there are other more effective ways to determine whether a debtor has the ability to repay debts.

S. 625 measures debtors' ability to pay over 5 years versus S. 945, which measures ability to pay over 3 years, which is currently the standard duration of chapter 13 repayment plans. Already, two-thirds of individuals who file under chapter 13 do not make it to the end of a 3-year plan. It is unrealistic, and perhaps even a bit misleading, to gauge an individual's ability to pay over 5 years when the likelihood of that happening is not very high.

ADVERSE EFFECT OF CONSUMER BANKRUPTCY OVERHAUL ON FINANCIALLY VULNERABLE FAMILIES, SUCH AS SINGLE PARENT HOUSEHOLDS

Spanning approximately 350 pages, S. 625 clearly is much more than a means test. Many of the provisions in this reform effort, particularly those that enhance creditors' rights and complicate bankruptcy procedures, substantially alter the relief available in both chapter 7 and chapter 13 repayment plans. These changes may or may not do much to prevent abuse of the system, but for the most part they apply to all bankruptcy cases and may produce unintended consequences.

Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:

First: Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

Current bankruptcy law provides that deadbeat debtor husbands and fathers cannot be relieved of liability for alimony, maintenance, and support, which means that those women and children as creditors are still entitled to collect domestic support from the debtor after he emerges from bankruptcy. Importantly, relatively few other debts are usually excluded from discharge, increasing the likelihood that the support recipients will be able to collect both past-due and ongoing support payments. S. 625 substantially alters that situation and increases the number of large and powerful creditors who can continue to collect their debts after bankruptcy, competing with women and children to collect their debts after bankruptcy. Women and children are likely to lose that competition.

Following are just a few examples of how S. 625 increases the competition women and children will face:

Debtors will remain liable for more credit card debts after the bankruptcy process is over. This will be true even for debtors who dedicate every penny to a 5-year chapter 13 repayment plan.

Debtors will be pressured to retain legal liability for more consumer debts by signing reaffirmation agreements, particularly in connection with debts incurred with the charge cards of large retail stores.

More of the debtor's limited resources will be siphoned off to pay creditors claiming that their debts are secured by the debtor's property, even if that property is nearly worthless.

Second: Giving "first priority" to domestic support obligations does not address the problem.

Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives "first priority" to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in this bill. Why is this so?

Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1% of the cases, and could actually result in reduced payments in some instances.

The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Third: Substantial enhancements of creditors' rights, without sufficient protections to keep those powers in check, undercut the opportunity for financial rehabilitation for women and children who file for bankruptcy themselves.

It is estimated that 540,000 women will file bankruptcy alone in 1999. Many of the provisions that harm the interests of women as creditors will hurt women who use the system as debtors, some of whom file after being unable to collect support. S. 625 is replete with provisions that tighten the screws

> on families who legitimately need debt relief through bankruptcy, and also contains many new roadblocks and cumbersome informational requirements that will substantially increase the cost of accessing the system for the families who are most in need of debt relief and financial rehabilitation.
>
> As professors of commercial and bankruptcy law, we urge the distinguished members of the United States Senate to enact bankruptcy reform that restores an appropriate balance to the legitimate interests of all debtors and creditors. Bankruptcy law is a very complex system. Great care must be taken when revising that system not to make things worse. We have faith that you can bring about positive change.
>
> Thank you for your consideration.

Mr. KENNEDY. I will just read at this time this particular paragraph of the letter:

> Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:
>
> Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

There it is: "Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy"—period.

Who do you think is going to win? The powerful creditors or the women and the children? The women who might be out there trying to collect alimony, or the mothers who, as a result of a separation or divorce, are trying to get child support, or the creditors who are represented by powerful financial interests and a whole battery of lawyers? Who do we think is going to win?

Those who have studied the bankruptcy laws—without being Republican or Democrat—have all stated their belief that creditors are going to win. As a result, the women and children are going to be put at risk. So we are going to hear a great deal about how this legislation protects women and children. It does not. It does not. And we will welcome the opportunity to engage in that debate as this process moves along.

A second point that is mentioned in this letter—I will again just read a portion of it:

> Giving "first priority" to domestic support obligations does not address the problem.
>
> Arguing that the bill now favors the claims—

This is an additional reference to the point about women and children—

> Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives "first priority" to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in the bill. Why is this so?
>
> Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1 percent of the cases, and could actually result in reduced payments in some instances.

Second:

> The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Here it is. They know how to work the language. The credit card companies know how to work the language to give the facade that they are protecting the women and children, but they are not. They are putting them at greater risk.

Why, with all the things that need to be done in this country at this time, we are trying to stampede the Senate into legislation that is going to put women and children at greater risk when they are facing hardships in their lives, is beyond my comprehension in one respect, but it is very understandable in another respect; and that is because of the same reasons that we are not getting a Patients' Bill of Rights up before us, because of the power of the HMOs and the HMO industry that are daily putting at risk the well-being and the health of American patients all across this country.

Even though there is a bipartisan majority in the House and in the Senate, the Republican leadership is refusing to bring that bill up for a vote. At the same time, they are developing what they are calling balanced budget legislation to try to give allegedly a restoration of some funding to assist some providers because of the cuts that were made at the time of the balanced budget amendment a few years ago, which took a great deal more out of those providers than ever was intended. It is generally agreed that we would restore some of those funds. Who has the priority under the Republicans? The HMOs. They want to give them the money whether they agree to continue to provide the health care or not to our Medicare beneficiaries. They just dropped close to a million of them last year, and they are here with their hands out to get another payoff.

Well, we should ask, why have we gotten this legislation? It is quite clearly because of the credit card companies that have been willing to make those contributions as well. Let the contributions fall where they may, whether they include the Democrats or the Republicans. There is no question the Republican leadership has put us in the position of bringing this proposal up in the final hours of the Congress.

Proponents also argue that the bill provides relief to small businesses which are filing for bankruptcy, but the legislation in many ways makes it more difficult for small businesses to reorganize. The effect is, more and more small businesses will fail and thousands of American workers will lose their jobs. That is the reason the various organizations that represent workers are strongly opposed to it. We heard from one of our colleagues that this is going to make it a great deal easier for small businesses. Why then are organizations that are representing these workers coming out so strongly in opposition? They understand that the provisions of the small business proposal impose more onerous and costly requirements on small businesses than they do on big businesses.

The bill requires that small business debtors comply with a host of new bureaucratic filing requirements and periodic reports. Large businesses are not subject to these requirements. Senior management of small business debtors must attend a variety of meetings at the U.S. trustee's discretion. Senior management of large businesses do not. Under this bill, small business debtors are subject to an extra layer of scrutiny by the U.S. trustee who must assess whether the debtor lacks business viability and should be dismissed out of bankruptcy. Large business debtors are not. Small business debtors are subject to repeated filing restrictions. Large business debtors are not.

I am not suggesting that large businesses should be subject to all of these provisions. I am suggesting, however, that these provisions should be reconsidered.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Are we under a time constraint?

The PRESIDING OFFICER. Ten minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will have more to say about this. I think it is very important to understand that traditionally when we get legislation, we ask who are the beneficiaries and who will pay the price for the legislation. We balance those various factors.

Quite frankly, when we look at this legislation, the people who will bear the hardship for the fact that there is some abuse in the bankruptcy laws—that we could all agree need attention and need to be addressed—are the most vulnerable in our society and are paying an extremely unfair price. That is absolutely wrong. We are going to have a good opportunity to address that in the debate to come.

I thank the Chair and yield the floor.

Mr. SESSIONS. Mr. President, I am compelled to respond to some of the outlandish allegations that have been made against the bipartisan bankruptcy bill that passed this Senate twice with over 90 votes, I believe, both times. It is a bill that has been under discussion for well over 2 years. I personally negotiated not long ago with the White House and Senator REID the last problem we had with the bill. We worked that out to the satisfaction of those who were negotiating it. I thought we were well on the way to finally passing this bill.

What we have in this body is a group of Senators who vote for it but, when the chips are down, don't help us get it up for the final vote.

The suggestion that there has been no opportunity for debate is certainly wrong. We debated it in committee, extensively in the Judiciary Committee, where I am a member. We debated it on the floor two separate years and earlier this year in great detail. We received a whole host of amendments, and we debated those amendments in detail. We voted on those amendments. It has gone to conference. Now we have a bill on the floor, and Senators are complaining that they can't now offer more amendments. You don't amend a conference report after it has been to conference. That is true of every bill that ever goes through this body.

It is shocking to me to hear some of the things that have been said about this bill. What this legislation does is say we have to do something about this incredible increase in the filing of bankruptcies in America. Over a million—it has doubled in 10 or 12 years—is the number of people who have been filing bankruptcy. Why is that so? Because you can go to your bankruptcy lawyer and if you owe $30,000 and you make $30,000 a year, you can file bankruptcy, not pay your debts, not pay one dime that you owe—not a dime—and walk away scot-free by filing under chapter 7. That is happening every day in this country, and it is an absolute abuse. It is wrong.

The family that does its best every day to pay its debts and tries to do right, are they chumps? Are they dumb because they don't run up a bunch of debts and not pay their debts and then go down to the bankruptcy lawyer and just file bankruptcy, even though they could have paid those debts if they tried to do so?

This bill addresses at its fundamental core the bankruptcy machine that is out there being driven by advertising you see on your TVs virtually every night all over America until 11 or 12 o'clock. There are these ads: Got debt problems? Call old Joe, the bankruptcy lawyer. He will take care of you.

Do you know what they tell them when they get there? They say: First of all, Mr. Client, you need to pay me $1,000, $2,000.

I really don't have that, Mr. Lawyer.

Don't pay any more debts. Get all your paychecks. Collect all your paychecks. Bring the money to me. Keep paying on your credit card. Run up your debt, and then we will file bankruptcy for you, and we will wipe out all the debts; you won't have to pay them.

The lawyer gets his money. There are lawyers of whom I am aware personally who get paid $1,000 or more and have done 1,000 or more in 1 year. That is $1 million a year, just routine, running this money through the system, basically ripping off people who need to be paid.

Make no mistake about it, when an individual does not pay what he owes and what he could pay, we all pay. Who pays? The one who is honest and pays his debts. He ultimately gets stuck with higher interest rates. The businesses lose money and can't afford to operate. That is what is happening.

They say: Well, it is health care. If you have severe medical problems and you are not able to pay your debts, you ought not to have to pay your debts.

But why should you be able to not pay the hospital, if you can? That is the question. If you can pay the bill, shouldn't you pay it? That is the question.

The fundamental part of this bill is, if you are making above median income in America, that is adjusted by how many children you have. If you have more children, your income level goes up for median income—the factors included in that. So if you can't pay your debt, you get to wipe out all your debts just like today under chapter 7. If your income is $100,000 a year and you owe $50,000 and you can easily pay at least some of that $50,000, under this law—and you make above median income—you can ask the creditors whom who you are not paying to ask the judge to put you into chapter 13. The judge may say: Mr. Debtor, you owe $50,000. We don't believe you can pay all the debt. You need to pay $10,000 of that back, and you will pay it so much a month over 3 years in chapter 13.

Chapter 13 is not a disaster. It is not a horrible thing. As a matter of fact, in my State, chapter 13 is exceedingly popular. I believe more than half of the bankruptcy filings in Alabama are filed under chapter 13 instead of chapter 7, which just wipes out your debt. With chapter 13, you go to the judge and say: I have more debts than I can pay. The creditors are calling me, and I can't pay all of them at once. The judge says: OK, stop. Pay all of your money to the court, and we will pay it out to each one of these creditors so much a month. You get to have so much to live on for you and your family.

It works pretty well. We need to do more of this. That is what this legislation will do. That is the fundamental principle.

They say: Well, it doesn't do anything about credit card solicitations.

This isn't a credit card bill. This is a debt bill. This is a bankruptcy bill. We have a banking committee that deals with credit card legislation. We had votes on credit card legislation on the floor, and people have had their say. Some passed, and some didn't. This is not a credit card bill. This is a bill to reform a legal system in America, the bankruptcy court system, which is a Federal court system that I believe is in a disastrous condition.

We have had this surge of bankruptcy filings. It has become a common thing to just up and file for bankruptcy. People used to have a severe aversion to ever filing for bankruptcy. Now that is being eroded by the advertisements and so forth that they see. There is an abuse going on.

They say it does not do anything for women and children. I am astounded at that. Under this law, alimony and child support will be moved up to the No. 1 priority in bankruptcy—even above the lawyers. That is probably why we got such an objection. The bankruptcy lawyers are the ones stirring this up, in my view.

That means if a deadbeat dad wants to file bankruptcy and doesn't pay his debt, comes in and has a low or moderate salary and doesn't want to pay anybody, under the old law his child support was way down behind the lawyer fees, bankruptcy fees, and some other things. We moved it up to No. 1. The first money that comes into the bankruptcy pot, if there is any, comes in there. Normally, that money goes to pay child support, which is, I believe, a historic move in favor of children.

This bill has broad support. It was suggested earlier that small business is being hurt by it. Small business favors it. They all favor this.

We are not stampeding this bill. This bill has been delayed unconscionably. It should have passed 2 years ago. It should have passed last year. It ought to pass this year. We have a veto-proof majority in the House and a veto-proof majority in the Senate.

It helps this economy. It helps bring integrity back into the system. It allows individuals to go down there to bankruptcy and represent themselves. They don't even have to have a lawyer. It has a lot of different things in it that are good. It eliminates a lot of loopholes and abuses that everybody agrees need to be fixed.

I can't understand this. It seems to me there is some sort of effort to yell, scream, and just say how horrible it is, and perhaps provide some figleaf to encourage the President to veto this bill. I hope he does not.

They say: Well, it has a protection in there for millionaires to have money in their houses in Florida and Texas and States that have an unlimited homestead exemption.

That is a problem. I have fought to eliminate that. We were not able to do that. The States that have the historic State procedures on this fought us tooth and claw. But this bill makes substantial progress toward eliminating that view. There is no doubt that the problem with homestead is far better in this legislation today than it is under current law if we don't do anything about it. A vote against this bill is a vote to keep the ineffective, bad current law, and not make the improvement this bill makes.

I believe it is good legislation. Senator GRASSLEY has worked on it tenaciously. We have been very cooperative with others who have problems. Time and again, it has been fixed to accommodate concerns that others would have. I believe it is a fair bill. I believe it is a good bill. I believe it is time for this country to improve what is going on in bankruptcy all over America today. And most bankrupts are entitled to it and need it.

But there are substantial numbers with high incomes who could pay large portions of that debt, if they wanted to. But once they talked to those lawyers who tell them they don't have to, they file under chapter 7 and wipe out much of their debts, and they go on leaving someone else to carry the burden.

I thank the Chair for the time. I yield the floor.

Mr. GRASSLEY. Mr. President, I'm glad we're getting around to the bankruptcy bill. I think we've got a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means-test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator REED of Rhode Island relating to reaffirmations is in this report. The credit card disclosures sponsored by Senator TORRICELLI are also in this final conference report. We also maintained Senator LEAHY's special protections for victims of domestic violence and Senator FEINGOLD's special protections for expenses associated with caring for non-dependent family members.

So, Mr. President, on the consumer bankruptcy side, we maintained the Senate's position.

On the business side of things, we kept Senator KENNEDY's changes to the small business provisions. We have kept the international trade section intact. The financial netting provisions were updated to reflect technical changes suggested by the House. The new netting provisions, however, have universal support.

Finally, Mr. President, I want to make one point crystal clear. Because of objections from the other side of the aisle, we have been delayed in getting this conference report up. Because of this delay and these kind of underhanded tactics, Congress has allowed chapter 12 to just expire. Chapter 12 gives family farmers a real chance to reorganize their affairs. But that's gone now. This bill restores chapter 12. This conference report also expands the eligibility for chapter 12 so more farmers will have access to these special protections. Also, Mr. President, this conference report gives farmers in chapter 12 much-needed capital gains tax relief.

We hear a lot about helping farmers around here. This bill gives us a chance to do a lot of good. We should get on with passing this bill right away and stop playing political games with our farmers.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

BROWNFIELDS REVITALIZATION

Mr. LAUTENBERG. Mr. President, I want to raise an issue that I believe is critical for the Congress to address before we adjourn this year. It is an issue on which environmentalists, the business community, and the labor community strongly agree. It is called the Brownfields Revitalization Act. I say it is called that. I have to explain exactly what we are talking about here.

It is an issue upon which Republicans and Democrats agree. The Brownfields Revitalization Act of 2000 is a bill I introduced with Senator CHAFEE. It now has 67 cosponsors. Two-thirds of the Senate say this is a good piece of legislation and we ought to pass it. That includes, obviously, a majority of both sides of the political aisle—a rare example of overwhelming bipartisan support.

Some accuse us of being a "do-nothing Congress," that we are stuck in partisan disagreement. That can be said. But I can tell you, it cannot be said about this brownfields bill. We ought to pass it here and now as a way to show that we can still move bipartisan legislation in the Senate.

We have strong support. Dozens of environmental organizations, business, labor, and State and local governments support the bill, including the U.S. Conference of Mayors, the Real Estate Round Table, and the National Association of Realtors. It is a mix of people and interests, including the Institute of Scrap Recycling Industries and the Natural Resources Council. The list is a very long one, including various communities throughout the country as well as the organizations I mentioned.

Many don't know what we are talking about when we say brownfields. We will explain it. These are contaminated sites. They are abandoned properties that blight our communities. But also, they lie there waiting to be developed because they offer great promise for the future.

According to the Conference of Mayors, there are over 450,000 brownfield sites in the United States. They are, of course, in every State of the Union. There are brownfields in rural and urban areas and large and small communities. Citizens everywhere would benefit from this bill.

There are economic and environmental benefits from cleaning up brownfields. That is why the business community and labor so strongly support the bipartisan brownfields bill.

The Conference of Mayors has estimated that redeveloping these sites would create almost 600,000 jobs, would increase tax revenues, by their estimate, from somewhere between $900 million to $2.4 billion. What a benefit that would be to communities.

In a city in my State, Elizabeth, NJ, a town I lived in when I was growing up, we turned an abandoned site, that lay fallow for years, into an enormous shopping mall, with more than a million square feet of retail space and 5,000 permanent jobs. Elizabeth is one of the oldest industrial cities in the State of New Jersey. It is actively trying to build for the future. They are looking at hotels and a convention center thanks to brownfield revitalization. The successes in Elizabeth established proof that brownfields create jobs, hope, and opportunity for communities.

In Trenton, NJ, we have a very famous company that builds steel for bridges and structures all across this country, formally called Roebling & Sons. We have a picture of what happened to this site as it sat for years. I know my State so well; I remember the dump site. It was almost a lagoon of toxins. It was broken down. Anyone could see in the picture the terrible deteriorating condition.

Then we have a brownfield restoration program and this is what happened: It became a full-service supermarket, the first market in the city in many years. This is our capital city, with an office building and senior housing. It is almost a miraculous rebirth.

There is a risk in letting these brownfield sites sit there. The risks are substantial. They pose threats to human health and the environment, they create blighted downtown areas often leading to crime and loss of jobs. It forces development of farmland and open spaces. It causes sprawl. The result is increased driving time for those who have cars living in these cities, with traffic congestion and air pollution.

The bipartisan brownfields bill will make major strides in revitalizing sites across the country. They are small sites, typically for $200,000 and less. They can be turned into productive urban centers or rural centers where commerce can take place and jobs exist.

The bill provides critically needed funds to assess and clean up abandoned and underutilized brownfield sites. They can use them for parks and greenways. They encourage cleanup and redevelopment of the properties by providing another important element: legal protection for innocent parties such as contiguous property owners and prospective purchasers, innocent land owners. They need to know that their liabilities are limited. Otherwise they are not going to take the risk in putting money into the sites.

It helps, also, to encourage other cleanups of State and local sites creating a certainty for those who would invest there, and ensures protection for public health. When the sites are revitalized, the results are obvious: jobs, a stronger local tax base, curbing sprawl, preserving open space, and protecting the health of our citizens.

Some suggest there are other ways to solve this problem by revitalizing or reforming or reauthorizing our Superfund Program. That is a nice idea, but unfortunately, we have been working 8 years to get the parties together to get the Superfund Program reauthorized. The Superfund handles the enormous sites that dot our landscape, without success.

I, personally, since I have been so involved in the environmental committee and in environmental issues, wanted to get to work on Superfund and get it done before I left the Senate, which is effectively in the next few days. I will have lost my opportunity to talk on this floor and get some of the things done that we still have ahead. The value of this legislation is real and it is current.

While the sites, by their very definition, are not the size of Superfund sites, the overwhelming majority of brownfields are not Federal cleanup problems but are being cleaned up by States and local governments.

This bill will give incentives and protection at those hundreds of thousands of State sites. We owe this relief to our communities. They can take the money and get an investor to develop the site. We should not hold this bill hostage. There are 67 Members, two-thirds of the Senate, bipartisan, who do not want to see this bill lying around here and not getting passed. Mr. President, 67 Senators have spoken. Business groups support this, as do environmentalists, and State and local governments. The legislation ought to pass.

It is a very simple task. The time for this bill to pass is now. I hope my colleagues will act to move this legislation as quickly as possible. They have cosponsored the bill. If we can just put it in the line of things, it need not take a long time to debate or discuss. I hope we can pass this legislation soon.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, H.J. Res. 114 is read the third time and passed.

The motion to reconsider is laid upon the table.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 723, S. 2508, as under a previous order. I further ask consent that any votes ordered with respect to that legislation be stacked to occur at a time to be determined by the majority leader with the concurrence of the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4303

Mr. CAMPBELL. Mr. President, I call up my amendment No. 4303.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. ALLARD, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4303.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CAMPBELL. I ask unanimous consent that 30 minutes of debate on the bill be under my control, and that 30 minutes of debate on Senator FEINGOLD's amendment be divided, 20 minutes under Senator FEINGOLD's control and 10 minutes under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I am pleased to be joined in offering the proposed amendment by three of my distinguished colleagues: Senator ALLARD, who is with me on the floor tonight; Senator BINGAMAN; and Senator DOMENICI from New Mexico. This is a bipartisan effort. I thank each of them for their support. All four of us representing the States of Colorado and New Mexico have actively supported this project since its inception. And, hopefully, S. 2508 will be the last time we need to deal with this long overdue project.

In 1956 and 1968, decades ago—in fact, before I was ever elected to any public office—the United States promised the residents of southwestern Colorado they could count on the Government to assist them in developing the region by ensuring an adequate and reliable water supply for the benefit of the tribes and the non-Indian community. In fact, in 1968, this project was authorized at the same time as the central Arizona project and the central Utah project, both of which have been completed.

Even before that, nearly 100 years before in 1868, the United States made a treaty that guaranteed the southern Ute and Ute Mountain Indian tribes of California a permanent homeland. No one could suggest this did not include the right to an adequate water supply.

In 1987, as a freshman Member of the House of Representatives, I introduced legislation to settle the Ute water rights claims. This settlement act was signed by President Ronald Reagan in November of 1988. For the next two Congresses, I worked to obtain the funding needed to implement this agreement, as did my colleagues from New Mexico and Colorado. The 1988 settlement act is currently the law of the land.

Unfortunately, that law has never been complied with. When I came to the Senate, I worked to secure the funding for the massive environmental studies needed on the proposed projects. I have also worked to prevent misguided attempts to deauthorize or defund this necessary project. The Federal Government's responsibility to build this project is even more urgent because the Colorado Ute tribes have claims to much of the water that is already being used and has been used for generations by their non-Indian neighbors.

The urgency of this bill has increased too because under the 1988 Agreement the Tribes can go back to court to sue the Federal Government if the project was not completed by the year 2000. That is obviously not going to happen.

The four of us I have fought for the fulfillment of these promises because I know what will happen if the Government is allowed to forget its promise to this region and walk away from its commitment to provide a firm water supply. Most important, the United States, the State of Colorado, the two Ute Tribes, and the non-Indian residents will spend the next few decades and millions of dollars in the Federal courts fighting for the limited water supply that exists in this region. There will only be losers in this fight because the non-Indians will lose the legal right to use the water, and the Indians may never have the ability to put the water to use. The ironic part is that if this issue ends up in the courts—it will pit one Federal agency against another with your tax money paying for attorneys on both sides.

As the author of the Colorado Ute Indian Water Rights Settlement Act of 1988 and now as the chairman of the Senate Indian Affairs Committee, I have an additional responsibility to make the United States fulfill its promise to this region.

The Ute Water Rights Settlement Act of 1988 is a commitment to the Ute

Tribes. This commitment is very similar to the 472 treaties previously approved by the United States Senate. In those treaties, each tribe agreed to give up a great deal in return for a guarantee that the United States would recognize and protect the tribes' rights to the reservation land guaranteed to them by the treaty. Also, as with other treaties, the opponents did not even wait until the ink was dry before they began trying to convince the United States to break its terms. Even though the States of Colorado and New Mexico have spent over $40 million to implement their part of the agreement. and Congress has already appropriated over $50 million which went to pay the Tribes to drop their lawsuits.

All of the 472 other treaties have been violated by the United States. But in this case, if the government does not fulfill the treaty terms, it is not only the Indians who will suffer, but all of the non-Indians in the region.

As many of my colleagues are aware, the United States has two choices when it comes to the Ute water rights: we can build the facilities needed to store water for the tribes or we can reallocate the water from those who are presently using it. Estimates are that between ¼ and ½ of all non-Indian irrigators would lose their water rights if we forcibly reallocate it.

Throughout a negotiation process sponsored by the state of Colorado, the tribes and local water users tried to convince the project opponents that reallocating the limited water supply is an unrealistic, risky, and disruptive way to resolve the tribal water rights claims; because it deprives hundreds of non-Indian water users of their rights to life giving water.

Clearly, the ALP opponents will continue to oppose any project that provides any water storage. Compromise—and this bill is the 4th one—is not in their vocabulary. When the opponents tried to use environmental laws to delay and frustrate the project, the coalition of Indian tribes and local water users responded in two ways. First, they agreed to reduce the size of the project, so it could be built in a manner consistent with numerous existing environmental studies and reports, and would cost ⅓ of the cost of the original project. They also insisted that any reduction in the project size should require the government to make use of its existing studies when analyzing the project's environmental impact; rather than restart the whole process all over again.

It was difficult to convince me that we should follow this strategy and agree to build only a small part of the ALP that was passed in 1988. When I introduced this proposal in the last Congress, I knew that even a substantially reduced project would not satisfy the project's opponents. They don't want a smaller project: they want a dead project. I also knew that these opponents would work to mischaracterize any attempt to make use of the existing environmental documents. We did not have to wait very long for everyone to see that each of these concerns was correct. During the 105th Congress, the last time we reached a compromise and a bill was introduced, an administration official appeared before my committee and opposed a bill that offered to downsize the project in order to settle the tribal water rights claims.

But this left the administration with no feasible way to resolve the tribal claims. In fact, as the Department of Interior began to produce a new supplemental environmental impact statement, it compared the smaller project with the idea of just buying water rights. Even the present management of the Department of Interior could not deny that the only realistic, feasible alternative available to the government is to store some of the waters of the Animas River.

The Record of Decision signed by the Interior Secretary on September 25, 2000 explicitly and implicitly recognize all of these facts. It can be found at http://indian.senate.gov.

In fact Mr. President, the lateness of having this Record of Decision on file is the reason we could not move this bill sooner. For the first time, this administration is strongly on record in favor of settling tribal water claims by building an off-stream storage facility at Ridges Basin. The Record of Decision also rejects the any alternative to settling the tribal water claims, especially the unrealistic, risky, and disruptive schemes that have been proposed by the opponents of the ALP.

Although I have agreed to sponsor this amendment, which implements the Record of Decision, I am still very concerned that the non-Indian beneficiaries of the project have been asked to give up too much. I am sure that there are those who will ask these people to give up even more. But I think that they have given up more than enough.

Under my amendment, the Animas-La Plata Project will consist of the facilities needed to divert and impound water in an off-stream reservoir. This provision will only take effect if these features are actually constructed. By taking this step, a number of potential project beneficiaries agree to forgo a substantial number of benefits that were promised to them by their own government in 1968.

In my view, the Federal Government is not fulfilling all of its obligation to these people, but they seem to have no alternative. They will receive substantially fewer benefits than they were promised. In addition, they will bear an even greater share of the cost for the benefits than those using Federal reclamation projects in other states, especially in the States of Arizona, California, and Utah which were originally authorized at the same time in 1968.

Many people now regret the subsidy of western water development, so they are taking it out on the ALP. However, in this case, they cannot do this without injuring the Ute Tribes. Some people will argue that they are only opposed to the part of the project that provides water to non-Indians. But the Ute Tribes refuse to allow the Federal Government to break all of its promises to the non-Indian project beneficiaries. Why? Because the Ute tribes know that they will be next. The tribes and their non-Indian neighbors have held together in a unique and strong coalition of Indians and their non-Indian neighbors that from my perspective is quite rare.

This project has been an 18 year effort for myself, for Senator BINGAMAN, Senator ALLARD and Senator DOMENICI. We worked together on it. The tribes have worked in good faith with the non-Indian project users to produce an agreement that allows the project to be built in a manner consistent with every existing environmental study and standard. We are consistent in the writing of this bill. As I understand the Record of Decision, the Department of Interior has also concluded that the time for studying the project has come to an end. And the time for actually fulfilling the government's promises to Indians and non-Indians is finally at hand.

For these reasons, I ask my colleagues to support S. 2508 as presented in amendment No. 4303. This is the last best chance for the United States to live up to the obligations freely embraced in 1956, 1968, and 1988, not to mention the 1868 treaty with the Ute Tribe.

Mr. President, I ask unanimous consent the following letters of support of the bipartisan version of S. 2508 be printed in the RECORD, opposed to the Feingold amendment: From the State of Colorado, the Governor of Colorado, the Attorney General of Colorado, elected tribal governments of Ute Mountain and Southern Ute Indian Tribe, and the Native American Rights Fund.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
Denver, CO, October 17, 2000.

DEAR REPRESENTATIVE: Before you decide whether to support the scaled-down Animas La Plata Project as described in H.R. 3112 and S. 2508 (as now proposed by Senator Campbell), the people of the State of Colorado urge you to consider the following facts:

The Clinton Administration has completed NEPA review of the scaled-down ALP as proposed by Secretary Babbitt in August of 1998.

The Department of Interior's Final EIS, and the accompanying Record of Decision signed by Secretary Babbitt, both determined that the scaled-down project "is the environmentally preferred alternative, to implement the 1988 Settlement Act" with the Colorado Ute Tribes.

The proposed amendments by Senators Campbell and Allard ensure repayment of all non-Indian water supply costs. There are no "caps" on the non-Indian repayment obligation. In fact, the bill calls for an up-front payment and a final cost allocation after the project is completed. The Record of Decision and the Campbell/Allard amendment both require repayment to comply with federal law—it is the opponents who want to change federal law with respect to project repayment.

The legislation allows for only the construction of the scaled-down project—it prevents construction of any part of the ALP that is not explicitly referenced in the bill. This preserves the complex balance of interstate issues on the Colorado River while preventing the construction of components not referenced in the legislation.

The amendments proposed by Senators Campbell and Allard remove any language from the bill that could remotely be construed as "sufficiency language" that would preclude future environmental review. Through the Record of Decision, the Department of the Interior, the Environmental Protection Agency and the Council on Environmental Quality call on Congress to amend the 1988 Act to provide for the construction of the scaled-back project.

In light of the federal government's trust obligation to the Colorado Ute Indian Tribes, Congress has a responsibility to know the facts about the project. Once you know the facts, I'm sure you will join us in supporting legislation to resolve this 100 year Indian water rights controversy. Thank you.

Sincerely,

BILL OWENS,
Governor.

ATTORNEY GENERAL OF COLORADO,
Denver, CO, June 16, 2000.

Re: Animas-La Plata project

Wesley Warren,
Associate Director for Natural Resources, the Environment and Science, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR WESLEY: Thank you for meeting with me by telephone yesterday. I think our discussion was very productive. I want to follow up with a more detailed explanation of why it is important to the State of Colorado that Ute Tribes settlement legislation not deauthorize those features of the Animas-La Plata Project that are not currently contemplated.

In 1956, Congress enacted the Colorado River Storage Project Act to enable the states of the Upper Colorado River Basin to use their compact allocations. CRSP is composed of four initial storage units—Aspinall, Flaming Gorge, Navajo, and Glen Canyon—and 25 additional authorized participating projects in Colorado, New Mexico, Utah, and Wyoming—eight of which (including Animas-La Plata) have not been built.

The CRSP Act authorized a separate fund in the United States Treasury, the Upper Colorado River Basin Fund. Revenues in the Basin Fund collected in connection with operation of the initial units are used first to repay the operating costs of the initial units and second to repay the United States Treasury investment costs previously spent on those units. Any excess revenues from the initial units are then used to help repay the Treasury for participating project irrigation costs within each upper basin state that exceed the irrigators' ability to repay. These excess revenues are apportioned among Colorado (46%), Utah (21.5%), Wyoming (15.5%), and New Mexico (17%).

This allocation of Basin Fund revenues was the result of hard bargaining among the upper basin states. Colorado anticipated that a large part of its allocation would be used to repay the irrigation costs of the Animas-La Plata Project, and those costs are still included in the apportioned revenue repayment schedule. Although H.R. 3112 and S. 2508 authorize a much smaller project than originally contemplated and completely eliminate irrigation uses, the authorized participating project still serves as a "placeholder" for Colorado's share of the Basin Fund. Colorado could in the future seek legislation that would allow it to use those revenues for other purposes, such as the endangered species recovery programs on the Colorado River, San Juan River, and Platte River.

Environmental and "green scissors" organizations have raised the concern that, unless the remainder of Animas-La Plata is deauthorized, the reduced project will be a foot in the door for a larger project. H.R. 3112 and S. 2508 address that concern by explicitly requiring express Congressional authorization before any other facilities could be added. Moreover, any additional facilities would be subject to all the requirements of NEPA, the Clean Water Act, and the Endangered Species Act. In short, any attempt to build additional project facilities would encounter all the obstacles that have blocked construction in the past.

Although I believe that the "delinking" language of H.R. 3112 and S. 2508 is adequate to ensure that the smaller project is not the opening wedge for a larger project, Colorado and its water users are willing to work with the Administration to satisfy its concerns. We ask that you meet us halfway, however, and to insist on language that could deprive Colorado of the benefit of hard-fought negotiations and a carefully crafted agreement with the other upper basin states and the United States. This narrow Indian water rights settlement legislation is not the place to try to resolve broader "law of the river" issues.

Another issue that is important to Colorado and its water users is the repayment provision. We agree that the non-Indian project partners should pay their full share of project costs. However, it is important that Colorado water users have the option of paying their share as a lump sum prior to construction. In agreeing to a smaller project, the State of Colorado and its water users are giving up substantial benefits negotiated as part of the original settlement and Phase I of the project. In return, we should receive reasonable certainty as to project costs. I also urge the Administration to deal fairly with water users in determining reimbursable costs. For instance, they should not be held responsible for sunk costs associated with water that will not be provided to them by the reduced project.

I appreciate the Administration's support for this legislation. I am committed to working with the Administration to achieve final settlement this session. Please feel free to call me if I can be of any assistance.

Sincerely,

KEN SALAZAR.

UTE MOUNTAIN UTE TRIBE,
SOUTHERN UTE INDIAN TRIBE,
October 18, 2000.

DEAR SENATOR: We are writing as the elected leaders of the Southern Ute and Ute Mountain Ute Indian Tribes to ask that you support the bipartisan version of S. 2508 introduced by Senators Campbell, Bingaman, Domenici and Allard on October 6, 2000, and oppose the amendment offered by Senator Feingold of Wisconsin.

The bipartisan version of S. 2508 is the product of years of hard work by our Tribes, the States of Colorado and New Mexico and local water users. Just like any other settlement, S. 2508 is the result of many compromises that were required to make it acceptable to all of the affected parties. Our settlement has the full support of the Clinton Administration.

Senator Feingold's proposed amendment upsets this delicate balance. First, it singles out the non-Indian parties to our settlement to pay the costs for recreation and fishery uses which benefit the general public. Such costs have never before been imposed on those who use water from federal reclamation projects. Second, the amendment demands that Colorado, alone among the Colorado River Basin States, surrender significant revenues from the power generated on the Colorado River in order to settle the pending tribal claims to water. These belated and punitive changes impose an unfair burden on our settlement partners.

Please help us to complete the settlement of our tribal water rights by opposing Senator Feingold's amendment which undermines the equitable agreement which the Tribes and our non-Indian neighbors have negotiated.

Sincerely,

JOHN BAKER, Jr.,
Chairman, Southern Ute Indian Tribe.
ERNEST HEUSE, Sr.,
Chairman, Ute Mountain Ute Tribe.

NEW MEXICO
INTERSTATE STREAM COMMISSION,
Santa Fe, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC

DEAR SENATOR CAMPBELL: As chairman of the New Mexico Interstate Stream Commission, I urge you to defeat Sen. Russell Feinglold's proposed amendments to S. 2508 because they are unfair and contrary to current law. Your substitute bill, which is the product of compromise and sacrifice by New Mexico, should be passed without amendment.

The substitute bill we have is fair to the parties, and it should not be changed at this late date. The proposal to make fish and wildlife mitigation expenses reimbursable is patently unfair to the people of New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act, Section 620g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

The irony is that if the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes new Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. It is an issue of simple fairness. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Under the current bill, once the ALP is constructed, any further facilities would require Congressional action. This in effect is deauthorization. Under Feingold's amendment, the deauthorization is included in the bill, but there is no guarantee of construction of the project.

We've seen the federal government back out of building this project many, many times, and we don't trust them. We want the project to be built, then we'll accept the provision that additional facilities must obtain separate Congressional authorization. Reversing the order, as provided in the amendment, is not acceptable.

Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

Senator Campbell, I appreciate your hard work on this important legislation, and I urge you to pass it without the amendments offered at the 11th hour.

Sincerely,

RICHARD P. CHENEY,
Chairman.

SAN JUAN WATER COMMISSION,
Farmington, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC.

DEAR SENATOR CAMPBELL: As Executive Director of the San Juan Water Commission, I urge you to defeat Sen. Russell Feingold's proposed amendments to your S. 2508 as amended because they are unfair and contrary to current law. Your substitute bill, which is the product of hard compromise and sacrifice by New Mexico, should be passed without further amendment.

The substitute bill treats all parties fairly, and it should not be changed now. The proposal to make fish and wildlife mitigation expenses reimbursable is grossly unfair to New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act. Section 620 g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

If the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes New Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

If the Feingold amendments are passed, the San Juan Water Commission will be forced to reconsider its support for S. 2508 as you reported it in the Congressional Record. Senator Campbell, we appreciate your hard work on this important legislation, and I urge you to pass it without the amendments.

Sincerely,

L. RANDY KIRKPATRICK.

UTE MOUNTAIN UTE TRIBE
SOUTHERN UTE INDIAN TRIBE,
September 13, 2000.

TAKE NOTE: IT'S NOT YOUR FATHER'S ALP

(H.R. 3112 AND S. 2508)

No matter how things change, they remain the same.

Opponents of the Colorado Ute Indian Water Rights Settlement Act and proposed amendments which would drastically reduce the size and cost of the Animas-La Plata Project continue to distort the truth about our Tribes, the project's impacts and its costs.

The Southern Ute and Ute Mountain Ute Indian Tribes, and our sister Tribes the Navajo Nation and the Jicarilla Apache Tribe, strongly support legislation which would amend the original Settlement Act of 1988 to provide for the construction of a downsized reservoir.

Opponents still believe they know better than the Tribes themselves how best to settle our water rights claims. In a September 5 letter from the Green Scissors Campaign, they say there is a less costly and less environmentally destructive way to achieve that goal. They offer you no explanation of what that alternative is. They also don't tell you that the recently completed analysis under NEPA finds that the least costly and least environmentally destructive solution to resolving our water rights is to build the reduced-size project. The nonstructural alternative favored by the opponents of the Indian settlement will cost more than the down-sized ALP and that its impact on wetlands in particular is more destructive than ALP. And, they won't tell you that our Tribes have emphatically rejected the nonstructural alternative.

Still, the opponents of our Indian water rights settlement say the project as proposed is a foot in the door for the project authorized in 1968. Read carefully, H.R. 3112 and S. 2508 clearly cut the tie between this project and any other facilities for purposes of our settlement, and the bills explicitly state that any additional facilities separate from this project would require new authorization from Congress.

The local rafting industry, devastated this year by drought says the project will forever affect their livelihood and dewater the river. In fact, the current NEPA analysis finds that, on average, only six of 112 rafting days with flow of 300 cfs or higher would be lost.

Opponents of our settlement continue to claim that our non-Indian neighbors will get subsidized water for development and that they are the true beneficiaries of H.R. 3112 and S. 2508. The bills provide for small amounts of water for the two non-Indian water districts for rural and domestic use purposes, and storage of water already allocated to New Mexico communities. Current law does not require that "other project costs" be paid by water users as suggested by our opponents, and the non-Indians will be required to pay an amount determined by agreement with the Administration for their portion of the water.

Finally, to suggest that "a water project of this size should not be constructed without full and fair environmental review" is ludicrous. The settlement was approved in 1988. Repeated environmental and public review have taken place before that and since then. An entirely new NEPA analysis has just been completed and we are awaiting the issuance of a Record of Decision. The pending NEPA document indicates this proposal to be the best way, economically and environmentally, to provide full settlement of our legitimate claims. It also concludes it is the best alternative for the other Tribes—Navajo and Jicarilla—in the basin.

Let's get to the bottom line. No project, regardless of its size or the amount of water provided to our people, will ever get the support of our opponents. Storage of our water is our "foot in the door" for a long-term, firm supply of water for present and future generations of Utes.

When the House Resources Committee marked up H.R. 3112, only one member voted no and one voted present. In the Senate Indian Affairs Committee, no opposing votes were cast. Clearly there is recognition of sacrifices made in the name of fulfilling our settlement.

Those who have fought the Animas-Las Plata Project and our settlement as a symbol of the past (Jurassic Park) should declare victory and move on. Costs are cut by two-thirds, the lion's share of the water goes to our Tribes and irrigation facilities have been eliminated. Everyone has compromised except the opponents.

We hope that you will look at today's Animas-La Plata Project, and how much has been foregone by our non-Indian neighbors in order to fulfill the promise of the 1988 Act and the government's word of more than a century ago.

Thank you in advance for keeping faith and supporting amendments to the Colorado Ute Indian Water Rights Settlement Act.

Chairman JOHN E. BAKER, Jr.,
Southern Ute Indian Tribe.
Chairman ERNEST HOUSE, Sr.,
Southern Ute Indian Tribe.

NATIVE AMERICAN RIGHTS FUND,
Boulder, CO, October 18, 2000.

DEAR SENATOR: I am distressed by continued opposition to the Colorado Ute Indian Water Rights Settlement and construction of a much-downsized Animas-La Plata Project to implement the settlement passed in 1988. The Native American Rights Fund also opposes the Feingold amendments to the pending Senate bill S. 2508.

During the last 12 years, I have watched the Southern Ute and Ute Mountain Ute Indian Tribes struggle to achieve their goal of a firm water supply for present and future generations, without taking water away from their neighbors. In the course of that struggle, many sacrifices have been made in an effort to address concerns opponents raised about project cost, environmental impacts, even the allocation of water between Indians and non-Indians.

Now, those who have sacrificed nothing—made no compromises at all—continued to urge Congress to reject the amendments which would downsize the project. It seems nothing will satisfy project opponents except no project at all.

I urge you to support the Campbell amendment to the Colorado Ute Indian Water Rights Settlement Act. Those amendments implement the Record of Decision signed by the Secretary of the Interior Bruce Babbitt on September 26 of this year. NARF also urges a no vote on the proposed amendments by Senator Feingold. Further delay in satisfying the Utes' legitimate claims is further injustice to the Ute people.

Sincerely,

JOHN E. ECHOHAWK.

Mr. CAMPBELL. Mr. President, before I yield the floor, I would like to yield a few minutes to Senator ALLARD, my colleague, who has also worked on this bill for so long.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank my colleague from Colorado for yielding me some time here. This is an important piece of legislation that my colleague has been working for. I rise in support of S. 2508, called the Colorado Ute Settlement Act Amendments of 2000. It has been worked on for some 18 years by my colleague, Senator BEN NIGHTHORSE CAMPBELL. I wish to take a few moments to commend everyone who has worked on behalf of this piece of legislation, and for their efforts to resolve this issue.

In Colorado, earlier this year—maybe it was last year—there was a group of us who did get together, Congressman MCINNIS, myself, we had Senator CAMPBELL, and Secretary of Interior Babbitt.

We got together what we called the great sand dunes conference. All four of us walked up on those great majestic sand dunes. We talked about the future of the great sand dunes, and we had a discussion about the Animas project. At that point, we had our staffs standing off on the far side. All of our supporters were wondering what the four of us were talking about. We were talking about common ground and how we could come to an agreement to get the Animas-La Plata project passed. It was a great opportunity my colleague took at that time to talk to the Secretary of Interior while he was breathing some of that fresh mountain air of Colorado and clearing his thinking a little bit, and that got things off to a good start.

This new legislation is a product of that meeting, and it reflects significant compromises and challenges we all faced in getting to this historical moment.

Growing up in rural Colorado and throughout my tenure as a public servant, it seems the Animas-La Plata conflict has endured. Every time water and water projects were discussed, the promises and unsettled claims to the Colorado Ute Indian tribes always persisted.

Now the time has come for the Federal Government to fulfill its obligations to the Ute Indian tribes and satisfy the water treaty.

The project was originally authorized in 1968 with the help of then-Congressman Wayne Aspinall, a good friend of the Allard family and former chairman of the House Interior Committee. I knew Mr. Aspinall. He served Colorado honorably. Over the past 32 years, since authorization, we have tried to get this project completed with bipartisan efforts by former Congressmen Ray Kogovsek and Mike Strang. Now, with the outstanding leadership of Senator CAMPBELL, who for 14 years has championed this project, I believe the end is near. After 132 years, the time has come for the United States to finally do the right thing and meet its treaty obligations.

I commend Senator CAMPBELL for his tireless efforts, from his days in the House of Representatives, to his current time in the Senate and through three different Presidential administrations, to fulfill our Nation's treaty obligations.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I yield to my friend from New Mexico, Senator BINGAMAN, who has worked long and hard on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Colorado. Senator CAMPBELL has worked very hard on this. This has been a major project of his. I do not know how many conversations he and I have had on this subject in the last 2 years, but I can tell you it has been many. There have been many of those conversations.

In 1988, Congress passed legislation endorsing a settlement of Indian water rights for the southern Ute and Ute Mountain Indian Tribe which had been agreed to by the Departments of Justice and Interior, the two tribes, and the State of Colorado and the State of New Mexico. But that 1988 legislation envisioned an Animas-La Plata River Project that would meet a number of regional water needs, including the water for the Navajo Nation and the non-Indian communities.

The project envisioned by that legislation has proven infeasible to implement in terms of the cost and also in terms of the environmental consequences, but the need to settle these water rights and live up to the national commitment to these two tribes remains. The two Ute tribes and their neighbors within the San Juan basin have developed a revamped water allocation for a downsized Animas project which the Ute tribes will agree to as a settlement of their water rights. The allocation also supplies a much needed water supply to the Shiprock community of the Navajo Nation and continues the concept that tribes in non-Indian communities must work together collaboratively on a regional basis to solve their water needs.

The downsized project is in accordance with the final environmental impact statement issued by the Department of the Interior. In the judgment of the Secretary of Interior, it would comply with Federal environmental laws. He has made that very clear. The Secretary has determined that the project authorized in this legislation also will meet the trust responsibilities of the United States with regard to the settlement of the water rights of these two tribes.

This is a project and an issue that has been a concern of people in the northwest part of New Mexico for many years. I have seen various versions of this project discussed and considered over this period of time. I am persuaded that this final so-called "Animas Lite," which is what is generally discussed, or the name that has come to be attached to what is now being considered by the Senate, is a good resolution of many conflicting and competing concerns.

I hope very much that we can pass this bill, that we can do so without amendment, and that we can send it to the President for his action.

Again, I commend Senator CAMPBELL for his hard work in getting us to this point. I hope very much we can follow his lead and send this legislation to the President for his signature.

Mr. President, I yield the floor and yield back my time.

Mr. DOMENICI. Mr. President, I am very pleased today, Mr. President, that Senator CAMPBELL introduced this critical legislation, and am proud to have supported and cosponsored his efforts from the beginning. He and I have faced many a battle regarding this issue over the years. I believe, however, that this legislation reflects the cooperative efforts among the parties to secure needed water supplies in Colorado and New Mexico, and I am pleased it may finally become law.

While we are running out of time in this Congress, the Secretary of Interior signed a Record of Decision on September 25 supporting these amendments, and his staff helped to negotiate them. The time is ripe for action. After years of hard work by the proponents, everyone is ready to move forward.

The Southern Utes and the Ute Mountain Utes have a 5-year window before they have to sue to enforce their water rights. Passage of this legislation will settle negotiated claims by the Colorado Ute Tribes on the Animas and La Plata Rivers, while protecting other water users.

For years now, the San Juan Water Commission, together with non-Indian water users in New Mexico, Colorado, and the Ute Mountain Ute and Southern Ute tribes have been negotiating with the Department of the Interior, the Environmental Protection Agency and other to resolve the complex problems surrounding the Animas-La Plata project and water usage in the four corners area. The bill has Administration support, which has been long-fought and hard-won. Finally, the administration has shown their interest in settling the Colorado Ute Indian water rights claims by accepting the tribes' own suggestions and water needs of the Four Corners non-Indian community.

In New Mexico, this legislation will provide needed water for the Navajo

Community of Shiprock and protect San Juan-Chama project water, on which tribes, towns and cities along the Rio Grande rely. The New Mexico portion of the project will be used by the San Juan Water Commission to provide water to the residents of North Western New Mexico and by the Navajos for their use in the Northern Navajo Nation. This legislation is not intended to quantify or otherwise adversely affect the water rights of the Navajos, and they support this legislation.

In anticipation of development of the Animas-La Plata project, the state of New Mexico set aside 49,200 acre feet of water in 1956. Importantly, this legislation allows the State Engineer from the State of New Mexico to return all or any portion of the New Mexico water right permit to the Interstate Stream Commission or the Animas-La Plata beneficiaries.

I am pleased the proponents of the Animas-La Plata project have participated in the long process to search for compromise. I support the direction of the participants in this process to reduce costs, provide environmental benefits, and provide water for the Colorado Ute tribes under the 1988 Settlement Act.

Mr. President, the administration has a duty to protect the federal trust relationship with the Ute tribes, as well as a duty to the state of New Mexico to make good on the promises of 40 years ago. S. 2508 represents a compromise for which all parties affected have labored long and hard to achieve. It is the long-overdue vehicle for implementing the United States' promise of water to New Mexico, Colorado and the Colorado Ute tribes while still addressing the needs of endangered species and the American taxpayer. Water scarcity continues to be a critical issue in the arid West and no one would benefit from litigation of water rights if we do not press forward.

According to recent scientific predictions, rationing may be required within the next two years. Successful development of additional water in the San Juan Basin, with its endangered fish, will give the rest of New Mexico good arguments why other endangered fish, such as the silvery minnow, can co-exist with additional water development. Additionally, successful settlement of the two tribes' claims will remove the threat of disrupting the water supply vital to the economic and industrial base for Northwest New Mexico, which contributes to the rest of New Mexico. The citizens of Northwest New Mexico have waited more than 40 years for this water—that's long enough.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend and colleague from New Mexico. We are neighbors. Certainly his northern New Mexico area and the southwest Colorado area have histories which are very similar, our present is similar, and our futures are literally tied together. I thank him for the years of service and hard work he has done on this issue.

Mr. President, I have no further comments. I ask unanimous consent, as under the agreement, Senator FEINGOLD be recognized to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

AMENDMENT NO. 4326 TO AMENDMENT NO. 4303

Mr. FEINGOLD. Mr. President, I thank the Senator from Colorado. Pursuant to the previous order, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4326 to amendment No. 4303.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10 of the amendment, line 11, insert ", to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis" before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

"(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620)(commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act.

On page 11 of the amendment, beginning on line 21, strike "Such repayment" and all that follows through ".)." on line 24.

On page 12 of the amendment, line 9, insert after the period the following: "Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by non-tribal users.".

On page 13 of the amendment, beginning on line 2, strike "Additional" and all that follows through line 6.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to the substitute offered by my colleague from Colorado, Mr. CAMPBELL. I do so fully acknowledging that the Animas-La Plata project, as outlined by the Senator from Colorado's substitute amendment, has undergone a significant modification from its original configuration. What was a more than $750 million dam, reservoir, pumping plant, and associated pipelines and irrigation components, is now proposed to be a much smaller and less costly reservoir project to satisfy the Ute and Navajo claims and provide water delivery to the Navajo Reservation. The scaled-down project is now a $278 million project to build a reservoir and pipeline according to the administration's Record of Decision released on September 25, 2000.

The Senator from Colorado and I have shared an interest in settling the Utes' claims for many years. We agree that those claims must be settled and that construction of a reservoir is an acceptable way to achieve that goal. Moreover, he has worked to accomplish that objective. In passing his substitute, Congress will be seeking to downsize the project to effectuate a settlement that satisfies the tribes water needs at 100 percent Federal cost, which is appropriate. However, and I want to make this clear to colleagues, the sized-down project also provides a significant new water supply for non-tribal municipal and industrial use. The Senator from Colorado's substitute amendment guarantees that about 35 percent of the water held in the reservoir would be stored for use by non-tribal interests: 10,400 acre feet for the San Juan Water Commission; 2,600 acre feet for the Animas-La Plata Conservancy District; 5,230 acre feet for the State of Colorado; and 780 acre feet to the La Plata Conservancy District of New Mexico.

So this legislation is not solely an Indian water rights settlement. The Senator from Colorado and I differ in our opinions as to how the nontribal entities should be treated in this legislation, and that is why I am offering my amendment today. I want to make sure that the outcome Congress is "seeking" to implement through this legislation is one that it actually finds. I have three reasons for offering this amendment, which I will describe in a little bit of detail.

First, I remain concerned that the substitute only does half the job with respect to making sure that the taxpayers are off the hook for the original full-scale project. Those who support the construction of the Animas-La Plata project now want to proceed with an alternative which they believe to be a cheaper and scaled-down version of the original project. They want to do so, however, without expressly deauthorizing the original project. It appear to me that proponents won't give up the authorization for the original project because it provides them with the ultimate insurance. Should this alternative be infeasible, retaining the original authorization would allow a fallback position for proceeding with the old project. My amendment makes it absolutely clear that Congress is granting its approval only for the scaled-back year 2000 version of the project and not the original 1956 version of the project.

By deauthorizing all additional features of the old project, Congress would ensure that no such project features or components could be built without a demonstration by the project proponents that such features meet specific economic and engineering standards designed to protect the Federal Treasury, public safety and welfare. The Reclamation Project Act of 1939 requires engineering feasibility reports, cost estimates and economic analyses for a "new project, new division of a project, or new supplemental works on a project * * *" A project which is not authorized would be considered a "new project, new division of a project, or new supplemental works on a project" and be subject to the planning and reporting requirements. The substitute of the Senator from Colorado allows a future Congress to give its approval for a project or part of a project which has previously been authorized as part of the Animas-La Plata project as described in the Colorado River Storage Project Act of 1956. So, what it comes down to without my amendment, it is not clear that the additional construction would be subject to any feasibility requirements. I think taxpayers have a right to know that information.

Moreover, newly authorized projects are also subject to the Economic and Environmental Principles and Guidelines for Water and Land Resources Implementation Studies—known as "Principles and Guidelines"—promulgated pursuant to the Water Resources Planning Act of 1965. The Principles and Guidelines are the seminal policy statement requiring Bureau projects to integrate full economic cost recovery, financial and economic feasibility principles, and protection of the environment into planning for water resource projects. The Principles and Guidelines are the bridge between the old era of costly and economically ruinous Bureau projects and a new era of careful, resource protective planning. Many Members of this body fought hard to ensure these reforms would move forward. The old full-size Animas-La Plata project has not been analyzed under the Principles and Guidelines. One of the key criticisms of the old project has been the Bureau of Reclamation's failure to utilize the current discount rate, the cost of any electric power revenues produced by the project, and other economic variables in its studies. So if my amendment becomes law, any future features would be subject to the planning requirements of the Principles and Guidelines.

The second point of my amendment is that it requires that nontribal water users actually pay recreation and fish and wildlife costs. The nontribal project proponents have argued that because section 8 of the Colorado River Storage Project Act of 1956 makes recreational and fish and wildlife costs nonreimbursable for the projects it authorized, they should not have to repay such costs. ALP in its original, 1956, design, with no Indian water rights purposes or beneficiaries, was authorized by CRSP. I believe that the nontribal water users should pay these costs for a couple of reasons.

First, the administration's Final Supplemental Environmental Impact Statement for ALP takes the position that the version of the ALP project now being proposed for construction is so significantly different in size, features and purposes that the limitation in section 8 of CRSP does not apply. Page 5, Section 1.8 of that appendix states:

> A contemporary determination of reimbursable and non-reimbursable project costs is justifiable based on the significant re-defining of the current project's purpose and limitation of water use as well as current Administration policies.

Second, as the just-quoted language implies, the policy of the current administration, as well as the policy of preceding administrations throughout the 1980s and 1990s, has been to seek reimbursement of recreation and fish and wildlife mitigation costs of Federal water projects. There are numerous examples, such as the Garrison project, Central Utah Project, and the Central Valley Project Improvement Act. Many Members of this body worked hard to enact these reforms. In fact, obtaining reimbursement for recreation and fish and wildlife mitigation costs has been an element of Federal policy dating back to the Fish and Wildlife Coordination Act of 1946, Federal Water Project Recreation Acts of 1965 and 1974, and various Water Resource Development Acts, most notably WRDA 1986.

Obtaining reimbursement for fish and wildlife and recreation costs is far from unprecedented, and, in fact, is consistent both with contemporary policy and with the actual practice of recent years. We are authorizing a smaller project today, and that smaller project should be held to year 2000 reimbursement standards.

In addition to making clear the intent of Congress to require the repayment of fish and wildlife costs, my amendment further clarifies the amount of construction costs that the nontribal water users have to repay to the Federal Government. The substitute of the Senator from Colorado gives the nontribal water users the right to prepay for construction. At the end of the construction they are given the choice of electing whether to make a second payment to settle their account with the Federal Government. If they choose to enter into a new contract, under the terms of the substitute, they are required to only repay construction costs that are "reasonable and unforeseen." I think that allowing a second bite at the apple by giving water users the option of not making the second payment is a big enough gift from the taxpayers. I have repeatedly opposed prepayment because I believe and feel that the taxpayers often get stuck for contract delays and cost overruns. I am concerned that the substitute opens the door to allowing the definition of "reasonable and unforseen" to be argued in court. My amendment makes it clear that, when the final tally is levied, even though that is a practice I find questionable, it should include all of the costs—all the costs—the Federal Government has incurred.

Third, and finally, I remain concerned that the findings in section 1(b) of the substitute may have the unintended effect of influencing a court's review of the sufficiency of agency compliance with Federal environmental laws applicable to the Animas-La Plata project. My amendment adds language to the bill to make sure that tampering with court review does not occur.

Colleagues may say, well, these are only findings in the bill. What effect could they possibly have on a court? I would ask my colleagues to first ask themselves what other purpose these findings could possible have in this bill that is not to have influence on a court.

Second, these finds are a compromise from the prior version of S. 2508, which included explicit determinations by Congress entitled "compliance with the National Environmental Policy Act" and "compliance with the Endangered Species Act of 1973" and which relied in part upon the findings. These sections have been deleted from the substitute, but the findings remain as determinations by Congress that could be used to attempt to influence judicial review of compliance with environmental laws.

For example, the finding in section 1(b)(5) states in effect that the passage of S. 2508 is "in order to meet the requirements of the Endangered Species Act." The finding that Congress has reviewed all of the environmental studies—section 1(b)(8)—in combination with the finding that Congress has decided to enact S. 2508 to implement the Record of Decision that resulted from those environmental studies—section 1(b)(10)—would have the effect, I am afraid, of influencing a court's review of a challenge to the adequacy of the studies or the soundness of the decision contained in the Record of Decision.

Indications of Congress's substantive views about a proposed project, as expressed in the legislation authorizing the project, have been used by the federal courts in evaluating whether the project complies with applicable federal environmental laws. Because the findings in S. 2508 appear to be designed to influence judicial review, as explained above, and because the precise intent of the findings is open to interpretation, a reviewing court could ascribe little weight, extreme weight, or no weight at all to these findings during the course of ruling upon a citizen suit.

To neutralize this potential impact upon a reviewing court in a subsequent citizen challenge to environmental compliance, I propose to add language, so that section 2(a)(1)(B) will read:

> Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other federal official under applicable laws, to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis.

I believe overall that this amendment in all its parts will make this bill better. It commits the Federal Government solely to the construction of a reservoir and protects the taxpayer. It preserves the right of courts to review the project's environmental compliance and it ensures that the nontribal water recipients pay their fair share. So, Mr. President, I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. FEINGOLD. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Pursuant to the unanimous consent agreement, I will, at the end of my statement, move to table Senator FEINGOLD's amendment. Also pursuant to that agreement, I request 10 minutes of the 30 that has been agreed to under the unanimous consent.

Each of the changes proposed by Senator FEINGOLD is either unnecessary or would have the opposite effect to what he intends. I will tell the Senator, who I consider a good friend, that I was in his State just last week with his very fine Governor, Tommy Thompson, traveling across the State doing several things. It was raining the whole time I was there. I rather marveled about how green and nice it was and how much water it had. I was somewhat envious coming from a State that has to store roughly 85 percent of its water needs a year. And as I looked around, I saw many roads and bridges and more than one or two lakes that I think had been paid for with the taxpayers' money in one form or another.

I would tell him that if he lived in a State such as mine or any of the Western States, as the Presiding Officer lives, he would understand how desperately we need water and how in a fast growing State it puts more and more strains and stresses on existing water.

I will talk about the Senator's amendment a little bit. Senator FEINGOLD's amendment proposes that we make existing Federal reclamation law inapplicable to non-Indian project beneficiaries. The Senator asks the Senate to amend S. 2508 to eliminate all references to the Colorado River Storage Project Act of 1956. I don't know the age of the Senator, but I have a hunch it was about the time he was born. I assume Senator FEINGOLD believes that his amendment will make the repayment obligations more fair. In fact, it would be completely unfair to require these individuals to bear a greater repayment burden than all the other projects constructed under the authority of the 1956 and 1968 act. It would, in fact, in my view, be somewhat discriminatory against non-Indians.

If the Senate makes any of the changes proposed by Senator FEINGOLD, we will be saying that existing Federal law should not control the repayment obligation of the non-Indian water users of the project. Other water users up and down the Colorado River—and there are many in our States, as the Presiding Officer knows—will have their repayment obligation set by existing Federal law, but those getting water from this part of the Colorado River system and at this late hour will be told that a new law controls their repayment obligation.

I have to ask my colleagues, why should these project users be singled out in this manner? The most unfair part of this amendment is that it would be part of an Indian water rights settlement act. These non-Indian people are only being treated differently because they agreed to accept the smaller project as part of their agreement with the Ute Indian tribes. As the chairman of the Indian Affairs Committee, I can't think of a worse precedent or message to send. In my view, we ought to be rewarding the non-Indian neighbors who have worked cooperatively with their Indian neighbors, not making them pay more money for their cooperation.

If any of the repayment provisions proposed by Senator FEINGOLD were to pass, I would have to advise my non-Indian constituents that it is actually in their best interest to break their agreement with the tribes, because the price they must pay for fulfilling their commitment to the tribes is to give up all the rights they already have under existing law. I am sure that isn't what the Senator intends, but that will be the result of the proposed amendment.

Senator FEINGOLD's proposed change concerning project deauthorization has the same effect. Under my bill, the only parts of the project that are to be constructed are the components that are explicitly included in S. 2508. Every other part of the project cannot be built unless and until they are authorized by Congress. That is the compromise on deauthorizing the project. The administration agrees with this compromise. It was even accepted in the House Resources Committee on a bipartisan vote.

This compromise is fair because it only becomes effective if the small part of the project is actually constructed. The Senator from Wisconsin asks the non-Indian project beneficiaries, including the State of Colorado, to accept project deauthorization now and accept the Government's promise that a smaller project will be built someday. I can tell you, with the history of promises made by the Federal Government to Indians, in fact to many people in the West, I am somewhat skeptical. I know the Republican Governor of the State of Colorado and the Democratic Attorney General also reject this idea. I ask the Senate to reject it as well. It is simply not fair.

Senator FEINGOLD also proposes a provision concerning judicial review. I assume this is intended to preserve judicial review. At best, however, this will have no effect because there is nothing in the bill that constricts judicial review. There is nothing to preserve. Since the provision has no obvious application, we should be concerned that a court will be encouraged to make some kind of a provision that doesn't exist now. Maybe a court will decide to interpret the provision as an invitation to ignore all the work Congress and the administration have done to analyze the project and its alternative. There is simply no reason to take that risk.

The administration has had its say in its record of decision. Congress will have its say by enacting S. 2508. There is nothing in the bill that prevents the court from doing what courts do or what they are supposed to do. They can have their say on whether the other two branches have followed the law. There is no reason to supplement or enhance the authority of the Federal courts with respect to this bill or the project.

The most unfair change suggested by the Senator is his desire to require nontribal recreation costs be made nonreimbursable. First, this is directly contrary to existing law. Ever since Congress enacted the Colorado River Storage Project Act in 1956, all recreation and fish and wildlife enhancement costs are nonreimbursable. Senator FEINGOLD proposes we do away with that part of the law. This would require water users in New Mexico to pay for recreation facilities or benefits in Colorado. Again, this provision would be included in an Indian water rights settlement. I think it is completely unfair to have New Mexico bear additional unwarranted expenses solely because they agreed to be part of this historic agreement.

I am sure the Senator from Wisconsin means well, but meaning well is not a test of whether we should amend

S. 2508. Upon inspection, none of the proposed changes is necessary and most will be harmful. Each of them would wreck years of good faith negotiations among the parties. Also, they would mean breaking explicit promises made decades ago by the Federal Government.

For those reasons, I urge my colleagues to vote to table the proposed amendment, and I move to table the amendment and ask for the yeas and nays as outlined under the unanimous consent agreement.

The PRESIDING OFFICER. The motion to table is not in order until all time has been used or yielded back.

Mr. CAMPBELL. I will withhold.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. As I understand, I have 8 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Mr. President, let me briefly respond to my colleague's remarks. Let me, first, indicate not only am I not insensitive to the needs of Colorado, my mother is a native of Colorado, who did not come to Wisconsin until she came to college. I have great affection for the State and certainly respect the water needs that are so central to the State and to Western States.

Let me respond to the specific points because I think we have worked together well to try to narrow our differences and to come up with this agreement in a way to try to have these matters discussed on the Senate floor in an expeditious way and to have a vote and to have the matter go forward as appropriate.

The first point the Senator seemed to put his greatest emphasis on was whether or not the non-Native American users of the water should somehow be put in the same position of others who were the beneficiaries of the previous projects that were based in 1956. He suggested that somehow it would be discriminatory for these individuals and families to have to pay certain costs that the others did not have to pay in the past. I suppose that is one way to look at it, but I really look at it a different way.

I don't see the people who have benefited from some of these water projects in the past as really the relevant group. The relevant people now are those of us here today, both those who need the help of the water, the Native Americans and others, but also the taxpayers today. To not alter the repayment system for this is to ignore the reforms that have occurred since 1956.

There has been an effort and success in legislating a different way to handle this, to make sure that some of these expenses are reimbursed. I understand there may be those in this situation who may believe it is unfair that they are not put in the same position as those in the past, but I don't really understand how that is as important or relevant as making sure the taxpayers of today are not unfairly being discriminated against by having to pay more than they should for this project.

The Senator from Colorado even alluded in his initial remarks to the fact that he could at least understand the criticism of some of the past water projects. I think that same argument holds for some of the failure to reimburse on some of the past water projects.

This is not just my idea. I want to assure you that the OMB in this matter in their report on the Animas La-Plata project indicated this kind of reimbursement is entirely appropriate.

I will ask to have printed in the RECORD a statement of administration policy in support of my amendment. It reads in part:

> The administration understands that Senator FEINGOLD is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of proposed taxpayer investment in this project, and would update the project's cost-sharing—

I emphasize "cost sharing"—

> to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2508—TO AMEND THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988

The Administration supports S. 2508 as proposed to be modified by the manager's amendment. The bill, as amended, would accomplish the important goal of providing for a final settlement of the water rights claims of the Colorado Ute Indian Tribes that complies with our environmental laws by authorizing a scaled-down Animas-La Plata project in conjunction with a water acquisition fund.

The Administration had noted concerns with S. 2508, as introduced, because it: (1) contained objectionable language relating to compliance with the nation's environmental laws, (2) did not adequately eliminate the extensive number of Animas project features previously authorized but not currently contemplated, and (3) shifted the risk of unforeseen construction cost increases to federal taxpayers. The latest version of the bill as modified by the manager's amendment satisfactorily addresses these concerns.

In addition, the Administration understands that Senator Feingold is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of the proposed taxpayer investment in this project, and would update the project's cost-sharing to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

The Administration would support the Feingold amendment, which is consistent with the Administration's Animas proposal as outlined in the Interior Department's July 2000 Final Supplemental Environmental Impact Statement and subsequent Record of Decision. However, if the Feingold amendment does not pass, the Administration supports S. 2508 as modified by the manager's amendment.

Mr. FEINGOLD. Mr. President, I am not talking about something that is actually discriminatory. It is simply inconsistent with the law and the policy with regard to how these projects should be handled today to protect taxpayers—not in 1956.

Second, the Senator from Colorado talked about the fact that, yes, our bill does try to make sure that this project, since it has been scaled down—and I give the Senator credit for that—in fact, that is what we authorized. We don't leave the door open for sort of behind-the-scenes reauthorization of this.

He does point out clearly that in certain contexts it would be necessary to actually formally reauthorize the project for additional aspects of the project.

But my understanding is—and the reason we offered this is—if this current scaled-down project is not built, there would not be a requirement of a new authorization; that the situation would revert back without the need for more authorization for the much larger project. I believe it was something like $750 million.

It is not that the Senator is wrong about the fact that there are some situations where there might be the requirement for an authorization in the future. But if it isn't built—the Senator has alluded to the possibility it wouldn't happen—if, in fact, his central complaint is that it hasn't happened, and if it doesn't happen, we don't go back to an open process to figure out what this ought to be. It automatically gets reauthorized.

That is what troubles me. That is what I want to nail down. I want to make sure this project actually fits the size it needs to be and the people who need the help will get the help they deserve.

Finally, the Senator spoke about the third part of our amendment. In fact, in our amendment we want to make sure there is the opportunity for the full judicial review that is appropriate in situations such as this.

The Senator says the bill does nothing to undo the possibility of additional review. But I have raised the concern about some of the findings that are placed in the bill and why those findings would be there if they were not in some way to influence the court.

I accept his statement. That is not his intent.

All we are trying to do is have some language, which I read into the Record. It is very simple. It states clearly that the information and findings should not be used in a way that would preclude the court from using the current laws that apply to this situation.

That is all. It certainly does no harm to the Senator's position—unless, in fact, there is something in the bill that is intended to prevent the courts from having the full opportunity to review that they now are required to do under current law.

Mr. President, I reserve the remainder of my time.

Mr. CAMPBELL. Mr. President, I guess we could talk about everything, put it on spreadsheets, and talk about the dollars spent. But the Senator from Wisconsin mentioned something that I think is very important. He talked about the relevancy.

It seems to me that relevancy is part of the big picture and whether we ought to keep our promises. After 474 broken treaties by this Nation towards Indians, isn't it time we kept one?

We made a promise in 1935 to senior citizens called Social Security. If we can break our promise to one class of people in America, why can't we break it to another? Why can't we break our promise made to senior citizens? I will tell you why. We can't and won't because it is called stepping on a third rail called the AARP. Some thirty-million seniors belong to it—or more, for all I know—and they would absolutely come down the throat of everybody that is a Member of this body. So we don't fool around with them. We don't break our promises to people with high-powered lobbyists and full-time lawyers and lots of members that can write letters and oust us out of office.

Indians can't do that. There are not many of them. They don't have much money. They lost almost everything. So they have very little voice here. It is easy to take away the promise that we made to them. I think it is wrong. We talk about relevancy. This Nation ought to be greater than that, and keep our promises.

The statement of administration policy in the last paragraph basically says they would support this bill with or without the Feingold amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will be very brief. I respect the Senator's time, and I want to keep my promise.

I want to be absolutely clear in the Record. There is absolutely nothing in the amendment I am proposing that in any way breaks the promise to the Utes and others who will certainly benefit from this project. We are very careful about that.

But it talks about the size of the project. It is a project that the Senator from Colorado has agreed to as a scaled-down project. But surely he is not suggesting that he is breaking a promise to anybody with that proposal; therefore, neither am I by suggesting it be that size.

I just want to be sure that somehow we do not end up with a wholly larger project later on, which the Senator from Colorado has agreed to leave aside, and certainly make sure that various reimbursements become, under law, a standard practice in these kinds of situations. Certainly, that is not a breach of a promise.

This is the law of the land and the way we do these things at this point to protect our taxpayers. Surely, it is not a breach of a promise to suggest that there ought to be a chance for the kind of judicial review that should occur in situations such as this.

In fact, I would suggest to the Senator—because I think we work together well on this—that I promised months ago that my goal here was not to put a hold on the bill so it could never come up. All I said was I would like an opportunity to offer some amendment. We worked together. I agreed to a time limit, which is exactly what is happening here. The promise was kept in that regard as well.

I am trying to be constructive and improve this bill. And the administration agrees. Even though they agreed fundamentally with the legislation, they also agree that my amendment is not harmful, but is, in fact, beneficial in making the bill better in the context of keeping our promises.

I yield the remainder of my time.

Mr. CAMPBELL. Mr. President, I yield any remaining time. I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama.

ALABAMA'S DISTINGUISHED PRINCIPAL OF THE YEAR, TERRY BEASLEY

Mr. SESSIONS. Mr. President, this Capital and in the world too seldom do people of real achievement, people who have given of themselves sacrificially for others, receive proper recognition. As Leo Durocher once said, "Nice guys finish last." But, today there is good news. I want to celebrate the fact that good things do happen to those who serve in America. Often, it takes time, often it comes only after long years of service, but our country still remains capable of recognizing excellence.

Today I want to describe for you the magnificent contributions to children, to teachers, to community and to the highest ideals of education and enrichment that have been made by Alabama's Distinguished Principal of the Year, Mr. Terry Beasley. The Greeks once said that the purpose of education is more than technical learning, it was to make a person "good". In those days, people apparently didn't have the difficulty distinguishing between good and the bad that we seem to have today. In addition to academic excellence, in abundance, Terry Beasley exemplifies "the good."

Although I did not know he was being considered for this award and had absolutely nothing to do with his selection, the name "Mr. Beasley" has always held the highest position in our family. You see, he taught our children at Mary B. Austin elementary School, a part of the public school system in Mobile County, AL, my home. He taught math and his name was mentioned with the greatest respect, even awe, by my children.

You could tell just the way they said "Mr. Beasley" and how often the name "Mr. Beasley" was repeated, that they knew he was special.

My wife, Mary, a former elementary school teacher herself, was a regular volunteer parent in the classroom at Mary B. Austin. She knew Mr. Beasley then and the fire reputation he had with teachers, principal, parents and students. People still talk about the famous school playday when Mr. Beasley would not only play ball with the children but would race the bases and slide into home. Our friends, also, with children in the school, frequently discussed his remarkable skill as a teacher and his dedication to teaching.

Before he became a teacher, Terry Beasley was a minister and youth director at a Mobile church. He considered that perhaps teaching could be a calling too, and decided to give it a try. In fact, the scripture lists "teacher" as a person who can be called. So he decided to give it a try. It was a divine inspiration, indeed. As he told me recently, it soon became clear to him that "I had found my calling in teaching". His first job was at Mary B. Austin. Certainly, his later skills as a principal benefitted from the fact that he was able to work under and observe the great leadership skills of Glenys Mason, who was principal at Austin at the time, and to work with excellent teachers.

Later, he moved across Mobile Bay to the Baldwin County school system and became principal at Fairhope Elementary School. They have 370 students and 36 teachers in the second and third grade school. Under Mr. Beasley's leadership the school has flourished.

Last year the school was recognized as having the best physical fitness program in Alabama, and was also recognized for its Kindness and Justice Program which teaches kindness and consideration to others with reference to the teachings of Dr. Martin Luther King.—We need to be intentional about these character programs. Finally, the school was also recognized as having the best elementary environmental science program in Alabama. In fact, the third graders drafted a statute which became Alabama law to name the Red Hill Salamander as the state amphibian. As a result of this work, and the efforts of the teachers, the student scores on the Stanford Achievement Test showed a significant increase.

Fairhope Elementary is a wonderful school with a diverse student population. 23 percent of the students are on free or reduced lunch and 18 percent are minority students. Mr. Beasley has created a learning environment that is dedicated to helping each child reach his/her fullest potential. He is in the classroom constantly, assisting teachers, training teachers, and insisting on excellence. His leadership is extraordinary. Being a good teacher has certainly helped him be a great principal.

As he told me, "Math is my love, I don't claim to be an expert, but I love it. If we can't make math real then kids won't learn." These are not just words for Mr. Beasley. His intense interest in helping children led him to study how they learn. His experience caused him to write a paper on "writing math". Ohio State University wants to publish it. In this technique, Mr. Beasley encourages students to write out in their own words exactly the processes they are going through when they do their math calculations. From this experience, the student comes to understand what they do not know and the teacher is able to help them. It helps them to relieve their anxiety about math and makes them more comfortable with it. Mr. Beasley quotes John Updike as saying, "Writing helps me clear up my fuzzy thoughts". He adds, "Write about math and it becomes clear." A principal is a valuable thing indeed, as is an exceptional teacher. This nation needs to venerate them, to lift them up and to celebrate their accomplishments. Hundreds of thousand of them strive daily to help each child learn too often with little recognition.

As Mr. Beasley notes, the scripture lists teaching as a "calling." It is good for us to praise and give thanks to those who touched us with their work and those who daily work to prepare the next generation for service.

Terry Beasley is a great American with a powerful determination to fulfill his calling—to help make young people better and to help them learn. He is a native of Waynesboro, Mississippi, and his wife, Charlotte, also an educator at Spanish Fort Middle School in Baldwin County, Alabama, is a native of Millry, AL. Together they represent the best in education in America.

I have been honored to know them. I am pleased and honored that Mr. Beasley has been able to teach my children. There are so many others like him. I have been in 20 different schools in Alabama this year and there are a lot of problems. Teachers have shared with me from their heart their frustrations. But we have some great teachers all over America and some great principals. Sometimes I think we don't realize how important a good principal is because without a good principal a school just can't reach its best.

In my visit to those 20 schools, they didn't ask for a bunch more Federal programs. We have 700 Federal programs right now. What they have told me, time and again, was that Federal regulations are micromanaging the work they have to do, requiring them to fill out much more paperwork than even their whole school system requires and, in fact, undermining their ability to maintain discipline in the classroom. I hear that time and time again. That is another matter.

I simply want to say again how much I appreciate the distinguished group that had the wisdom and insight to select Terry Beasley as the principal of the year because he is indeed special.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRAFFIC STOPS STATISTICS STUDY ACT

Mr. FEINGOLD. Mr. President, I rise to speak for a few moments about the subject of race in America. I want to speak today about how sometimes it seems that whites and African-Americans are living in different Americas. And I want to speak about how we still need to do more to see that we become one America.

There is a movie playing now in the theaters called Remember the Titans. That movie depicts how there were two Americas, not that far from here, not that long ago. It depicts the great civil rights struggle of school integration, through the lens of a high school football team in 1971, at T.C. Williams High School, just across the river from here in Alexandria, Virginia.

The film stars Denzel Washington as Herman Boom, who became head football coach at all-white T.C. Williams High School, when it was just beginning to integrate. Although some in the white community in Alexandria did not welcome integration, in the film, Coach Boom steps into this tempest, and teaches the players and coaches to overcome racial prejudice. He teaches the players to respect each other and to work together as a team, regardless of the color of their skin. In the end, the team conquers racial barriers and goes on to win the state championship. Titans teaches us that we must be willing to confront our prejudices, so that we can build a better America, together.

Since 1971, we have made significant progress in public education. But we still have a long way to go. And we are still failing in other areas, like the treatment of African Americans and Latino Americans by law enforcement agencies. They have become the targets of racial profiling. It is time for us to confront our prejudices, to address racial profiling.

White Americans have not had similar experiences. We live in a different America. We won't be stopped on the side of the road, at the airport, or while walking through our neighborhoods, based on the color of our skin. We live in an America where we are free to move about. But African Americans, Latino Americans and Americans of other racial or ethnic groups do not live in this same America. They live in an America where they do not have freedom of movement. When it comes to the enforcement of our laws, they surely live in a completely different America.

Mr. President, racial profiling is a terrible practice. It's unfair, unjust and un-American. It should be thoroughly reviewed, so that we can determine how to end it.

Mr. President, racial profiling casts its net so far and wide that its victims include Americans regardless of their education, wealth, or status. Just last month, that net caught Bob Nash and his wife Janis Kearney, both very high-level officials at the White House. Montgomery County police in suburban Washington pulled over Mr. Nash and his wife, who are both African American. The officers drew their guns. The officers asked them to step out of their car. And the officers handcuffed them.

Why? Well, as far as I can see, the only thing that they were guilty of doing was "Driving While Black." They were stopped, questioned and handcuffed for no apparent reason other than the color of their skin. This is an outrage for Mr. Nash, Ms. Kearney, and all Americans who live in a nation that guarantees liberty and justice for all.

At the end of last month, the San Diego police department released a study of traffic stops that found its officers are more likely to stop and search African and Hispanic Americans than whites and Asian Americans. And earlier this month, according to a story that appeared on the front page of the New York Times, a Federal investigation of the New York Police Department's Street Crime Unit determined that its officers engaged in racial profiling in recent years as they conducted their aggressive campaign of street searches in New York. More and more the evidence mounts.

African Americans and other minority Americans have been on the receiving end again and again, of this horrendous practice. It is intolerable. And it screams out for action by the Federal Government. The Senate should take the first step toward ending this terrible practice by passing S. 821, the Traffic Stops Statistics Study Act.

This bill was introduced in the House by Representative JOHN CONYERS and in the Senate by my distinguished colleague and friend from New Jersey, Senator LAUTENBERG. I commend them for their leadership on this issue, and I am proud to have been able to join them in this effort.

The Traffic Stops Statistics Study Act would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. This is a reasonable bill. It simply requires the Attorney General to conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

In fact, since our traffic stops study bill was introduced in April 1999, we have already seen significant, increased recognition in the law enforcement community of the need for and value of collecting traffic stops data. Over 100 law enforcement agencies nationwide—including state police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven state legislatures have passed data collection bills in the last year or so. So this is tremendous progress from where we were when the bill was introduced. I applaud those states and law enforcement agencies that are collecting data on their own.

But more can be done. And more should be done. Indeed, the state and local efforts in this area underscore the need for Federal action. Not all states and law enforcement agencies have undertake data collection efforts. A Federal role is critical for Congress and the American people to understand the extent of problem nationwide. This effort can lay the groundwork for national solutions to end this horrendous practice.

Mr. President, I certainly believe this is not a Republican or Democratic issue. Governor George W. Bush supports data collection. During the second presidential debate, he said, "we ought to do everything we can to end racial profiling." He also said, "we need to find out where racial profiling occurs." His own Department of Public Safety in Texas has begun collecting data. And Vice President GORE, as well, has been a forceful leader on the issue. All Americans can agree that racial profiling is unfair and unjust and that we need to better understand the scope of the problem.

Our Nation has come a long way in the struggle to live up to its highest ideals of liberty, justice, and equality for all. Congress, historically, has played a critical role in addressing racial discrimination, through legislation that grappled with civil rights issues like voting rights and employment discrimination. Americans are once again calling on the Congress to combat racial discrimination. With this legislation, we can take a step in the right direction, a step closer to becoming truly one America.

I urge my colleagues to support the Traffic Stops Statistics Study Act, and to back its enactment this session.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator FEINGOLD for his concerns about civil liberties in America. It is important for us to give great attention to these issues. Police need to be constantly reminded of their responsibilities.

I was a prosecutor for nearly 18 years full time. I have dealt with police. I remember clearly the policies for years against racial profiling. The law is against that. One of the most famous cases was 25 or 30 years ago, when an immigration officer stopped some individual in a car and arrested him for being an illegal alien. When he asked why he stopped him, he said he had a "psychic feeling" that there was something wrong there.

The court said no. A psychic feeling is not good enough. A racial profile is not good enough. You have to have an articulable basis to make a stop.

But we do not want to suggest, in my view, that this is a routine thing in America. Police officers I know, and the Federal agents I know, are very sensitive about these issues. They have been trained about them. They know precisely what they have to do. It almost takes a law degree to know what to do, but they know precisely how and when they can make stops and when they cannot. I believe consistently they follow those rules.

I know Vice Presidential candidate Senator LIEBERMAN, in one of his debates, said that he knew someone who had been stopped, an African American, a Government employee. He described that he was offended by it. But the local police said, when they were asked about it—the local police said he was stopped because the car matched perfectly the description of a stolen car. When they stopped it, they did not even know whether the driver was white or black. They were just doing their job. It was not a racial profiling.

So we need not to go too far, suggesting this is too common. I do not believe it is. I think it may happen and it should not happen. It is against the law. It is not proper, and arrests and matters rising from it should not be justified.

I appreciate Senator FEINGOLD's interest in making sure the law is properly followed.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$606,674,000,000	$597,098,000,000
Highways		26,920,000,000
Mass Transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	934,461,000,000	938,872,000,000
Adjustments:		
General purpose discretionary	+1,299,000,000	
Highways		
Mass transit		
Mandatory		
Total	1,299,000,000	
Revised Allocation:		
General purpose discretionary	607,973,000,000	597,098,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	935,760,000,000	938,872,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,532,779,000,000	$1,495,819,000,000	$7,381,000,000
Adjustments: Emergencies	1,299,000,000		
Revised Allocation: Budget Resolution	1,534,078,000,000	1,495,819,000,000	7,381,000,000

NOMINATION OF MS. LOIS EPSTEIN TO BE A BOARD MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Mr. LAUTENBERG. Mr. President, the President of the United States today nominated Ms. Lois Epstein to be a Board Member of the Chemical Safety and Hazard Investigation Board.

Ms. Epstein is a licensed professional engineer with over 16 years of technical and regulatory experience involving toxic and hazardous chemicals, with a significant focus on accident and pollution prevention. She currently is a Senior Engineer with Environmental Defense. In that capacity, she has served on three federal advisory committees, two for the Environmental Protection Agency (EPA) and one for the Department of Transportation (DOT). She has also served as a consultant to the Science Advisory Board of EPA. Prior to coming to Environmental Defense, Ms. Epstein worked in the private sector and for the federal government in the EPA Region 9 office.

Ms. Epstein has demonstrated integrity, technical and analytical expertise, industrial plant knowledge, and a stong understanding of environmental laws and regulations. She has the ability to work with a diverse array of interests, and a commitment to resolving environmental and worker safety problems. These qualities, in combination with Ms. Epstein's expertise in engineering, petroleum refining, and her familiarity with the National Transportation Safety Board—the model for the Chemical Safety Board—make her a strong candidate.

Although she is being nominated without enough time remaining in the 106th Congress for confirmation, I hope that the next Administration and Congress will look favorably upon this qualified candidate.

DISTURBING DOD POLICY

Mr. SMITH of New Hampshire. Mr. President, I rise today to speak on a disturbing Department of Defense (DOD) policy that prohibits the adoption of retired military working dogs (MWD).

The bill that I am speaking in support of today, H.R. 5314, will amend the law to allow a handler to adopt a retired military working dog. This legislation was constructed with the guidance and input of all the parties involved. While the Senate version provides more flexibility for the DOD than I would prefer, in the future the Congress will have the opportunity to evaluate the DOD's work when they report back to Congress on their progress in facilitating military dog adoptions.

In discussions with the Managers, my understanding is that this change is only intended to protect the Department of Defense's flexibility to retain animals it determines to be unsuitable for release. In no way is this intended to allow the Defense Department to retain animals that are suitable for release and are no longer needed. I believe it is important to clarify this point, but with that understanding, I am pleased to support this legislation.

The DOD's policy callously discards these highly trained and devoted animals after completion of their service to their country after 8–10 years of age, even if their handlers wish to adopt them.

Under the current law there is no happy retirement for these loyal canines. After their body is no longer able to sustain the workload of their mission, the future becomes bleak for these dogs. In a best case scenario, the dogs are sent back to Lackland Air Force Base, their original training school, where they are used to instruct their human counterparts to become handlers.

After they have served this final duty, they are kenneled for an undertermined amount of time and then put down. In some instances, military working dogs are caged as long as a year until they meet their final outcome. If no kennel space is available, the less fortunate are terminated directly upon their arrival to Lackland.

Without the loyal service of Military Working Dogs and their devotion to their handlers, countless American soldiers would have died or become casualties of war.

These dogs have abilities that our most advanced technology cannot match, rendering them priceless to the men and women serving in our military.

Of the 10,000 men who served with K–9 units during the Vietnam War more than 265 were Killed in Action. Of the 4,000 dogs that served, 281 were "Officially" listed as "Killed in Action," but only 190 were returned home at the end of the war.

More than 500 dogs died on the battlefields of Vietnam.

Military Working Dogs not only helped win battles and save lives, but had an enormous impact upon the mental well-being of those humans that surrounded them in the severest of battle conditions.

It is clear that the DOD's policy does not work in the best interests of the dog handlers and the dogs. There is a distinctly strong bond between dog handlers and their dogs, who work, live and play together on a daily basis.

I believe that the military's policy unnecessarily severs a bond that has taken years to cultivate which can easily be alleviated by allowing dog handlers or other qualified people to care for these highly intelligent dogs after they can no longer serve their country.

The 1949 Federal Property and Administrative Services Act, enacted after World War II, reclassified military working dogs as equipment. According to the military mentality, any piece of equipment no longer operable, becomes a hardship to the unit and must be disposed.

In 1997, the Federal Property and Administrative Services Act was amended. The law was altered to permit federal dog handlers, such as those in the Drug Enforcement Administration, to adopt their aging K–9 partners after their service in law enforcement was completed.

The DOD's K–9 partners were the only federal canine group not included in the modification. Are these worthy canines any less deserving of peacefully living out the remainder of their days than another federal working dogs? These dogs can be detrained of their aggressive responses and we have no reason to assume that they will not continue to obey their handlers.

The bill that I am speaking in support of today, H.R. 5315, will amend the law to allow a handler to adopt a retired military working dog. I believe that legislation was constructed with the best interest for all parties involved.

The decision to allow a handler to adopt their canine partner rests on the shoulders of those who know the dog best: the dog's last unit commander an the last unit veterinarian. Made on a case-by-case basis, the commander and veterinarian are obligated to give their consent before the adoption process can move forward.

Furthermore, H.R. 5314 provides an additional safeguard at the federal level. Upon receipt of the dog, the adopting handler waives all liability against the federal government.

H.R. 5314 will effectively accomplish two goals: it offers the DOD a solution to their dilemma of maintaining aging canines and lifts the restriction that prohibits the adoption of military working dogs. Former dog handlers, individuals with comparable experience, or law enforcement agencies will be able to provide a loving home for such deserving animals.

Through the passage of this legislation, not only will the military working dog be taken from a permanently caged status, but the dog will also be given the opportunity for a positive home environment. I know you will agree that after a lifetime of service, there can be no better reward for both handler and dog.

In closing, H.R. 5314 has been endorsed by the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Doris Day Animal Rights League, and The American Society for the prevention of Cruelty to Animals. This is a positive measure which is a win-win solution for dog, handler and the Department of Defense.

I ask unanimous consent to have printed in the RECORD a letter to Senator WARNER from William W. Putney, DVM. He was a C.O. of the War Dog Training School at Camp Lejeune, NC, was awarded the Silver Star for his bravery during his command of a "war dog" platoon in the 3rd Marine Division during World War II.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOODLAND HILLS, CA,
October 18, 2000.

Senator JOHN WARNER,
Chairman, Committee on Armed Forces,
Washington, DC.

DEAR SENATOR WARNER: I was born in Prince Edward County Virginia. Attended Virginia Tech (VPI then) then graduated from Auburn University in 1943. I immediately went into the Marine Corps and served throughout the war as a line officer in the war dog program and later as the Chief Veterinarian, USMC. Although I am not a constituent of yours, I have many relatives, living in Virginia, that are. I was the platoon leader of the 2nd and 3rd Marine War Dog Platoons that served with the 3rd Marine Division on Guadalcanal, Guam and Iwo Jima and the 2nd Marine Division on Saipan, Okinawa and Japan.

After the cessation of hostilities, I was C.O. of the War Dog Training School at Camp Lejeune, NC when we detrained and returned to civilian life our dogs that we used in WWII on places like Guadalcanal, Bougainville, Kuajalien, Enewetok, Guam, Pelelieu, Saipan, Okinawa and Japan. Our dogs saved a lot of Marines' lives including mine.

Of the 550 Marine war dogs that we had on duty at the end of the war, only four were destroyed due to our inability to detrain them sufficiently to be returned safely to civilian life. Never to my knowledge was there a recorded an instance where any one of those dogs ever attacked or bit anyone. It is not true that once a dog has had attack training, it can never be released safely into the civilian population. All of our dogs were attack trained.

I strongly support Senator Smith in his efforts to change present DoD policy that once a dog has received attack training, it will always be destroyed when he can no longer perform his military duties.

To use animals for our own use and then destroy them arbitrarily when they can no longer be of use to us is the worst kind of animal abuse.

WILLIAM W. PUTNEY, DVM,
Captain, USMC, WWII.

Mr. SMITH of New Hampshire. He offers his strong support for a change in the law that will allow the adoption of military working dogs. Former Marine Lt. Putney led a successful effort to build a cemetery and monument for the 25 dogs who died in the liberation of Guam in 1944, and I applaud his work to memorialize their contribution to preventing more loss of life during WWII. I also want to have printed for the RECORD an article that provides some details of his military life and his accomplishments in recognizing the special canine contribution to our wartime successes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Sept. 3, 1995]

MARINE, NOW 75, HONORED FOR HIS WARTIME COURAGE

(By Doyle McManus)

Marine Lt. William W. Putney was awarded the Silver Star for bravery on Saturday—at the age of 75, half a century after the end of his war.

Putney, a Woodland Hills veterinarian, commanded a "war dog" platoon in the 3rd Marine Division during World War II—a little-known specialty that used trained dogs both to guard American positions and sniff out enemy troops hidden in tunnels or caves.

On July 26, 1944, Putney's unit was defending 3rd Marine headquarters on Guam when the lieutenant, then 24, spotted a Japanese platoon heading toward the division hospital.

"Putney ordered the war dog handlers to tie their dogs to bushes and take up a firing line in the path of the enemy." His citation reads, "An enemy machine gun emplacement savagely opened fire. . . . Disregarding his own safety, (Putney) unhesitatingly arose from his position of cover, and standing exposed to the hail of bullets aimed at him, began firing.

"He succeeded in silencing the machine gun and killing the two enemy machine gunners. Although wounded, he exhorted the platoon to press the attack, resulting in the killing of all enemy soldiers, including the Japanese officer leading the attack."

Officials said Putney had been recommended for a decoration during the war but unaccountability did not receive one. His former commanding officer resubmitted the recommendation a few years ago, and Navy Secretary John H. Dalton approved it in time for Putney to formally receive the award at the Punchbowl military cemetery here as part of Saturday's commemoration of the end of World War II.

After the war, Putney served as chief veterinarian and commander of the U.S. Army War Dog Training School. He retired from the Marines and practiced as a veterinarian in Woodland Hills.

In recent years, he led a successful effort to build a cemetery and monument for the 25 Doberman pinschers and German shepherds who died in the liberation of Guam in 1944.

The memorial, which includes the names of the dogs and a life-size bronze statue of a Doberman, was dedicated in a military ceremony last year.

TESTING NORTH KOREA'S COMMITMENT TO PEACE

Mr. BIDEN. Mr. President, today I rise to discuss the momentous changes underway on the Korean Peninsula and to take note of the contributions of one extraordinary American public servant to the cause of peace there. Former Secretary of Defense Bill Perry stepped down this month as special adviser to the President on Korea policy, a role he assumed when our relations with North Korea were in crisis and when congressional faith in our approach to the Korean challenge was at a nadir.

It was a job no one coveted. North Korea ranks as one of the most difficult foreign policy challenges we face.

It was a job fraught with risk. Err too far towards confrontation, and you might send North Korea over the brink and start another war. Err too far towards conciliation, and your initiative might be mistaken for appeasement, emboldening the North and undermining political support at home.

Under Bill Perry's leadership, the U.S. launched a hard-headed initiative designed to test North Korea's willingness to abandon the path of confrontation in favor of the road to peace. From its inception, the Perry initiative was predicated on maintenance of a strong military deterrent. But Dr. Perry recognized that deterrence alone was not likely to lure North Korea out of its shell and reduce the threat of war.

The Perry initiative was designed and implemented in concert with our South Korean and Japanese allies, and it continues to enjoy their full support.

The results of this comprehensive and integrated engagement strategy have stunned even the most optimistic observers.

The year began with a mysterious and unprecedented visit by Kim Jong-il to the Chinese Embassy in Pyongyang. Over the course of a four-hour dinner, Kim made it plain that the year 2000 would see a shift in the North's approach to reviving its moribund economy and ending its diplomatic isolation.

In quick succession, Kim hosted Russian President Putin and then South Korean President Kim Dae-jung. The historic Korean summit meeting in Pyongyang was a tremendous victory for South Korean President Kim Dae-jung's "Sunshine Policy" and a validation of Perry's engagement strategy. It is fitting that President Kim Dae-jung was just awarded the Nobel Peace prize for his life-long efforts on behalf of peace and democracy on the Korean peninsula.

With the rapid emergence of Kim Jong-il from what he admitted was a "hermit's" existence in North Korea, the prospects for a lasting peace on the peninsula are better today than at any time since the Korean War began more than 50 years ago. Time will tell.

If fully implemented, the agreement reached in Pyongyang by President

Kim Dae-jung and Kim Jong-il promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation.

There are encouraging signs that the summit meeting was not a fluke:

Family reunification visits are proceeding, albeit at a pace that is slower than the families divided for 50 years desire or deserve.

Ground will be broken soon to restore rail connections across the DMZ, restoring trade and communication links severed for 50 years.

A follow-on meeting of the North and South Korean Defense Ministers in September led to an agreement to resume military contacts and to explore confidence building measures along the DMZ, including notification of exercises and creation of a North-South hot-line.

Planning is proceeding smoothly for next year's North-South summit meeting in Seoul.

There has also been progress in U.S.-North Korean relations. An historic meeting between President Clinton and senior North Korean military officer Cho Myong-nok occurred this month in Washington, setting the stage for next week's first ever visit to the North by an American Secretary of State.

Mr. President, this flurry of diplomatic activity has been dismissed by some critics as all form, and no substance. They marvel at our willingness—and that of our South Korean ally—to provide food aid to a despotic regime that continues to spend precious resources on weapons and military training rather than tractors and agricultural production.

No one condones the North Korean Government's callous disregard for the suffering of its own people. And obviously, much work remains to be done—especially in the security realm—to realize the hope generated by the summits. The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone.

It has not halted provocative military exercises. It has not yet ended all of its support for terrorist organizations.

And, although the North did reaffirm its moratorium on long-range missile testing this month in Washington, it has not stopped its development or export of long-range ballistic missile technology. North Korea's missile program continues to pose a serious threat not only to our allies South Korea and Japan, but also to other nations confronting the odious clients of North Korea's arms merchants.

All of these issues must be addressed if we are to forge a lasting peace on the Korean peninsula.

Our efforts to engage North Korea must ultimately be matched by reciprocal steps by the North. Engagement is not a one-way street.

But the question is not whether North Korea is a desirable partner for peace. Kim Jong-il has all the appeal of Saddam Hussein. The question is how we manage the North Korean threat.

I can't imagine how the situation would be improved if we did not offer North Korea a chance to choose peace over truculence. I can't imagine how the situation would be improved in any way if North Korean children were dying in droves from malnutrition and disease as they were prior to the launch of the U.S.-funded World Food Program relief efforts.

Mr. President, we should not discount the importance of the recent diplomatic developments on the peninsula. How soon we forget that it was a process called glasnost—openness—combined with maintenance of a strong NATO alliance, which ultimately brought about the demise of the Soviet Union and the reunification of East and West Germany.

Information about the outside world is hard to come by in North Korea, just as it was hard to get in the Soviet Union before detente opened the window and let the Soviet people catch the scent of the fresh air of freedom.

Perhaps dialog with North Korea and greater openness there will bring about a similar result. If so, we will have Secretary Perry to thank for his role in getting that dialog jump-started after it had stalled amidst mutual suspicions and acrimony during the mid-1990s.

Mr. President, in closing I would like to extend my profound thanks to Bill Perry for the way he carried out his responsibilities. He answered the call to public service two years ago, trading the comfort of northern California for the landmine-strewn terrain of Washington and North Korea. He has conducted himself with honor and a strong sense of duty. He will be missed.

The stakes on the peninsula are high. Events there will not only shape the security environment of Northeast Asia, but also affect our decision whether to deploy a limited national missile defense, and if so, what kind of defense. From my perspective, it would be a great accomplishment if we could neutralize the North Korean missile threat through diplomacy rather than spend billions of dollars to construct a missile defense system which might do more harm to our national security than good.

I wish Secretary Albright and her new Korea policy adviser Wendy Sherman well as they strive to build on the momentum generated over the past few months. It is a tough job, but it is incumbent on us to test North Korea's commitment to peace.

DEMOCRACY DENIED IN BELARUS

Mr. CAMPBELL. Mr. President, I am pleased to join as an original cosponsor of this resolution introduced by my colleague from Illinois, Senator DURBIN, to address the continuing constitutional crisis in Belarus.

As Co-Chairman of the Helsinki Commission, during the 106th Congress I have worked on a bipartisan basis to promote the core values of democracy, human rights and the rule of law in Belarus in keeping with that country's commitments as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Back in April the OSCE set four criteria for international observation of parliamentary elections held this past weekend: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the new parliament.

Regrettably, the Lukashenka regime responded with at best half-hearted measures aimed at giving the appearance of progress while keeping democracy in check. Instead of using the elections process to return Belarus to the path of democracy and end that country's self-isolation, Mr. Lukashenka tightened his grip on power launching an intensified campaign of harassment against the democratic opposition and fledgling independent media. Accordingly, a technical assessment team dispatched by the OSCE concluded that the elections "fell short of meeting minimum commitments for free, fair, equal accountable, and transparent elections." The President of the Parliamentary Assembly of the OSCE confirmed the flawed nature of the campaign period.

We recently saw how Slobodan Milosevic was swept from power by a wave of popular discontent following years of repression. After his ouster, Belarus now has the dubious distinction of being the sole remaining dictatorship in Europe. Misguided steps toward recognition of the results of Belarus' flawed parliamentary elections would only serve to bolster Mr. Lukashenka in the lead up to presidential elections slated for next year.

This situation was addressed today in an editorial in the Washington Times. Mr. President, I ask unanimous consent that a copy of this editorial be printed in the RECORD following my remarks.

I commend Senator DURBIN for his leadership on this issue and will continue to work with my colleagues to support the people of Belarus in their quest to move beyond dictatorship to genuine democracy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 19, 2000]

BATTLE FOR BELARUS

In Belarus last weekend, the opposition leaders did not light their parliament on fire as their Yugoslavian counterparts had the week before. They did not crush the walls of the state media outlet with bulldozers or leave key sites in their capital in shambles. No, the people living under the last dictator of Europe met this weekend's parliamentary elections with silence. Opposition parties rallied the people to boycott, and what they didn't say at the polls, the international community said for them.

The U.S. State Department declared the results "not free, fair, or transparent" and replete with "gross abuses" by President Alexander Lukashenko's regime. The Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the European parliament and the European Union said the same. The dictator's allies got most of the 43 seats in districts where the winner received a majority of the vote. Where no candidate received a majority of the vote, run-offs will occur Oct. 26, another opportunity for the dictator to demonstrate his unique election methods. However, a record-low turnout in many towns, claimed as a victory by the opposition, will force new elections in three months.

What will it take for the people to push Mr. Lukashenko to follow Yugoslav leader Slobodan Milosevic into political oblivion in next year's presidential election? Nothing short of war, if one asks the international coordinator for Charter '97, Andrei Sannikov. "I don't know how the country survives. [Approximately] 48.5 percent live below the poverty level," Mr. Sannikov told reporters and editors of The Washington Times. "That increases to 60 percent in rural areas. It would provoke an extreme reaction anywhere else. Here, they won't act as long as there is no war".

But the people of Belarus are getting restless. Out of the 50 percent of the people who don't know who they support, 90 percent are not satisfied with Mr. Lukashenko and with their lives in Belarus, Mr. Sannikov said. The dictator's behavior before last weekend's elections didn't help any. In his statement three days before the elections, Rep. Chris Smith, chairman of the OSCE, listed just a few reasons why the people should take to the streets: "Since August 30, the Lukashenko regime has denied registration to many opposition candidates on highly questionable grounds, detained, fined or beaten over 100 individuals advocating a boycott of the elections, burglarized the headquarters of an opposition party, and confiscated 100,000 copies of an independent newspaper."

Mr. Sannikov, a former .deputy foreign minister, was himself a victim last year when he was beaten unconscious, and three ribs and his nose were broken, in what he said was a government-planned attack. He and the rest of the opposition don't want to be victims in next year's elections. If the opposition can rally behind one formidable leader, war won't have to precede change—nor will Mr. Lukashenko once again make democracy a fatality.

CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO THE McDADE LAW

Mr. LEAHY. Mr. President, I have spoken several times this year about the so-called McDade law, which was slipped into the omnibus appropriations bill at the end of the last Congress, without the benefit of any hearings or debate in the Senate. I have described the devastating effects that this ill-considered law is having on Federal law enforcement efforts across the country. Recent articles in the Washington Post, the Washington Times and U.S. News & World Report also describe how the McDade law has impeded Federal criminal investigations.

For over a year, I have been proposing legislation to address the problems caused by the McDade law. My corrective legislation would preserve the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. Although the bill does not go as far as the Justice Department would like—it does not establish a Federal code of ethics for government attorneys, nor does it authorize the Justice Department to write its own ethics rules—nevertheless, the Justice Department has supported the bill as a reasonable, measured alternative to the McDade law.

Congress's failure to act on this or any other corrective legislation this year means more confusion and uncertainty, more stalled investigations, and less effective enforcement of the Federal criminal laws. I regret that we have not made more progress, and hope that we can work together in the next Congress, on a bipartisan and bicameral basis, to resolve the situation.

I ask unanimous consent that these articles be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 19, 2000]

REPEAL THE McDADE LAW

Two years ago, Congress approved a seemingly innocuous requirement that federal prosecutors observe the ethical standards of the state bars that gave them their law licenses. Members probably didn't think that, in supporting the proposal, they would be harming important federal investigations. They thought rather to stand against prosecutorial excess and show support for retiring Rep. Joseph McDade, who had once been prosecuted unsuccessfully by the Justice Department. Yet even as Congress was moving ahead with the bill, many people—including in the Justice Department and on the Senate Judiciary Committee—warned of unintended consequences. Now the warnings are coming true. The so-called McDade law has compromised Justice Department investigations on matters ranging from airline safety to child pornography.

State bar rules are generally not written with investigative concerns in mind—and are sometimes written to hamper prosecutors. Lawyers, for example, are generally forbidden from contacting directly people whom they know to be represented by counsel. The rule makes sense as a general matter, but figuring out how it should apply to investigative work is exceptionally difficult. A prosecutor investigating a corporation who wants to talk with company employees could be read to violate this ethical stricture if the corporation's lawyers are not present. Such a rule would make federal investigations of corporations dependent on the corporation's consent. According to a Justice Department report, this precise issue hampered an investigation of an airline—which press reports identify as Alaska Airlines—for allegedly falsifying maintenance reports. Unable to have agents interview key witnesses, the department had to bring them before a grand jury—a process that involved lengthy delays. "When the witnesses finally appeared before the grand jury, they had trouble remembering anything significant to the investigation," the report notes. "After about a year of investigation, one of the airline's planes crashed."

In Oregon, the U.S. Attorney's Office recently notified the FBI that it would not participate further in an undercover program that targets child pornography. The Oregon Supreme Court has interpreted state ethics rule to prohibit dishonesty or deceit in investigations—with no exception for law enforcement. That makes undercover work of any kind the stuff of potential bar discipline for lawyers who get involved. In a letter to the FBI field office, Portland's U.S. attorney announced that, under the rule, "the attorneys in our Criminal Division cannot approve or authorize any undercover operations or consensual monitoring" at all. Such an outcome has nothing to do with prosecutorial ethics but will harm law enforcement.

The McDade problem needs to be fixed, and Sen. Patrick Leahy is pushing a bill that would do that. Federal prosecutions and investigations cannot be held hostage to whatever rules 50 state bars choose to pass.

[From the Washington Times, Oct. 10, 2000]

FEDERAL PROSECUTORS HOSTAGE TO STATE CODES

(By Bruce Fein)

If you think United States Secret Service protection of the president should be held hostage to state law, then you should love the 1-year-old "McDade" statute. Ditto if you think FBI attempts to thwart or investigate presidential assassinations or corruption of Members of Congress also should be held hostage. But you might think the McDade law reflects federalism run riot, and thus champion its overhaul, like Sen. Patrick J. Leahy, Vermont Democrat, and Sen. Orrin G. Hatch, Utah Republican and chairman of the Senate Judiciary Committee.

Without hearings, the law was tucked into an appropriations bill in a fit of congressional disenchantment with aggressive investigative tactics symbolized (rightly or wrongly) by Independent Counsel Kenneth Starr. It subjects all federal government attorneys in conducting federal criminal or civil investigations to state professional disciplinary rules in the state in which they operate. On its face, the McDade law seems unalarming. Why shouldn't federal attorneys conform to the same ethical standards required of their professional colleagues whether in private practice of state government?

The answer is that the parochial perspectives of states may discount or overlook broader and compelling federal law enforcement interests. The state of Oregon sports a typical disciplinary rule prohibiting attorney dishonesty, deceit or misrepresentation. It has been interpreted to prohibit federal prosecutors from either authorizing or supervising undercover operations of the FBI or consensual monitoring of conversations by informants. Under the McDade law, for instance, suppose the United States Attorney in Oregon and the FBI suspect an attempted assassination of President Clinton during a fund-raising visit to Portland by extremists. A plan is devised to infiltrate an informant into the suspected circle of conspirators with an electronic recording device to forestall the villainy. it would be frustrated by Oregon's disciplinary code coupled with the McDade law.

Federal terrorism investigations or prosecutions are likewise jeopardized in Oregon. Suppose a terrorist suspect pleads guilty to a federal conspiracy offense and agrees to cooperate in the apprehension and trial of co-conspirators in exchange for a lenient sentence. The United States Attorney contemplates the terrorist-informant's use of an electronic recording or transmitting device to prove the guilt of the conspirators from their own words. The U.S. Supreme Court held in United States vs. White (1971) that such investigatory deceit is no affront to the Constitution, and added: "An electronic recording will many times produce a more reliable rendition of what a defendant has said than will the unaided memory of a police agent. It may also be that with the recording in existence it is less likely that the informant will change his mind, less chance that threat or injury will suppress unfavorable evidence, and less chance that cross-examination will confound the testimony."

Under the McDade law in Oregon, however, the United States Attorney would be required to forgo his impeccable plan for electronic monitoring to ensnare a nest of terrorists.

Its mischief is not confined to these troublesome hypotheticals, but handcuffs the investigation of every federal crime and has thrown a spanner in real cases. The FBI initiated an "Innocent Images" investigation in Portland spurred the burgeoning problem of child pornography and exploitation in Oregon. The United States Attorney shut down the operation because fearful that the involvement of undercover agents and the monitoring of telephone calls with the consent of but one party could be deemed deceitful by the State Bar.

During a recent Oregon drug trafficking investigation, the FBI located a cooperating witness willing to use an electronic monitoring device to record the conversations of drug trafficking suspects. The United States Attorney nixed the idea because of the McDade law.

In 1980, the FBI's Abscam investigation employed undercover agents to implicate six House members and one senator in corruption. One videotape captured Rep. John W. Jenrette Jr., South Carolina Democrat, confessing to an agent, "I've got larceny in my blood." Abscam would have been problematic if the McDade law had then been in effect.

A recurring impediment in all states are codes that prohibit federal attorneys and their agents from contacting and interviewing corporate employees without the consent and presence of corporate counsel. In California, the FBI's investigation of Alaska Airlines maintenance records through separate interviews of employees was thwarted by a company attorney's claiming to represent all. After a Jan. 31, 2000, crash of an Alaska Airlines jet killing everyone on board, FBI agents were blocked from questioning ground mechanics for the same reason. Sen. Leahy, a former seasoned prosecutor, lamented: "[T]hose interviews that are most successful simultaneous interviews of numerous employees could not be conducted simply because fear that a [state] ethical rule . . . might result in proceedings against the prosecutor."

The Supremacy Clause of Article VI of the Constitution that when legitimate federal interests are at stake, state law should bow. It was underscored by the Supreme Court's ruling in In re Neagle (1890), which denied California authority to prosecute a federal deputy marshal for killing an attacker in the course of defending Supreme Court Justice Stephen J. Field.

An ethics code to ensure that federal government attorneys turn square corners is admittedly necessary. But shouldn't it be drafted by federal authorities sensitive to federal needs rather than consigned to the whims of 50 different states?

[From U.S. News & World Report, Oct. 16, 2000]

FEDERALLY SPEAKING, A FINE KETTLE OF FISH

(By Chitra Ragavan)

Two Octobers ago, Congress passed a funny little law. It was named after its sponsor, Pennsylvania Republican Joseph McDade, but for the congressman, there was nothing funny about it. The Justice Department had spent eight years investigating McDade on racketeering charges. He was finally acquitted by a jury in 1996, but by then McDade's health and spirits were broken. The McDade bill was his payback to Justice. It simply requires federal prosecutors to comply with state ethics laws.

No big deal? Not quite. In August, the Oregon Supreme Court forbade all lawyers in the state to lie, or encourage others to lie, cheat, or misrepresent themselves. Under McDade, the ruling now applies to Oregon's federal prosecutors. "We've handcuffed the agents," says senior FBI official David Knowlton, "not the criminals." The U.S. attorney for the Oregon district, Kristine Olson, has informed the FBI and other federal investigative agencies that she cannot OK agents or informants to assume false identities, wear body wires, or engage in undercover activities. "In effect," says David Szady, special agent in charge of the FBI's Portland office, "we now have to go to a drug dealer and say, 'FBI! Would you sell us some drugs, please?'" The FBI, Szady says, has had to suspend 50 investigations, including probes of Internet child pornographers, A Russian organized-crime group, and a massive check-fraud ring.

Federal prosecutors despise the McDade law. David Margolis, a senior Justice Department official and a veteran organized-crime prosecutor, says McDade has had a major chilling effect. "Even I wouldn't go out on a limb," he says. Justice officials are trying to gut the law before Congress goes out of session this week. The department warned lawmakers in 1998 that prosecutors would be lost in a morass of quirky state ethics laws—especially during complicated multistate investigations. But defense lawyers won the day. "Why should prosecutors be exempt from rules that apply to all other lawyers in that state?" says Mark Holscher, lawyer for former Los Alamos scientist Wen Ho Lee. So far, no court has dismissed a case or excluded evidence on the basis of McDade. "These are crocodile tears," says veteran defense lawyer Irv Nathan.

Major headache. The biggest headache for prosecutors is the American Bar Association's controversial Model Rule 4.2, adopted by many states. It prohibits prosecutors from contacting people represented by lawyers without first talking to the attorneys. Remember when Kenneth Starr's prosecutors ignored Monica Lewinsky's tearful entreaties to call her lawyer? They got away with it because, since 1989, Justice had defied Rule 4.2.

No more. Prosecutors now say adhering to 4.2 has hurt white-collar probes, where securing the cooperation of informers in often vital. In an investigation of Alaska Airlines last year, company lawyers barred federal agents from questioning employees. Sen. Patrick Leahy of Vermont says, "The pendulum has swung too far in the other direction." But House Judiciary Committee Chairman Henry Hyde of Illinois says he's not inclined to repeal McDade. "That doesn't mean I'm for crooks," Hyde says. "I'm for ethical behavior both by law enforcement and by defense counsel." Watching the fight from the sidelines in Joe McDade, now 69. "I didn't read about it. I lived it," he says, of prosecutorial zealotry. "The effort is not justice. The effort is to break a citizen."

STUDENT PLEDGE AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, on Tuesday, thousands of young people observed the Fifth Annual Day of National Concern About Young People and Gun Violence. Students across the country who participated in the day's activities were given the chance to make a strong statement renouncing the violent use of guns by signing a voluntary pledge.

In my own State of Michigan, high school senior Vince Villegas of Lansing worked to ensure that the anti-gun violence pledges were distributed to students in his own school district. Vince is the co-founder and current president of Students Against Firearm Endangerment, SAFE, USA, an organization whose mission is to reduce the number of gun casualties by increasing gun education in America's schools. With help from students like Vince, more than one million young people have signed the Student Pledge Against Gun Violence during this year alone.

Here is what that pledge says: "I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety."

Vince and students like him around the country have pledged to do what they can to reduce the toll of gun violence in their lives. Now it's up to Congress to learn from our young people and pledge to combat the gun violence that plagues the Nation's schools and communities.

VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 19, 1999:
Jerry G. Bowens, 25, Memphis, TN;
Nathaniel Bryan, 20, Washington, DC;
Wayne Butts, 43, Atlanta, GA;
Arnold Handy, 19, Baltimore, MD;
Paul Johnson, 31, New Orleans, LA;
Russell Manning, 52, Dallas, TX;
Rebecca Rando, 25, Houston, TX;
Mark Smith, 31, Dallas, TX;
Kirk Tucker, 32, Chicago, IL;
Jermaine Wallace, 22, Baltimore, MD; and
George Williams, 19, Pittsburgh, PA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

VOICE OF AMERICA EDITORIAL

Mr. BIDEN. Mr. President, on October 18 the Voice of America broadcast an editorial entitled "Terrorism Will Fail," strongly condemning the terrorist bomb attack on the U.S.S. *Cole* in Aden harbor, which took the lives of 17 U.S. sailors. The editorial concluded: "U.S. policy remains unchanged. The U.S. will make no concessions to terrorists. The U.S. will bring to justice those who attack its citizens and interests. The U.S. will hold state sponsors of terrorism fully accountable."

This is unambiguous language, which reflects not only United States government policy but also the feelings of all Americans. Unfortunately, however, the bureaucratic road from writing, to approval, to broadcasting this editorial was anything but unambiguous. In fact, it revealed both initial bad judgment by the State Department, and the need for better vetting procedures of VOA editorials by the appropriate authorities.

VOA editorials are statements of American policy, so they are rightly cleared by the State Department for consistency with official U.S. Government policy. Regrettably, in this case the State Department initially vetoed the editorial's language. The reason for stopping the editorial was totally unjustified. It was dead wrong to stop the editorial because of fighting and casualties that were occurring elsewhere in the Middle East. American service men and women were tragically killed in this terrorist attack and a clear statement by Voice of America condemning the action should have gone out immediately.

Subsequently, the State Department fortunately disavowed the earlier veto of the editorial memo, saying that the initial veto memorandum "in no way reflects the views of the Secretary of State, the Department or the Bureau of Near Eastern Affairs." Moreover, it stated that the initial veto memorandum had not been vetted or approved through appropriate channels.

It is inconceivable to me how anyone could advocate deleting an editorial condemning the cruel, cowardly, terrorist murder of American service men and women.

I hope and trust this occurred because of the understandable stress officials at the Department of State were under due to the tragic deaths from this dastardly act of terrorism in Yemen occurring at the same time the crises in the Middle East was also absorbing the attention of the Department.

Fortunately, as I mentioned earlier, the Voice of America did broadcast the editorial in its entirety.

AGRICULTURE APPROPRIATIONS BILL

Mr. BINGAMAN. Mr President, I rise today to clarify my position on the vote we are about to take on the Agriculture Appropriations bill. I voted for the bill because it contains funding for a broad range of programs that are very important to farmers in New Mexico and the rest of the United States. But that said, I would like to express my opposition and disappointment at this time to the way this bill frames our national policy toward Cuba.

First, let me say that this bill is remarkable in that it represents a dramatic step forward in how the United States deals with restrictions on sales of food and medicine to designated terrorist states. After considerable debate among my colleagues on this issue, relative consensus has been attained that suggests that unilateral sanctions against countries like North Korea, Sudan, Iran, and Libya are not effective, and that any future economic policy in this regard must include the multi-lateral cooperation of other like-minded governments. Even more importantly, many of my colleagues have come to the conclusion that official sanctions on food and medicine is an inappropriate way to achieve our foreign policy goals. The logic here is straightforward: not only do these sanctions hurt those individuals most in need in these countries—the innocent civilians who are being oppressed by oftentimes ruthless regimes—but they also hurt American businesses that would directly gain from such exports. American farmers in particular suffer under these constraints, and I am convinced those constraints should be removed immediately.

I should emphasize here that the elimination of sanctions does not imply that we as a deliberative body agree with the policy pronouncements or activities of terrorist countries. Quite the contrary, they are reprehensible and, as such, we will continue to register our opposition to them at every opportunity. But as a practical matter the elimination of the sanctions does suggest that we finally recognize that we cannot effectively punish dictators or despots through their own people. Perhaps more significantly in this regard, the United States should not be placed in the difficult position of defending such policies as, in my view, they run against some of our most basic values and traditions.

It is for this reason that the Agricultural Appropriations bill as it relates to Cuba is seriously flawed. What we have done in this bill is permitted the sale of food and medicine to most of these countries and, moreover, authorized U.S. public and private financing that would allow this to occur. But we have refused to apply these exact same provisions to Cuba. In the case of Cuba, we have permitted the sale of food and medicine, but we have prohibited U.S. financial institutions from assisting in this process. Of course, Cuba can still purchase food or medicine from the United States, but it must do so with its own capital, or with assistance from third-party financial institutions. In short, Cuba must somehow convince a foreign bank to lend it money to purchase food or medicine, an obvious liability given its current situation. Clearly this limitation placed on Cuba defeats the basic rationale underlying the bill, and makes the exercise of sanctions reform almost entirely symbolic in nature. The bottom line is that our farmers will gain little or nothing in terms of increased sales to Cuba, and that is just plain wrong.

This bill is also flawed in that it further restricts travel to Cuba, this after several years of moving forward in areas related to increased scientific, academic, social, and cultural exchange. I find this to be an ill-advised provision in that it runs counter to everything we have experienced in Eastern Europe, East Asia, and Latin America in terms of the dynamics of freedom and democratization. For a number of years now I have supported the right of Americans to travel to Cuba, and I continue to do so at this time. I have also suggested that we allow non-governmental organizations to operate in Cuba and to provide information and emergency relief when needed. Furthermore, I believe that Cuban-Americans with relatives still in Cuba should be permitted to visit Cuba to tend to family emergencies.

Let me state clearly that I personally deplore the Castro regime and its heavy-handed tactics toward its people. The lack of freedom and opportunity in that country stands in direct contrast to the United States, as well as most countries in the Western Hemisphere. Cuba now stands alone in the West in its inability to allow the growth of democracy and the protection of individual rights.

In my view, Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So for all the positive attributes contained within this bill, I see the provisions as they relate to Cuba to represent a serious step backward that will ultimately harm, not help, the U.S. national interest. This is an anachronistic policy that does no one any good. It is my hope that what some of my colleagues are saying today on the floor is true, that this is merely an initial compromise that lays the foundation for more significant change through legislation in the future. If this is correct, I look forward to working with them to ensure that more constructive policy is indeed enacted. I am convinced it is long overdue.

THE INNOCENCE PROTECTION ACT

Mr. LEAHY. Mr. President, I have come to the floor several times this year to focus attention on the national crisis in the administration of the death penalty. I rise today, in what I hope are the closing days of the 106th Congress, to report on how far we have come on this issue in Congress and across the country, and to discuss the important work that is yet to be done.

In recent years, many grave flaws in the capital punishment system nationwide have come to light. Time and again, across the nation, we have heard about racial disparities, incompetent counsel who make a mockery of our adversarial process, testimony and scientific evidence that is hidden from the court, and the ultimate injustice, the conviction and sentencing to death of innocent people.

In the last quarter century, some 88 people have been released from death row, not on technicalities, but because they were innocent. Those people were the "lucky" ones; we simply do not know how many innocent people remain on death row, and how many have been executed.

Earlier this year, after it came to light that his State had sent more innocent people to death row than it had executed guilty people, Governor Ryan announced a moratorium on executions in Illinois and launched a systematic inquiry into the crisis and to consider possible reforms.

At around the same time, along with colleagues from both sides of the aisle, from the Senate and from the House, I introduced the Innocence Protection Act as a first step to stimulate a national debate and inquiry and begin work on national reforms on what is a nationwide problem.

Almost a year later, our informal national public inquiry has yielded a wealth of evidence. The American people have reached some compelling findings. And our reform effort has gained the endorsement, and—more important—the wisdom and insight, of Republicans and Democrats, of judges, law enforcers and defense attorneys, and of scholars and ordinary people who have experienced the system first hand.

The evidence has shown that the system is broken, and the American people are demanding that it be fixed or scrapped. We have meaningful, carefully considered reforms ready to be put into place. It is now time for Congress to act.

Let me first review just a few highlights of the evidence that has mounted since we first introduced the bill.

On June 12, Professor James Liebman of the Columbia Law School released the most comprehensive statistical study ever undertaken of modern American capital appeals. This rigorous study, which was nine years in the making, revealed a death penalty system fraught with error reaching crisis proportions. It revealed a system that routinely makes grave errors, and then hopes haphazardly and belatedly to correct them years later by a mixture of state court review, federal court review and a large dose of luck.

During the 23-year study period, courts across the country threw out nearly seven out of every ten capital sentences because of serious errors that undermined the reliability of the outcome. The single most common error, the study showed, was egregiously incompetent defense lawyering.

Before the Columbia study came out, there was speculation that the problems in the administration of the death penalty were confined to a few atypical States with lax procedures. That is clearly not the case. The study documented high error rates across the country, in nearly every death penalty State. It left no room for doubt: This is not a local problem, this is a national problem, and it requires a national response.

Shortly after the Columbia study issued, the Senate and House Judiciary Committees held hearings to consider some of the issues raised by the Innocence Protection Act. I had hoped that these hearings would be the first in a series of hearings that would help focus the Congress' attention on steps we can take to help restore public confidence in our death penalty system.

The Committees heard from judges, prosecutors, and defense attorneys about when and how post-conviction DNA testing should be required by law, and about the overwhelming importance of providing the accused with qualified and adequately funded defense counsel.

We also heard from two men who between them spent over 20 years in prison for crimes they did not commit before being cleared by DNA evidence and freed. One of these men, Dennis Fritz, was represented at trial by a civil liability lawyer who had never handled any type of criminal case, much less a capital murder case. When Mr. Fritz finally got access to the crime scene evidence for DNA testing, the results not only cleared him, they also cleared his codefendant, who had come within five days of being executed. The tests also established the identity of the real killer.

Now, hardly a month goes by that we do not hear about more wrongfully convicted people who owe their freedom to DNA testing.

Most recently, on October 2, 2000, the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. Earl Washington's case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

Several other recent reports have provided additional evidence of a system in crisis. The Justice Department released a report in September concerning the administration of the Federal death penalty. The report revealed dramatic racial and geographic disparities in the Federal death penalty system. Of the 682 cases submitted to the Justice Department in the last five years for approval to seek the death penalty, 80 percent involved defendants who were black, Hispanic, or another racial minority, and five jurisdictions accounted for about 40 percent of the submissions.

Also in September, the Charlotte Observer published a study of capital cases in the Carolinas, which found that those who are on trial for their lives are often represented by the legal profession's worst attorneys. The high stress and low pay of capital trials limits the pool of lawyers willing to take them on. Some lawyers abuse drugs and alcohol, some fail to investigate evidence that could clear their client. Judges in the Carolinas have overturned at least 15 death verdicts because of serious errors made by defense lawyers, and another 16 death row inmates were represented at trial by lawyers who were later disbarred or disciplined for unethical conduct.

Much has been written about the appalling state of affairs in the State of Texas. The Dallas Morning News reported on September 10 that more than 100 prisoners awaiting execution in Texas as of May 1—about one in four convicts on Texas's death row—has been defended by court-appointed lawyers who have been reprimanded, placed on probation, suspended, or banned from practicing law by the State Bar of Texas.

The infractions that triggered the extraordinary step of bar discipline included failing to appear in court, falsifying documents, failing to present key witnesses, and allowing clients to lie. In about half of these instances, the misconduct occurred before the attorney was appointed to handle the capital case.

Just this week, a comprehensive new report by the Texas Defender Service described that State's death penalty system as thoroughly flawed and in dire need of change because of problems like racial bias, prosecutorial misconduct and incompetent defense counsel. The report, which reviews hundreds of cases and appeals, confirmed that indigent defendants in Texas are routinely represented in trials and during appeals by underpaid court-appointed lawyers who are inexperienced, inept, or uninterested.

These lawyers spend little time on the cases and present inadequate arguments and flawed defenses. In several notorious cases, defense lawyers slept in court, drank heavily, or used illegal drugs during a death penalty case.

Time and again, we hear defenders of the status quo say that as long as an accused person has access to the courts, the system is working properly. Statements of this sort reflect either ignorance or worse. The question we must ask is whether the promise of access to the courts is real, or just a cruel joke. Does access mean meaningful access, with qualified defense counsel who know what they are doing and have the resources to do the job properly, or does it mean merely token access. The evidence shows that it is too often the latter.

The evidence is overwhelming that the capital punishment system is broken—not just in Illinois, where the high error rate has prompted a moratorium on executions—not just in Texas, with its sleeping lawyers and racial biases—but across the Nation.

The people have heard this evidence, and they know this. A recent poll conducted by Peter D. Hart Research, a Democratic research firm, and American Viewpoint, a Republican research firm, shows that the public discourse on the death penalty has matured from a debate over whether the death penalty system is broken into a constructive dialogue on how broken it is, and about how much reform we need to fix it—if indeed it can be fixed at all.

New developments in DNA technology have helped expose some of the flaws in the system, and they have been invaluable in freeing innocent Americans like Dennis Fritz. But the public knows that the injustices revealed by DNA testing are just the tip of the iceberg. The central theme running through the vast majority of the tragedies we have seen has been incompetent, under-funded trial counsel making a mockery of our adversarial system.

Any reform that does not deal with the counsel issue is inadequate. The American people understand this. When it comes to matters of life and death, most Americans—55 percent of those surveyed—believe that it is not enough to ensure access to DNA testing without also ensuring access to competent and experienced defense counsel.

There is one more key lesson to be learned from listening to the American people. We are a nation founded on tolerance, but not tolerance of incompetence and failure. When there's a broken product out there endangering innocent lives, Americans rightly demand that it be fixed or recalled. Some irresponsible corporations are currently learning what comes of those who continue to put more and more broken, dangerous products into circulation.

As conservatives like George Will have pointed out, there is a parallel American tradition that we here in Washington know well of demanding that incompetent officials and broken government programs shape up or face the scrap heap.

Now that they have heard the evidence, Americans are ready to apply that same common sense to the government program known as the death penalty. Americans may be divided on whether the capital punishment system needs to be recalled, but there is a clear and growing consensus that the system needs to be reformed. An overwhelming majority—some 80 percent of those surveyed—want to see concrete measures to ensure competent and adequately funded counsel.

An even larger majority—nearly 90 percent of those surveyed—want to ensure that death row inmates can obtain DNA testing.

When a government program has a record of incompetence, failure, and harming innocent lives, ordinary Americans say fix it or scrap it; do not under any circumstances expand it. In the past few years, as the defects of our capital punishment system have become more and more obvious, the States have largely ignored the problem, while they have expanded the program, executing more and more people. Neither history, nor the American people, will be kind to a Congress that stands by and does nothing while this trend continues.

The evidence has shown that the death penalty is broken; the American people know the death penalty is broken; and they are calling upon us, their elected representatives, to fix it or scrap it.

The bipartisan Innocence Protection Act is a real, practical response to that demand. Of critical importance, it meaningfully addresses not just the tip of the iceberg—DNA testing—but also the bulk of the problem—ineffective and under-funded defense counsel.

Our bill does not go as far as some Americans would like. It does not scrap the death penalty; it does not place a moratorium on executions; and it does not tackle all the injustices inflicted upon racial minorities and the mentally retarded by the present capital punishment system. Rather, it embodies a consensus approach, informed by the wisdom of Democrats and Republicans in the Senate and House, the Department of Justice and experts and ordinary Americans on all sides of our criminal justice system.

Because of this, it has been gaining ground. We now have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

I had hoped that my colleagues would heed the American people's call for practical, bipartisan reform and expedite passage of this important legislation. Unfortunately, every opportunity for progress has been squandered. Even with respect to post-conviction DNA testing, where there is strong bipartisan consensus that federal legislation is appropriate and necessary, we could not even manage to report a bill out of committee.

While our lack of progress on Federal legislation is regrettable, there have been some positive developments that may facilitate broader access to post-conviction DNA testing. On September 29, a federal district judge in Virginia held that State prisoners may file federal civil rights suits seeking DNA testing, reasoning that the denial of possibly exculpatory evidence states a claim of denial of due process. If this decision is upheld, it could go a long way toward persuading State prosecutors and courts to stop stonewalling on requests for postconviction DNA testing.

I was also greatly heartened this week to read that the Virginia Supreme Court has moved to eliminate that State's shortest-in-the-nation deadline for death row inmates to introduce new evidence of their innocence. Currently, inmates in Virginia have only 21 days after their sentencing to ask for a new trial based on new information. The proposed rule change would re-open Virginia's courts to inmates like Earl Washington, who had to wait six years for a Governor to order additional DNA tests and grant a pardon.

Outside of Virginia, some State legislatures have begun considering the need for criminal justice reforms. Since the initial introduction of the Innocence Protection Act early this year, Arizona, California, Oklahoma, Tennessee, and Washington have passed laws providing prisoners greater access to post-conviction DNA testing, and other States are considering similar measures. I am especially pleased that California's legislators saw fit to model their law in part on the Innocence Protection Act.

By contrast, Tennessee's statute allows post-conviction DNA testing only to prisoners under sentence of death, leaving the vast majority of prisoners without access to what could be the only means of demonstrating their innocence. And neither of these laws addresses the larger and more urgent problem of ensuring that capital defendants receive competent legal representation. There is still much to do.

There can no longer be any doubt that our nation's capital punishment system is in crisis. I urge my colleagues on both sides of the aisle, those who support the death penalty, and those who oppose it, let us work together to find solutions.

ADDITIONAL STATEMENTS

TRIBUTE TO COMMEMORATE THE 65TH ANNIVERSARY OF THE CHINA CLIPPER'S FIRST FLIGHT

• Mr. INOUYE. Mr. President, this month marks the 65th anniversary of the world's first commercial trans-Pacific flight. I wish to pay tribute to those who possessed the vision and tenacity to achieve this historic milestone, which significantly altered the travel industry, mail service, and cargo service, and forever change my home state of Hawaii.

On November 22, 1935, Pan American World Airways' China Clipper traveled from San Francisco to Manila. This feat was remarkable for many reasons, including the following:

This inaugural fight was the longest ocean-spanning flight in history. The China Clipper traveled 8,746 miles and completed the one-way route in six days. Prior to this flight, the longest over-water flight was a 1,865-mile journey from Dakar in French West Africa to Natal, Brazil, in South America.

This aircraft delivered the first airmail across the Pacific ocean. It carried 110,865 letters weighing a total of 1,837 pounds.

This China Clipper, an M–130 aircraft built by G. L. Martin Company specifically to meet the demands of this trans-oceanic flight, was the largest flying boat ever.

About 125,000 people cheered as the four-engine China Clipper taxied out of a harbor in San Francisco Bay and headed for the Philippines. They watched from vantage points along the shore and the still-under-construction Golden Gate Bridge, and aboard recreational boats and small private planes. Postmaster General James A. Farley traveled from Washington, D.C. to witness this inaugural event and President Franklin D. Roosevelt sent a special message conveying his heartfelt congratulations.

The China Clipper made stops at several Pacific Islands. On November 23, 1935, its arrival in Oahu's Pearl Harbor was watched by about 3,000 people. Then the aircraft continued on, making stops at Pan American bases at Midway Island, Wake Island, and Guam. The China Clipper brought the staffs at these bases 12 crates of turkeys, and cartons of cranberries, sweet potatoes, and mincemeat. The meals represented these islands' first Thanksgiving celebrations.

The China Clipper's brave crew of seven were: Captain Edwin C. Musick, First Officer R. O. D. Sullivan, Second Officer George King, First Engineering Officer Chan Wright, Engineering Officer Victor Wright, Navigation Officer Fred Noonan, and Radio Officer W. T. Jarboe, Jr.

Captain Musick's own description of the landing at Wake Island, a barren atoll, offers a glimpse of what it was like to be aboard the China Clipper's inaugural trans-Pacific flight. According to Captain Musick, the landing was the "most difficult" on the trip and "called for the most exacting feats of navigation on record." It was like striking a point that was "smaller than a pinhead" in the "vast map of the Pacific Ocean."

On November 29, 1935, the China Clipper landed in Manila and on December 6, it arrived in San Francisco to complete the round trip. Although the aircraft did not carry any paying passengers, its journey marked the beginning of trans-oceanic passenger commercial aviation.

Eleven months later, on October 21, 1936, Pan American inaugurated a passenger service route with stops in San Francisco, Honolulu, and Manila. The four-engine China Clippers cruised at 150 miles per hour. Passengers, who sat in broad armchairs and ate their meals with fine china and silverware, paid $1,438 for a round trip from San Francisco to Manila. The airlines purchased six Boeing B–314 aircraft to add to its Pacific-route fleet.

Thirty years later, the advent of the jet age brought Hawaii—located approximately 2,400 miles from the nearest major port—closer to the rest of the world. In 1967, visitor arrivals jumped 34.6 percent to 1.1 million tourists from the previous year when the first jets arrived in Hawaii. By 1968, Continental Airlines, Western Air, Braniff International, American Airlines, Trans World Airlines, Inc., and United Airlines had joined Pan Am in flying Hawaii-Mainland routes. Today, Honolulu International Airport is home to about 40 carriers. In recent years, the state's annual visitor count has approached 7 million tourists.

The China Clipper also paved the way for the export of Hawaii's agricultural products, such as pineapples and flowers. The Hawaii floriculture industry's out-of-state sales each year are about $40 million. The timely export of these perishable goods is made possible by aviation.

Today, agriculture and tourism are mainstays of Hawaii's economy. The China Clipper's crew and Juan Trippe, who was president of Pan American at the time of the inaugural flight, would marvel at the economic and social ramifications of that historic journey more than six decades ago.

I salute the people of Pan American World Airways, G. L. Martin Company, and Boeing who pursued what others thought was impossible. It is my hope that today's aviation industry will follow the example of its forebears by continually striving to achieve new milestones in safety, efficiency, and customer service.•

THE 100TH ANNIVERSARY OF PAUL ARPIN VAN LINES INC.

• Mr. L. CHAFEE. Mr. President, I rise today to congratulate Paul Arpin Van Lines Inc., a moving company based in West Warwick, Rhode Island, on its 100th anniversary.

The business community of the State of Rhode Island is comprised primarily of small, family businesses. Indeed, 98 percent of Rhode Island businesses are small businesses. These businesses have played an extremely important role in the growth and strength of the Rhode Island economy. One of these businesses is a moving company, Paul Arpin Van Lines Inc., of West Warwick, Rhode Island.

One hundred years ago this month, the company was founded by Paul G. Arpin, who left it to his son, Paul Arpin. Paul Arpin is still very active in the daily affairs of the business as Chief Financial Officer. Paul's son, David, is now the company's President.

Paul Arpin Van Lines Inc., has grown considerably since its founding. It now employs 400 Rhode Islanders and has 160 agents throughout the country. It has survived the Great Depression, a number of recessions and various other financial downturns that challenged far larger businesses in the state. Its sound business practices and active community involvement through the years have been a constant source of pride, not only to the Arpin family, but to many generations of Rhode Island families employed by them.

It is with great pleasure that I salute the entire Arpin family for its many accomplishments over this past century and wish them many, many more years of success.●

TRIBUTE TO JOE DEAN BOBO

• Mrs. BOXER. Mr. President, I rise today to recognize the record and accomplishments of one of my constituents who has devoted his career to serving working men and women in California. On the occasion of his retirement from the International Association of Machinists and Aerospace Workers, I salute Joe Dean Bobo for his tireless efforts over the last three decades, and applaud his lifetime of accomplishments.

Joe Bobo was born in rural Arkansas to a family of fifteen. He moved to Oakland, California as a teenager, and served three years in the United States Army before beginning work in his family's scrap metal business. Joe's involvement with the IAMAW began in 1969, when he began work as an apprentice mechanic. He quickly advanced to become a shop steward, and was appointed a full-time union official with the IAMAW Northern California District Lodge 190 in 1979.

Since that time, Joe has worked tirelessly in advocating for fair wages and benefits on behalf of the men and women he represents. He has gained the respect of both labor union members and employers through his dedicated service.

In addition to his full-time position with the IAMAW, Joe's experience and passion for labor issues have resulted in him being called on to participate in a variety of leadership positions. He is currently the Secretary/Treasurer of the Automotive Machinists Coordinating Committee of Northern California and a Trustee of the Automotive Industries Health, Welfare and Pension Fund. Joe's labor leadership has also included a term as President of the California Conference of Machinists, representing 150,000 members employed in the aerospace, airlines, automotive, electronics and manufacturing industries.

His community service is also commendable, including service as an advisory member of the Transition Committee for Waste Management and on the New Oakland Committee. Joe is an exceptional person who has earned the gratitude and respect of the scores of people who have worked with him and come to know him.

I am pleased to join Joe's friends, family and colleagues in recognizing his outstanding service to his fellow workers and to the community and wish him well as he moves on to new challenges in his retirement.●

HONORING MINNESOTA TEACHER OF THE YEAR, KATIE KOCH-LAVEEN

• Mr. GRAMS. Mr. President, I appreciate the opportunity to be here today to honor Ms. Katherine Koch-Laveen as Minnesota's Teacher of the Year for the year 2000. This is certainly a high honor, as I note that 98 Minnesota educators were nominated for this award, and their accomplishments were reviewed by 18 judges. It is all the more impressive considering Minnesota's public schools reputation for academic excellence. I also commend the 98 nominees for this honor, 28 of whom were chosen as "teachers of excellence," and 10 of whom were further chosen for an "honor roll" of teachers. School teachers that excel at their craft are critically important to the intellectual development of their students, and help shape the student's vision for what they can accomplish in their lives.

I still can vividly remember the excellent educators that taught me at Zion Lutheran Christian Day School in Crown. Excellent teachers motivate, show enthusiasm for inquiry, and instill in their students a passion for learning that often continues for a lifetime. A great educator gives the student a core foundation of knowledge about a subject, and a curiosity about the topic that drives a student to study and research more extensively long after they have left that particular class.

Great teachers also make sacrifices for their students. It's no secret that in today's high-tech, knowledge-based economy, Ms. Koch-Laveen could probably find a more financially rewarding profession, especially with her science background. And our great teachers need to be rewarded financially, so that we do not lose too many to industry. But ultimately, I have to believe that what keeps them in the classroom is the intangible reward of seeing their students excel, and having a group of students come in to a class with little knowledge about a topic and have them leave with a firm grasp of core concepts, a desire to learn much more, and an excitement to apply what they have learned in "real world" situations. And I hesitate to use the term "real world," because these days there is probably nothing more real world than a high school classroom.

So congratulations and thank you, Ms. Koch-Laveen, for your commitment to excellence and dedicated service to your students, your community, and to Minnesota. Thanks also to the other hardworking Apple Valley teachers here today that strive for excellence in the classroom and shoulder so much responsibility for Minnesota's future. It has been a pleasure to be here.●

HONORING LINCOLN McILRAVY

• Mr. JOHNSON. Mr. President, I rise to publicly commend Lincoln McIlravy, a native of Phillip, SD, on earning a bronze medal for his remarkable display of athleticism in the freestyle wrestling event at the 2000 Summer Olympics in Sydney, Australia.

Lincoln McIlravy's wrestling talent combined with years of practice, and an extraordinary dedication to physical excellence attribute to his athletic success. On October 1, 2000, Lincoln became one of America's best wrestlers on the global Olympiad stage where he scored a solid 3–1 victory over Sergei Demtchenko of Belarus, thus victoriously claiming the bronze medal in the 69kg freestyle event.

Success has been abundant in Lincoln's wrestling career, as his honors include being a three-time NCAA champion for the University of Iowa, as well as four U.S. National titles, 1997–2000. Yet, Lincoln's prominence as an international contender began when he was a member of the 1997 World team. McIlravy then became a two-time world medalist having won a silver medal at the 1999 World Championships and a bronze medal in the 1998 World Championships. He not only was a 1999 Pan American Games champion, but also a 1998 Goodwill Games champion, in addition to the three-time World Cup champion, 1998–2000.

Lincoln McIlravy is an exemplary athlete who richly deserves this distinguished recognition. Therefore, it is with great honor that I share Lincoln's impressive Olympic accomplishments with my colleagues.●

TRIBUTE TO BOAZ SIEGEL

• Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a lawyer, from my home State of Michigan, of great intellectual capacity and a passion for justice, Boaz Siegel, who dedicated his life to fighting for working men and women. On October 20th of this year, hundreds of people will gather for the dedication of the new headquarters for the Pipefitters, Refrigeration & Air Conditioning Service Local 636. This dedication will also serve as a tribute to Mr. Siegel, and will culminate in his being made an honorary member of Local 636.

Boaz Siegel has dedicated his academic and professional life to studying, teaching and practicing the laws that affect the well-being of all workers. Believing that the law could be a noble profession dedicated to the public good, he enrolled in the Wayne State University Law School. While in law school he balanced the responsibilities of family, work and pursuing numerous social causes. He excelled in his law studies at Wayne State University, and received his Juris Doctorate in 1941.

Upon graduating law school, Boaz's plans to enter private practice were delayed as he was asked to work in the

Wayne State Law Library. This quickly led to a teaching position at the law school where he taught from 1941 through 1972. During this time, he briefly left to join Samuel Schwartz and Rolland O'Hare in a private practice that my brother, Sander Levin, joined shortly after its inception. After a year in practice, Boaz returned to teaching and was made assistant to the provost and a full professor at Wayne State University Law School.

Although passionate about teaching, Boaz Siegel's first love remained labor law. While teaching at Wayne State in the 1950s, he served as legal counsel to the trustees of fringe benefit, pension and health funds. One such fund, the Detroit and Vicinity Construction Workers Health and Welfare Fund, possessed 45,000 participants. In 1962, he was appointed by the United States Secretary of Labor to a position on the first U.S. Council on Employee Welfare and Pension Plans.

Two years later, his considerable talents as an arbitrator were acknowledged when he became a member of the National Academy of Arbitrators. However, it was his fund work that consumed most of his time, and led him to leave teaching and enter law practice full-time in 1972. His work with many unions, including Local 636, has ensured a better future for thousands of workers and their families.

Boaz Siegel can take pride in his long and honorable service to the working people of Michigan. I am honored to call this man a mentor, colleague and friend. I hope my Senate colleagues will join me in saluting Boaz Siegel for his commitment to working men and women, the labor movement and teaching and practicing law.●

TRIBUTE TO FRAMATOME CONNECTORS USA, INCORPORATED

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to and congratulate Framatome Connectors USA, of Manchester, on their nomination for this year's Secretary of Defense Employer Support Freedom Award. Their dedication to their employees who serve our country as part of the National Guard and Reserve is admirable and an example for other businesses.

Framatome, which manufactures electrical connectors, serves the needs of its five employees who serve in the National Guard and Reserve in several very important ways. First, their compensation package for all employees includes differential pay between civilian and military salaries. The package also includes medical, dental, and life insurance and 401(k) coverage for the duration of the employee's duty commitment.

Framatome has also established a policy that allows the employee on active duty to maintain his or her position with the company for as long as they required to remain on active duty. They believe the service of their employees to their country is important to our nation's defense, and anything they can do to make this service easier for their employees and their families is worth the effort.

Framatome put this generous plan into action recently when one of their employees was mobilized and sent to Bosnia during a Presidential call up. The company believed that when an employee is activated and pulled away from his or her family, a financial cushion should be available to help bridge the gap during the salary transition from civilian to military pay. They wanted to be sure the family of the reservist or guardsman or woman would have the financial resources they needed to continue as close to normal a life as possible while their loved one was away.

I applaud Framatome's effort to make Reserve or National Guard service easier for their employees, and the company's national recognition is certainly well-deserved. I know the employees who sacrifice so much to serve their country are extremely grateful for the chance to serve their country and work for such a compassionate, understanding company. It is an honor to serve all the people of Framatome, USA in the U.S. Senate.●

TRIBUTE TO CAPTAIN JOHN O'GRADY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Captain John O'Grady, who recently completed a charity bicycle ride from Dayton, Ohio to Albuquerque, New Mexico to raise awareness and money for epilepsy charities. I am particularly proud of John because I had the pleasure of coaching this amazing young man during the 1973–74 baseball season at Kingswood Regional High School.

John's desire to make his ride is deeply personal. Just this year, after 23 years as a pilot with United Parcel Service and Airborne Express, John suffered a grand mal seizure while dining at an airport restaurant after a flight. A few weeks later, John was stricken again and diagnosed with epilepsy. This was a shocking blow for a man who flew planes and hot air balloons for so many years.

With his flying and driving privileges permanently taken away from him, John was forced to ride his bicycle everywhere he went. In fact, it was on a bike that he suffered the seizure that led to his epilepsy diagnosis, but John did not give up. Instead, he decided to try to use his experience to help others facing epilepsy and the charities that do such important work as we research and try to find a cure for this terrible disease.

Since John enjoys hot-air ballooning so much and could not bear to miss the annual International Balloon Fiesta, he decided to ride his bike the 1,600 miles from Dayton, Ohio to the event in Albuquerque. Along the way, John has raised more than $11,000 for several epilepsy charities and inspired others battling epilepsy. John's ride has given people with epilepsy a platform on which they can finally talk about their disease and the discrimination they face on a daily basis. That is perhaps the most important legacy of this magnificent achievement.

I want to congratulate John and wish him well in all he does. I am so proud of his courage and determination, and I am honored to have known him. It is an honor to serve him in the U.S. Senate.●

TRIBUTE TO ERIC KINGSLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eric Kingsley as he leaves his position as Executive Director of the New Hampshire Timberland Owners Association, NHTOA.

Eric's five year tenure at NHTOA has been marked by progress and success. The organization's programs and services have grown to meet the needs and concerns of its members, and have established a strong, stable foundation for the association's future.

Through the years, I have grown to value Eric's input on the many issues that significantly impact New Hampshire's timberlands. Eric has done an outstanding job of keeping me, and other policy makers, informed on the issues and has been a true leader in making sure the voice of NHTOA was heard throughout the country.

Of all of Eric's achievements at NHTOA, perhaps his most important success came this past spring. Eric helped lead the charge to defeat the Environmental Protection Agency's ill-considered proposal to treat some forestry activities as "point source pollution" under the Clean Water Act. These rules, known as Total Maximum Daily Loads—TMDL—would have required landowners, foresters, and homeowners to obtain federal permits before conducting a timber harvest and could have exposed them to lengthy bureaucratic delays and costly citizen lawsuits.

This past May, I held a field hearing in Whitefield, New Hampshire, on the TMDL issue, and not only did Eric successfully testify, but he organized hundreds of foresters to ensure their message was heard loud and clear in Washington. Thanks in large part to Eric's leadership on this issue, the EPA withdrew the section of the TMDL rules that adversely affected forestry.

My staff and I have also worked closely with Eric on issues of importance to the White Mountain National

Forest. When the President issued his "roadless" initiative stripping the people of New Hampshire and New England with the opportunity to have a voice in the management of their public lands, Eric was there to ensure we took this measure to task. This time we were not successful, but we were very close to creating an exemption for the White Mountain National Forest from this heavy-handed proposal.

Eric also rose to the occasion in the face of destruction from Mother Nature's wrath. The Ice Storm in January 1998 brought unprecedented challenges to New Hampshire's forest lands. Hundreds of thousands of acres were significantly damaged. Eric worked closely with me and my colleagues to help us turn this tragedy into an opportunity. Today, not only has the federal government provided resources to help recover from the storm, but we have a record number of acres under forest stewardship plans.

My staff and I have worked with Eric on a wide variety of other issues during his time at NHTOA, and have always been impressed with his dedication and the depth of knowledge he displayed on issues ranging from estate tax reform to rural economic development. He has always been an effective and honest advocate for the causes he holds close to his heart, and I know he will be greatly missed by me and NHTOA's 1,500 members.

I wish Eric well in all his future endeavors, and am confident he will succeed in whatever pursuits he chooses. It is an honor to represent him in the U.S. Senate.●

TRIBUTE TO BARBARA BEDFORD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Bedford of Etna, New Hampshire, on her fine performance at the Sydney Olympic Games. Her hard work, dedication and perseverance in making her Olympic dream a reality are an example for us all, and the people of New Hampshire are so very proud of her excellent performance.

Barbara, along with Jenny Thompson, was part of the gold-medal winning 4x100 medley relay that shattered the world record. It was so great to see Barbara fly through the water during the backstroke leg of the relay with her extremely patriotic red, white and blue-dyed hair. Her Olympic moment was years in the making, as she finally made her first Olympic team at the age of 27 after disappointments at the 1988, 1992 and 1996 Olympic Trials. After those heartbreaking defeats, Barbara could have easily given up her dream of making an Olympic team. However, with the help of her family and coach, Barbara did not retreat. Instead, she worked tirelessly toward her dream and was rewarded at this year's Olympic trials, where she placed first in the 50-meter backstroke. Barbara was able to keep her focus squarely on making the team this year and reach her goal, and this is an inspiration to all of us and proves once again that if we work hard, we can do just about anything. Her positive attitude and passion for her sport is so refreshing in an age when far too many athletes seem more interested in endorsements than their sport.

Once again, I want to congratulate Barbara on her accomplishments, and I wish her all the best in her future endeavors. It is an honor to represent her in the U.S. Senate.●

TRIBUTE TO JENNY THOMPSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jenny Thompson of Dover, New Hampshire on her magnificent performance in the Sydney Olympic games. Her hard work and dedication through three Olympics is an example for all of us, and the people of New Hampshire are extremely proud of her success.

Jenny has done so much throughout her career to make the people of Dover and New Hampshire proud during her distinguished career. Whether it was breaking records at Stanford University or winning numerous competitions, Jenny has set the standard for women's swimming in the United States over the past decade. Jenny's Olympic teammates often cite her achievements as their inspiration for striving for excellence in the pool.

During the Sydney games, American swimmers brought home an impressive 33 of a possible 96 swimming medals, more than any other nation, and Jenny played a key role in that amazing success. She anchored two gold medal-winning relays and brought home her first individual Olympic medal, a bronze in the 100-meter freestyle. These blistering performances brought Jenny's individual Olympic medal count to nine, breaking Bonnie Blair's record for Olympic medals won by an American woman. Jenny performed beautifully under amazing pressure and against tough competition, and she will always be a champion in the eyes of the people of New Hampshire.

As Jenny ends her Olympic swimming career, I wish her all the best as she heads to medical school. I am confident her amazing work ethic and dedication to excellence will serve her well in her career in medicine and any other endeavor she pursues. It is truly an honor to represent Jenny in the U.S. Senate.●

TRIBUTE TO KNIGHTS OF COLUMBUS OF MERRIMACK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Knights of Columbus Number 6725 of Merrimack, New Hampshire as they gather to celebrate their 25th anniversary. This is a milestone of which they and the community of Merrimack should be extremely proud.

Throughout its quarter-century of existence, the Knights of Columbus has been a major presence in the Greater Merrimack Area. They have donated their time and energy to making their entire community a better place through public service. Whether it is manning a soup kitchen in Nashua, making annual donations to the New Hampshire Kidney Fund or recognizing Families of the Year, K of C 6725 has shown their dedication to their core values of family, Church, council, and community.

Furthermore, the K of C 6725 has worked to help those who do not have a voice, including the needy, the handicapped, and the unborn. They have donated countless items of clothing to people in need, worked tirelessly to help WMUR-TV with its annual presentation of the Jerry Lewis Telethon and purchased and maintained concession trailers to help generate donations for many charitable organizations. Furthermore, they have sponsored an annual folk music night for Birthright, a group dedicated to protecting the unborn.

The K of C 6725 has shown dedication not only to its community and those in need but to the Catholic Church as well. They are a constant presence, holding an annual Palm Sunday Breakfast, an Easter celebration known as "Birthday Party for Jesus," and setting up an Memorial Mass at Last Rest Cemetery in Merrimack.

In a world where far too few people take the time and opportunity to get involved in their churches and communities, the K of C No. 6725 is an example of the good things we can accomplish when we work together to help others. I congratulate them on this wonderful anniversary, and I wish them all the best as they continue their fantastic work. It is an honor to represent all of K of C 6725's members in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 134

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C., 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2000.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 2000.*

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

On October 21, 1995, by Executive Order 12978, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm they cause in the United States and abroad. The order blocks all property and interests in property of foreign persons listed in an Annex to the order, as well as persons determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in, or provide financial or technological support for or goods or services in support of, narcotics trafficking activities of persons designated in or pursuant to the order, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property. Because the activities of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 2000.*

REPORT ON HIGHWAY SAFETY FOR CALENDAR YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1998 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 18, 2000.*

MESSAGE FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 4148. An act to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence from the Senate:

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there should be established a National Children's Memorial Day.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 151. Concurrent resolution to make a correction in the enrollment of the bill H.R. 2348.

The message also announced that the House has passed the following bill, with an amendment:

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the Speaker reappoints the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3 year term: Mr. Henry Givens of St. Louis, Missouri.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 19, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND) on October 19, 2000.

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. SHAW, Mr. OBERSTAR, Mr. BORSKI, and Mr. MENENDEZ, be the managers of the conference on the part of the House.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4541. An act to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 19, 2000, he has presented to the President of the United States the following enrolled bills:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 1809. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11210. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings" (RIN1904–AA69) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11211. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Energy and Natural Resources.

EC–11212. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Multiple Award Contracts (MAC); Government Agency Contracts (GWAC); and, Federal Supply Schedules (FSS)" (RIN AL–2000–07) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11213. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts Energy Conservation Standards" (RIN1904–AA75) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11214. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Mail Services User's Manual" (D.O.E. M 573.1–1) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11215. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Official Foreign Travel" (DOE O 551.1A) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11216. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to royalty management and delinquent account collection activities; to the Committee on Energy and Natural Resources.

EC–11217. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to current inventory; to the Committee on Governmental Affairs.

EC–11218. A communication from the Chief Counsel for Regulation, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information" (RIN0607–AA33) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11219. A communication from the Director of the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reduction in Force Retreat Rights" (RIN3206–AJ14) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11220. A communication from the Director, Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Managing Senior Executive Performance" (RIN3206–A157) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11221. A communication from the Interim Director of the Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the strategic plan for calendar year 2000 through 2005; to the Committee on Governmental Affairs.

EC–11222. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11223. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the August 2000 Report; to the Committee on Governmental Affairs.

EC–11224. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations" (Docket Number: FV00–956–1–IFR) received on October 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106–507).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. WARNER, from the Committee on Armed Services.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 9820

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph K. Kellogg Jr., 7304

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jeffrey J. Schloesser, 3460

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning Kirk M. Krist and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning James W. Lenoir and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Timothy L. Bartholomew and ending Robert E. Welch Jr., which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of James White, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Joseph C. Carter and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3219. A bill to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury; to the Committee on Finance.

By Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. HATCH:

S. 3226. A bill to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 380. A resolution approving the placement of 2 paintings in the Senate reception room; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS):

S. Con. Res. 153. A concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT OF 2000

Mr. DEWINE. Mr. President, today I am introducing the National Child Protection Act Improvement Act of 2000. This bill would amend the National Child Protection act, as amended by the Volunteers for Children Act. It is designed to facilitate the gathering of criminal history record information from both state and federal repositories for background checks of employees and volunteers for organizations providing services to children, the elderly, and the disabled.

Despite the best efforts of the law enforcement community and the volunteer and child services community, many of the individuals who volunteer and are employed in these critical positions still are not subject to criminal history background checks. The bill that I am introducing today modified the National Child Protection Act to facilitate these background checks. Under my bill, with the consent of the individual, the organization with which the individual is applying would receive a copy of the full criminal history record, including relevant arrest information. Further, the bill includes an authorization to provide assistance to these volunteer and service organizations in offsetting the cost of these background checks. To help protect the privacy of individuals who volunteer and are employed in these positions, the bill also would provide a number of important privacy protections.

we need to be sure that we do everything possible to facilitate these important background checks, while assuring that these background checks are not so costly that volunteer organizations and their volunteers are deterred from initiating these vital safety checks.

In shaping this bill, I have worked closely with law enforcement, state officials, and other interested parties. Because of that, the legislation that I am introducing today would help accomplish the laudable goals of the national Child Protection Act and the Volunteers for Children Act—which are to facilitate national background checks initiated in states which have not adopted authorizing language, and, at the same time, assure that those checks are processed effectively and quickly. We need to give states the flexibility they need to accomplish those goals.

Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

THE LAW ENFORCEMENT OFFICERS DUE PROCESS ACT OF 2000

Mr. EDWARDS. Mr. President, I rise today to introduce the Law Enforcement Officers Due Process Act of 2000. Every day our Nation's police officers put their lives on the line in the fight against crime. Every time they patrol a beat they put their own safety at risk to protect our children and make our country a better place to live and work. We all owe a great deal to these brave men and women.

Working police officers spend their lives among the public safeguarding the innocent and apprehending those who have committed crimes. Much of this contact can be stressful for everyone involved. Perhaps an individual has been stopped by an officer for the suspected violation of a law. Or maybe the officer is assisting someone who is the victim of a crime. Due to the circumstances, these are often unpleasant situations. And unfortunately, in some instances, contact with the police officer may become adversarial and generate complaints about the officer's actions.

These complaints range from accusations that an officer took too long to arrive at a crime scene, used too much force, or was not forceful enough, to claims that the officer was rude or didn't show proper respect. Some complaints against officers are legitimate. However, some complaints are generated to intimidate an officer who is simply doing his or her job, into dropping charges. Any one of these complaints can get an officer fired, suspended, or otherwise punished without the benefit of due process.

A patchwork of state and local laws currently governs the rights of officers when they are involved in a case that may lead to dismissal, demotion, suspension or transfer. Thirty-five states have state and/or local laws in place that govern the administrative due process rights of law enforcement officers. However, 15 states do not have any of these much-deserved due process protections for their law enforcement officers.

The Law Enforcement Officers Due Process Act is a common-sense measure designed to replace arbitrary and ad hoc investigatory procedures with consistent standards. The legislation will provide additional funding to law enforcement agencies that either have in place, or currently do not have but certify they will implement, administrative due process for their law enforcement officers. An agency will be eligible for grant money if its administrative procedures include the right of a law enforcement officer under investigation to: (1) a hearing before a fair and impartial board or hearing officer; (2) be represented by an attorney or other officer at the expense of the officer under investigation; (3) confront any witness testifying against him or her; and (4) record all meetings he or she attends. In many instances, an employer with direct control over an officer is also the investigator. That is why providing basic, explicitly stated rights to officers under investigation is crucial to maintaining impartial investigations. These rights will not interfere with the management of state and local internal investigations. They will merely ensure that officers receive the benefit of fair and objective investigations, whether a complaint against them is legitimate or not.

Some individuals may be concerned that providing these rights would delay removal of an officer who is ultimately found to have deserved disciplinary action taken against them. However, I'd like to emphasize that my legislation would not prevent the immediate suspension of an officer whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public; who refuses to obey a direct order issued in conformance with the agency's rules and regulations; or who is accused of committing an illegal act.

The Law Enforcement Officers Due Process Act does not force a law enforcement agency to implement due process rights for its officers. Rather, it encourages agencies to do the right thing by offering them additional funds if they establish written procedures for determining if a complaint is valid or merely designed to cause trouble for the officer.

I urge my colleagues who represent states that do not have law enforcement officers' due process rights laws to cosponsor my bill and give their police officers the protections they deserve. I also urge my colleagues who represent states that have various local laws in place to cosponsor my bill. By doing so they will help eliminate the disparity that exists among local jurisdictions, and guarantee that every single officer in their state will have a minimum baseline of rights to help guarantee fair and impartial investigations.

Crime rates are down across the Nation. We owe a tremendous debt of gratitude to our Nation's police officers for helping make this happen. Our communities, our schools, and our places of business would not enjoy the level of security they have today without the efforts of law enforcement. Enacting the Law Enforcement Officers Due Process Act is the least we can do to show officers that we will fight for all of them just like they fight for all of us every day.

I ask unanimous consent that the Law Enforcement Officers Due Process Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Due Process Act of 2000".

SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.

(a) PROGRAM AUTHORIZED.—The Attorney General is authorized to provide grants to law enforcement agencies that are eligible under subsection (b).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a law enforcement agency shall—

(1) have in effect an administrative process that complies with the requirements of subsection (c) or an existing procedure described in subsection (e); or

(2) certify that it will establish, not later than 2 years after the date of enactment of this Act, an administrative process that complies with the requirements of subsection (c).

(c) OFFICER RIGHTS.—The administrative process referred to in subsection (b) shall require that a law enforcement agency that investigates a law enforcement officer for matters which could reasonably lead to disciplinary action against such officer, including dismissal, demotion, suspension, or transfer provide recourse for the officer that, at a minimum, includes the following:

(1) ACCESS TO ADMINISTRATIVE PROCESS.—The agency has written procedures to ensure that any law enforcement officer is afforded access to any existing administrative process established by the employing agency prior to the imposition of any such disciplinary action against the officer.

(2) SPECIFIC PROCEDURES.—The procedures used under paragraph (1) include, the right of a law enforcement officer under investigation—

(A) to a hearing before a fair and impartial board or hearing officer;

(B) to be represented by an attorney or other officer at the expense of such officer;

(C) to confront any witness testifying against such officer; and

(D) to record all meetings in which such officer attends.

(d) IMMEDIATE SUSPENSION.—Nothing in this section shall prevent the immediate suspension with pay of a law enforcement officer—

(1) whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public;

(2) who refuses to obey a direct order issued in conformance with the agency's written and disseminated rules and regulations; or

(3) who is accused of committing an illegal act.

(e) EXISTING PROCEDURES.—The provisions of this section shall not apply to a law enforcement agency if the Attorney General determines that such agency has in effect an established civil service system, agency review board, grievance procedure or personnel board, which meets or exceeds the minimum standards of subsection (c).

(f) DISTRIBUTION OF FUNDS.—From the amount made available to carry out this section, the Attorney General shall allocate—

(1) 50 percent for law enforcement agencies that are eligible under paragraph (1) of subsection (b); and

(2) 50 percent for law enforcement agencies that are eligible under paragraph (2) of subsection (b).

(g) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section.

(h) DEFINITIONS.—For purposes of this section—

(1) the term "law enforcement agency" means any State or unit of local government within the State that employs law enforcement officers; and

(2) the term "law enforcement officer" means an officer with the powers of arrest as defined by the laws of each State and required to be certified under the laws of such State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

HARMFUL NON-NATIVE WEED CONTROL ACT OF 2000

Mr. CRAIG. Mr. President, I rise today with Senator DASCHLE to introduce the Harmful Non-native Weed Control Act of 2000—to provide assistance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land. I am pleased that Senators BAUCUS, BURNS, CRAPO, JOHNSON, and GORDON SMITH, are joining us as original cosponsors.

Currently, noxious weeds are a dangerous threat to the viability of both public and private lands across the country. Over a century ago, a wave of noxious weeds entered North America from Europe and Asia. Unlike native species, which have natural predators and control mechanisms, these weeds lack native insects, fungi, or diseases to control their growth and takeover of native plants.

Noxious weeds are estimated to spread at the rate of 4,600 acres per day on federal lands alone in the Western United States. Idaho's own rush skeltonweed has increased from a few plants in 1954 to roughly 4 million acres today. Hundreds of millions of dollars are spent each year by Western states to prevent and stop the growth of noxious weeds.

These nonnative weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to biodiversity. In some areas, spotted knapweed grows so thick that big game like deer will move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants. Bikers are often met with a formidable foe when 2-inch-long thorns pop their tires on bike paths overrun with puncture vine that can pierce all but the most rugged materials.

In response to this environmental crisis, I have worked with the National Cattlemen's Beef Association, Public Lands Council, and the Nature Conservancy to develop the Harmful Non-Native Weed Control Act of 2000. This legislature will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what this entire initiative is about.

Specifically, this bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior appoints an Advisory Committee of ten individuals to make recommendations to the Secretary regarding the annual allocation of funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the Federal funds will be used to leverage non-Federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. To be eligible to obtain a base payment a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of their purpose and proposed projects, and fulfill any other requirements set by the State. Weed management entities are also eligible for financial awards which are funds awarded by the State on a competitive basis to carry out projects which cannot be funded within the base payment. Projects will be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and how comprehensive the project's approach is to the harmful, non-native weed problem within the State. A 50 percent non-Federal match is required to receive the funds.

The Department of Agriculture in Idaho (ISDA) has developed a Strategic Plan for Managing Noxious Weeds through a collaborative effort involving private landowners, State and Federal land managers, State and local governmental entities, and other interested parties. Cooperative Weed Management Areas (CWMAs) are the centerpiece of the strategic plan. CWMAs cross jurisdictional boundaries to bring together all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. The primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue—my legislation will heighten the progress we've had, and establish the same formula for success in other States.

We are introducing this legislation today to get the discussion started. We hope to refine the bill over the winter and introduce an improved bill next year. Constructive suggestions are welcome and we look forward to working with other Members of Congress to get this bill passed next year. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho and the West. The Harmful Nonnative Weeds Act of 2000 is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Nonnative Weed Control Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) public and private land in the United States faces unprecedented and severe stress from harmful, nonnative weeds;

(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars annually;

(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, private landowners, and nongovernmental organizations;

(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, nonnative weeds on public and private land;

(2) to coordinate the projects with existing weed management areas and districts;

(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of additional local or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the advisory committee established under section 5.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary shall establish in the Department of the Interior an advisory committee to make recommendations to the Secretary regarding the annual allocation of funds to States under section 6 and other issues related to funding under this Act.

(b) COMPOSITION.—The Advisory Committee shall be composed of not more than 10 individuals appointed by the Secretary who—

(1) have knowledge and experience in harmful, nonnative weed management; and

(2) represent the range of economic, conservation, geographic, and social interests affected by harmful, nonnative weeds.

(c) TERM.—The term of a member of the Advisory Committee shall be 4 years.

(d) COMPENSATION.—

(1) IN GENERAL.—A member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.

(2) TRAVEL EXPENSES.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Committee.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 6. ALLOCATION OF FUNDS TO STATES.

(a) IN GENERAL.—In consultation with the Advisory Committee, the Secretary shall allocate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on public and private land.

(b) AMOUNT.—The Secretary shall determine the amount of funds allocated to a State for a fiscal year under this section on the basis of—

(1) the seriousness of the harmful, nonnative weed problem or potential problem in the State, or a portion of the State;

(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;

(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;

(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and

(5) other factors recommended by the Advisory Committee and approved by the Secretary.

SEC. 7. USE OF FUNDS ALLOCATED TO STATES.

(a) IN GENERAL.—A State that receives an allocation of funds under section 6 for a fiscal year shall use—

(1) not more than 25 percent of the allocation to make a base payment to each weed management entity in accordance with subsection (b); and

(2) not less than 75 percent of the allocation to make financial awards to weed management entities in accordance with subsection (c).

(b) BASE PAYMENTS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Base payments under subsection (a)(1) shall be used by weed management entities—

(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d); or

(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) be established by local stakeholders—

(i) to control or eradicate harmful, nonnative weeds on public or private land; or

(ii) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land;

(B)(i) for the first fiscal year for which the entity receives a base payment, provide to the State a description of—

(I) the purposes for which the entity was established; and

(II) any projects carried out to accomplish those purposes; and

(ii) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—

(I) a description of the activities carried out by the entity in the previous fiscal year—

(aa) to control or eradicate harmful, nonnative weeds on public or private land; or

(bb) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land; and

(II) the results of each such activity; and

(C) meet such additional eligibility requirements, and conform to such process for determining eligibility, as the State may establish.

(c) FINANCIAL AWARDS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Financial awards under subsection (a)(2) shall be used by weed management entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a financial award under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and

(B) submit to the State a description of the project for which the financial award is sought.

(d) PROJECTS.—

(1) IN GENERAL.—An eligible weed management entity may use a base payment or financial award received under this section to carry out a project relating to the control or eradication of harmful, nonnative weeds on public or private land, including—

(A) education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment; and

(B) innovative projects, with results that are disseminated to the public.

(2) SELECTION OF PROJECTS.—A State shall select projects for funding under this section on a competitive basis, taking into consideration (with equal consideration given to economic and natural values)—

(A) the seriousness of the harmful, nonnative weed problem or potential problem addressed by the project;

(B) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

(C) the extent to which the payment will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project;

(D) the extent to which the entity has made progress in addressing harmful, nonnative weed problems;

(E) the extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds;

(F) the extent to which the project will reduce the total population of a harmful, nonnative weed within the State; and

(G) other factors that the State determines to be relevant.

(3) SCOPE OF PROJECTS.—

(A) IN GENERAL.—A weed management entity shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.

(B) MULTIPLE STATES.—A weed management entity may use the base payment or financial award to carry out a project to address the harmful, nonnative weed problem of more than 1 State if the entity meets the requirements of applicable State laws.

(4) LAND.—A weed management entity may use a base payment or financial award received under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of the land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.

(5) PROHIBITION ON PROJECTS TO CONTROL AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic noxious weeds or animal pests.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program established by this Act, including the costs of complying with Federal environmental laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DASCHLE. Mr. President, today I am introducing with Senator LARRY CRAIG the Harmful Non-native Weed Control Act of 2000. This legislation will provide critically needed resources to local agencies to reduce the spread of harmful weeds that are destroying the productivity of farmland and reducing ecological diversity.

In the last few years, public and private lands in the west have seen a startling increase in the spread of harmful, non-native weeds. In South Dakota, these weeds choke out native species, destroy good grazing land, and cost farmers and ranchers thousands of dollars a year to control. On public lands in South Dakota and throughout the West, the spread of the weeds has outpaced the ability of land managers to control them, threatening species diversity and, at times, spreading on to private land.

This problem has become so severe that the White House has created an Invasive Species Council to address it. As Secretary Bruce Babbitt noted, "The blending of the natural world into one great monoculture of the most aggressive species is, I think, a blow to the spirit and beauty of the natural world."

Despite these efforts, the scale of this problem is vast. Some estimate that it could cost well into the hundreds of millions of dollars to control effectively the spread of these weeds. This legislation will help to meet that need by putting funding directly into the hands of the local weed boards and managers who already are working to control this problem and whose lands are directly affected.

Specifically, this legislation authorizes new weed control funding and establishes an Advisory Board in the Department of Interior to identify the areas of greatest need for the distribution of those funds. States, in turn, will transfer up to 25 percent of it directly to local weed control boards in order to support ongoing activities and spur the creation of new weed control boards, where necessary. The remaining 75 percent of funds will be made available to weed control boards on a competitive basis to fund weed control projects.

I would like to thank Senator CRAIG for his work on this issue, and to thank the National Cattlemen's Association and the Nature Conservancy, who have been instrumental to the development of this bill. Now that this legislation has been introduced, it is my hope that we can work with all interested stakeholders to enact it as soon as possible. I look forward to working with my colleagues during this process.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION SECURITY ACT OF 2000

Mr. HARKIN. Mr. President, today, I am reintroducing the Conservation Security Act of 2000, a bill which represents a fresh new approach to the future of farm policy.

America's farmers and ranchers hold the key for production of a bountiful, safe, and nourishing food supply for Americans and for the population around the globe, as well as for the future for our environment. Farmers and ranchers have a long history to build on.

Specifically on the issue of conservation, it became a national priority in the days of the Dust Bowl, leading to the creation in the 1930s of the Soil Conservation Service at the Department of Agriculture, which is now the Natural Resources Conservation Service. With the very foundation of our food supply at risk, the Government stepped forward with billions of dollars in assistance to help farmers preserve their precious soils.

Since that time, Federal spending on conservation has steadily declined in inflation adjusted dollars. Yet today agriculture faces a wide range of environmental challenges, from overgrazing and manure management to cropland runoff and water quality impairment. Urban and rural citizens alike are increasingly concerned about the environmental impacts of agriculture.

Farmers and ranchers pride themselves on being good stewards of the land, and there are farm-based solutions to these problems being implemented all over the country. But every dollar spent on constructing a filter strip or developing a nutrient management plan is a dollar that farmers don't have for other purposes in hard times like these. And even in better times, there is a lot of competition for that dollar.

So who benefits from conservation on farm lands? As much or more than the farmer, it is all of us, who depend on the careful stewardship of our air, water, soil and our other natural resources. Farmers and ranchers tend not only to their crops and animals, but also to our nation's natural resources. They are the real stewards for future generations.

Since we all share in these benefits, it is only right that we share in conserving them. It is time to enter into a true conservation partnership with our farmers and ranchers to help ensure that conservation is an integral and permanent part of agricultural production nationwide.

In the 1985 farm bill, we required that farmers who wanted to participate in USDA farm programs develop soil conservation plans for their highly erodible land. This provision helped put new conservation plans in place for our most fragile farmlands. In the most recent farm bill, we streamlined conservation programs and established new cost-share and incentive payments for certain practices.

The Conservation Security Act of 2000, which establishes the Conservation Security Program, builds on our past successes and takes a bold step forward in farm and conservation policy.

My bill would establish a universal and voluntary incentive payment program to support and encourage conservation activities by farmers and ranchers. Under this program, farmers and ranchers could receive up to $50,000 per year in conservation payments through entering into 5 to 10-year contracts with USDA and choose from one of three tiers of conservation practices. Payments are based on the number and types of practices they maintain or adopt on their working lands. It is not a set-aside or easement program.

For implementing a basic set of practices, farmers would receive an annual payment of up to $20,000, as well as an advance payment of the greater of $1,000 or 20% of the annual payment. This basic category, Tier I, would include such practices as nutrient management, soil conservation, and wildlife habitat management.

To receive up to $35,000 and an advance payment of the greater of $2,000 or 20% of the annual payment, farmers would add to their Class I practices by choosing a minimum number of Class II practices—including such practices as controlled rotational grazing, partial field practices like buffers strips and windbreaks, wetland restoration and wildlife habitat enhancement.

Farmers who adopt comprehensive Tier III conservation practices on their whole farm—under a plan that addresses all aspects of air, land, water and wildlife—would receive up to $50,000 plus an advance payment of the greater of $3,000 or 20% of the annual payment.

Again, I emphasize, the Conservation Security Program would be totally voluntary. It would be up to the farmer or rancher to decide if they want to do it. If they do, then they would get additional payments. A lot of these practices farmers are already doing now, for which they receive little or no support. My legislation changes that by rewarding those farmers and ranchers who have already implemented these practices through payments to maintain them.

Again, these practices don't just benefit the farmer or rancher. The beneficiaries are all of us. We all will benefit from cleaner air, cleaner streams and rivers, saving soil, protecting our groundwater, and wildlife habitats.

Our private lands are a national resource, and conservation on farm and ranchlands provides environmental benefits that are just as important as the production of abundant and safe food. I am introducing the Conservation Security Act because I believe it will help secure both the economic future of our farmers by helping them obtain better income and as a cornerstone of our national farm policy and the environmental future of agriculture.

Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK AREA STUDIES

Mr. BINGAMAN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to undertake studies of several areas to determine whether these areas merit potential designation as units of the National Park System. I am introducing this legislation at the request of the Administration. I ask unanimous consent that a letter from Donald J. Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting the proposed legislation, be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3224

Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Studies Act of 2000".

SEC. 2. AUTHORIZATION OF STUDIES.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall conduct studies of the geographical areas and historic and cultural themes listed in subsection (c) to determine the appropriateness of including such areas or themes in the National Park System.

(b) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91-383, as amended by section 303 of the National Park System New Areas Study Act (Public Law 105-391; 112 Stat. 3501).

(c) STUDY AREAS.—The Secretary shall conduct studies of the following:

(1) Erskine House/Russian American Storehouse, Alaska;

(2) Blackwater Canyon, West Virginia;

(3) Farm Labor Movement Sites, California and other States;

(4) Carter G. Woodson Home, District of Columbia;

(5) Governors Island, New York; and

(6) World War II Homefront Sites, Multi-State.

SEC. 3. REPORTS.

The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under section 2 within three fiscal years following the date on which funds are first made available for each study.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 22, 2000.

Hon. AL GORE Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill, "To authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes."

We recommend that the bill be introduced, referred to the appropriate committee, and enacted.

The bill authorizes studies of six specific areas and cultural themes for potential inclusion in the National Park System. The legislation provides for the Secretary to follow criteria for such studies in existing law, and to submit reports on each study to the appropriate congressional committees within three years after funds for the study are made available. The areas and themes that are the subject of these special resource studies (also called new area studies) are described on the attached page.

A letter listing these six studies has been transmitted to the Senate Energy and Natural Resources Committee and the House Resources Committee, pursuant to the requirement of the National Parks Omnibus Management Act of 1998 (P.L. 105-391) that the Secretary submit a list of areas recommended for study for potential inclusion in the National Park System to those committees at the beginning of each calendar year with the President's budget.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the enclosed draft legislation to the Congress.

Sincerely,

DONALD J. BARRY,
Assistant Secretary for Fish
and Wildlife and Parks.

By Mr. SANTORUM:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

COSMETOLOGY TAX FAIRNESS AND COMPLIANCE ACT OF 2000

Mr. SANTORUM. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cosmetology Tax Fairness and Compliance Act of 2000".

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

"(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

"(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.".

(b) DEFINITION OF COSMETOLOGY SERVICES.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

"(1) hairdressing,

"(2) haircutting,

"(3) manicures and pedicures,

"(4) body waxing, facials, mud packs, wraps and other similar skin treatments, and

"(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes paid after December 31, 2000.

SEC. 3. INFORMATION REPORTING BY PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

"(a) IN GENERAL.—Every person who leases space to any individual for use by the individual in providing cosmetology services (as defined in section 45B(c)) on more than 5 calendar days during a calendar year shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such lessee.

"(b) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth on such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return, and

"(2) a statement informing the recipient that (as required by this section), the provider of the notice has advised the Internal Revenue Service that the recipient provided cosmetology services during the calendar year to which the statement relates.

"(c) ADDITIONAL INFORMATION TO BE PROVIDED TO SERVICE PROVIDER.—A person who provides a statement pursuant to subsection (b) to an individual who provides cosmetology services shall include with the statement a publication of the Secretary, as designated by the Secretary, describing the tax obligations of independent contractors unless the publication was previously provided to the individual by the statement provider.

"(d) METHOD AND TIME FOR PROVIDING STATEMENT AND ADDITIONAL INFORMATION.—The written statement required by subsection (b) and the additional information, if any, required to be furnished under subsection (c) shall be furnished (either in person or in a statement mailed by first-class mail which includes adequate notice that the statement is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) is to be made. Such statement shall be in such form as the Secretary may prescribe by regulations.

"(e) LEASE.—For purposes of this section, the term 'lease' include booth rentals and any other arrangements pursuant to which an individual provides cosmetology services, other than as an employee, on premises not owned by the service provider.

"(f) EXCEPTION FOR SERVICES PROVIDED BY PROPRIETORSHIPS WITH EMPLOYEES.—This section shall not apply to leases of premises with at least 3 work stations for providing cosmetology services.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended—

(A) by striking "or" at the end of clause (xiv),

(B) by adding a comma at the end of clause (xv),

(C) by striking "; or" at the end of clause (xvi) and inserting a comma,

(D) by striking the period at the end of clause (xvii) and inserting ", or", and

(E) by inserting after clause (xvii) the following new clause:

"(xviii) section 6050T (relating to returns by cosmetology service providers).".

(2) Section 6724(d)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking "or" at the end of subparagraph (Z) and inserting a comma,

(B) by striking the period at the end of subparagraph (AA) and inserting ", or", and

(C) by inserting after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T(c) (relating to statements from cosmetology service providers) even if the recipient is not a payee.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 835

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S . 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2887

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2940

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2940, a bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance act of 1961 with respect to malaria, HIV, and tuberculosis.

S. 3007

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3078

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3078, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Fe Regional Water Management and River Restoration Project.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Mr. DURBIN), the Senator from Virginia (Mr. ROBB), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3211

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3211, a bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes.

S.RES. 292

At the request of Mr. GORTON, his name was added as a cosponsor of S.Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States".

AMENDMENT NO. 4301

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. ENZI), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Amendment No. 4301 intended to be proposed to H.R. 1102, a bill to provide for pension reform, and for other purposes.

AMENDMENT NO. 4303

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4303 proposed to S. 2508 a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE PARLIAMENTARY ELECTIONS HELD IN BELARUS ON OCTOBER 15, 2000, AND FOR OTHER PURPOSES

Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 153

Whereas on October 15, 2000, Aleksandr Lukashenko and his authoritarian regime conducted an illegitimate and undemocratic parliamentary election in an effort to further strengthen the power and control his authoritarian regime exercises over the people of the Republic of Belarus;

Whereas during the time preceding this election the regime of Aleksandr Lukashenko attempted to intimidate the democratic opposition by beating, harassing, arresting, and sentencing its members for supporting a boycott of the October 15 election even though Belarus does not contain a legal ban on efforts to boycott elections;

Whereas the democratic opposition in Belarus was denied fair and equal access to state-controlled television and radio and was instead slandered by the state-controlled media;

Whereas on September 13, 2000, Belarusian police seized 100,000 copies of a special edition of the Belarusian Free Trade Union newspaper, Rabochy, dedicated to the democratic opposition's efforts to promote a boycott of the October 15 election;

Whereas Aleksandr Lukashenko and his regime denied the democratic opposition in Belarus seats on the Central Election Commission, thereby violating his own pledge to provide the democratic opposition a role in this Commission;

Whereas Aleksandr Lukashenko and his regime denied the vast majority of independent candidates opposed to his regime the right to register as candidates in this election;

Whereas Aleksandr Lukashenko and his regime dismissed recommendations presented by the Organization for Security and Cooperation in Europe (OSCE) for making the election law in Belarus consistent with OSCE standards;

Whereas in Grodno, police loyal to Aleksandr Lukashenko summoned voters to participate in this illegitimate election for parliament;

Whereas the last genuinely free and fair parliamentary election in Belarus took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been undercut by the authoritarian regime of Aleksandr Lukashenko; and

Whereas on October 11, the Lukashenko regime froze the bank accounts and seized the equipment of the independent publishing company, Magic, where most of the independent newspapers in Minsk are published: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON BELARUS PARLIAMENTARY ELECTIONS.

Congress hereby—

(1) declares that—

(A) the period preceding the elections held in Belarus held on October 15, 2000, was plagued by continued human rights abuses and a climate of fear for which the regime of Aleksandr Lukashenko is responsible;

(B) these elections were conducted in the absence of a democratic electoral law;

(C) the Lukashenko regime purposely denied the democratic opposition access to state-controlled media; and

(D) these elections were for seats in a parliament that lacks real constitutional power and democratic legitimacy;

(2) declares its support for the Belarus' democratic opposition, commends the efforts of the opposition to boycott these illegitimate parliamentary elections, and expresses the hopes of Congress that the citizens of Belarus will soon benefit from true freedom and democracy;

(3) reaffirms its recognition of the 13th Supreme Soviet as the sole and democratically and constitutionally legitimate legislative body of Belarus; and

(4) notes that, as the legitimate parliament of Belarus, the 13th Supreme Soviet should continue to represent Belarus in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

SEC. 2. SENSE OF CONGRESS ON DISAPPEARANCES OF INDIVIDUALS AND POLITICAL DETENTIONS IN BELARUS.

It is the sense of Congress that the President should call upon Aleksandr Lukashenko and his regime to—

(1) provide a full accounting of the disappearances of individuals in that country, including the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky; and

(2) release Vladimir Kudinov, Andrei Klimov, and all others imprisoned in Belarus for their political views.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 380—APPROVING THE PLACEMENT OF TWO PAINTINGS IN THE SENATE RECEPTION ROOM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas Senate Resolution 241, 106th Congress, directed the Senate Commission on Art to select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate; and

Whereas, in accordance with the provisions of Senate Resolution 241, the Commission has selected Senator Arthur H. Vandenberg and Senator Robert F. Wagner, and recommends such names to the Senate: Now, therefore, be it

Resolved, That the Senate Commission on Art (referred to in this resolution as the "Commission") shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

SUGAR TARIFF LEGISLATION

BREAUX AMENDMENT NO. 4325

(Ordered referred to the Committee on Finance.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill (S. 3116) to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF-RATE QUOTAS.

(a) ANTICIRCUMVENTION.—

(1) AMENDMENT TO ADDITIONAL UNITED STATES NOTES.—Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(A) in the first sentence, by striking "and 2106.90.44," and inserting "1702.90.40, and 2106.90.44, and any other article (other than an article classified under subheading 1701.11 or 1701.12) that is entered, or withdrawn from warehouse for consumption, if the article is subsequently used for the commercial extraction or production of sugar for human consumption, or the article is otherwise used in any manner that circumvents any quota imposed pursuant to the notes to this chapter,"; and

(B) in the second sentence, by striking "and molasses" and inserting ", molasses, and other articles,".

(2) RATE OF DUTY.—The rate of duty in effect under subheading 1701.99.10 or 1701.99.50 of the Harmonized Tariff Schedule of the United States, on the date of entry of articles described in the applicable subheading shall apply to any article which the Secretary of the Treasury determines is circumventing the tariff-rate quota relating to articles described in the applicable subheading.

(3) ANIMAL FEED.—Notwithstanding any other provision of law, no tariff-rate quota may be imposed under Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule, on molasses that is used for animal consumption in the United States.

(b) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 1702.90.40 and inserting in numerical sequence the following new subheadings:

"	1702.90.40	Described in additional United States note 5 to this chapter and entered pursuant to its provisions	3.6606¢/kg less 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 3.143854¢/kg	Free (A*, CA, E*, IL, J, MX)	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg	
	1702.90.45	Other	35.74¢/kg	28.247¢/kg less 0.4¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 18.256¢/kg (MX)	42.05¢/kg	".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

FEINGOLD AMENDMENT NO. 4326

Mr. FEINGOLD proposed an amendment to amendment No. 4303 proposed by Mr. CAMPBELL the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

On page 10 of the amendment, line 11, insert ", to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis" before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

"(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620) (commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act."

On page 11 of the amendment, beginning on line 21, strike "Such repayment" and all that follows through ".)." on line 24.

On page 12 of the amendment, line 9, insert after the period the following: "Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by nontribal users.".

On page 13 of the amendment, beginning on line 2, strike "Additional" and all that follows through line 6.

STRATEGIC PETROLEUM RESERVE REAUTHORIZATION

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4327

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I
STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the "Energy Policy and Conservation Act Amendments of 2000".

SECTION. 102.

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(a) in paragraph (1) by striking "standby" and ", subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and"; and

(b) by striking paragraphs (3) and (6).

SECTION. 103.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking section 102 (42 U.S.C. 6211) and its heading;

(b) by striking section 104(b)(1);

(c) by striking section 106 (42 U.S.C. 6214) and its heading;

(d) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.";

(e) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraphs (1), (3) and (7), and

(2) in paragraph (11) by striking "; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve".

(f) by striking section 153 (42 U.S.C. 623) and its heading;

(g) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a) to read as follows:

"(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.";

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve."; and

(3) by striking subsections (c), (d), and (e);

(h) by striking section 155 (42 U.S.C. 6235) and its heading;

(i) by striking section 156 (42 U.S.C. 6236) and its heading;

(j) by striking section 157 (42 U.S.C. 6237) and its heading;

(k) by striking section 158 (42 U.S.C. 6238) and its heading;

(l) by amending the heading for section 159 (42 U.S.C. 6239) to read, "Development, Operation, and Maintenance of the Reserve";

(m) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by amending subsection (f) to read as follows:

"(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

"(1) issue rules, regulations, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

"(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquired by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land."; and

(3) in subsection (g)—

(A) by striking "implementation" and inserting "development"; and

(B) by striking "Plan";

(4) by striking subsections (h) and (i);

(5) by amending subsection (j) to read as follows:

"(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress."; and

(6) by amending subsection (I) to read as follows:

"(I) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organizations Act (42 U.S.C. 7191).";

(n) in section 160 (420 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

"(a) The Secretary may acquire, place in storage, transport, or exchange";

(2) in subsection (a)(1) by striking all after "Federal lands";

(3) in subsection (b), by striking ", including the Early Storage Reserve and the Regional Petroleum Reserve" and by striking paragraph (2); and

(4) by striking subsections (c), (d), (e), and (g);

(o) in section 161 (42 U.S.C. 6241)—

(1) by striking "Distribution of the Reserve" in the title of this section and inserting "Sale of Petroleum Products";

(2) in subsection (a), by striking "drawdown and distribute" and inserting "draw down and sell petroleum products in";

(3) by striking subsection (b), (c), and (f);

(4) by amending subsection (d)(1) to read as follows:

"(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.";

(5) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this Section."; and

(6) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.";

(B) by striking paragraphs (2);

(C) in paragraph (4), by striking "90" and inserting "95";

(D) in paragraph (5), by striking "drawdown and distribution" and inserting "test";

(E) by amending paragraph (6) to read as follows:

"(6) In the case of a sale of any petroleum products under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale."; and

(F) in paragraph (8), by striking "drawdown and distribution" and inserting "test";

(7) in subsection (h)—

(A) in paragraph (1) by striking "distribute" and inserting "sell petroleum products from";

(B) by deleting "and" at the end of paragraph (1)(A) and by deleting "shortage," at the end of paragraph (1)(B) and inserting "shortage; and

"(C) the Secretary of Defense has found that action taken under this subsection will not impair national security.";

(C) in paragraph (2) by striking "In no case may the Reserve" and inserting "Petroleum products from the Reserve may not"; and

(D) in paragraph (3) by striking "distribution" each time it appears and inserting "sale";

(p) by striking section 164 (42 U.S.C. 6244) and its heading;

(q) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows—

"ANNUAL REPORT

"SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

"(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

"(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

"(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

"(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

"(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

"(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

"(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year.

"(8) a summary of expenses for the year, and the number of Federal and contractor employees;

"(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

"(10) a summary of foreign oil storage agreements and their implementation status;

"(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.";

(r) in section 166 (42 U.S.C. 6246) by striking "for fiscal year 1997.";

(s) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by striking "and the drawdown" and inserting "for test sales of petroleum products from the Reserve, and for the drawdown, sale,";

(B) by striking paragraph (1); and

(C) in paragraph (2), by striking "after fiscal year 1982"; and

(2) by striking subsection (e);

(t) in section 171 (42 U.S.C. 6249)—

(1) by amending subsection (b)(2)(B) to read as follows:

"(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.";

(2) in subsection (b)(3), by striking "distribution of" and inserting "sale of petroleum products from";

(u) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(v) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(w) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each time it appears and inserting "September 30, 2003".

SECTION. 104.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking Part A (42 U.S.C. 6261 through 6264) and its heading;

(b) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary."

(c) by striking Part C (42 U.S.C. 6281 through 6282) and its heading; and

(d) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each time it appears and inserting "September 30, 2003".

SEC. 105. CLERICAL AMENDMENTS.

The Table of Contents for the Energy Policy and Conservation Act is amended—

(a) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(b) by amending the item relating to section 159 to read as follows: "Development, Operation, and Maintenance of the Reserve.";

(c) by amending the item relating to section 161 to read as follows: "Drawdown and Sale of Petroleum Products"; and

(d) by amending the item relating to section 165 to read as follows: "Annual Report".

TITLE II

HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) For the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey;

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

"(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

"AUTHORITY

"SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States; and

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) FINDING.—The Secretary may sell product from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

“(1) a dislocation in the heating oil market has resulted from such interruption; or

“(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

“(b) DEFINITION.—For purposes of this section a ‘dislocation in the heating oil market’ shall be deemed to occur only when—

“(1) The price differential between crude oil, as reflected in an industry daily publication such as ‘Platt's Oilgram Price Report’ or ‘Oil Daily’ and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more tan 60% over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

“(2) The price differential continues to increase during the most recent week for which price information is available.

“(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

“(d) After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that:

“(1) The Secretary may—

“(A) sell petroleum distillate from the Reserve through a competitive process, or

“(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

“(2) In such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

“(3) The Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

“(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

“(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

“(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

“(6) actions to ensure quality of the petroleum distillate in the Reserve.

“NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

“SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the ‘Northeast Home Heating Oil Reserve Account’ (referred to in this section as the ‘Account’).

“(b) the Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

“(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

“EXEMPTIONS

“SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.”.

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosine) for state and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

“PURCHASE OF OIL FROM MARGINAL WELLS

“SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

“(b) DEFINITION OF MARGINAL WELL.—The term ‘marginal well’ has the same meaning as the definition of ‘stripper well property’ in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).”.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”.

TITLE IV

FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii) is amended by striking “$750,000” and inserting “$10,000,000”.

TITLE V

ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

“SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

“(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

“(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

“(2) gives equal consideration to the purposes of—

“(A) energy conservation;

“(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

“(C) the protection of recreational opportunities,

“(D) the preservation of other aspects of environmental quality,

“(E) the interests of Alaska Natives, and

“(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

“(3) requires, as a condition of a license for any project works—

"(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) Definition of 'Qualifying Project Works'.—For purposes of this section, the term 'qualifying project works' means project works—

"(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) Election of State Licensing.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this system.

"(d) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State licences or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) Consultation With Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) Oversight by the Commission.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"(h) Resumption of Commission Authority.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this Part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) Determination by the Commission.—

"(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of Subsection (a).

"(2) The Commission's review required by Paragraph (1) shall be completed with one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for waterpower development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for water-powered development shall be deemed to be in compliance with subsection (a).".

TITLE VI

WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading "Energy Conservation (Including Transfer of Funds)" in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking "grants:" and all that follows and inserting "grants.".

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)".

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish", and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "$1600" and inserting "$2500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting ", and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

"(E) the cost of making heating and cooling modifications, including replacement";

(4) in subsection (c)(3) by—

(A) striking "1991, the $1600 per dwelling unit limitation' and inserting '2000, the $2500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C.. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) Definitions.—In this section:

"(1) Budget contract.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) Fixed-price contract.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) Price cap contract.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

"(b) Assistance.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

"(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

"(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

"(c) Preference.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2001; and

"(2) such sums as are necessary for each fiscal year thereafter.

"(3) Inapplicability of Expiration Provision.—Section 281 does not apply to this section.".

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

"Sec. 273. Summer fill and fuel budgeting programs.".

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate agencies, immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment to the Congress, including any recommendations for legislative changes.

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) In General.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore federal lands. The inventory shall identify:

(1) The United States Geological Survey reserve estimates of the oil and gas resources underlying these lands, and;

(2) The extent and nature of any restrictions or impediments to the development of such resources.

(b) Once completed, the USGS reserve estimates and the surface availability data as provided in (a)(2) shall be regularly updated and made publically available.

(c) The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within two years after the date of enactment of this section.

(d) There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

"(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

"(b) CONTENTS.—The Home Heating Readiness Report shall include—

"(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

"(2) an evaluation of—

"(A) global and regional crude oil and refined product supplies;

"(B) the adequacy and utilization of refinery capacity;

"(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

"(D) weather conditions;

"(E) the refined product transportation system;

"(F) market inefficiencies; and

"(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

"(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

"(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

"(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

"Sec. 107. Major fuel burning stationary source.

"Sec. 108. Annual home heating readiness reports.";

and

(2) in section 107 (42 U.S.C. 6215), by striking "SEC. 107. (a) No Governor" and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

"(a) No Governor".

TITLE VII

NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 701. SHORT TITLE.

This title may be cited as the 'National Oilheat Research Alliance Act of 2000'.

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term "Alliance" means a national oilheat research alliance established under section 704.

(2) CONSUMER EDUCATION.—The term "consumer education" means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term "exchange" means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term "industry trade association" means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term "oilheat" means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term "oilheat industry" means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term "oilheat industry" does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term "public member" means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term "qualified industry organization" means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term "qualified State association" means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term "retail marketer" means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term "wholesale distributor" means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term "State" means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A state may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the state has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors on No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payments of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid

under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified state association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING, TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 709. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint with this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(a) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

SAN BERNARDINO NATIONAL FOREST LEGISLATION

MURKOWSKI AMENDMENT NO. 4328

Mr. SESSIONS (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE") KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words "Secretary of Agriculture";

(2) by striking the words "with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),";

(3) by inserting the words ", real property or interests in lands," after the word "lands" the first time it is used;

(4) by striking "San Bernardino and Cleveland" and inserting "San Bernardino, Cleveland and Los Angeles";

(5) by striking "county of Riverside" each place it appears and inserting "counties of Riverside and San Bernardino";

(6) by striking "as to minimize soil erosion and flood damage" and inserting "for National Forest System purposes"; and

(7) after the "Provided further, That", by striking the remainder of the sentence to the end of the paragraph, and inserting "twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.".

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), by striking "Nothing in this section" and inserting "Nothing in this Act".

(3) In section 4(c)(1) by striking "any person, including".

(4) In section 5, by adding at the end the following:

"(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument.

All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.".

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

"SEC. 7. MISCELLANEOUS PROVISIONS.

"(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

"(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

"(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

"(4) CONVEYANCE.—

"(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

"(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

"(b) OTHER EXCHANGES OF LAND.—

"(1) IN GENERAL.—In order to further the purposes of this Act—

"(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

"(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

"(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo* v. *Rael* (Civil No. 83-1888 (D.N.M.)).

"(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

"(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97-010 and C22-99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12-99-36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.".

NATIONAL FOREST EDUCATION AND COMMUNITY PURPOSE LANDS ACT

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4329

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SECTION 101. SHORT TITLE.

This title may be cited as the "Education Land Grant Act".

SEC. 102. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) An opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this Act shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE II—ALA KAHAKAI NATIONAL HISTORIC TRAIL

SECTION 201. SHORT TITLE.

This title may be cited as the "Ala Kahakai National Historic Trail Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the "Ala Loa" (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 203. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(22) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.".

TITLE III—ADDITIONS TO NATIONAL PARK SYSTEM AREAS

SECTION 301. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

SECTION 302. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking "That, in" and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

"(a) ESTABLISHMENT.—In"; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking "The seashore shall comprise" and inserting the following:

"(b) COMPOSITION.—

"(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

"(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS–GI–7100J.—The areas described in this paragraph are": and

(C) by adding at the end the following:

"(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

"(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land,"; and

(2) by adding at the end the following:

"(e) ACQUISITION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

"(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

"(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

"(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

"(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

"(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

"(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition."

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).".

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into agreements—

"(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

"(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

"(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.".

TITLE IV—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SECTION 401. SHORT TITLE.

This title may be cited as the "Pecos National Historical Park Land Exchange Act of 2000".

SEC. 402. DEFINITIONS.

As used in this title—

(1) the term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term "landowner" means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term "map" means a map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 403. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the exchange of lands and interests pursuant to this Act shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this Act shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance 0with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after National Environmental Policy Act requirements have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 404. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 403 of this title, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 3, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE V—NEW AREA STUDIES

SEC. 501. VICKSBURG CAMPAIGN TRAIL STUDY.

(a) SHORT TITLE.—

This section may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 2000".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(B) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(C) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(2) PURPOSE.—The purpose of this section is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

(c) DEFINITIONS.—

In this section:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available for this section, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(2) COMPONENTS.—In completing the study, the Secretary shall—

(A) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(B) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(i) administers and manages the Civil War battlefields; and

(ii) possesses the legal authority to—

(I) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(II) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(III) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(IV) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(C) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(D) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this section; and

(E) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(e) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 502. MIAMI CIRCLE SPECIAL RESOURCE STUDY.

(a) FINDINGS AND PURPOSES.

(1) FINDINGS.—Congress finds that—

(A) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(B) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(C) the Tequesta sites that remain preserved today are rare;

(D) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(E) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

(b) DEFINITIONS.

In this section:

(1) MIAMI CIRCLE.—The term "Miami Circle" means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term "Park" means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) SPECIAL RESOURCE STUDY.

(1) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in paragraph (2). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(2) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(A) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(B) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and

(C) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 503. APOSTLE ISLANDS WILDERNESS STUDY.

(a) SHORT TITLE.—This section may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 2000".

(b) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(c) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(e) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(f) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.".

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (d); and

(2) $3,900,000 to carry out subsection (e).

SEC. 504. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

(a) Short Title.—This section may be cited as the "Harriet Tubman Special Resource Study Act".

(b) Findings.—Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a "conductor" on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

(c) Special Resources Study of Sites Associated With Harriet Tubman.—

(1) In general.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(A) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(B) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(C) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(D) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(E) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(F) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(G) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(2) Inclusion of sites in the national park system.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(A) designating one or more of the sites specified in paragraph (1) as units of the National Park System; and

(B) establishing a national heritage corridor that incorporates the sites specified in paragraph (1) and any other sites associated with Harriet Tubman.

(d) Study Guidelines.—In conducting the study authorized by this section, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(e) Consultation.—In preparing and conducting the study under subsection (c), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (c); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(f) Report.—Not later than 2 years after the date on which funds are made available for the study under subsection (c), the Secretary shall submit to Congress a report describing the results of the study.

SECTION 505. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410–4(g)) is amended by striking "thirty" and inserting "40".

SEC. 506. UPPER HOUSATIONIC VALLEY NATIONAL HERITAGE AREA STUDY.

(a) Short Title.—This section may be cited as the "Upper Housatonic Valley National Heritage Area Study Act of 2000".

(b) Definitions.—

In this section:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Study area.—The term "Study Area" means the Upper Housatonic Valley National Heritage Area, comprised of—

(A) the part of the watershed of the Housatonic River, extending 60 miles from Lanesboro, Massachusetts, to Kent, Connecticut;

(B) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren, Connecticut; and

(C) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge, Massachusetts.

(c) Authorization of Study.—

(1) In general.—As soon as practicable after the date of enactment of this section, the Secretary shall complete a study of the Study Area.

(2) Inclusions.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(A) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(i) are worthy of recognition, conservation, interpretation, and continued use; and

(ii) would best be managed—

(I) through partnerships among public and private entities; and

(II) by combining diverse and, in some cases, noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Study Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government; and

(iii) have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(H) is depicted on a conceptual boundary map that is supported by the public.

(3) Consultation.—In conducting the study, the Secretary shall consult with—

(A) State historic preservation officers;

(B) State historical societies; and

(C) other appropriate organizations.

(4) Report.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(d) Authorization of Appropriations.—There is authorized to be appropriated $300,000 to carry out this section.

SEC. 507. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.

(a) In General.—Not later than 2 years after the date on which funds are made available to carry out this title, the Secretary of the Interior (referred to in this title as the "Secretary") shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a resource study of the approximately 600-mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau, during the Revolutionary War.

(b) Consultation.—In carrying out the study under subsection (a), the Secretary shall consult with—

(1) State and local historical associations and societies;

(2) State historic preservation agencies; and

(3) other appropriate organizations.

(c) Contents.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including the relationship of the route to the Revolutionary War;

(2) identify alternatives for involvement by the National Park Service in the preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified under paragraph (2).

(d) Coordination With Other Congressionally Mandated Activities.—

(1) In general.—The study under subsection (a) shall be carried out in coordination with—

(A) the study authorized under section 603 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a-5 note; Public Law 104–333); and

(B) the Crossroads of the American Revolution special resource study authorized by section 326(b)(3)(D) of H.R. 3423 of the 106th Congress, as enacted by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1535, 1501A–194).

(2) Research.—Coordination under paragraph (1) shall—

(A) extend to—

(i) any research needed to complete the studies described in subparagraphs (A) and (B) of paragraph (1); and

(ii) any findings and implementation actions that result from completion of those studies; and

(B) use available resources to the maximum extent practicable to avoid unnecessary duplication of effort.

TITLE VI—PEOPLING OF AMERICA THEME STUDY

SECTION 601. SHORT TITLE.

This title may be cited as the "Peopling of America Theme Study Act".

SEC. 602. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101–628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) Purposes.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 603. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Theme study.—The term "theme study" means the national historic landmark theme study required under section 604.

(3) Peopling of America.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 604. THEME STUDY.

(a) In General.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) Purpose.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) Identification and Designation of Potential New National Historic Landmarks.—

(1) In general.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) List of appropriate sites.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) Designation.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) National Park System.—

(1) Identification of sites within current units.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) Identification of new sites.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) Continuing Authority.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) Public Education and Research.—

(1) Linkages.—

(A) Establishment.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and (ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) Purpose.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) Cooperative arrangements.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) Educational initiatives.—

(A) In general.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) Cooperative programs.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 605. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VII—BIG HORN AND WASHAKIE COUNTIES, WYOMING LAND CONVEYANCE.

SECTION 701. CONVEYANCE.

(a) In General.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the "Secretary"), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as "Westside"), all right, title, and interest (excluding the mineral interest of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled "Westside Project" and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, * * *

TITLE VIII—COAL ACREAGE LIMITATIONS

SECTION 801. SHORT TITLE.

This title may be cited as the "Coal Market Competition Act of 2000".

SEC. 802. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any one producer may hold in any one State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 803. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking "(a)" and all that follows through "No person" and inserting "(a) COAL LEASES.—No person";

(2) by striking "forty-six thousand and eighty acres" and inserting "75,000 acres"; and

(3) by striking "one hundred thousand acres" each place it appears and inserting "150,000 acres".

TITLE IX—KENAI MOUNTAINS—TURNAGAIN ARM NATIONAL HERITAGE AREA.

SECTION 901. SHORT TITLE.

This title may be cited as the "Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000".

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for "grassroots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 903. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term "management entity" means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 904. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled "Kenai Peninsula/Turnagain Arm National Heritage Corridor", numbered "Map #KMTA-1", and dated "August 1999". The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 905. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this title. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this title authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

SEC. 906. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 907. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this title.

SEC. 908. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this title shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this title shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 909. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this title, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this title for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this title beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

GREATER YUMA PORT AUTHORITY OF YUMA COUNTY, ARIZONA LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4330

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 3032) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—LAND CONVEYANCE

SEC. 101. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this section and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1-4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—As used in this section:

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 102. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Park County, Wyoming.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	*Acreage*
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04
Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

SEC. 103. CONVEYANCE TO LANDUSKY SCHOOL DISTRICT, MONTANA

Subject to valid existing rights, the Secretary of the Interior shall issue to the Landudky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

TITLE II—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY

SEC. 201. AUTHORIZATION OF STUDY.

(a) Definitions.—For the purposes of this section:

(1) Golden Spike Rail Study.—The term "Golden Spike Rail Study" means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site", National Park Service, 1993.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Study Area.—The term "Study Area" means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) In General.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) Consultation.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) Boundaries of Study Area.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) Report.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 202. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) Purposes.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) Definitions.—For the purposes of this section:

(1) District.—The term "District" means the Crossroads of the West Historic District established by subsection (c).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Historic infrastructure.—The term "historic infrastructure" means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) Crossroads of the West Historic District.—

(1) Establishment.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) Boundaries.—The boundaries of the District shall be the boundaries depicted on the map entitled "Crossroads of the West Historic District", numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) Development Plan.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) Restoration, Preservation, and Interpretation of Properties.—

(1) Cooperative agreements.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) Non-Federal contributions.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) Provisions.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) Applications.—

(A) In general.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) Consideration.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

TITLE III—BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA

SEC. 301. SHORT TITLE.

This title may be cited as the "Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000".

SEC. 302. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843-44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed;

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 303. DEFINITIONS.

As used in this title:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "conservation area" means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 304 of this title.

SEC. 304. ESTABLISHMENT OF CONSERVATION AREA.

(a) Establishment and Purposes.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) Areas Included.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled "Black Rock Desert Emigrant Trail National Conservation Area" and dated July 19, 2000.

(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 305. MANAGEMENT.

(a) Management.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in section 304(a), in accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) Access.—

(1) In general.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) Private land.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) Existing public roads.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) Uses.—

(1) In general.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) Off-highway vehicle use.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) Permitted events.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) Hunting, Trapping, and Fishing.—Nothing in this title shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) Management Plan.—Within three years following the date of enactment of this title, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this title. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) Grazing.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) Visitor Service Facilities.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 306. WITHDRAWAL.

(a) In General.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 307. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 308. WILDERNESS.

(a) Designation.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled "Black Rock Desert Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled "Pahute Peak Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled "North Black Rock Range Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled "East Fork High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled "High Rock Lake Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled "Little High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled "High Rock Canyon

Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled "Calico Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled "South Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled "North Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) Administration of Wilderness Areas.—Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness title, except that any reference in such provisions to the effective date of the Wilderness title shall be deemed to be a reference to the date of enactment of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this title. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) Grazing.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—SAINT HELENA ISLAND NATIONAL SCENIC AREA

SEC. 401. SHORT TITLE.

This title may be cited as the "Saint Helena Island National Scenic Area Act".

SEC. 402. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) Purpose.—The purposes of this title are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) Establishment.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this title referred to as the "scenic area").

(c) Effective Upon Conveyance.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

SEC. 403. BOUNDARIES.

(a) Saint Helena Island.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) Boundaries of Hiawatha National Forest Extended.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(c) Payments to Local Governments.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this title shall be treated as entitlement lands.

SEC. 404. ADMINISTRATION AND MANAGEMENT.

(a) Administration.—Subject to valid existing rights, the Secretary of Agriculture (in this title referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this title.

(b) Special Management Requirements.—*Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 407, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.* Such an amendment shall conform to the provisions of this title. Nothing in this title shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) Public access.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this title.

(2) Roads.—After the date of the enactment of this title, no new permanent roads shall be constructed within the scenic area.

(3) Vegetation management.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) Motorized travel.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this title.

(5) Fire.—Wildfires shall be suppressed in a manner consistent with the purposes of this title, using such means as the Secretary deems appropriate.

(6) Insects and disease.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) Dockage.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) Safety.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) Consultation.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 405. FISH AND GAME.

Nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 406. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 407. ACQUISITION.

(a) Acquisition of Lands Within the Scenic Area.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this title.

(b) Acquisition of Other Lands.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) Acquisition of Lands.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 407.

(b) Other Purposes.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 404(b).

TITLE V—NATCHEZ TRACE PARKWAY BOUNDARY ADJUSTMENT

SEC. 501. DEFINITIONS.

In this title:

(1) Parkway.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 502. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 503. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VI—DIAMOND VALLEY LAKE INTERPRETIVE CENTER AND MUSEUM

SEC. 601. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purchase of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

TITLE VII—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 701. ALASKA-NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking "and Reindeer" and inserting "or".

(2) Subsection (a)(4)(B) is amended by striking "; and" and inserting "; or".

(3) Subsection (b)(1)(B)(i) is amended by striking "June 2, 1971" and inserting "December 31, 1971".

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—".

SEC. 702. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

"(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.".

TITLE VIII—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 801. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

SPANISH PEAKS WILDERNESS ACT OF 2000

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4331

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 898) designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness"; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—SPANISH PEAKS WILDERNESS, COLORADO

SECTION 101. SHORT TITLE.

This title may be cited as the "Spanish Peaks Wilderness Act of 2000".

SEC. 102. DESIGNATION OF SPANISH PEAKS WILDERNESS.

Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is amended by adding at the end the following:

"(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999, and which shall be known as the Spanish Peaks Wilderness."

SEC. 103. FORCE AND EFFECT CLAUSE.

The map and boundary description of the Spanish Peaks Wilderness shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note), except that the Secretary of Agriculture (hereinafter referred to as the "Secretary") may correct clerical and typographical errors in the map and boundary description.

SEC. 104. ACCESS.

(a) Bulls Eye Mine Road.—(1) With respect to the Bulls Eye Mine Road, the Secretary shall allow the continuation of those historic uses of the road which existed prior to the date of enactment of this title subject to such terms and conditions as the Secretary deems necessary.

(2) Nothing in this section—

(A) requires the Secretary to open the Bulls Eye Mine Road or otherwise restricts or limits the Secretary's management authority with respect to the road; or

(B) requires the Secretary to improve or maintain the road.

(3) The Secretary shall consult with local citizens and other interested parties regarding the implementation of this title with respect to the road.

(b) Private Lands.—Access to any privately-owned land with the Spanish Peaks Wilderness shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 105. CONFORMING AMENDMENT.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is repealed.

TITLE II—VIRGINIA WILDERNESS

SECTION 201. SHORT TITLE

This title may be cited as the "Virginia Wilderness Act of 2000".

SEC. 202 DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled "An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas" (Public Law 100–326; 102 Stat. 584) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) certain land in the George Washington National Forest, comprising approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, to be known as the 'Priest Wilderness Area'; and

"(8) certain land in the George Washington National Forest, comprising approximately 4,608 acres, as generally depicted on a map entitled "The Three Ridges Wilderness Study Area', dated June 6, 2000, to be known as the 'Three Ridges Wilderness Area.".

TITLE III—WASHOE TRIBE LAND CONVEYANCE

SEC. 301. WASHOE TRIBE LAND CONVEYANCE.

(a) Findings.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) Purposes.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) Conveyance.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) Easement.—

(1) In general.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) Access by individuals with disabilities.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) Use of Land.—

(1) In general.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) Reversion.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE IV—SAINT CROIX ISLAND REGIONAL HERITAGE CENTR

SECTION 401. SHORT TITLE.

This title may be cited as the "Saint Croix Island Heritage Act".

SEC. 402. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only four years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) Purpose.—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 403. DEFINITIONS.

In this title:

(1) Island.—The term "Island" means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) In General.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) Cooperative Agreements.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is

sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE V—PARK AREA BOUNDARY ADJUSTMENTS

SEC. 501. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes", approved June 20, 1938 (16 U.S.C. 391b), is amended by striking "park: *Provided*," and all that follows and inserting "park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.".

SEC. 502. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai'i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai'i Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Pu'uhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Pu'uhonua o Hōnaunau National Historical Park".

(e) PU'UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Pu'ukoholā Heiau National Historic Site".

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Pu'ukoholā Heiau National Historic Site".

(f) CONFORMING AMENDMENTS.—

(1) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

(2) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

SEC. 503. HAMILTON GRANGE NATIONAL MEMORIAL.

(a) Not withstanding the provisions of the Act of November 19, 1988 (16 U.S.C. 431 note.), the Secretary of the Interior is authorized to accept by donation not to exceed one acre of land or interests in land from the City of New York for the purpose of relocating Hamilton Grange. Such land to be donated shall be within close proximity to the existing location of Hamilton Grange.

(b) Lands and interests in land acquired pursuant to section (a) shall be added to and administered as part of Hamilton Grange National Memorial.

SEC. 504. SAINT-GAUDENS NATIONAL HISTORIC SITE.

Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site, is amended—

(1) in section 3 by striking "not to exceed sixty-four acres of lands and interests therein" and inserting "279 acres of lands and buildings, or interests therein";

(2) in section 6 by striking "$2,677,000" from the first sentence and inserting "$10,632,000"; and

(3) in section 6 by striking "$80,000" from the last sentence and inserting "$2,000,000".

SEC. 505. FORT MATANZAS NATIONAL MONUMENT

(a) DEFINITIONS—

In this section.

(1) MAP.—The term "Map" means the map entitled "fort Matanzas National Monument", numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term "Monument" means the Fort Matanzas National Monument in Florida.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) REVISION OF BOUNDARY.—

(1) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(2) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION OF ADDITIONAL LAND.—

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

(d) ADMINISTRATION.—

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VI—ALASKA NATIONAL PARK UNIT REPORTS

SEC. 601. MT. MCKINLEY HIGH ALTITUDE RESCUE FEE STUDY.

No later than nine months after the enactment of this section, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. the report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SECTION 602. ALASKA NATIVE HIRING REPORT

(a) Within six months after the enactment of this section the Secretary of the Interior (hereinafter referred to as the "Secretary" shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 603. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest

Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

TITLE VII—GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT

SECTION 701. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 2000".

SEC. 702. DEFINITIONS.

As used in this title—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 703. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this title shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this title shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 704. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this title.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

HATCH AMENDMENT NO. 4332

Mr. SESSIONS (for Mr. HATCH) proposed an amendment to the bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.
Sec. 102. Disposition of miscellaneous fees.
Sec. 103. Transfer of retirement funds.
Sec. 104. Increase in chapter 9 bankruptcy filing fee.
Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Membership in circuit judicial councils.
Sec. 206. Sunset of civil justice expense and delay reduction plans.
Sec. 207. Repeal of Court of Federal Claims filing fee.
Sec. 208. Technical bankruptcy correction.
Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 210. Maximum amounts of compensation for attorneys.
Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.
Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.
Sec. 303. Payments to military survivors benefits plan.
Sec. 304. Creation of certifying officers in the judicial branch.
Sec. 305. Amendment to the jury selection process.
Sec. 306. Authorization of a circuit executive for the Federal circuit.
Sec. 307. Residence of retired judges.
Sec. 308. Recall of judges on disability status.
Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 311. Employment of personal assistants for handicapped employees.
Sec. 312. Mandatory retirement age for director of the Federal judicial center.
Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

"(p) Transfer of Retirement Funds.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.".

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking "$300" and inserting "equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title".

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking "$400" and inserting "the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)".

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: "The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court."; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after "Commonwealth of Puerto Rico," the following: "the Territory of Guam, the Commonwealth of the Northern Mariana Islands,".

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

"(e) Contempt Authority.—

"(1) In general.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

"(2) Summary criminal contempt authority.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

"(3) Additional criminal contempt authority in civil consent and misdemeanor cases.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) Civil contempt authority in civil consent and misdemeanor cases.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) Criminal contempt penalties.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) Certification of other contempts to the district court.—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

"(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) Appeals of magistrate judge contempt orders.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.".

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) Amendments to Title 18.—

(1) Petty offense cases.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) Cases involving juveniles.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) Amendments to Title 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.".

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C)."; and

(2) in paragraph (5) by striking "retirement," and inserting "retirement under section 371(a) or 372(a) of this title,".

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$3,500" and inserting "$5,200"; and

(B) by striking "$1,000" and inserting "$1,500";

(2) in the second sentence by striking "$2,500" and inserting "$3,700";

(3) in the third sentence—

(A) by striking "$750" and inserting "$1,200"; and

(B) by striking "$2,500" and inserting "$3,900";

(4) by inserting after the second sentence the following: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "$750" and inserting "$1,200".

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting "Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.".

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after "title 5," and inserting "except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).".

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§ 613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—

"(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

“(2) Liability.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

“(c) Rights.—A certifying or disbursing officer—

“(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

“(2) is entitled to relief from liability arising under this section in accordance with title 31.

“(d) Other Authority Not Affected.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.”.

(b) Conforming Amendment.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

“613. Disbursing and certifying officers.”.

(c) Rule of Construction.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) Duties of Director.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

“(8) Disburse appropriations and other funds for the maintenance and operation of the courts;”.

SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting “or the clerk under supervision of the court if the court's jury selection plan so authorizes,” after “jury commission,”; and

(2) in subsection (b) by inserting “or the clerk if the court's jury selection plan so provides,” after “may provide,”.

SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

“(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

“(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

“(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.”.

SEC. 307. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

“(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.”.

SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following:

“(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.”.

SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) In General.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

“§ 179. Personnel application and insurance programs

“(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an ‘officer’ under section 2104(a) of such title.

“(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

“(1) is retired under section 178 of this title; and

“(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

“(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(b) Technical and Conforming Amendment.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

“179. Personnel application and insurance programs.”.

SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking “or elects” and inserting “, is transferred to a position described under section 6301(2)(xiii) of this title, or elects”.

SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking “and”;

(2) in subparagraph (B) by adding “and” after the semicolon; and

(3) by adding at the end the following:

“(C) an office, agency, or other establishment in the judicial branch;”.

SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) In General.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) Technical and Conforming Amendments.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking “subsection (b)” and inserting “subsection (a)”; and

(2) in paragraph (2)(D) by striking “subsection (c) or (d)” and inserting “subsection (b) or (c)”.

SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.

Section 9(c) of the Act entitled “An Act relating to the policing of the building and grounds of the Supreme Court of the United States”, approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking “2000” and inserting “2004”.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting “(1)” after “includes”; and

(2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking “or October 1, 2002, whichever occurs first”; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking “or October 1, 2002, whichever occurs first”; and

(ii) in the matter following subclause (II), by striking “October 1, 2003, or”; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking “before October 1, 2003, or”; and

(ii) by striking “, whichever occurs first”.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking “Eugene” and inserting “Eugene or Springfield”.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4333

Mr. SESSIONS (for Mr. Hatch (for himself, Mr. Leahy, Mr. DeWine, and Mr. Kohl)) proposed an amendment to the bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Acquisition Reform and Improvement Act of 2000".

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

"(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

"(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

"(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

"(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

"(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

"(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

"(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

"(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).".

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

"(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

"(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

"(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

"(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

"(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

"(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

"(I) which reforms each agency has adopted under this subparagraph;

"(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

"(III) the effects of such reforms.".

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking "20 days" and inserting "30 days"; and

(2) by adding at the end the following:

"(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.".

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting "(1)" after "(j)"; and

(2) by adding at the end the following:

"(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

"(A) the number of notifications filed under this section;

"(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

"(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

"(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

"(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

"(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.".

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) In General.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) Publication.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

On October 18, 2000, the Senate amended and passed S. 1639, as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earthquake Hazards Reduction Authorization Act of 2000".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) Federal Emergency Management Agency.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking "and" after "1998"; and

(2) by striking "1999." and inserting "1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.".

(b) United States Geological Survey.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after "operated by the Agency." the following: "There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 10 of the Earthquake Hazards Reduction Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee;

(2) by striking "and" at the end of paragraph (1);

(3) by striking "1999," at the end of paragraph (2) and inserting "1999;"; and

(4) by inserting after paragraph (2) the following:

"(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

"(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

"(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,".

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled "An Act To authorize appropirations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking "1999." and inserting "1999, $2,600,000 for fiscal year 2001, $2,710,000 for fiscal year 2002, and $2,825,000 for fiscal year 2003.".

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking "1998, and" and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, and (5) $19,000,000 for engineering research and $11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002 and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.".

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking "1998, and"; and inserting "1998,"; and

(2) by striking "1999." and inserting "1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.".

SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

"(A) $33,500,000 for fiscal year 2002;

"(B) $33,700,000 for fiscal year 2003;

"(C) $35,100,000 for fiscal year 2004;

"(D) $35,000,000 for fiscal year 2005; and

"(E) $33,500,000 for fiscal year 2006.

"(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

"(A) $4,500,000 for fiscal year 2002; and

"(B) $10,300,000 for fiscal year 2003.".

SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

"(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated $28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

"(1) $24,400,000 for fiscal year 2002;

"(2) $4,500,000 for fiscal year 2003; and

"(3) $17,000,000 for fiscal year 2004.".

SEC. 6. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking "in this paragraph" in the last sentence of paragraph (1) of subsection (b) and inserting "in subparagraph (E)"; and

(3) by adding at the end the following new subsection:

"(c) BUDGET COORDINATION.—

"(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

"(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

"(A) identifies each element of the proposed Program activities of the agency;

"(B) specifies how each of these activities contributes to the Program; and

"(C) states the portion of its request for appropriations allocated to each element of the Program.".

SEC. 7. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 8. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting ", and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes" after "and the general public".

SEC. 9. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting "and infrastructure" after "communication facilities".

SEC. 10. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the

Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

EXTENDING ENERGY CONSERVATION PROGRAMS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 2884, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4327

Mr. SESSIONS. Senators MURKOWSKI and BINGAMAN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4327.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4327) was agreed to.

The bill (H.R. 2884), as amended, was read the third time and passed.

CONVEYING PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

Mr. SESSIONS. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3657, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4328

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4328.

The amendment is as follows:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE") KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words "Secretary of Agriculture";

(2) by striking the words "with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),";

(3) by inserting the words ", real property or interests in lands," after the word "lands" the first time it is used;

(4) by striking "San Bernardino and Cleveland" and inserting "San Bernardino, Cleveland and Los Angeles";

(5) by striking "county of Riverside" each place it appears and inserting "counties of Riverside and San Bernardino";

(6) by striking "as to minimize soil erosion and flood damage" and inserting "for National Forest System purposes"; and

(7) after the "Provided further, That", by striking the remainder of the sentence to the end of the paragraph, and inserting "twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.".

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), by striking "Nothing in this section" and inserting "Nothing in this Act".

(3) In section 4(c)(1), by striking "any person, including".

(4) In section 5, by adding at the end the following:

"(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.".

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

"SEC. 7. MISCELLANEOUS PROVISIONS.

"(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

"(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

"(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

"(4) CONVEYANCE.—

"(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

"(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(b) OTHER EXCHANGES OF LAND.—

"(1) IN GENERAL.—In order to further the purposes of this Act—

"(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

"(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

"(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)).

"(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

"(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands."

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4328) was agreed to.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3657), as amended, was read the third time and passed.

AUTHORIZING THE EXCHANGE OF LAND AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN McLEAN, VIRGINIA

Mr. SESSIONS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4835, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4835) was read the third time and passed.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill H.R. 150.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 150) entitled "An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes", with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Education Land Grant Act".

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

AMENDMENT NO. 4329

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendment of the House, with further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4329.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The amendment (No. 4329) was agreed to.

GREATER YUMA PORT AUTHORITY CONVEYANCE

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 930, H.R. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of

Yuma County, Arizona, for use as an international port of entry.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 3023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15⁄16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1⁄16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

[(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

[(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

[(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).**]**

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

Mr. SESSIONS. I ask unanimous consent the committee amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4330

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4330.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4330) was agreed to.

The bill (H.R. 3023), as amended, was read the third time and passed.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 898, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 898) designating certain land in San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4331

Mr. SESSIONS. Mr. President, Senator Murkowski has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. Sessions], for Mr. Murkowski, for himself and Mr. Bingaman, proposes an amendment numbered 4331.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4331) was agreed to.

The bill (H.R. 898), as amended, was read the third time and passed.

SAFETY AND WELL-BEING OF U.S. CITIZENS INJURED WHILE TRAVELING IN MEXICO

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 232, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 232) expressing the sense of the Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 232) was agreed to.

The preamble was agreed to.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 728, S. 2943.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2943) was read the third time and passed, as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Malaria Control Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) Pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

(11) "Airport malaria", the importing of malaria by international travelers, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(12) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(13) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(14) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(15) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 3. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) Findings.—Congress recognizes the growing international problem of malaria and the impact of this epidemic on many nations, particularly in the nations of sub-Saharan Africa. Congress further recognizes the negative interaction among the epidemics of malaria, HIV and tuberculosis in many nations, particularly in the nations of sub-Saharan Africa. Congress directs the Administrator of the United States Agency for International Development to undertake activities designed to control malaria in recipient countries by—

(1) coordinating with the appropriate Federal officials and organizations to develop and implement, in partnership with recipient nations, a comprehensive malaria prevention and control program; and

(2) coordinating, consistent with clause (1), malaria prevention and control activities with efforts by recipient nations to prevent and control HIV and tuberculosis.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the President $50,000,000 for each of the fiscal years 2001 and 2002 to carry out this paragraph.

SEC. 4. COORDINATION AND CONSULTATION.

(a) In General.—In providing the assistance and carrying out the activities provided for under this Act, the Administrator of the United States Agency for International Development should work in coordination with appropriate Federal officials.

(b) Purpose.—The purpose of such interagency coordination and consultation is to help ensure that the financial assistance provided by the United States is utilized in a manner that advances, to the greatest extent possible, the public health of recipient countries.

(c) Provision of Information to Recipient Countries.—The Administrator of the United States Agency for International Development shall take appropriate steps to provide recipient countries with information concerning the development of vaccines and therapeutic agents for, HIV, malaria, and tuberculosis.

(d) Information Specified.—The Administrator of the United States Agency for International Development should provide to appropriate officials in recipient countries information concerning participation in, and the results of, clinical trials conducted by United States Government agencies for vaccines and therapeutic agents for HIV, malaria, and tuberculosis.

(e) Consideration of Interaction Among Epidemics.—The Administrator of the United States Agency for International Development should consider the interaction among the epidemics of HIV, malaria, and tuberculosis as the United States provides financial and technical assistance to recipient countries under this Act.

SUPPORTING EFFORTS OF BOLIVIA'S DEMOCRATICALLY ELECTED GOVERNMENT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 375, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 375) supporting the efforts of Bolivia's democratically elected government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas the stability of democracy in Latin America and the eradication of illegal narcotics from the Andean nations are vital national security interests of the United States;

Whereas the democratically elected Government of Bolivia has taken dramatic steps to eradicate illegal narcotics under the Dignity Plan, resulting in the elimination of 80 percent of the illegal coca crop in just two years, a record of achievement unmatched worldwide;

Whereas the Government of Bolivia is now approaching the completion of coca eradication in the Chapare and will begin eradication operations in the Yungas regions in 2002;

Whereas there are indications that narcotics traffickers from outside Bolivia are stepping up efforts to keep a foothold in Bolivia by agitating among the rural poor and indigenous populations, creating civil disturbances, blockading roads, organizing strikes and protests, and taking actions designed to force the Government of Bolivia to abandon its aggressive counter narcotics campaign; and

Whereas the government of Bolivian President Hugo Banzer Suarez has shown remarkable restraint in dealing with the protesters through dialogue and openness while respecting human rights: Now, therefore, be it

Resolved, That (a) the Senate calls upon the Government of Bolivia to continue its successful program of coca eradication and looks forward to the Government of Bolivia achieving its commitment to the total eradication of illegal coca in Bolivia by the end of 2002.

(b) It is the sense of the Senate that—

(1) the United States, as a full partner in Bolivia's efforts to build democracy, to eradicate illegal narcotics, and to reduce poverty through development and economic growth, should fully support the democratically elected Government of Bolivia;

(2) the release of emergency supplemental assistance already approved by the United States for sustainable development activities in Bolivia should be accelerated;

(3) on a priority basis, the President should look for additional ways to provide increased tangible support to the people and Government of Bolivia;

(4) the Government of Bolivia should continue to respect the human rights of all of its citizens and continue to discuss legitimate concerns of Bolivia's rural population; and

(5) indigenous leaders should enter into discussions with the government on issues of concern and cease provocative acts that could lead to escalating violence.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 390, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 390) expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 390) was agreed to.

The preamble was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4068, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4068) to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I rise today to call on the Senate to support H.R. 4068, which will extend the religious worker visa for an additional three years. I am a cosponsor and strong supporter of Senate legislation that would make permanent the provisions of our immigration law that provide for special immigrant visas for religious workers sponsored by religious organizations in the United States. These visas allow religious denominations or organizations in the United States to bring in foreign nationals to perform religious work here. This modest program—which provides for up to 5,000 religious immigrant visas a year—was created in the Immigration Act of 1990, and has been extended ever since. Although I believe the program should be made permanent, I am willing to support a three-year extension given the lateness of the session and the fact that the program expired upon last week's end of the fiscal year.

The importance of this program to America's religious community has been demonstrated by the fact that leaders from a variety of faiths have come to Congress both this year and in past years to testify on its behalf. It is also important to note, however, that these religious workers contribute significantly not just to their religious communities, but to the community as a whole. They work in hospitals, nursing homes, and homeless shelters. They help immigrants and refugees adjust to the United States. In other words, they perform vital tasks that too often go undone.

I have worked on this issue consistently over the years. Most recently, I cosponsored a bill in 1997 that would have made this program permanent. We were forced in that year as well to settle for a 3-year extension of the program. It is my hope and expectation that this will be the last short-term extension of this program, and that the substantial benefit that our country has derived from this program will lead us to make the program permanent 3 years from now.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4068) was read the third time and passed.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 862, H.R. 2442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the parts in boldface brackets and insert the part printed in italic.]

H.R. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Violation of Italian American Civil Liberties Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them "enemy aliens" and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The **[**Inspector**]** *Attorney* General **[**of the Department of Justice**]** shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than one year after the date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's "Individual Exclusion Program".

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of **[**why some**]** *whether* Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, **[**while**]** *and if so, why* other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit "Una Storia Segreta", exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans; and

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast.

[SEC. 5. FORMAL ACKNOWLEDGEMENT.]

(5) The President **[**shall**]** *should*, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

Mr. FEINGOLD. Mr. President, I rise today to speak on the Wartime Violation of Italian American Civil Liberties Act. While the American people generally know about the internment of Japanese Americans during World War II, they are largely unaware of the U.S. government's mistreatment of people of other ethnic backgrounds during this difficult time in our nation's history. I believe we need a complete and thorough review of our government's mistreatment of Americans during World War II.

Mr. President, S. 2442 is a worthy bill. I had some reservations about this bill because it is not as inclusive as it might have been. The U.S. should fully assess its treatment of all Americans of European descent during World War II, including Italian and German Americans, as well as European refugees fleeing persecution, to acknowledge those whose lives were unjustly disrupted and whose freedoms were violated and to discourage the future occurrence of similar injustices.

I recognize, however, that time is short in this session of Congress. So, I will not object to H.R. 2442 going forward at this time. But I want my colleagues to know that by withholding an objection at this time, I am not abandoning my effort to make sure that the mistreatment of other Americans during World War II, including German Americans, and European refugees are also properly recognized and reviewed. I look forward to working with Senator HATCH and my colleagues on this issue next year.

Mr. HATCH. I thank the Senator from Wisconsin for his comments. I appreciate the Senator's comments and plan to work with him next year to examine the experiences of others whose liberties may not have been respected by our government during World War II.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 2442), as amended, was read the third time and passed.

AMENDING THE HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5234, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5234) to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. WELLSTONE. Mr. President, I want to thank my colleagues for their support for H.R. 5234, which I introduced in the Senate as S. 3060. I am so pleased that the Senate will pass this critical legislation. It will ensure that widows and widowers of Hmong veterans who died in Laos, Thailand and Vietnam are also covered by the Hmong Veterans Naturalization Act. This critical change applies fairness to the law so that widows, like spouses of surviving veterans, will be able to take the United States citizenship test with a translator.

The United States owes a great debt to the widows of Hmong veterans. During the Vietnam War, in the covert operations in Laos, they sacrificed everything they had in service to this country. It is almost impossible to imagine the impact of the Vietnam War on the Hmong Community in South East Asia. Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong were killed serving our country. When adults were killed, children as young as twelve and thirteen rose up to take their place. When Hmong soldiers died, they left behind families with no means of support. They left their loved ones to fend for themselves in a hostile country.

Because of the covert nature of the United States Operations in Laos, the heroics and sacrifice of this community long went unrecognized. By facilitating the naturalization of Hmong widows, we offer small compensation, but tremendous thanks and honor to people who gave us their lives and livelihoods. Twenty five years later, we cannot give them back their loved ones, though their loved ones gave their lives for us. All we can do is we honor their service in a way that is long overdue and give them the tools to become citizens in the nation for which they heroically fought, and died.

No one in Congress understood better what we owe to the Hmong community than my old and dear friend, Congressman Bruce Vento. No one here did more for the Hmong people. He dedicated himself to ensure that Hmong and Lao veterans and their families received the honor and respect that was so long deserved and too long delayed. One of the many great legacies of his life will indeed be his work with the Hmong community in Minnesota. I wish to honor him today for that dedication and for that deep respect and compassion. But there is no tribute I can deliver that would bring him more greater pride than when 45,000 Hmong veterans, widows and spouses whom he was one of the first to recognize as American heroes, become American citizens.

I thank my colleagues again for their support.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5234) was read the third time and passed.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 587, S. 2406.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2406) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2406) was read the third time and passed, as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mother Teresa Religious Workers Act".

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "before October 1, 2000," each place it appears.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2812).

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2812) entitled "An Act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

"The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise to thank my colleagues for unanimously agreeing to pass S. 2812, a bill introduced earlier this year by Senator HATCH and myself to amend the Immigration and nationality Act to eliminate a barrier that has prevented persons with certain mental disabilities from becoming United States citizens. By passing this bill today, Congress will make our immigration policy more fair and more humane.

The bill we will pass today will not dramatically change or improve our immigration policies—that work remains to be done—but this bill will make a big difference in the lives of a few American families—families like the Dowds, the Costas, the Wickers, and the Teixlers of Connecticut. Back in July, I explained why we need to pass this legislation. I told a story about a young man named Mathieu. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old autistic man who cannot swear an oath of loyalty to the United States, which is required as part of the naturalization process. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. For years Mathieu's mother has lived in fear that her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family or friends.

As I explained in July, Mathieu's mother—again, a United States citizen—wants what every American in her position would want. She wants to know that all of her children, including her most vulnerable child, will have the protections of citizenship. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here, and now, with the passage of this bill, Mathieu's mother can rest easy because Mathieu can join the rest of his family as a U.S. citizen.

This legislation has not been the subject of great debate, but it is an important correction for us to make. I thank Catherine Cushman, and attorney who works for the Connecticut Office of Protection and Advocacy for Persons with Disabilities, for bringing this issue to my attention. I also thank Catholic Charities, USA for their guidance and expertise on this matter. Finally, I thank Senator HATCH, Senator DEWINE, Senator FEINGOLD, Senator

FEINSTEIN, Senator KENNEDY, and Senator KOHL for their support of this bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PATIENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 2961, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2961) to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2961) was read the third time and passed.

GREAT APE CONSERVATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 921, H.R. 4320.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4320) to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4320) was read the third time and passed.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION APPROPRIATIONS, FISCAL YEARS 2002 THROUGH 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 914, H.R. 4110.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4110) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4110) was read the third time and passed.

APPROVING PLACEMENT OF PAINTINGS IN SENATE RECEPTION ROOM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 380 submitted by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 380) approving the placement of 2 paintings in the Senate reception room.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Resolved, That the Senate Commission on Art (referred to in this resolution as the "Commission") shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

SUPPORT FOR RECOGNITION OF LIBERTY DAY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 376) was agreed to.

The preamble was agreed to.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 860, S. 2915.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.
Sec. 102. Disposition of miscellaneous fees.
Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.
Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Membership in circuit judicial councils.
Sec. 206. Sunset of civil justice expense and delay reduction plans.
Sec. 207. Repeal of Court of Federal Claims filing fee.
Sec. 208. Technical bankruptcy correction.
Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 210. Maximum amounts of compensation for attorneys.
Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.
Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.
Sec. 303. Payments to military survivors benefits plan.
Sec. 304. Creation of certifying officers in the judicial branch.
Sec. 305. Authority to prescribe fees for technology resources in the courts.
Sec. 306. Amendment to the jury selection process.
Sec. 307. Authorization of a circuit executive for the Federal circuit.
Sec. 308. Residence of retired judges.
Sec. 309. Recall of judges on disability status.
Sec. 310. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
Sec. 311. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 312. Employment of personal assistants for handicapped employees.
Sec. 313. Mandatory retirement age for director of the Federal judicial center.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

"(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.".

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking "$300" and inserting "equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title".

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking "$400" and inserting "the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)".

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: "The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court."; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after "Commonwealth of Puerto Rico," the following: "the Territory of Guam, the Commonwealth of the Northern Mariana Islands,".

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

"(e) CONTEMPT AUTHORITY.—

"(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

"(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

"(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

"(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.".

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.".

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C)."; and

(2) in paragraph (5) by striking "retirement," and inserting "retirement under section 371(a) or 372(a) of this title,".

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting "471," after "sections".

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$3,500" and inserting "$5,200"; and

(B) by striking "$1,000" and inserting "$1,500";

(2) in the second sentence by striking "$2,500" and inserting "$3,700";

(3) in the third sentence—

(A) by striking "$750" and inserting "$1,200"; and

(B) by striking "$2,500" and inserting "$3,900";

(4) by inserting after the second sentence the following: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "$750" and inserting "$1,200".

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting "Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.".

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after "title 5," and inserting "except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).".

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as

of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§613. Disbursing and certifying officers

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—

"(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"613. Disbursing and certifying officers.".

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

SEC. 305. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, (as amended by this Act) is amended by adding at the end the following:

"§614. Authority to prescribe fees for technology resources in the courts

"The Judicial Conference is authorized to prescribe reasonable fees under sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"614. Authority to prescribe fees for technology resources in the courts.".

(c) TECHNICAL AMENDMENT.—Chapter 123 of title 28, United States Code, is amended—

(1) by redesignating the section 1932 entitled "Revocation of earned release credit" as section 1933 and placing it after the section 1932 entitled "Judicial Panel on Multidistrict Litigation"; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

"1932. Judicial Panel on Multidistrict Litigation.

"1933. Revocation of earned release credit.".

SEC. 306. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "or the clerk under supervision of the court if the court's jury selection plan so authorizes," after "jury commission,"; and

(2) in subsection (b) by inserting "or the clerk if the court's jury selection plan so provides," after "may provide,".

SEC. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.".

SEC. 308. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.".

SEC. 309. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.".

SEC. 310. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

"§179. Personnel application and insurance programs

"(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

"(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(1) is retired under section 178 of this title; and

"(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

"(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

"179. Personnel application and insurance programs.".

SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking "or elects" and inserting ", is transferred to a position described under section 6301(2)(xiii) of this title, or elects".

SEC. 312. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(C) an office, agency, or other establishment in the judicial branch;".

SEC. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking "subsection (b)" and inserting "subsection (a)"; and

(2) in paragraph (2)(D) by striking "subsection (c) or (d)" and inserting "subsection (b) or (c)".

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: ", and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking "Eugene" and inserting "Eugene or Springfield".

AMENDMENT NO. 4332

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, proposes an amendment numbered 4332.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, this amendment in the nature of a substitute is the product of negotiations between myself and Senator LEAHY, the ranking member of the Judiciary Committee, and Senators GRASSLEY and TORRICELLI, the chairman and ranking member of the Administrative Oversight and the Courts Subcommittee. It is my hope that the Senate will act speedily to pass S. 2915, with this amendment, and return it to the House for that body's approval.

As chairman of the Judiciary Committee, I have the responsibility to review the operation of federal court process and procedures. In doing so, I have strived to ensure that our federal judicial system is administered in an efficient and cost-effective manner, while maintaining a high level of quality in the administration of justice. The substitute amendment I am offering today includes numerous changes to our laws that the Judicial Conference, the governing body of the federal courts, believes are necessary to improve the functions of our courts. They are changes that I believe will help increase the efficiency of the federal judiciary, while ensuring that justice is served.

The amendment contains provisions that reduce unnecessary expenses and improve the efficiency of the judicial system. Specifically, it extends civil and criminal contempt authority to magistrate judges so that they can perform more effectively their existing statutory duties for the district court. It also authorizes magistrate judges (1) to try misdemeanor cases involving juveniles (cases that currently are tried in district court) and (2) to try all petty offense cases without first having to obtain the consent of the defendant. Making these changes will reduce caseload burdens on district judges, thereby permitting district judges more time to handle more serious crimes and more serious offenders.

The amendment also contains provisions that decrease the amount of time judges must devote to non-judicial matters. For example, one such provision raises the maximum compensation level paid to federal or community defenders representing defendants appearing before magistrate or district judges before they must seek a waiver for payment in excess of the prescribed maximum. Currently, payment in excess of the maximum requires the approval of both the judge who presided over the case and the chief judge of the court. Because the last increase in the maximum compensation level was enacted 14 years ago, federal and community defenders are forced to seek payment waivers in a significant number of cases. As a consequence, judges are forced to spend more time acting as an administrator (attending to ministerial matters) and less time acting as a judge (attending to their civil and criminal dockets). The amendment remedies this problem.

In addition, the amendment contains a provision designed to address the growing trend of Criminal Justice Act ("CJA") panel attorneys being subject to unfounded suits by the defendants they formerly represented. Under current law, CJA panel attorneys must pay their own legal expenses in defending malpractice suits brought by former clients. The result is a chilling effect on the willingness of attorneys to participate as CJA panel attorneys—a chilling effect that serves only to make the obtaining of adequate representation for defendants more difficult. Under current law, the Director of the Administrative Office of the United States Courts is authorized to provide representation for and indemnity to federal and community defender organizations for malpractice claims that arise as a result or furnishing representational services. No such provision, however, is made for CJA panel attorneys. The amendment rectifies this situation and provides CJA panel attorneys with the same protection afforded other federal defenders.

Importantly, the amendment contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judiciary into alignment with the Executive Branch and other government bodies.

The amendment also contains a provision extending for four years the authority of the U.S. Supreme Court Police to provide security beyond the Supreme Court building and grounds for Justices, Court employees, and official visitors. Under current law, this authority will terminate automatically on December 29, 2000. Because security concerns of the Justices and employees of the Supreme Court have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption.

I have touched on only a few of the provisions contained in this amendment. This amendment sets forth a number of other provisions designed to improve judicial financial and personnel administration, judicial process, and other court-related matters. Each of these provisions is intended to enhance the operation of the federal judiciary. It is my hope that my colleagues in the Senate will agree to this amendment quickly, that the House will do likewise, and that this legislation will be signed by the President in short order.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4332) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2915), as amended, was read the third time and passed.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 576, S. 1854.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hart-Scott-Rodino Antitrust Improvements Act of 2000".

SEC. 2. INCREASE IN THE SIZE OF THE TRANSACTION THRESHOLDS.

(a) IN GENERAL.—Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended—

(1) in paragraph (3)(B), by striking "$15,000,000" and inserting "$50,000,000"; and

(2) by adding at the end the following: "The filing threshold established in paragraph (3)(B) shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000. As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this paragraph.".

(b) FILING FEES.—Section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) is amended to read as follows:

"SEC. 605.(a)(1) The Federal Trade Commission shall assess and collect filing fees which shall be paid by persons acquiring voting securities or assets who are required to file premerger notifications by this section.

"(2) The filing fee shall be—

"(A) $45,000 if, as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in an amount of at least $50,000,000 but not exceeding $100,000,000;

"(B) $100,000 if the total amount referred to in clause (i) is greater than $100,000,000 but not exceeding $1,000,000,000; and

"(C) $200,000 if the total amount referred to in clause (i) is greater than $1,000,000,000.

"(2) When the filing threshold established in subsection (a)(3)(B) is adjusted pursuant to subsection (a), the $50,000,000 threshold established in paragraph (1)(B)(i) shall be adjusted to the same amount.

"(3) No notification shall be considered filed until payment of the fee required by this subsection.

"(4) Fees collected pursuant to this subsection shall be divided and credited as provided in section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) (as in effect on the day before the date of enactment of this subsection).".

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) is amended)—

(1) by inserting "(A)" after "(1)"; and

(2) by inserting at the end the following:

"(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility in, or having responsibility for, the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

"(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

"(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

"(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

"(iii) Upon the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

"(iv) Not later than 120 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

"(v) Not later than 180 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

"(I) what reforms each agency has adopted under this subparagraph;

"(II) what steps each has taken to implement such internal reforms; and

"(III) the effects of those reforms.".

SEC. 4. CALCULATION OF FILING PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking "20 days" and inserting "30 days"; and

(2) by adding at the end the following:

"(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal holiday, then that period shall be extended to the end of the following business day.".

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended by—

(1) inserting "(1)" after "(j)"; and

(2) inserting at the end the following:

"(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

"(A) the number of notifications filed under this section;

"(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

"(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

"(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

"(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

"(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.".

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

AMENDMENT NO. 4333

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL, proposes an amendment numbered 4333.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Acquisition Reform and Improvement Act of 2000".

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

"(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

"(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

"(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

"(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

"(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

"(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

"(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

"(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).".

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

"(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

"(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

"(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

"(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

"(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

"(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

"(I) which reforms each agency has adopted under this subparagraph;

"(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

"(III) the effects of such reforms.".

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking "20 days" and inserting "30 days"; and

(2) by adding at the end the following:

"(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.".

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting "(1)" after "(j)"; and

(2) by adding at the end the following:

"(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

"(A) the number of notifications filed under this section;

"(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

"(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

"(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

"(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

"(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.".

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4333) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1854), as amended, was read the third time and passed.

ORDERS FOR MONDAY, OCTOBER 23, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4:30 p.m. on Monday, October 23.

I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 4:45 p.m., with Senators speaking up to 5 minutes each with Senator HARKIN recognized during the morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the majority leader would advise them that the Senate will convene for a brief session on Monday afternoon for scheduled announcements and possible procedural action on the bankruptcy conference report.

On Tuesday, the Senate is expected to begin consideration of any available conference reports. Leadership will notify the Senators on Monday if votes will be necessary during Tuesday's session of the Senate. It is hoped the Senate can complete its business prior to the expiration of the current continuing resolution. Therefore, votes are possible on Tuesday and will occur throughout the day on Wednesday.

RECESS UNTIL MONDAY, OCTOBER 23, 2000, AT 4:30 P.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:19 p.m., recessed until Monday, October 23, 2000, at 4:30 p.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 2000:

DEPARTMENT OF DEFENSE

HANS MARK, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE HAROLD P. SMITH, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

GREGORY M. FRAZIER, OF KANSAS, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT

ALLEN E. CARRIER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2004, VICE DUANE H. KING, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BILL DUKE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE CHARLES PATRICK HENRY, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2006. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be commander

LT. CDR. JANET B. GAMMON, 2188
LT. CDR. KURT B. HINRICHS, 5333
LT. CDR. JOHN E. MINITER JR., 3816
LT. CDR. ROBERT P. FORGIT, 9715
LT. CDR. MARGARETHA L. LUKSHIDES, 4505
LT. CDR. PAUL B. ANDERSON, 1947
LT. CDR. JOHN KOEPPEN, 0278
LT. CDR. WILLIAM F. RYAN, 6599
LT. CDR. MICHAEL STANLEY, 6185
LT. CDR. WILLARD S. ELLIS, 3119
LT. CDR. DAVID M. SINGER, 8842
LT. CDR. MARK G. MASER, 3111
LT. CDR. MILLARD F. ROBERTS, 0419
LT. CDR. JONATHAN L. WOOD, 8346
LT. CDR. WILLIAM R. LOOMIS, 4616
LT. CDR. KATHEN P. CADDY, 7283
LT. CDR. MICHAEL P. STROM, 5298
LT. CDR. CHRISTOPHER D. MAY, 1210
LT. CDR. FRED W. REMEN, 5033
LT. CDR. STEVAN C. LITTLE, 6726
LT. CDR. EDWARD WINGFIELD, 7559
LT. CDR. SCOTT F. OGAN, 3387
LT. CDR. MARGARET A. BLOMME, 9695
LT. CDR. MALCOLM C. VELEY, 7947
LT. CDR. SERENA J. DIETRICH, 9586
LT. CDR. DOUGLAS W. HEUGEL, 4590
LT. CDR. LAWRENCE V. FOGG, 0644
LT. CDR. ROBERT W. RITCHIE, 6229
LT. CDR. JOHN M. PROKOP, 0113
LT. CDR. NONA M. SMITH, 1091
LT. CDR. KEVIN J. GATELY, 9229
LT. CDR. LISA MILONE, 1483
LT. CDR. BRUCE F. BRUNI, 1297
LT. CDR. GREGORY R. PHILLIPS, 5951
LT. CDR. MICHAEL D. COLLINS, 7961
LT. CDR. CONRAD W. ZVARA, 6731
LT. CDR. STEVENS E. MOORE, 8363
LT. CDR. JOHN T. LAUFER, 0846
LT. CDR. FRANCIS S. PELKOWSKI, 0108
LT. CDR. ROBERT F. CUNNINGHAM, 9263
LT. CDR. THOMAS C. THOMAS, 7957

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CDR. MARK S. TELICH, 0351
CDR. MICHAEL A. RUSZCZYK, 6000
CDR. STEPHEN J. KENEALY, 1023
CDR. MICHAEL T. BROWN, 4034
CDR. PATRICK L. DONAHUE JR., 4317
CDR. RAY T. BURKE, 2355
CDR. MICHAEL F. MORIARTY, 1390
CDR. MARTIN A. HYMAN, 8681
CDR. RICHARD G. SULLIVAN, 5903
CDR. ROBERT J. GALLAGHER, 3873
CDR. DONALD C. GRANT, 6897
CDR. LAUREN L. JOHNSON, 6086
CDR. FRANK E. MULLEN, 7784
CDR. KEITH C. GROSS, 1230
CDR. JAMES Z. CARTER, 9253
CDR. TIMOTHY R. GIRTON, 5428
CDR. PAUL H. CRISSY, 9669
CDR. STEVEN T. PENN, 5154
CDR. JOHN M. BROWN, 5547
CDR. DEBORAH A. DOMBECK, 4938

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005, VICE MARION M. DAWSON, TERM EXPIRED.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005. (REAPPOINTMENT)

INTER-AMERICAN FOUNDATION

FRED P. DUVAL, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, VICE ANN BROWNELL SLOANE, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Thursday, October 19, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 19, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, students do not like testing; the sick dread examination; all of us try to avoid chastisement and criticism. Lord, be our strength in times of trial.

You teach us, Lord, to look upon all suffering with the eyes of faith. Isaiah's suffering servant speaks to the Jew. Jesus' cross interprets life for the Christian. All religions hold up champions who persevere in the name of wisdom, love, or justice.

Be with the Members of the House of Representatives as they strive to bring finality to their work as the 106th Congress. Prepare them as the people of this Nation move closer to the day of election. May all of us, as believing people, seek first and foremost Your judgment and Your judgment alone. For You live and reign now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1639. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002.

S. Con. Res. 146. Concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 639 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 639

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute printed in the Congressional Record and numbered 2 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

SEC. 2. If the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 2796 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

H. Res. 639 provides for consideration of S. 2796, better known as the Water Resources Development Act of 2000. This closed rule waives all points of order against consideration of the bill. It provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation.

Further, the rule provides that the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 2 shall be considered as adopted. The rule provides for one motion to recommit with or without instructions.

Finally, the rule provides that, should the Senate bill, as amended, pass the House, it then shall be in order to move that the House insist on its amendment to S. 2796 and request a conference with the Senate.

I believe it is a very fair rule under the circumstances.

Mr. Speaker, as we know, the clock on the 106th Congress is running out, and we do need to move quickly. In view of the strong bipartisan support this bill enjoys and the constraints associated with the calendar, I believe this is a very sensible way to proceed today and, as I have said, extremely fair under the circumstances. I definitely encourage my colleagues to support this rule so we can get on with this very important legislation.

The WRDA bill is a critically important piece of environmental legislation. Of particular note is that this year's WRDA bill contains an initial authorization for a plan to restore the Florida Everglades, unquestionably a

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

unique national treasure of which we are very proud. The Everglades Restoration Project represents the largest, most comprehensive environmental restoration ever attempted.

Florida Governor Jeb Bush recently termed the Everglades restoration effort "perhaps the defining environmental issue of this new century." Governor Bush is absolutely correct.

It should be noted that the State of Florida has already set aside funds from its budget to meet its entire cost share of the restoration effort for the next 10 years, an unprecedented step and an unmistakable display of commitment. I am proud of the State of Florida for taking that step.

The Everglades has always been a nonpartisan effort. Every Member of the Florida delegation has been united in support of this treasure. Our delegation has been especially well led on the Everglades issue by the gentleman from Florida (Mr. SHAW), the chairman of the Florida delegation and the extremely capable man who has kept us in an effective fighting team from Florida to bring attention to this.

The Clinton administration has also done quite an excellent job here and deserves praise. I said this was a bipartisan effort. Even so, I must say now that I have been somewhat disturbed at recent efforts to drag the Everglades into presidential politics. It does not belong there. I hope Vice President GORE will reverse course and recognize what all of us do, that the Everglades is far too important to be manipulated for short-term political gain.

Mr. Speaker, earlier this year, after months of negotiations, the Senate crafted an initial authorization plan embodied in their version of the WRDA bill. The Senate's plan was widely supported by all stakeholders involved, quite a feat.

When the House began its work on its version of the WRDA bill, we were cautioned not to tamper with the delicate balance of the Senate Everglades proposal. While in the end, the Senate Transportation Committee did make a number of changes to the Senate bill, changes everyone enthusiastically supports and acknowledges improve on the Senate product. So I am extremely grateful for the hard work and the very responsible stewardship of the Everglades authorization by the gentleman from Pennsylvania (Chairman SHUSTER) and his Committee on Transportation and Infrastructure.

Mr. Speaker, the challenge we have always faced is to put together a restoration plan that will get it right, undoing years of neglect and misunderstanding that have brought the Florida Everglades to the brink of disaster. In my view, the Everglades provisions in the WRDA bill will do just that, putting us now on solid footing for the next 10 years.

The Everglades is a national treasure, and the House action today to implement a comprehensive plan to restore it is, indeed, historic, as Governor Bush has said.

I hope all of my colleagues will support the water resources bill and the restoration of the Everglades. Furthermore, I strongly urge support of this rule so we can get on with this important debate.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule expedites moving the Senate bill S. 2796 to conference and thus one step closer to being passed by the Congress and sent to the President before the adjournment of the 106th Congress. While this is a closed rule, it is supported by the majority of the Democratic Members of the Committee on Transportation and Infrastructure; and for that reason, I will support it.

The rule provides that the text of an amendment in the nature of a substitute to S. 2796, which was developed by the chairman and ranking member of the Committee on Transportation and Infrastructure, shall be considered as adopted. The substitute contains authorizations for important water resources projects. It provides Army Corps of Engineers policy and procedure reforms and the first increment of the important comprehensive restoration of the Everglades plan, which I know is of special importance to the gentleman from Florida (Mr. GOSS).

The rule also provides for 1 hour of general debate and for one motion to recommit with or without instructions.

I should note, Mr. Speaker, this rule is not without controversy. The Committee on Rules did not make in order several amendments offered by other Members, including two offered by the gentleman from South Carolina (Mr. SANFORD) and one by the gentleman from Wisconsin (Mr. KIND) and one by the gentleman from Oregon (Mr. BLUMENAUER). While all of these amendments may be worthy of consideration, I believe, given the late hour of this Congress, these issues might best be left to the next Congress so as to expedite the consideration of the important projects contained in the substitute.

Mr. Speaker, I urge support for the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. FOLEY), who has participated in every way in this arrangement for a number of years and is, indeed, one of the leaders and champions of the Everglades.

Mr. FOLEY. Mr. Speaker, I appreciate certainly the leadership of the gentleman from Florida (Mr. GOSS), serving our west coast and working so consistently on protecting our great natural treasure and national treasure, the Everglades.

Mr. Speaker, I rise today in strong support of this bipartisan legislation and urge all of my colleagues to support it. The Everglades, as I just said, is a national treasure of benefit to the entire country, and I applaud the leadership for scheduling this important bill for consideration.

The legislation before us today represents a historic partnership reached between all stakeholders in this debate. Agricultural interests, the administration, utilities, environmentalists, the State of Florida, our Native American Indian tribes came together in an unprecedented show of cooperation to work out the agreement before us today. It truly represents a balanced approach reached with equal input from all these stakeholders in the public and one that we can all support.

The Everglades ecosystem has been in steady decline over the past 50 years. In fact, back in the 1930s people ran for public office saying, if you elect me governor, we will drain that swamp and make room for development. How wrong they were, and how right we are to start anew to correct the problems.

The population in south Florida has grown rapidly, and with the growth come problems of water supply, flood control, and species and habitat protection. This agreement will allow the Army Corps to help provide for water needs of this population while protecting and preserving the needs of the ecosystem.

Congress must pass this legislation this year. The Senate has acted. It is now our turn in the House to send this bill speedily to the President for signature.

The Water Resource Development Acts of 1992 and 1996 gave the Army Corps of Engineers the authority to review the problems within the Everglades and to recommend solutions from which evolve the Comprehensive Everglades Restoration Plan, or CERP. Those recommendations form the basis for this legislation and will incorporate a number of restoration projects already under way.

The legislation before us today calls for a series of water system improvements over 30 years, the cost of which will be shared equally between the Federal Government and the State of Florida.

We have today a great opportunity to save a national treasure, protect the environment, and ensure water quality and safety for the residents of Florida. I urge my colleagues to join together in this historic opportunity and thank the gentleman from Florida (Mr. SHAW), thank former Governor Chiles, Governor Jeb Bush, Senator CONNIE MACK, Senator BOB GRAHAM, and all the Members of the Florida delegation who have put aside partisanship at this rare and unique opportunity to join together to commit the Federal Government in a partnership with the State government in restoring the Everglades to the pristine wilderness and wonderment that it is and hope at the end of the week that we will all, again, join together at the White House for signature of this very, very important environmental restoration effort.

Again, I want to single out the gentleman from Florida (Mr. SHAW), as was mentioned by the gentleman from Florida (Mr. GOSS). He, as chairman from the delegation, has remained persistent; vigilant to see that this is accomplished.

□ 1015

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's yielding me this time. While I am prepared to support the rule and the underlying bill, I am disappointed that our proposed amendments were not ruled in order. While more progress is possible on this bill, at this late date in this session it may well be unrealistic, and there is, in fact, much to celebrate.

The inclusion in the legislation of almost $8 billion to save the Florida Everglades is symbolic of our changing attitudes towards water resource management. It is also important to remember that we are simply paying to undo our own bad decisions. This Congress told the Corps of Engineers to drain the swamp in 1948, and drain it they did, all too well, without comprehensive planning and environmental assessment of its impact. We must do what we can to make sure that we do not repeat those mistakes of the past.

Akin to the Everglades, the Columbia Slough, in my district, was cut off from the Columbia River by a Corps project decades ago and today it is stagnant and heavily polluted. This legislation directs the Corps to work with the City of Portland to fix the problems associated with the old Corps project. I am pleased that the bill incorporates my proposal for $40 million in funding to protect and restore the lower Columbia River and Tillamook estuaries, critical nurseries for endangered salmon.

While there are some reform measures included in the bill, I would hope that we can continue going further. I have enjoyed working with the gentleman from Wisconsin (Mr. KIND) on legislation which would increase the Corps' transparency and accountability that would guaranty more citizen participation and lead to a better balance between economic and environmental considerations. This is an effort that I will continue to pursue.

One particular area of Corps reform that I think we in this body need to look at very carefully is the contentious beach nourishment program. In too many cases, the program is washing taxpayer dollars out to sea while actually hurting the environment. One simple change that we tried to make in order would require communities with beaches to at least pay full costs for any prospective Corps beach nourishment project if there is no public access.

But the major reform of the Corps of Engineers is to be found on the floor of this Congress. We need to be more careful of what we authorize, what we require, and how all the complex pieces of our waterways fit together. This bill can help start the process. I support the rule and the underlying bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the chairman of the Florida delegation; and I would simply say that the gentleman from Florida (Mr. SHAW) has a very long history of careful and persistent work in dealing with all parties interested in the Everglades, both as a Florida resident, at the local government level, as a businessman and interested citizen, in every way, shape, and form. For people who care about the Everglades, it would be useful for them to give thanks to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks.

Mr. Speaker, this is an extraordinary time, and I think this is an extraordinary moment. We are in now what is sometimes called the "goofy season," the period of time when I think partisan politics reaches its peak, and sometimes in not very constructive ways. But today is an extraordinary day. And today we have bipartisan and true leadership on display here in the House regarding this bill that we are able to consider, a Water Resources Development Act containing historic provisions to restore America's Everglades, which has always been referred to as Florida's Everglades, but it is America's Everglades. We all recognize the importance of this legacy, not only on the lands and water but for the people who live in Florida and visit this national treasure, and we want to make sure that it is there for all future generations.

How we got to this point is what is so remarkable, and it is the reason that we are bringing up a closed rule for debate as time grows short in the waning days of this 106th Congress. Normally, the minority party abhors closed rules. I know that, because I did in the 14 years that I served in the Republican minority. But today we have a bipartisan agreement on a bill and a process that helps us streamline the consideration of this important landmark legislation.

Another passion of mine, besides the number of the intricacies of tax and budget policy, has been the environment. In fact, I served on the Committee on Public Works earlier in my House career. I have authored several bills on the environment, but none makes me more proud to have my name on it than the comprehensive Everglades restoration bill. And working with my colleagues in the Florida delegation, such as the gentleman from Florida (Mr. GOSS) and I see the gentlewoman from Florida (Mrs. MEEK) on the other side of the aisle, who has been a great crusader for the Everglades, we have seen all of the Florida delegation gather together in support of this landmark legislation.

But our work is not over. We have little time left, but we have much left to do. The tremendous effort that got us to this point of near unanimous consensus is threatened by the clock. We must pass water resources development legislation containing Everglades restoration today. We need time to work out project differences with the Senate, not only on the Everglades portion but on other portions of this bill.

In that regard, Mr. Speaker, I would like to compliment both of Florida's Senators, Senator BOB GRAHAM and Senator CONNIE MACK, as well as Senator BOB SMITH, the chairman of the committee, for the wonderful work that they have done in bringing this together; and I might also say the administration, which was extraordinarily cooperative with all in structuring this bill.

Organizations, from the environmental community, agricultural, business, Native American tribes, both the Miccosukee and the Seminoles, recreational users, the State, local and Federal governments, all have had a hand in crafting the Everglades legislation. And the delicate balance achieved in the other Chamber has been enhanced by the work done here in this House. I must compliment the gentleman from Minnesota (Mr. OBERSTAR) and our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for seeing that this comes through and that this is done. As we know, there were some differences early on; but they worked to get them straightened out and that has brought us to where we are today.

This bill is the product of constant and consistent hours of negotiation between the interested parties to reach a consensus on the key points of this legislation. I am honored that those serving in the other Chamber allowed me this rare opportunity to be a part of the crafting of their bill prior to my introducing the companion bill in this House, H.R. 5121. This helped us save precious time in arriving at a compatible bill in the House and the Senate, and avoiding major divisions in the few remaining days of this session. Now the House must put this legislation to a vote so that we can resolve the remaining differences in the other parts of the WRDA bill that the Senate has already passed.

I also want to recognize the tremendous efforts of our previous governor, Governor Childs, and of course our existing governor, Jeb Bush, who has been so active in bringing this about. I was with him in Fort Lauderdale yesterday, and that is all he wanted to talk about was the status of this bill and where we are going.

So we are seeing a rare moment in the closing days of this Congress; both great political parties coming together and doing the right thing. I urge passage of this resolution and passage of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in support of this bill, but I think that it is important for people to understand what is going on here.

The leadership in the Republican Party has got us in a slow dance here. The gentleman from Texas (Mr. DELAY) has gone out and said that he does not intend to negotiate with the President of the United States about education or anything else. So today, a little later, we will work on a continuing resolution. This continuing resolution takes us until next Wednesday. That is 13 days before the election. Now, we slowly waltz out of here with Everglades in our arms and everybody goes home tonight sometime and goes to campaigning. And we will show up next Wednesday, and we will have another continuing resolution for another week so that we are here 6 days before the election.

Because the leadership of the Republican Party does not want to negotiate with the President, these bills are going to be vetoed. We are never going to see the Health and Human Services budget out here because it has education at the center of it and the Republican Party does not want to do anything about education. They do not want to deal with the President because they know his proposal is right, and so we are softly being slow danced out of here.

Now, some people may like that. They may think that they can go home and, if they have got the Everglades in their arms they can get reelected. They can say, well, I did this. But if we do not deal with issues like the balanced budget amendments give-backs, that issue is still there. Our hospitals are out there waiting to figure out what is going to happen.

The President has said the bill that is on the table is going to be vetoed because it is wrong and it is bad public policy. But the Republican leadership does not care. If they did, they would bring it out here, get the veto, then sit down and start negotiating. But they do not want to do that. They want it as a campaign issue. The same is true with education. They want to wait and sort of slow dance education out of here and then say that they would have given us all this for education, but the President would not do it.

So I would say that people today ought to vote "no" on the continuing resolution.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume just to relieve any confusion there might be. This is actually the rule on the WRDA bill. There will be an opportunity to talk about the continuing resolution later. It is the normal routine business in the House. And we will be doing 1-minutes later in the day for matters of appropriate discussion under 1-minutes as well.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to the rule, I call up the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and ask for its unanimous consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 639, the Senate bill is considered as having been read for amendment.

The text of S. 2796 is as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.
Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.
Sec. 216. Hydroelectric power project funding.
Sec. 217. Assistance programs.
Sec. 218. Funding to process permits.
Sec. 219. Program to market dredged material.
Sec. 220. National Academy of Sciences studies.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Boydsville, Arkansas.
Sec. 303. White River Basin, Arkansas and Missouri.
Sec. 304. Petaluma, California.
Sec. 305. Gasparilla and Estero Islands, Florida.
Sec. 306. Illinois River basin restoration, Illinois.
Sec. 307. Upper Des Plaines River and tributaries, Illinois.
Sec. 308. Atchafalaya Basin, Louisiana.
Sec. 309. Red River Waterway, Louisiana.
Sec. 310. Narraguagus River, Milbridge, Maine.
Sec. 311. William Jennings Randolph Lake, Maryland.
Sec. 312. Breckenridge, Minnesota.
Sec. 313. Missouri River Valley, Missouri.
Sec. 314. New Madrid County, Missouri.
Sec. 315. Pemiscot County Harbor, Missouri.
Sec. 316. Pike County, Missouri.
Sec. 317. Fort Peck fish hatchery, Montana.
Sec. 318. Sagamore Creek, New Hampshire.
Sec. 319. Passaic River Basin flood management, New Jersey.
Sec. 320. Rockaway Inlet to Norton Point, New York.
Sec. 321. John Day Pool, Oregon and Washington.
Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 323. Charleston Harbor, South Carolina.
Sec. 324. Savannah River, South Carolina.
Sec. 325. Houston-Galveston Navigation Channels, Texas.
Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
Sec. 327. Lake Champlain watershed, Vermont and New York.
Sec. 328. Mount St. Helens, Washington.
Sec. 329. Puget Sound and adjacent waters restoration, Washington.
Sec. 330. Fox River System, Wisconsin.
Sec. 331. Chesapeake Bay oyster restoration.
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Sec. 334. Great Lakes remedial action plans and sediment remediation.
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TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
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Sec. 418. St. John the Baptist Parish, Louisiana.
Sec. 419. Portland Harbor, Maine.
Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
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Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 423. Port of Gulfport, Mississippi.
Sec. 424. Upland disposal sites in New Hampshire.
Sec. 425. Southwest Valley, Albuquerque, New Mexico.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Duck Creek Watershed, Ohio.
Sec. 428. Fremont, Ohio.
Sec. 429. Grand Lake, Oklahoma.
Sec. 430. Dredged material disposal site, Rhode Island.
Sec. 431. Chickamauga Lock and Dam, Tennessee.
Sec. 432. Germantown, Tennessee.
Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 434. Cedar Bayou, Texas.
Sec. 435. Houston Ship Channel, Texas.
Sec. 436. San Antonio Channel, Texas.
Sec. 437. Vermont dams remediation.
Sec. 438. White River watershed below Mud Mountain Dam, Washington.
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Sec. 440. Upper Mississippi River basin sediment and nutrient study.
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Sec. 501. Visitors centers.
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TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

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TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

Sec. 701. Short title.
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TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Conveyance of cabin sites.
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TITLE IX—MISSOURI RIVER RESTORATION

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Missouri River Trust.
Sec. 905. Missouri River Task Force.
Sec. 906. Administration.
Sec. 907. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River,

Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control; Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of

the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Perry Creek, Iowa.".

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).".

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking "State legislative"; and

(2) by inserting before the period at the end the following: "of the State or a body politic of the State".

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

"(1) ecosystem protection and restoration;

"(2) flood damage reduction;

"(3) navigation and ports;

"(4) watershed protection;

"(5) water supply; and

"(6) drought preparedness.

"(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;

"(2) the Secretary of Agriculture;

"(3) the Secretary of Commerce;

"(4) the Administrator of the Environmental Protection Agency; and

"(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

"(1) the Delaware River basin; and

"(2) the Willamette River basin, Oregon.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

"(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

“(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.”.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) Definition of Indian Tribe.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Program.—

(1) In general.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) Matters to be studied.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) Consultation and Coordination With Secretary of the Interior.—

(1) In general.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) Integration of activities.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) Priority Projects.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) Cost Sharing.—

(1) Ability to pay.—

(A) In general.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) Use of procedures.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) Credit.—

(A) In general.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) Maximum amount of credit.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) In general.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

“(2) Criteria and procedures.—

“(A) In general.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

“(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

“(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

“(B) Revised criteria and procedures.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.”; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding “and” at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

“(B) may consider additional criteria relating to—

“(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

“(ii) additional assistance that may be available from other Federal or State sources.”.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) In General.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) Provision of Rewards.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: “in cases in which the activities require specialized training relating to hydroelectric power generation”.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking “$1,000,000” and inserting “$2,000,000”; and

(2) in the second sentence, by inserting “out” after “carry”.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) Definition of Indian Tribe.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Reburial.—

(1) Reburial areas.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) Reburial.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) Conveyance Authority.—

(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) Retention of necessary property interests.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting “(a) In General.—” before “It shall”;

(2) by striking “However, such structures” and inserting the following:

“(b) Waterways Within a Single State.—Notwithstanding subsection (a), structures described in subsection (a)”;

(3) by striking “When plans” and inserting the following:

“(c) Modification of Plans.—When plans”;

(4) by striking “The approval” and inserting the following:

“(d) Applicability.—

“(1) Bridges and causeways.—The approval”; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

“(2) Dams and dikes.—

“(A) In general.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

“(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

“(i) shall be subject to section 10; and

“(ii) shall not be subject to the approval requirements of this section.”.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

“SEC. 1001. PROJECT DEAUTHORIZATIONS.

“(a) DEFINITIONS.—In this section:

“(1) CONSTRUCTION.—The term ‘construction’, with respect to a project or separable element, means—

“(A) in the case of—

“(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

“(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

“(B) in the case of an environmental protection and restoration project—

“(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

“(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

“(C) in the case of any other water resources project, the performance of physical work under a construction contract.

“(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term ‘physical work under a construction contract’ does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

“(b) PROJECTS NEVER UNDER CONSTRUCTION.—

“(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

“(A) are authorized for construction; and

“(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

“(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

“(1) LIST OF PROJECTS.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

“(i) that are authorized for construction;

“(ii) for which Federal funds have been obligated for construction of the project or separable element; and

“(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

“(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

“(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

“(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

“(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

“(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.”.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking “Within 6 months after the date of the enactment of this subsection, the” and inserting “The”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking “Such guidelines shall address” and inserting the following:

“(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

“(A) address”; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting “that non-Federal interests shall adopt and enforce” after “policies”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

(2) in the first sentence, by striking “flood plain” and inserting “floodplain”.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.”.

SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term “State” has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking "In carrying out" and all that follows through "(1) is" and inserting the following: "In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

"(1) are";

(2) in the first sentence of subsection (b), by striking "the proposed uprating" and inserting "any proposed uprating";

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

"(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

"(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).".

SEC. 217. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decisionmaking in the permitting process.

SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) SHORT TITLE.—This section may be cited as the "Dredged Material Reuse Act".

(b) FINDING.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) DEFINITION.—In this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(d) PROGRAM FOR REUSE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term "Academy" means the National Academy of Sciences.

(2) METHOD.—The term "method" means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term "feasibility report" means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term "water resources project" means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99-662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as

necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) REMOVAL PROCESS.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) LANDS TO BE SOLD.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) CRITERIA FOR LAND TO BE ACQUIRED.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) DREDGED MATERIAL DISPOSAL SITES.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) OTHER MITIGATION LANDS.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99-662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) REPEAL.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

SEC. 304. PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) DEFINITION OF ILLINOIS RIVER BASIN.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—

(A) IN GENERAL.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) ITEMS INCLUDED.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LAND.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) AUTHORITIES.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) REDESIGNATION.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) REAUTHORIZATION.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence

running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the "Missouri River Valley Improvement Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term "Missouri River" means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking "(b) The general" and inserting the following:

"(b) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—The general";

(2) by striking "paragraph" and inserting "subsection"; and

(3) by adding at the end the following:

"(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance; and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.".

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: "There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.".

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.".

SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for

phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 316. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term "hatchery project" means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) Membership.—The task force shall be composed of 20 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) Conforming Amendment.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking "MAIN STEM," and inserting "FLOOD MANAGEMENT PROJECT,".

SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In General.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost Sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Credit Toward Non-Federal Share.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".

SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) Estuary Restoration.—

(1) Support plan.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) Cooperation.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) Evaluation program.—

(A) In general.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term "New Savannah Bluff Lock and Dam" means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 328. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 330. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".

SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking "$7,000,000" and inserting "$20,000,000"; and

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.".

SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) Definitions.—In this section:

(1) Great lake.—

(A) In general.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) Inclusions.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) Great lakes commission.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) Great lakes fishery commission.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) Great lakes state.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) Great Lakes Fishery and Ecosystem Restoration.—

(1) Support plan.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) Use of existing documents.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) Cooperation.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) Evaluation program.—

(A) In general.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) Cooperative Agreements.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) Relationship to Other Great Lakes Activities.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) Cost Sharing.—

(1) Development of plan.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) Project planning, design, construction, and evaluation.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) Non-federal share.—

(A) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) Non-federal interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) Authorization of Appropriations.—

(1) Development of plan.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) Other activities.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2010.".

SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

"(3) Cost sharing.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) In general.—There is authorized"; and

(B) by adding at the end the following:

"(2) Great lakes tributary model.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.".

SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) In General.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) Project Considerations.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) Definitions.—In this section:

(1) Critical restoration project.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) New england.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) Assessment.—

(1) In general.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) Matters to be addressed.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) Use of existing information.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) Criteria; framework.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) Use of resources.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term "beaches" means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old

and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 414. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

"SEC. 438. CUYAHOGA RIVER, OHIO.

"(a) IN GENERAL.—The Secretary shall—

"(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

"(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

"(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.".

SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 429. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 432. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 437. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 439. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress

a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) Final report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) Funding.—

(1) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) Federal share.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) John Paul Hammerschmidt Visitors Center, Arkansas.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "at Fort Smith, Arkansas, on land provided by the city of Fort Smith.".

(b) Lower Mississippi River Museum and Riverfront Interpretive Site, Mississippi.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) In General.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) Cooperative Activities.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) Area Covered by Program.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) Definitions.—In this section:

(1) Easement prohibition.—The term "easement prohibition" means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) Eligible property owner.—The term "eligible property owner" means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) Fee land.—The term "fee land" means the land acquired in fee title by the United States for the Lake.

(4) Flowage easement.—The term "flowage easement" means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) Lake.—The term "Lake" means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) Establishment of Program.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) Regulations.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) Option To Purchase Insurance.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) Prior Encroachment Resolutions.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) Prior Real Property Rights.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) In General.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) Map.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) Conditions.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) Environmental Response.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) Responsibilities After Conveyance.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) Applicability of Environmental Law.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking "a deceased" and inserting "an"; and

(2) by adding at the end the following:

"(4) Costs of NEPA compliance.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

"(5) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

"(i) Richard B. Russell Dam and Lake, South Carolina.—

"(1) In general.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

"(2) Land description.—

"(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements.

"(B) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

"(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

"(4) Perpetual status.—

"(A) In general.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

"(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

"(5) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

"(6) Fish and wildlife mitigation agreement.—

"(A) In general.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

"(B) Failure of performance.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.".

SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) Terrestrial Wildlife Habitat Restoration.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

"(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

"(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

"(bb) the carrying out of plans developed under this section; and"; and

(2) in subsection (b)(4)(B), by striking "section 604(d)(3)(A)(iii)" and inserting "section 604(d)(3)(A)".

(b) South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the State of South Dakota, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "Department of Game, Fish and Parks of the" before "State of"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;".

(c) Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "as tribal funds" after "for use"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;".

(d) Transfer of Federal Land to State of South Dakota.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking "in perpetuity" and inserting "for the life of the Mni Wiconi project";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) Deadline for transfer of recreation areas.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.";

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting "and" after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking "and" and inserting "or"; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) Structures.—

"(A) In general.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) Lease of recreation areas.—

"(i) In general.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

"(I) Oahe dam and lake.—

"(aa) Downstream Recreation Area.

"(bb) West Shore Recreation Area.

"(cc) East Shore Recreation Area.

"(dd) Tailrace Recreation Area.

"(II) Fort Randall dam and lake Francis case.—

"(aa) Randall Creek Recreation Area.

"(bb) South Shore Recreation Area.

"(cc) Spillway Recreation Area.

"(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

"(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.";

(4) in subsection (f)(1), by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(5) in subsection (g), by striking paragraph (3) and inserting the following:

"(3) EASEMENTS AND ACCESS.—

"(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).";

(6) in subsection (h), by striking "of this Act" and inserting "of law"; and

(7) by adding at the end the following:

"(j) CLEANUP OF LAND AND RECREATION AREAS.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

"(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

"(2) MEMBERSHIP.—The Commission shall be composed of—

"(A) 1 member representing the State of South Dakota;

"(B) 1 member representing the Cheyenne River Sioux Tribe;

"(C) 1 member representing the Lower Brule Sioux Tribe; and

"(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

"(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

"(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

"(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.".

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Not later than January 1, 2002, the Secretary";

(2) in subsection (b)(1), by striking "Big Bend and Oahe" and inserting "Oahe, Big Bend, and Fort Randall";

(3) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) STRUCTURES.—

"(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) LEASE OF RECREATION AREAS.—

"(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

"(I) Left Tailrace Recreation Area.

"(II) Right Tailrace Recreation Area.

"(III) Good Soldier Creek Recreation Area.

"(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.";

(4) in subsection (f)—

(A) in paragraph (1), by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) EASEMENTS AND ACCESS.—

"(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).''; and

(C) in paragraph (3)(B), by inserting before the period at the end the following: "that were administered by the Corps of Engineers as of the date of the land transfer."; and

(5) by adding at the end the following:

"(h) CLEANUP OF LAND AND RECREATION AREAS.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(j) SEDIMENT CONTAMINATION.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

"(A) complete a study of sediment contamination in the Cheyenne River; and

"(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).".

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

"(d) BUDGET CONSIDERATIONS.—

"(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

"(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

"(A) be detailed;

"(B) include all necessary tasks and associated costs; and

"(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

"(a) SECRETARY.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

"(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

"(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

"(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

"(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

"(2) ALLOCATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

"(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

"(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

"(I) 65 percent to the State of South Dakota.

"(II) 26 percent to the Cheyenne River Sioux Tribe.

"(III) 9 percent to the Lower Brule Sioux Tribe.

"(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).".

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

"(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.".

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "the Tribe" and inserting "the affected Indian Tribe".

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking "the respective Tribe" each place it appears and inserting "the respective affected Indian Tribe".

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking "an Indian Tribe" and inserting "any Indian Tribe"; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**AFFECTED INDIAN TRIBES**";

(B) in paragraphs (1) and (4) of subsection (a), by striking "the Indian Tribes" each place it appears and inserting "the affected Indian Tribes";

(C) in subsection (c)(2), by striking "an Indian Tribe" and inserting "any Indian Tribe";

(D) in subsection (f)(2)(B)(i)—

(i) by striking "the respective tribes" and inserting "the respective affected Indian Tribes"; and

(ii) by striking "the respective Tribe's" and inserting "the respective affected Indian Tribe's"; and

(E) in subsection (g), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking "an Indian Tribe" each place it appears and inserting "any Indian Tribe".

SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

"(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;".

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by—

(1) inserting "or exported" after "diverted"; and

(2) inserting "or export" after "diversion".

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) Review and comment.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) Pilot projects.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) Initial projects.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) Conditions.—

(i) Project implementation reports.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) Submission of report.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) Funding contingent on approval.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) Modified water delivery.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) Maximum cost of projects.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) Additional Program Authority.—

(1) In general.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) Project implementation reports.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) Funding.—

(A) Individual project funding.—

(i) Federal cost.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) Overall cost.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) Aggregate cost.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) Authorization of Future Projects.—

(1) In general.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) Submission of report.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) Non-Federal responsibilities.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) Federal assistance.—

(A) In general.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) Agriculture funds.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) Operation and maintenance.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) Credit.—

(A) In general.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) Work.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) Treatment of credit between projects.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) Periodic monitoring.—

(i) In general.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) Audits.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) Evaluation of Projects.—

(1) In general.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) Project justification.—

(A) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) Applicability.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) Exclusions and Limitations.—The following Plan components are not approved for implementation:

(1) Water included in the plan.—

(A) In general.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) Project-specific feasibility study.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) Wastewater reuse.—

(A) In general.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) Submission.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) Projects approved with limitations.—The following projects in the Plan are approved for implementation with limitations:

(A) Loxahatchee national wildlife refuge.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) Southern corkscrew regional ecosystem.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) Assurance of Project Benefits.—

(1) In general.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) Agreement.—

(A) In general.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) Enforcement.—

(i) In general.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) Limitations on commencement of civil action.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) Trust responsibilities.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) Programmatic regulations.—

(A) Issuance.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) Concurrency statement.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) Content of regulations.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) Schedule and transition rule.—

(i) In general.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) Preamble.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) Review of programmatic regulations.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) Project-specific assurances.—

(A) Project implementation reports.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) Coordination.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) Requirements.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) Project cooperation agreements.—

(i) In general.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) Condition.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) Operating manuals.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) Modifications.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) Savings clause.—

(A) No elimination or transfer.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) Maintenance of flood protection.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) No effect on tribal compact.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) Dispute Resolution.—

(1) In general.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) Condition for report approval.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) No effect on law.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) Independent Scientific Review.—

(1) In general.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) Report.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) Outreach and Assistance.—

(1) Small business concerns owned and operated by socially and economically disadvantaged individuals.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) Community outreach and education.—

(A) In general.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) Provision of opportunities.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) Report to Congress.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) Severability.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) In General.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

SEC. 701. SHORT TITLE.

This title shall be known as the "Missouri River Protection and Improvement Act of 2000".

SEC. 702. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) Purposes.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title:

(1) Pick-Sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) State.—The term "State" means the State of North Dakota.

(4) Task force.—The term "Task Force" means the North Dakota Missouri River Task Force established by section 705(a).

(5) Trust.—The term "Trust" means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) Membership.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) Establishment.—There is established the Missouri River Task Force.

(b) Membership.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) Duties.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) Assessment.—

(1) In general.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) Consultation.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) Plan for Use of Funds Made Available by This Title.—

(1) In general.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) Contents of plan.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) Plan review and revision.—

(A) In general.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) Revision of plan.—

(i) In general.—The Task Force may, on an annual basis, revise the plan.

(ii) Public review and comment.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) Critical Restoration Projects.—

(1) In general.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) Agreement.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) Indian projects.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) Cost Sharing.—

(1) Assessment.—

(A) Federal share.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) Non-federal share.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) Plan.—

(A) Federal share.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) Non-federal share.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) Federal share.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) Non-federal share.—

(i) In general.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) Required non-federal contributions.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) Credit.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) In General.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Federal Liability for Damage.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) Flood Control.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) Use of Funds.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) Initial Funding.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) Existing Programs.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Charles M. Russell National Wildlife Refuge Enhancement Act of 2000".

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title:

(1) Association.—The term "Association" means the Fort Peck Lake Association.

(2) Cabin site.—

(A) In general.—The term "cabin site" means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) Inclusions.—The term "cabin site" includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) Cabin site area.—

(A) In general.—The term "cabin site area" means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) Inclusion.—The term "cabin site area" includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) Lessee.—The term "lessee" means a person that is leasing a cabin site.

(5) Refuge.—The term "Refuge" means the Charles M. Russell National Wildlife Refuge in Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) In General.—

(1) Prohibition.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) Determination; notice.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) Offer of comparable cabin site.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) Response.—

(1) Notice of interest.—

(A) In general.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) Form.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) Unpurchased cabin sites.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) Process.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) Consultation and Public Involvement.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) Conveyance.—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) Vehicular Access.—

(1) In general.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) Construction.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) Offer to convey.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) Utilities and Infrastructure.—

(1) In general.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) No federal assistance.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) Covenants and Deed Restrictions.—

(1) In general.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) Reservation of rights.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) No Conveyance of Unsuitable Cabin Sites.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) Identification of Land for Exchange.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) Appraisal.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) Acquisition.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) Public participation.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) Continuation of Lease.—

(1) In general.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) Expiration before 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) Improvements.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) Option To Purchase.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) Covenants and Deed Restrictions.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) No Conveyance of Unsuitable Cabin Sites.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) Report.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) Conveyances to Third Parties.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) Covenants and Deed Restrictions.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) Conveyance to Association.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

SEC. 807. USE OF PROCEEDS.

(a) Proceeds.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) Limitation.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

SEC. 808. ADMINISTRATIVE COSTS.

(a) In General.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) Reimbursement.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION

SEC. 901. SHORT TITLE.

This title shall be known as the "Missouri River Restoration Act of 2000".

SEC. 902. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) Purposes.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title:

(1) Committee.—The term "Committee" means the Executive Committee appointed under section 904(d).

(2) Pick-Sloan Program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(4) State.—The term "State" means the State of South Dakota.

(5) Task Force.—The term "Task Force" means the Missouri River Task Force established by section 905(a).

(6) Trust.—The term "Trust" means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

The SPEAKER pro tempore. The amendment printed in the CONGRESSIONAL RECORD and numbered 2 is considered adopted.

The text of S. 2796, as amended pursuant to House Resolution 639, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small project for bank stabilization.
Sec. 104. Small projects for navigation.
Sec. 105. Small project for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small project for shoreline protection.
Sec. 108. Small project for snagging and sediment removal.
Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.
Sec. 202. Harbor cost sharing.
Sec. 203. Nonprofit entities.
Sec. 204. Rehabilitation of Federal flood control levees.
Sec. 205. Flood mitigation and riverine restoration program.
Sec. 206. Tribal partnership program.
Sec. 207. Native American reburial and transfer authority.
Sec. 208. Ability to pay.
Sec. 209. Interagency and international support authority.
Sec. 210. Property protection program.
Sec. 211. Engineering consulting services.
Sec. 212. Beach recreation.
Sec. 213. Performance of specialized or technical services.
Sec. 214. Design-build contracting.
Sec. 215. Independent review pilot program.
Sec. 216. Enhanced public participation.
Sec. 217. Monitoring.
Sec. 218. Reconnaissance studies.
Sec. 219. Fish and wildlife mitigation.
Sec. 220. Wetlands mitigation.
Sec. 221. Credit toward non-Federal share of navigation projects.
Sec. 222. Maximum program expenditures for small flood control projects.
Sec. 223. Feasibility studies and planning, engineering, and design.
Sec. 224. Administrative costs of land conveyances.
Sec. 225. Dam safety.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.
Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Cache Creek basin, California.
Sec. 306. Larkspur Ferry Channel, Larkspur, California.
Sec. 307. Norco Bluffs, Riverside County, California.
Sec. 308. Sacramento deep water ship channel, California.
Sec. 309. Sacramento River, Glenn-Colusa, California.
Sec. 310. Upper Guadalupe River, California.
Sec. 311. Brevard County, Florida.
Sec. 312. Fernandina Harbor, Florida.
Sec. 313. Tampa Harbor, Florida.
Sec. 314. East Saint Louis and vicinity, Illinois.
Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
Sec. 316. Waukegan Harbor, Illinois.
Sec. 317. Cumberland, Kentucky.
Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.
Sec. 319. Saint Joseph River, South Bend, Indiana.
Sec. 320. Mayfield Creek and tributaries, Kentucky.
Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
Sec. 324. Red River Waterway, Louisiana.
Sec. 325. Thomaston Harbor, Georges River, Maine.
Sec. 326. Breckenridge, Minnesota.
Sec. 327. Duluth Harbor, Minnesota.
Sec. 328. Little Falls, Minnesota.
Sec. 329. Poplar Island, Maryland.
Sec. 330. Green Brook Sub-Basin, Raritan River basin, New Jersey.
Sec. 331. New York Harbor and adjacent channels, Port Jersey, New Jersey.
Sec. 332. Passaic River basin flood management, New Jersey.
Sec. 333. Times Beach nature preserve, Buffalo, New York.
Sec. 334. Garrison Dam, North Dakota.
Sec. 335. Duck Creek, Ohio.
Sec. 336. Astoria, Columbia River, Oregon.
Sec. 337. Nonconnah Creek, Tennessee and Mississippi.
Sec. 338. Bowie County levee, Texas.
Sec. 339. San Antonio Channel, San Antonio, Texas.
Sec. 340. Buchanan and Dickenson Counties, Virginia.
Sec. 341. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 342. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 343. Wallops Island, Virginia.
Sec. 344. Columbia River, Washington.
Sec. 345. Mount St. Helens sediment control, Washington.
Sec. 346. Renton, Washington.
Sec. 347. Greenbrier Basin, West Virginia.
Sec. 348. Lower Mud River, Milton, West Virginia.
Sec. 349. Water quality projects.
Sec. 350. Project reauthorizations.
Sec. 351. Continuation of project authorizations.
Sec. 352. Declaration of nonnavigability for Lake Erie, New York.
Sec. 353. Project deauthorizations.
Sec. 354. Wyoming Valley, Pennsylvania.
Sec. 355. Rehoboth Beach and Dewey Beach, Delaware.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Watershed and river basin assessments.
Sec. 403. Lower Mississippi River resource assessment.
Sec. 404. Upper Mississippi River basin sediment and nutrient study.
Sec. 405. Upper Mississippi River comprehensive plan.
Sec. 406. Ohio River System.
Sec. 407. Eastern Arkansas.
Sec. 408. Russell, Arkansas.
Sec. 409. Estudillo Canal, San Leandro, California.
Sec. 410. Laguna Creek, Fremont, California.
Sec. 411. Lake Merritt, Oakland, California.
Sec. 412. Lancaster, California.
Sec. 413. Napa County, California.
Sec. 414. Oceanside, California.
Sec. 415. Suisun Marsh, California.
Sec. 416. Lake Allatoona Watershed, Georgia.
Sec. 417. Chicago River, Chicago, Illinois.
Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 419. Long Lake, Indiana.
Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 421. Coastal areas of Louisiana.
Sec. 422. Iberia Port, Louisiana.
Sec. 423. Lake Pontchartrain seawall, Louisiana.
Sec. 424. Lower Atchafalaya basin, Louisiana.
Sec. 425. St. John the Baptist Parish, Louisiana.
Sec. 426. Las Vegas Valley, Nevada.
Sec. 427. Southwest Valley, Albuquerque, New Mexico.
Sec. 428. Buffalo Harbor, Buffalo, New York.
Sec. 429. Hudson River, Manhattan, New York.
Sec. 430. Jamesville Reservoir, Onondaga County, New York.
Sec. 431. Steubenville, Ohio.
Sec. 432. Grand Lake, Oklahoma.
Sec. 433. Columbia Slough, Oregon.
Sec. 434. Reedy River, Greenville, South Carolina.
Sec. 435. Germantown, Tennessee.
Sec. 436. Houston ship channel, Galveston, Texas.
Sec. 437. Park City, Utah.
Sec. 438. Milwaukee, Wisconsin.
Sec. 439. Upper Des Plaines River and tributaries, Illinois and Wisconsin.
Sec. 440. Delaware River watershed.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.
Sec. 502. Duck River, Cullman, Alabama.
Sec. 503. Seward, Alaska.
Sec. 504. Augusta and Devalls Bluff, Arkansas.
Sec. 505. Beaver Lake, Arkansas.
Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. 507. Calfed Bay Delta program assistance, California.
Sec. 508. Clear Lake basin, California.
Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 510. Huntington Beach, California.
Sec. 511. Mallard Slough, Pittsburg, California.
Sec. 512. Penn Mine, Calaveras County, California.
Sec. 513. Port of San Francisco, California.
Sec. 514. San Gabriel basin, California.
Sec. 515. Stockton, California.
Sec. 516. Port Everglades, Florida.
Sec. 517. Florida Keys water quality improvements.
Sec. 518. Ballard's Island, La Salle County, Illinois.
Sec. 519. Lake Michigan Diversion, Illinois.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. Campbellsville Lake, Kentucky.
Sec. 522. West View Shores, Cecil County, Maryland.
Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.
Sec. 524. Muddy River, Brookline and Boston, Massachusetts.
Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. St. Louis County, Minnesota.
Sec. 529. Wild Rice River, Minnesota.

Sec. 530. Coastal Mississippi wetlands restoration projects.
Sec. 531. Missouri River Valley improvements.
Sec. 532. New Madrid County, Missouri.
Sec. 533. Pemiscot County, Missouri.
Sec. 534. Las Vegas, Nevada.
Sec. 535. Newark, New Jersey.
Sec. 536. Urbanized peak flood management research, New Jersey.
Sec. 537. Black Rock Canal, Buffalo, New York.
Sec. 538. Hamburg, New York.
Sec. 539. Nepperhan River, Yonkers, New York.
Sec. 540. Rochester, New York.
Sec. 541. Upper Mohawk River basin, New York.
Sec. 542. Eastern North Carolina flood protection.
Sec. 543. Cuyahoga River, Ohio.
Sec. 544. Crowder Point, Crowder, Oklahoma.
Sec. 545. Oklahoma-tribal commission.
Sec. 546. Columbia River, Oregon and Washington.
Sec. 547. John Day Pool, Oregon and Washington.
Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.
Sec. 549. Skinner Butte Park, Eugene, Oregon.
Sec. 550. Willamette River basin, Oregon.
Sec. 551. Lackawanna River, Pennsylvania.
Sec. 552. Philadelphia, Pennsylvania.
Sec. 553. Access improvements, Raystown Lake, Pennsylvania.
Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.
Sec. 556. Joe Pool Lake, Texas.
Sec. 557. Benson Beach, Fort Canby State Park, Washington.
Sec. 558. Puget Sound and adjacent waters restoration, Washington.
Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.
Sec. 560. Wynoochee Lake, Wynoochee River, Washington.
Sec. 561. Snohomish River, Washington.
Sec. 562. Bluestone, West Virginia.
Sec. 563. Lesage/Greenbottom Swamp, West Virginia.
Sec. 564. Tug Fork River, West Virginia.
Sec. 565. Virginia Point Riverfront Park, West Virginia.
Sec. 566. Southern West Virginia.
Sec. 567. Fox River system, Wisconsin.
Sec. 568. Surfside/Sunset and Newport Beach, California.
Sec. 569. Illinois River basin restoration.
Sec. 570. Great Lakes.
Sec. 571. Great Lakes remedial action plans and sediment remediation.
Sec. 572. Great Lakes dredging levels adjustment.
Sec. 573. Dredged material recyling.
Sec. 574. Watershed management, restoration, and development.
Sec. 575. Maintenance of navigation channels.
Sec. 576. Support of Army civil works program.
Sec. 577. National recreation reservation service.
Sec. 578. Hydrographic survey.
Sec. 579. Lakes program.
Sec. 580. Perchlorate.
Sec. 581. Abandoned and inactive noncoal mine restoration.
Sec. 582. Release of use restriction.
Sec. 583. Comprehensive environmental resources protection.
Sec. 584. Modification of authorizations for environmental projects.
Sec. 585. Land transfers.
Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
Sec. 587. Waurika Lake, Oklahoma.
Sec. 588. Columbia River Treaty fishing access.
Sec. 589. Devils Lake, North Dakota.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.
Sec. 702. Missouri River Trust.
Sec. 703. Missouri River Task Force.
Sec. 704. Administration.
Sec. 705. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) CREDIT.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project,

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, FLAGSTAFF, ARIZONA.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project ecosystem restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETTA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(8) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(9) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(10) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(13) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund

of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) OHIO RIVER MAINSTEM, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

(23) WOLF RIVER, TENNESSEE.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(24) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) JACKSON HOLE, WYOMING.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(9) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) MIDDLE CUYAHOGA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(19) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).".

SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking "45 feet" each place it appears and inserting "53 feet".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(b) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(c) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

"(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

"(25) Lower Hudson River and tributaries, New York;

"(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

"(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.".

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) CONSULTATION AND COORDINATION.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) CREDITS.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) DEFINITIONS.—In this section, the terms "Indian tribe" and "Native American" have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3)."; and

(2) in paragraph (3)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: "There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.".

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) IN GENERAL.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) PROCEDURES FOR CONSIDERATION AND REPORTING OF BENEFITS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) IN GENERAL.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) SUPPORTING MATERIALS.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) CONTENTS.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term "design-build" means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

"SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

"(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

"(b) ESTABLISHMENT OF PANELS.—

"(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

"(2) MEMBERSHIP.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

"(3) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

"(4) CONSULTATION.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

"(5) COMPENSATION.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—

"(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

"(2) receive written and oral comments of a technical nature concerning the project from the public; and

"(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

"(d) DURATION OF PROJECT REVIEWS.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

"(e) RECOMMENDATIONS OF PANEL.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

"(1) consider any recommendations contained in the evaluation;

"(2) make the evaluation available for public review; and

"(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

"(f) COSTS.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

"(g) Report.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

"(h) Eligible Project Defined.—In this section, the term 'eligible project' means—

"(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

"(2) a water resources project—

"(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

"(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

"(ii) to which an affected State objects.".

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) In General.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

"(e) Enhanced Public Participation.—

"(1) In general.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

"(2) Membership.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

"(3) Limitation.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).".

SEC. 217. MONITORING.

(a) In General.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) Duration.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) Reports.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) Eligible Water Resources Project Defined.—In this section, the term "eligible project" means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) Costs.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after "environmental impacts" the following: "(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)"; and

(2) by inserting after the second sentence the following: "The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.".

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) Design of Mitigation Projects.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking "(1)" and inserting "(A)"; and

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(d) After the date" and inserting the following:

"(d) Mitigation Plans as Part of Project Proposals.—

"(1) In general.—After the date";

(4) by adding at the end the following:

"(2) Design of mitigation projects.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

"(3) Recommendation of projects.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated."; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) Concurrent Mitigation.—

(1) Investigation.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking "paragraph (3) and" and inserting "paragraph (3),"; and

(2) by striking "paragraph (4)" and inserting "paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements".

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "$40,000,000" and inserting "$50,000,000".

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking "Not more than ½ of the" and inserting "The".

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) In General.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) Specific Conveyance.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) Inventory and Assessment of Other Dams.—

(1) Inventory.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) Assessment of rehabilitation needs.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) Report to Congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) Interim Actions.—

(1) In general.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) Exclusion.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) Federal share.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) Coordination.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking "LAKE" and inserting "VISITOR CENTER"; and

(2) in paragraph (1) by striking "at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas" and inserting "on property provided by the city of Fort Smith, Arkansas, in such city".

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking "$8,600,000" and all that follows through "$2,150,000" and inserting "$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000".

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting "shoreline associated with the" after "damage to the".

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term "stabilize and renovate" includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking "TOTAL" and inserting "FEDERAL"; and

(2) by striking "total" and inserting "Federal".

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.

The project for flood control, Green Brook Sub-Basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to direct the Secretary to prepare a limited reevaluation report to determine the feasibility of carrying out a nonstructural flood damage reduction project at the Green Brook Sub-Basin. If the Secretary determines that the nonstructural project is feasible, the Secretary may carry out the nonstructural project.

SEC. 331. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 332. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:

"(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(g) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 333. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 334. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 335. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 336. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 337. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 338. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 339. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 340. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 341. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 342. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 343. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking "$8,000,000" and inserting "$20,000,000".

SEC. 344. COLUMBIA RIVER, WASHINGTON.

(a) IN GENERAL.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 345. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the

October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", printed as House Document number 99–135.

SEC. 346. RENTON, WASHINGTON.

(a) Maximum Federal Expenditure.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) Revision of Project Cooperation Agreement.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) Reimbursement.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 347. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking "$12,000,000" and inserting "$73,000,000".

SEC. 348. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project substantially in accordance with the plans, and subject to the conditions, described in the watershed plan prepared by the Natural Resources Conservation Service for the project, dated 1992.

SEC. 349. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

SEC. 350. PROJECT REAUTHORIZATIONS.

(a) In General.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) Narraguagus river, milbridge, maine.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) Cedar bayou, texas.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) Redesignation.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 351. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) Limitation.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 352. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) Area To Be Declared Nonnavigable; Public Interest.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) Boundaries.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17′25″ East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12′16″ East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35′35″ West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24′25″ West a distance of 1.00 feet;

(2) South 7°01′17″ West a distance of 170.15 feet;

(3) South 5°02′54″ West a distance of 180.00 feet;

(4) North 85°24′25″ West a distance of 3.00 feet;

(5) South 5°02′54″ West a distance of 260.00 feet;

(6) South 5°09′11″ West a distance of 110.00 feet;

(7) South 0°34′35″ West a distance of 110.27 feet;

(8) South 4°50′37″ West a distance of 220.00 feet;

(9) South 4°50′37″ West a distance of 365.00 feet;

(10) South 85°24′25″ East a distance of 5.00 feet;

(11) South 4°06′20″ West a distance of 67.00 feet;

(12) South 6°04′35″ West a distance of 248.08 feet;

(13) South 3°18′27″ West a distance of 52.01 feet;

(14) South 4°55′58″ West a distance of 133.00 feet;

(15) North 85°24′25″ West a distance of 1.00 feet;

(16) South 4°55′58″ West a distance of 45.00 feet;

(17) North 85°24′25″ West a distance of 7.00 feet;

(18) South 4°56′12″ West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55′58″ West a distance of 127.00 feet;

(2) South 2°29′25″ East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35′35″ West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34′35″ West a distance of 12.55 feet;

(2) South 4°35′35″ West a distance of 118.50 feet;

(3) South 3°04′00″ West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25′14″ West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16′48″ West, a distance of 215.38 feet;

(3) South 30°42′49″ West a distance of 76.96 feet;

(4) South 22°06′03″ West a distance of 689.43 feet;

(5) South 36°09′23″ West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13′38″ West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29′53″ West a distance of 267.84 feet;

(2) North 24°25′00″ West a distance of 195.01 feet;

(3) North 26°45′00″ West a distance of 250.00 feet;

(4) North 31°15′00″ West a distance of 205.00 feet;

(5) North 21°35′00″ West a distance of 110.00 feet;

(6) North 44°00′53″ West a distance of 26.38 feet;

(7) North 33°49′18″ West a distance of 74.86 feet;

(8) North 34°26′26″ West a distance of 12.00 feet;

(9) North 31°06′16″ West a distance of 72.06 feet;

(10) North 22°35′00″ West a distance of 150.00 feet;

(11) North 16°35′00″ West a distance of 420.00 feet;

(12) North 21°10′00″ West a distance of 440.00 feet;

(13) North 17°55′00″ West a distance of 340.00 feet;

(14) North 28°05′00″ West a distance of 375.00 feet;

(15) North 16°25′00″ West a distance of 585.00 feet;

(16) North 22°10′00″ West a distance of 160.00 feet;

(17) North 2°46′36″ West a distance of 65.54 feet;

(18) North 16°01′08″ West a distance of 70.04 feet;

(19) North 49°07′00″ West a distance of 79.00 feet;

(20) North 19°16′00″ West a distance of 425.00 feet;

(21) North 16°37′00″ West a distance of 285.00 feet;

(22) North 25°20′00″ West a distance of 360.00 feet;

(23) North 33°00′00″ West a distance of 230.00 feet;

(24) North 32°40′00″ West a distance of 310.00 feet;

(25) North 27°10′00″ West a distance of 130.00 feet;

(26) North 23°20′00″ West a distance of 315.00 feet;

(27) North 18°20′04″ West a distance of 302.92 feet;

(28) North 20°15′48″ West a distance of 387.18 feet;

(29) North 14°20′00″ West a distance of 530.00 feet;

(30) North 16°40′00″ West a distance of 260.00 feet;

(31) North 28°35′00″ West a distance of 195.00 feet;

(32) North 18°30′00″ West a distance of 170.00 feet;

(33) North 26°30′00″ West a distance of 340.00 feet;

(34) North 32°07′52″ West a distance of 232.38 feet;

(35) North 30°04′26″ West a distance of 17.96 feet;

(36) North 23°19′13″ West a distance of 111.23 feet;

(37) North 7°07′58″ West a distance of 63.90 feet;

(38) North 8°11′02″ West a distance of 378.90 feet;

(39) North 15°01′02″ West a distance of 190.64 feet;

(40) North 2°55′00″ West a distance of 170.00 feet;

(41) North 6°45′00″ West a distance of 240.00 feet;

(42) North 0°10′00″ East a distance of 465.00 feet;

(43) North 2°00′38″ West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23′35″ East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14′01″ East a distance of 119.30 feet;

(2) North 46°15′13″ East a distance of 47.83 feet;

(3) North 59°53′02″ East a distance of 53.32 feet;

(4) North 38°20′43″ East a distance of 27.31 feet;

(5) North 68°12′46″ East a distance of 48.67 feet;

(6) North 26°11′47″ East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23′35″ East a distance of 1755.19 feet; thence South 35°27′25″ East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02′35″ East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01′45″ East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44′53″ East a distance of 623.56 feet;

(2) South 34°33′00″ East a distance of 200.00 feet;

(3) South 26°18′55″ East a distance of 500.00 feet;

(4) South 19°06′40″ East a distance of 1074.29 feet;

(5) South 28°03′18″ East a distance of 242.44 feet;

(6) South 18°38′50″ East a distance of 1010.95 feet;

(7) North 71°20′51″ East a distance of 90.42 feet;

(8) South 18°49′20″ East a distance of 158.61 feet;

(9) South 80°55′10″ East a distance of 45.14 feet;

(10) South 18°04′45″ East a distance of 52.13 feet;

(11) North 71°07′23″ East a distance of 102.59 feet;

(12) South 18°41′40″ East a distance of 63.00 feet;

(13) South 71°07′23″ West a distance of 240.62 feet;

(14) South 18°38′50″ East a distance of 668.13 feet;

(15) North 71°28′46″ East a distance of 958.68 feet;

(16) North 18°42′31″ West a distance of 1001.28 feet;

(17) South 71°17′29″ West a distance of 168.48 feet;

(18) North 18°42′31″ West a distance of 642.00 feet;

(19) North 71°17′37″ East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 353. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts,. carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an

area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 354. WYOMING VALLEY, PENNSYLVANIA.

(a) In General.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.

(b) Additional Project Elements.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:

(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.

(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.

(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.

(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.

(5) All necessary evaluations and modifications to all elements of the existing flood control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.

(c) Credit.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of $500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.

(d) Modification of Mitigation Plan and Project Cooperation Agreement.—

(1) Modification of mitigation plan.—The Secretary shall provide for the deletion, from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.

(2) Modification of project cooperation agreement.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its $1,800,000 total cost from the mitigation plan under paragraph (1).

(e) Maximum Project Cost.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

SEC. 355. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources Development Act of 1996, is modified to authorize the project at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) Escambia bay and river, florida.—Project for navigation, Escambia Bay and River, Florida.

(2) Illinois river, havana, illinois.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) Spring lake, illinois.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) Port orford, oregon.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) In General.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

"(b) Consultation.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

"(c) Priority Consideration.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

"(1) Delaware River.

"(2) Potomac River.

"(3) Susquehanna River.

"(4) Kentucky River.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) Assessments.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) Period.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) Reports.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) Lower Mississippi River System Defined.—In this section, the term "Lower Mississippi River system" means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) Authorization of Appropriations.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) In General.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) Consultation.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) Components of the Study.—

(1) Computer modeling.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) Research.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) Use of Information.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) Report to Congress.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking "date of enactment of this Act" and inserting "first date on which funds are appropriated to carry out this section.".

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) IN GENERAL.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled "Preliminary Investigation: Lone Star Management Project", prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled "Master Plan of Drainage", to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled "Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California".

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

"SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

"(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

"(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.".

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled "Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road", to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff),".

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) Consultation.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) Report.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking "date of enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2000"; and

(2) by inserting "and Miami" after "Pensacola Dam".

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) Cost Sharing.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) Limitation.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. HOUSTON SHIP CHANNEL, GALVESTON, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to the Houston Ship Channel from Redfish Reef to Morgan Point in Galveston, Texas.

SEC. 437. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 438. MILWAUKEE, WISCONSIN.

(a) In General.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) Report.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 439. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324-325) is amended by adding at the end the following:

"(d) Credit.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.".

SEC. 440. DELAWARE RIVER WATERSHED.

(a) Study.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) Activities.—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.

(c) Authorization of Appropriations.—

(1) Authorization of appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) Corps of engineers expenses.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) Determination.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) Reimbursement.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) In General.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) Reimbursement.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.±

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) In General.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the "Program") and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) Cooperative Activities.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) Geographic Scope.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the "Bay-Delta Estuary"), as identified in the agreement entitled the "Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate".

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California; local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and $800,000 for each fiscal year beginning after September 30, 2003,".

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).".

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: ", including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) MISSOURI RIVER MITIGATION PROJECT.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United

States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) $200,000; and

(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.

(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.".

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term "Committee" means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term "Plan" means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term "Project" means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan..

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term "Upper Mohawk River basin" means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term "major disaster" means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) FINDINGS.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) MODELING AND FORECASTING SYSTEM.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) USE OF CONTRACTS AND GRANTS.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) NO EFFECT ON OTHER NEEDS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) USE OF MANAGEMENT PLANS.—

(1) LOWER COLUMBIA RIVER ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) TILLAMOOK BAY ESTUARY.—

(A) IN GENERAL.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) Authorized Activities.—

(1) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) Limitations.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) Priority.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) Cost-Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) Ecosystem restoration projects.—

(A) In general.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items provided by non-federal interests.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) In-kind contributions.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) Operation and maintenance.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) Federal lands.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) Definitions.—In this section, the following definitions apply:

(1) Lower columbia river estuary.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) Tillamook bay estuary.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following:

"If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley."

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

"(d) Research.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.".

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) In General.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking "and" at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) the Lackawanna River, Pennsylvania.".

(b) Authorization of Appropriations.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting ", and $5,000,000 for projects undertaken under subsection (a)(1)(C)" before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) In General.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Cooperation Agreements.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) Implementation of Strategy.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.".

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) Transfer From TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) Report.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) In General.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) Project Selection.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(c) Project Cost Limitation.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) Cost Sharing.—

(1) In general.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term "critical restoration project" means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67-68-C-0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

"(d) Historic Structure.—The Secretary shall ensure the stabilization and preservation of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.".

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) In General.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) Priorities.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) In General.—The Secretary may provide planning; design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting "environmental restoration," after "distribution facilities,".

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: "Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.".

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

(a) Illinois River Basin Defined.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) Comprehensive Plan.—

(1) Development.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) Technologies and innovative approaches.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) Specific components.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) Consultation.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) Additional studies and analyses.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) Critical Restoration Projects.—

(1) In general.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) Federal share.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) General Provisions.—

(1) Water quality.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) Public participation.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) Coordination.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) Justification.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) Applicability.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) Operation, maintenance, rehabilitation, and replacement.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) In-kind services.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) Credit.—

(A) Value of lands.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) Work.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 570. GREAT LAKES.

(a) Great Lakes Tributary Model.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

"(3) Report.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) In general.—There is authorized";

(B) by adding at the end the following:

"(2) Great lakes tributary model.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) Alternative Engineering Technologies.—

(1) Development of plan.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) Fisheries and Ecosystem Restoration.—

(1) Development of plan.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $300,000. Activities under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2005.".

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) Definition of Great Lake.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) Dredging Levels.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) Pilot Program.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) Report.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

"(28) Tomales Bay watershed, California.

"(29) Kaskaskia River watershed, Illinois.

"(30) Sangamon River watershed, Illinois.

"(31) Lackawanna River watershed, Pennsylvania.

"(32) Upper Charles River watershed, Massachusetts.

"(33) Brazos River watershed, Texas.".

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

"(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

"(17) Morehead City Harbor, North Carolina.".

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) In General.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) Investigations and Projects.—

(1) Bosque and leon rivers.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) Caddo lake.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) Eastern santa clara basin.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) Authorization of Appropriations.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking "and design" and inserting "design, and construction";

(2) in subsection (c) by striking "50" and inserting "35";

(3) in subsection (e) by inserting "and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and" after "entities"; and

(4) by striking subsection (f) and inserting the following:

"(f) Non-Federal Interests.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

"(g) Operation and Maintenance.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) Credit.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

"(i) Cost Limitation.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

"(j) No Effect on Liability.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(k) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.".

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) Center for Lake Education and Research, Otsego Lake, New York.—

"(1) In general.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) Use of research.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) Biological monitoring station.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

"(4) Credit.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

"(5) Authorization of appropriations.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.".

SEC. 582. RELEASE OF USE RESTRICTION.

(a) Release.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) Description of Property.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) In General.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) Non-Federal Share.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) Project Descriptions.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) Marana, Arizona.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) Eastern Arkansas Enterprise Community, Arkansas.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) Chino Hills, California.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) Clear Lake Basin, California.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) Desert Hot Springs, California.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) Eastern Municipal Water District, California.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) Huntington Beach, California.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) Inglewood, California.—Water infrastructure, Inglewood, California.

(9) Los Osos Community Service District, California.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) Norwalk, California.—Water-related infrastructure, Norwalk, California.

(11) Key Biscayne, Florida.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) South Tampa, Florida.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) Fort Wayne, Indiana.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) Indianapolis, Indiana.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) St. John the Baptist and St. James Parishes, Louisiana.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) Union County, North Carolina.—Water infrastructure, Union County, North Carolina.

(18) Hood River, Oregon.—Water transmission infrastructure, Hood River, Oregon.

(19) Medford, Oregon.—Sewer collection infrastructure, Medford, Oregon.

(20) Portland, Oregon.—Water infrastructure and resource protection, Portland, Oregon.

(21) Coudersport, Pennsylvania.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) Park City, Utah.—Water supply infrastructure, Park City, Utah.

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) Availability.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) Additional Assistance for Critical Resource Projects.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) Duck River, Cullman, Alabama.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) Union County, Arkansas.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) Cambria, California.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) Los Angeles Harbor/Terminal Island, California.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) North Valley Region, Lancaster, California.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) San Diego County, California.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) South Perris, California.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) Aurora, Illinois.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) Cook County, Illinois.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) Madison and St. Clair Counties, Illinois.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) Iberia Parish, Louisiana.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) Kenner, Louisiana.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) Garrison and Kathio Township, Minnesota.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) Newton, New Jersey.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) Liverpool, New York.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) Stanly County, North Carolina.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) Yukon, Oklahoma.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) Allegheny County, Pennsylvania.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) Mount Joy Township and Conewago Township, Pennsylvania.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking "$20,000,000" and inserting "$30,000,000";

(2) in subsection (f)(4) by striking "$15,000,000" and inserting "$35,000,000";

(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000";

(4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000";

(5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000";

(6) in subsection (f)(43) by striking "$15,000,000" and inserting "$35,000,000"; and

(7) in subsection (f) by adding at the end the following new paragraph:

"(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.".

SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled "Property Survey Prepared for West Thompson Independent Firemen Association #1" dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the "Hospital") by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05′ 40″ East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05′ 40″ West—495.13 feet to a point, thence

(ii) North 87° 24′ 50″ West—414.43 feet to a point, thence

(iii) South 81° 08′ 00″ West—69.56 feet to a point, thence

(iv) South 88° 42′ 48″ West—367.50 feet to a point, thence

(v) South 87° 09′ 00″ West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09′ 00″ East—373.96 feet to a point, thence

(viii) North 88° 42′ 48″ East—374.92 feet to a point, thence

(ix) North 56° 53′ 40″ East—53.16 feet to a point, thence

(x) North 86° 00′ 15″ East—26.17 feet to a point, thence

(xi) South 87° 24′ 50″ East—464.01 feet to a point, thence

(xii) North 83° 34′ 31″ East—50.62 feet to a point, thence

(xiii) South 02° 35′ 10″ West—46.46 feet to a point, thence

(xiv) South 13° 38′ 12″ East—107.83 feet to a point, thence

(xv) South 35° 05′ 40″ East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59′ 22″ West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) Appraisal.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) Ontonagon, Michigan.—

(1) In general.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) Survey to obtain legal description.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) Reversion.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) Pike County, Missouri.—

(1) Land exchange.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) Land description.—The parcels of land referred to in paragraph (1) are the following:

(A) Non-federal land.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) Federal land.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-46 and FM-47, administered by the Corps of Engineers.

(3) Conditions.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) Deeds.—

(i) Non-federal land.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) Federal land.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) Removal of improvements.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) Time limit for exchange.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) Legal description.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) Value of properties.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) Candy Lake Project, Osage County, Oklahoma.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(f) Manor Township, Pennsylvania.—

(1) In general.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) Survey to obtain legal description.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) Consideration.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) Reversion.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) Payment of costs.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) New Savannah Bluff Lock and Dam, Savannah River, South Carolina, Below Augusta.—

(1) In general.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) Treatment of lock, dam, appurtenant features, and park and recreation area.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) Operation and maintenance.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) Tri-Cities Area, Washington.—Section 501(1) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(i) Bayou Teche, Louisiana.—

(1) In general.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) Conditions.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) Joliet, Illinois.—

(1) In general.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of

Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) Survey to obtain legal description.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) Reversion.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) Ottawa, Illinois.—

(1) Conveyance of property.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) Conditions.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) St. Clair and Benton Counties, Missouri.—

(1) In general.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) Land description.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18-1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) Reversion.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) Generally Applicable Provisions.—

(1) Applicability of property screening provisions.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) Additional terms and conditions.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) Costs of conveyance.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) Liability.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) Designation.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and east of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) Legal Reference.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

SEC. 587. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled "An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)", approved November 1, 1988 (102 Stat. 2944), is amended by striking "$2,000,000" and inserting "$4,000,000".

SEC. 589. DEVILS LAKE, NORTH DAKOTA.

No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) Definitions.—In this section, the following definitions apply:

(1) Central and southern Florida project.—

(A) In general.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "central and southern florida" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) Inclusion.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) Governor.—The term "Governor" means the Governor of the State of Florida.

(3) Natural system.—

(A) In general.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) Inclusions.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) Plan.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) South florida ecosystem.—

(A) In general.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) Inclusions.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) State.—The term "State" means the State of Florida.

(b) Comprehensive Everglades Restoration Plan.—

(1) Approval.—

(A) In general.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) Integration.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water

Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal oost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development

Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) Work.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) Treatment of credit between projects.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) Periodic monitoring.—

(i) In general.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) Other monitoring.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) Audits.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) Evaluation of Projects.—

(1) In general.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) Project justification.—

(A) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) Applicability.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) Exclusions and Limitations.—The following Plan components are not approved for implementation:

(1) Water included in the plan.—

(A) In general.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) Project-specific feasibility study.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) Wastewater reuse.—

(A) In general.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) Submission.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) Projects approved with limitations.—The following projects in the Plan are approved for implementation with limitations:

(A) Loxahatchee national wildlife refuge.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) Southern corkscrew regional ecosystem.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) Assurance of Project Benefits.—

(1) In general.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) Agreement.—

(A) In general.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) Enforcement.—

(i) In general.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) Limitations on commencement of civil action.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) Trust responsibilities.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) Programmatic regulations.—

(A) Issuance.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) Concurrency statement.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) Content of regulations.—

(i) In general.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) Limitation on applicability of programmatic regulations.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) Schedule and transition rule.—

(i) In general.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) Preamble.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) Review of programmatic regulations.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) Project-specific assurances.—

(A) Project implementation reports.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) Coordination.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) Requirements.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) Project cooperation agreements.—

(i) In general.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) Condition.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) Operating manuals.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) Modifications.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) Savings clause.—

(A) No elimination or transfer.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) Maintenance of flood protection.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) No effect on tribal compact.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) Dispute Resolution.—

(1) In general.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) Condition for report approval.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) No effect on law.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) Independent Scientific Review.—

(1) In general.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) Report.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) Outreach and Assistance.—

(1) Small business concerns owned and operated by socially and economically disadvantaged individuals.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) Community outreach and education.—

(A) In general.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) Provision of opportunities.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) Report to Congress.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) Report on Aquifer Storage and Recovery Project.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) Full Disclosure of Proposed Funding.—

(1) Funding from all sources.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) Funding from corps of engineers civil works program.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) Surplus Federal Lands.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) Severability.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) Findings.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of Congress.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) Pick-sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) State.—The term "State" means the State of South Dakota.

(4) Task force.—The term "Task Force" means the Missouri River Task Force established by section 705(a).

(6) Trust.—The term "Trust" means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) Establishment.—There is established the Missouri River Task Force.

(b) Membership.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) Duties.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) Assessment.—

(1) In general.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) Consultation.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) Plan for Use of Funds Made Available by This Title.—

(1) In general.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) Contents of plan.—The plan shall provide for the manner in which the Task Force

shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

The SPEAKER pro tempore. Pursuant to House Resolution 639, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

The Water Resources Development Act of 2000, as amended, addresses the civil works program of the United States Army Corps of Engineers, providing water-related engineering services to the Nation. It authorizes new water resource projects that are receiving favorable review by the Army Corps of Engineers. It modifies existing water resources projects to reflect changed conditions. It directs that new studies be conducted to determine the feasibility and the Federal interest in addressing water-related issues at various locations.

WRDA 2000 approves and authorizes the first increment of the comprehensive Everglades restoration plan. The text is based on the Senate-passed Everglades provision, with minor amendments which have been made and which are acceptable to the Senate, to the Florida Members of Congress, to the State of Florida, and to the administration.

The bill modifies authorities and directives of the Army Corps of Engineers to reform existing policies and procedures enhancing public participation in feasibility studies, monitoring of completed projects, and mitigation of environmental impacts.

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The bill authorizes and modifies environmental restoration and environmental infrastructure projects and programs that address national needs at several locations, including the lower Columbia River Estuary, Puget Sound, San Gabriel Basin, as well as the Illinois, Missouri, Mississippi and Ohio Rivers. The estimated Federal cost of these provisions is $5 billion.

Mr. Speaker, this is a fair, balanced, bipartisan bill. It addresses the water resources needs across the Nation. I certainly want to thank my colleague, the gentleman from Minnesota (Mr. OBERSTAR), for his cooperation and leadership in developing this amendment. I also want to thank the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, for their leadership in this legislation.

I urge my colleagues to support this important bill, which invests in America's environmental future.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for the cooperation that we have had and the close working relationship again on this legislation, as on all the other bills that we have moved through this body. It again shows that at a time when there is dispute and rancor in the body politic in the broad public that in this body, where there is respect and mutual understanding and openness, the Congress can work and do the work of the public.

This committee has demonstrated time and again that we can do the work of the public because of the mutual respect, the understanding, cooperation and the consensus that the work that we do is for the greater good of the country. And that is what this Water Resources Development Act is all about.

It is among the best things we do in our committee and in this Congress: invest in the well-being of our fellow citizens and future growth and development of this country.

Since the landmark Water Resources Development Act of 1986, the former Committee on Public Works and Transportation, now renamed the Committee on Transportation and Infrastructure, has worked to maintain a 2-year authorization schedule for the Corps. In fact, that has been the history since the reorganization of the Congress in 1946, to maintain a 2-year cycle, to provide continuity for the program and certainty to the non-Federal and local sponsors for these Corps projects.

It also gives us in the Congress the opportunity to conduct oversight over the Corps programs, to make fine-tuning adjustments as necessary on individual projects, and to revisit major issues in a periodic fashion.

This bill authorizes projects for the entirety of the Corps' civil works program: navigation, flood control, shoreline protection, environmental restoration and protection, and authorizations to restore the Nation's environmental infrastructure, especially for smaller and, in many cases, economically disadvantaged communities.

It builds and rebuilds the Nation's infrastructure. It allows us to expand international trade through projects to improve our coastal ports and our inland river navigation system. Through flood control and hurricane and storm damage reduction measures, this legislation and the general work of the Corps will again help to meet critical needs to protect lives and property.

Mr. Speaker, I yield such time as he may consume to the able gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the Subcommittee on Water Resources and Environment, who has my great admiration for the splendid, scholarly way in which he approaches these issues, thorough grasp of the subject matter, and painstaking work to bring us to this point.

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this bill. This bill represents what we do best in the Committee on Transportation and Infrastructure. We invest in America's future by providing critical infrastructure while working to restore and enhance and protect the environment.

Mr. Speaker, I am particularly honored that we are considering this bill today under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member. This may be the last opportunity that many of us have to pay tribute to the strong bipartisan leadership that the chairman and ranking member have demonstrated over the past 6 years.

As a committee colleague and a fellow Pennsylvanian, I have often sought the chairman's advice and counsel. Even on those few occasions when we have disagreed, I have always been treated fair and with a mutual respect for doing what each of us believes is right.

Even though the gentleman from Pennsylvania (Chairman SHUSTER) must step down as chairman, I know that he will continue to be a leader on the issues related to the Committee on Transportation and Infrastructure, and I look forward to continuing to work closely with him doing what is best for the Nation and for our great Commonwealth of Pennsylvania.

I would also like to acknowledge my close relationship with our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT). We have worked closely together for the past 6 years in the great tradition of this committee. We have had a few tough disputes, but we always managed to retain the proper decorum and respect for each other. I have greatly enjoyed working with the gentleman from New York (Mr. BOEHLERT).

Many of the speakers today will describe the various projects that are at the heart of this bill. I represent one of the Nation's great seaports on the East Coast. The Corps is currently working to allow the Port of Philadelphia to compete in the 21st century. Other Members benefit from the efficient transportation system that allows barges to move on the inland waters.

These projects form the water-based infrastructure that is such a key component of the Nation's transportation system. The projects in this and previous water resources bills protect lives and property from floods and hurricanes, and they provide drinking water and electricity to our cities and factories.

These projects are the more visible aspect of the bill, but there are more important provisions of this bill that will improve the way in which the Corps implements its program.

The bill will require the Corps to be more aware earlier in the study process of whether adverse environmental effects can be successfully and cost-effectively mitigated. Too often we can see the caution signs before us, but we fail to heed their warning. While the Corps is generally successful at mitigating potential environmental harm, it cannot always be successful. And we can be aware of this early in the study process.

This is why I support language in the bill that will require the Corps to determine whether mitigation is likely to be successful and, if it cannot be successful, to stop the Corps from recommending a project for further study or authorization.

Additional areas of the bill that I would like to emphasize are two pilot programs addressing independent review of proposed projects and monitoring of completed projects.

On independent review, the bill requires the Secretary of the Army to establish a 3-year program of independent peer review of up to five projects. This review would apply to projects over $25 million and projects with a substantial degree of public controversy. While some have argued for a permanent peer review program, I believe that this pilot program will allow the Committee on Transportation and Infrastructure and the House to evaluate its effectiveness and to make it permanent if it is warranted.

I also strongly support the requirement to monitor the performance of up to five projects for 12 years. This will allow for the economic and environmental results of projects to be evaluated following their completion. Today, we authorize and construct projects, but we do not adequately follow up on whether the expected benefits are ever realized. The monitoring will be an important tool in helping the Corps and the Congress produce a more effective civil works program.

Finally, Mr. Speaker, I want to mention that this bill requires the Corps to establish procedures to enhance public participation in the development of feasibility studies. While the Corps already engages in public meetings and public notice concerning its proposed projects, I believe there is always room for improvement. By examining its current procedures and making improvements where possible, the role of the public will be enhanced; and I believe the Corps will recommend better, more acceptable projects to the Congress.

Without a doubt, the program to restore the Everglades is the centerpiece of this year's legislation. Responding to severe flooding that devastated Florida, Congress in 1948 authorized the Corps to carry out the Central and Southern Florida Project, with the aim of controlling floods and providing water supply for urban and agricultural uses. The project was a spectacular success in achieving its purpose. Along the way, however, the fragile ecosystem of the historic Everglades was seriously damaged.

During the 1990's, the State of Florida and the Federal Government have undertaken a number of projects designed to mitigate some of the adverse environmental impacts. The Water Resources Development Act of 1996 directed development of a comprehensive Everglades restoration plan. It is an ambitious plan supported by an unlikely coalition of stakeholders that includes Federal, State, regional and local agencies, sugar and agricultural interests, Indian tribes, environment groups, utilities, developers, and homeowners, and, I may add, from the entire bipartisan Florida delegation.

The plan approved by the Chief of Engineers would cost at least $7.8 billion and take 36 years to construct.

The bill will approve the Comprehensive Everglades Restoration Plan as a framework for modification and operational changes to the Central and South Florida Project to restore, reserve, and protect the Everglades ecosystem. It would also authorize the first installment of the plan.

Since 1986, Congress has tried to maintain a 2-year cycle to enact water resources legislation. Such a cycle is important to providing certainty and stability to the programs. This bill is a continuation of that process and should receive strong bipartisan support today in the House.

I ask my colleagues to join me in support of the bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5½ minutes to the distinguished gentleman from New York (Mr. BOEHLERT), the chairman of our Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the amendment to S. 2796, the Water Resources Development Act of 2000.

This comprehensive, bipartisan legislation will help save the Everglades, restore rivers and watersheds throughout the country, keep communities safe from floods and hurricanes, and repair and improve America's water transportation infrastructure, the lifeblood of our domestic and global economy.

First let me commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking Democrat, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Pennsylvania (Mr. BORSKI), the ranking Democrat on the Subcommittee on Water Resources and Environment. Through their leadership, and I might say inspired leadership and cooperation, we are able to bring this broadly supported package to the House floor today.

As chairman of the subcommittee, I can tell my colleagues this legislation has been long in the making. The subcommittee held hearings throughout the year, as well as last year, on this bill's key issues and provisions. We have, on a bipartisan basis, reviewed hundreds of project requests and scores of important and timely water policies.

While no one is ever perfectly happy with every provision, I think the committee leadership has done a good job balancing competing interests and treating Members and their constituents fairly.

Mr. Speaker, this is truly landmark legislation. It is our best hope to save the Everglades, to protect the egrets and alligators, and to restore the balance between the human environment and the natural system in south Florida.

The world is watching, and I am proud of what this institution has produced at this critical moment.

Senator BOB SMITH and his colleagues on and off the Committee on Environment and Public Works on the other side and the gentleman from Florida (Mr. SHAW) and his colleagues in the House are to be congratulated. They have provided leadership where leadership has been needed. Through their efforts, we are able to move forward with a consensus package that gives overall approval to the 36-year, $7.8 billion plan and specifically authorizes $1.4 billion in projects to get the water right. That is very important.

I want to emphasize, as the bill itself does, that the primary purpose of this landmark, unprecedented activity in the Everglades is to restore the natural system.

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We are going to have to monitor this project closely and continue to review the science to ensure that it accomplishes this fundamental goal. Indeed, as the project moves forward, more legislative safeguards may be necessary to ensure that the intent of this bill is met, safeguards such as requiring explicitly that 50 percent of the restoration benefits are achieved by the time that 50 percent of the funds are spent.

For now, this bill sets us on the right path, sets clear goals, gives needed authority to the Department of Interior and allows for continuing scientific review. It is our best chance of reversing the havoc which was inadvertently wreaked on the Everglades without damaging the prosperity of Florida.

Mr. Speaker, this bill is about more than saving the Everglades. It authorizes and directs the Army Corps of Engineers to restore and protect scores of rivers throughout the country from the Upper Susquehanna and the Ohio to the Mississippi and the Missouri and the Columbia. The bill also restores watersheds and wetlands, cleans up acid mine drainage, and remediates contaminated settlement in the Great Lakes and groundwater in California. In short, it is environmentally friendly, as it should be.

This bill is also about saving lives, protecting property, and opening the gateways of commerce. New flood control and navigation projects are authorized and existing projects are modified and improved. For example, this legislation authorizes a critically important project for the Ports of New York and New Jersey.

Mr. Speaker, this bill also takes the first important steps toward reforming the Corps of Engineers. Our committee, particularly my subcommittee, has looked into the various allegations leveled at the Corps over the last year. These are serious allegations with serious repercussions for the Nation's largest water resources program. This legislation takes an important step in responding to those concerns.

For example, the bill authorizes an important pilot program for independent peer review of proposed projects. I strongly support this concept. The Corps needs to take this process seriously and to submit to peer review of significant controversial projects that will truly test this concept. I look forward to reviewing the results and working with my colleagues to further improve the procedures and methodologies for project development and selection.

This is a good bill put together by a good bipartisan team, and I thank the gentleman from Pennsylvania (Mr. BORSKI) for his great work for these past 6 years. I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER). This is an effective team that produces for America.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to extend my great appreciation to the very diligent, thoughtful, hard-working, energetic, forward, progressive Member, chairman of the Subcommittee on Water Resources and Environment, who has led that subcommittee through some very, very difficult issues in the past several years, especially in the past 2 years, in Superfund and now on the Water Resources Development Act. The gentleman has been very cooperative. We really appreciate the bipartisanship that he has always demonstrated.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I too want to just thank the chairman of the committee and the ranking member and the chairman of the subcommittee and the ranking member. This is a great day, not just for the Everglades in South Florida but really for Florida and America and truly the entire country. This is Congress at its best, really doing the work of the American people in creating legislation that really is protecting our future for ourselves, our children, and our grandchildren.

I am going to focus on what this bill does for the Florida Everglades. This bill is truly historic. This is one of the historic days over the 200-year history of this country and of this Congress. We are about to pass the largest ecosystem restoration project in the history of the world, in the history of the world. It is a $7.8 billion restoration project for the Florida Everglades. It is doing what needs to be done.

There is only one Everglades in the world. It happens to be in South Florida. It is the Everglades; it is the River of Grass. It is a 100-mile wide river that is only about a foot deep that flows, that is just absolutely spectacular. I urge all of my colleagues to try to spend not just an hour, not just a day but maybe a week traveling through the Everglades to really appreciate the unique place on the planet Earth that it is.

Unfortunately, sometimes people make mistakes, and the truth is the United States, through Corps projects, made mistakes, and other projects. The State of Florida made mistakes in terms of doing things that have done damage to the Everglades over a long period of time. We have shifted that around over the last couple of years, but this is the bill that is putting into paper literally about a 30-year restoration project and it is being done smart, it is being done right; it is bipartisan without exception.

I also want to thank my colleague, who is in the chair now, the gentleman from Florida (Mr. SHAW), in a neighboring district of mine. He and I have worked very closely in terms of this, and both Republican and governors of the State of Florida have worked very closely. Governor Bush, Governor Graham before him, Governor Chiles, Governor Martinez as well.

Again, I urge my colleagues to support it. I look forward to working with them every year into the future to make sure the implementation is done correctly.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Speaker, I appreciate the chairman engaging me in a colloquy with an issue in my district that has been ongoing for a number of years, and many of us that live in the First Congressional District of Maryland, which is the main stem of the Chesapeake watershed, for discussing this issue. The previous speaker talked about the Corps of Engineers restoring a rather unique body of water on the planet called the Everglades, and the effort that our committee and this Congress has done to restore the waters and the ecosystem for that magnificent place.

What we are trying to do in the Chesapeake Bay is very similar. The Chesapeake Bay has had a program to restore this estuary for about 20 years now, and we continue to make pretty good progress.

The Corps of Engineers, to a large extent, has been very helpful in that effort. One of the problems in our area is, however, that there are bits and pieces of human activity that continues to degrade our watershed, our estuary, that marine ecosystem. One of those pieces that will have an adverse effect on the Chesapeake Bay is the deepening activity by the Corps of Engineers to an area called the Chesapeake and Delaware Canal, or the northern approach to the Port of Baltimore. The Corps of Engineers has conducted a feasibility study on whether or not this will benefit the taxpayers, or even the port, since 1988.

From 1996 to this point, the Corps of Engineers has, through its own numbers, recognized that the benefit to cost ratio or the benefit to the taxpayers is not there; the financial justification for deepening this canal has not met the Federal criteria, which means that there will be no increase in commerce due to the deepening of the C&D Canal.

So, in my judgment, since there is some adverse environmental degradation because of the deepening, there is no increase in commerce based on the Corps' own numbers, we should not spend $100 million, and that is the actual cost of this project to go forward. If we are going to spend $100 million, it should have some justification or we should have some value to that amount of money.

So I appreciate the chairman's concern over this issue, and we will continue to work on this.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Maryland (Mr. GILCHREST) for yielding.

Mr. Speaker, I would say he has indeed shed some light on these issues, and while I have concerns with some of the legislative proposals that have been offered, I do, I believe, appreciate the underlying concerns; and I look forward to working with the gentleman to deal with this issue.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the very distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I am very grateful and privileged to rise in strong support of the Water Resources Development Act, in particular the section on the Everglades. Those of us in Florida, and those of us throughout this country who cherish what we have in natural resources, we owe a debt of gratitude to the gentleman from Pennsylvania (Mr. SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their hard and diligent work in bringing this important legislation to the floor and their strong support for Everglades restoration.

The gentleman from Florida (Mr. SHAW), my chairman, has inspired each member of the delegation to see the worth of this project and we are very happy that the Congress has seen fit to include the Everglades in their plans.

Mr. Speaker, the Everglades are dying and all of us know that we must act now. We lose what is left of the Everglades within a year. We have a lot of people to be thankful for it that worked on this, that we have heard about this morning, including the administration, the State of Florida administration, Senators GRAHAM and SMITH and others, and all of the environmental community throughout this country.

We owe a great deal to the late Marjorie Stoneham Douglas as she mentioned the Everglades as a "river of grass," and now we have sought to have it the way Marjorie would have liked it to be with water.

No one disputes that the Federal Government was pretty much responsible for what has happened in the Everglades. Fifty years ago, the government decided it would establish the Everglades National Park, but simultaneously they also set up a series of canals. I used to run around those canals over in South Bay and Belle Glade and Immokalee and all of those counties over there that they call on the muck, but as a series of these levees and other flood control methods were put in, it kind of disrupted the lifeblood of the Everglades.

So as a result of these 50 years of neglect, we now have to look at the State of Florida that we have lost 46 percent of its wetlands and 50 percent of its historic Everglades ecosystem. If we look at this chart here, we will see the Federal Government has a very clear interest in restoring the ecosystem. Since a large part of the portions of the lands are owned or managed by the Federal Government, they will receive the benefits of the restoration. There are four national parks, as we see here, belonging to the Federal Government; 16 national wildlife refuges, which make up half of the remaining Everglades. So this is an Everglades system that is pretty much in Florida, but the interest of the Nation is here on the restoration of the Everglades. The need for action is very clear. The legislation before us today, thanks to this excellent committee, they present an unprecedented compromise supported by the administration, State of Florida, environmental groups and, thanks to the Congress, a bipartisan Congress. They represent every major constituency, and here we will see the departments of the agencies in Florida that are responsible. The State of Florida has committed $2 billion to the restoration plan. Now it is our turn to respond.

We need this bill, Mr. Speaker, and I know that they are monitoring very closely what we do here. It is extremely important, and I urge all of my colleagues to join me to preserve America's Everglades and ensure that one of the world's most endangered ecosystems is not lost. We do not need to lose the Everglades, because it is stability for the people of Florida and for the Nation.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, this morning we are really going to pass what I consider the most significant environmental legislation of a generation. This is really a historic occasion because we have replaced talk with action. We have replaced rhetoric with hard cash. In 1976, I was elected to the Florida legislature and they talked about restoring the Everglades; and I heard talk for more than 2 decades but finally we are taking action to restore the Everglades.

I want to thank personally a gentleman who is not in Congress, a former majority leader, Bob Dole, who just down the hall from here helped to make a decision that launched this effort. I want to thank the gentleman from Pennsylvania (Mr. SHUSTER) and also the gentleman from Florida (Mr. SHAW), the gentleman who is presiding now, who helped make this legislation possible; and also Governor Bush, who made a State commitment, replaced talk with action.

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I was raised in south Florida, and I saw what they did to the Everglades. This is my district. It is to the north of the Everglades, north of Orlando.

Just for the record, I am pleased that we have a balance, that areas like the St. John's River, like north Florida, central Florida and the Keys will also be protected and preserved, and also restored, so we do not make the same mistakes we made in south Florida.

This bill has a balance. It is a great piece of legislation. I thank those involved again for this historic occasion and also for listening to our concerns in the north part of Florida, the central part of Florida, the south part of Florida and the rest of the country; and I urge passage of this historic measure.

Mr. OBERSTAR. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I want to thank my ranking member for yielding me this time.

Mr. Speaker, I rise today in support of S. 2796, WRDA 2000. I especially want to commend the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI) and their entire staffs for taking a step to address the serious issue of reforming the Corps of Engineers in this legislation.

Despite its historic reputation for professionalism and integrity, the Corps of Engineers is at present an embattled agency. Frequent litigation and investigations into claims that Corps projects lack sound economic justification or contain inadequate environmental provisions point to deficiencies in the Corps process for planning and approving water resources projects.

I am particularly pleased that this legislation takes the first step in providing for an independent review of large or controversial water development projects.

The language in the House version of WRDA 2000 is modeled after legislation that I introduced earlier this year, H.R. 4879. The central provision of that legislation was to create an independent panel of water resource experts to review projects that would cost in excess of $25 million or are subject to a substantial degree of public controversy.

The House-worded bill creates a 3-year pilot program of the independent review process. It was my hope that stronger provisions than the pilot program would have been included in the bill before the House today. However, due to the closed rule, an amendment that was offered by the gentleman from Oregon (Mr. BLUMENAUER) and myself obviously was not made in order.

But the central purpose of the independent review is to lift the cloud currently hanging over the Corps and to enable the Corps to get on with its important work on our Nation's rivers, lakes, coastlines, and harbors. The best way to achieve this goal is to increase the level of transparency and accountability in the Corps planning process and to establish guidelines that strike a genuine balance between economic development and other social and environmental priorities. I cannot help but think if this pilot project or my legislation had been included in the Corps' authorizing language 50 years ago, we may not be here today talking about a big Florida Everglades restoration project.

I also want to thank Members and the committee staff for working with me to include in this legislation a scientific modeling program for the Upper Mississippi River Basin, so we can do a better job of protecting and preserving one of America's greatest natural resources, the Mississippi River. It is a small provision, but it is a very important provision if we are to maintain the multiple uses of the Mississippi River, recreation, tourism and commercial.

So, again, I want to thank the ranking members on the committee, the staff for the assistance we received; and I would urge my colleagues to support the House version of WRDA, given the important language and the important pilot project that is included to reform the Corps of Engineers.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from New York (Chairman BOEHLERT); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), for their excellent work.

Mr. Speaker, as a first term Member of this committee, I am impressed with the efficiency and the bipartisan cooperation and the outstanding staff.

I want to thank the members for considering and authorizing on a contingent basis the Antelope Creek Project, for the four-state Missouri River Mitigation Project, and particularly for helping the taxpayer by the coordination of flood control and highway construction related to the Sand Creek Reservoir. It is an outstanding opportunity to coordinate this. It was time-urgent, and, therefore, very much appreciated that this legislation was moved forward.

I urge my colleagues to strongly support this legislation.

This Member is especially appreciative that he has had the opportunity in the 106th Congress to serve on the Transportation Committee and the Water Resources and Environment Subcommittee. Clearly, it has been one of the highlights of the 106th Congress for this Member.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the bill we are considering today includes contingent approval for the Sand Creek watershed project in Saunders County, Nebraska. This proposed project, which is a result of the Lower Platte River and Tributaries Flood Control Study, is designed to meet Federal environmental restoration goals, help provide state recreation needs, solve local flooding problems and preserve water quality. It is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The plans for the project include a nearly 640-acre reservoir, known as Lake Wanahoo, wetlands restoration and seven upstream sediment nutrient traps. The Sand Creek watershed project would result in important environmental and recreational benefits for the area and has attracted widespread support. It is especially crucial that the Sand Creek project is included in WRDA this year as the Nebraska Department of Roads is ready to begin design of a freeway in that area that will be routed across the top of a dam if the project is approved. If the Sand Creek project is not included in WRDA, a new bridge will have to be planned and built, which would make the project not economically feasible. With this authorization, contingent because of facts yet to be checked and planning study elements yet to be resolved, the way is clear to save the taxpayers funds, secure mutual project benefits in highway construction and flood control.

This Member is also very pleased that contingent authorization of the Antelope Creek project is included in WRDA 2000. Antelope Creek runs through the heart of Nebraska's capital city of Lincoln. The purpose of the project is to solve multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in this project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for Antelope Creek in the downtown area of Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot-by-twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the project are to construct a flood overflow conveyance channel which would narrow the flood plain from up to seven blocks wide to the 150-foot wide channel. The project will include trails and bridges and improve bikeway and pedestrian systems.

Another Nebraska project was included on the contingent authorization list is for Western Sarpy and Clear Creek for flood damage reduction. Frankly, this Member must say he has substantial reservations about the Clear Creek project in light of concerns expressed by constituents in adjacent Saunders County and the lack of enthusiasm by relevant State officials. This Member reserves judgment whether the benefits outweigh costs and dislocation of property owners in the area.

This Member is pleased that at least part of the language regarding the Missouri River Valley Improvement Act that he originally prepared to be offered as an amendment during Subcommittee consideration of WRDA is included in today's bill. Last year's WRDA legislation included a provision this Member promoted which helps to ensure that the Missouri River Mitigation Project can be implemented as envisioned. In 1986, Congress authorized over $50 million (more than $79 million in today's dollars if adjusted for inflation) to fund the Missouri River Mitigation Project to restore fish and wildlife habitat that were lost due to the construction of structures to implement the Pick-Sloan plan. At that time the Corps did not choose to include funding requests for implementing that Act in their budgeting process. That is why this Member, with assistance from other Members who represent the four states bordering the channelized Missouri River (Nebraska, Iowa, Kansas and Missouri), has taken the lead in providing funding to implement the Missouri River Mitigation Project which has just begun to become a reality during the last few years.

This project is specifically needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains that are needed to support the wildlife and waterfowl that once lived along the river are dramatically reduced. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost because of Federal action in creating the flood control projects and channelization of the Missouri River. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

The success of the project has resulted in a concern related to the original study that outlined habitat needs. Under this study, acreage goals for each state were listed and these goals are generally considered to be an acreage limitation for each state. Nebraska and Kansas have already reached their acreage limits and Missouri is fast approaching its ceiling. Before long, Iowa will also reach its acreage limit.

To correct this problem, the WRDA legislation enacted last year authorized provisions initiated by this Member to increase mitigation lands in the four states of 25% of the lands lost, or 118,650 acres. In addition, the Corps of Engineers—in conjunction with the four states—was directed to study the amount of funds that would need to be authorized to achieve that acreage goal.

The study has been completed and it appears that cost estimates for restoring the acreage authorized in last year's WRDA will amount to more than $700 million over the next 30–35 years. This Member greatly appreciates the inclusion of an increased authorization level of funding for the Missouri River Mitigation Project of $20,000,000 for each fiscal year from FY2001 through FY2010.

This increase would allow the project to better balance the needs of nature, recreation and navigation. It will also benefit communities preparing for the bicentennial of the Lewis and Clark Expedition beginning in 2003. Until funding authorization is increased, the Corps and the states cannot finalize plans to add habitat restoration, identify and prioritize sites for restoration, respond to willing sellers, or engage in construction or maintenance activities. It is important to note that many frequently flooded landowners along the Missouri River have asked the Corps to buy their land to avoid annual flood losses. However, in most years, the Corps has had insufficient funds to meet the needs of these struggling landowners.

Finally, the WRDA bill also includes legislative language initiated by this Member to authorize a pilot program to test the design-build method of project delivery on a maximum of five civil engineering projects. Such a program will provide significant benefits and yield useful information.

In closing, Mr. Speaker, this Member urges his colleagues to support this important bill. In the short time left in the 106th Congress, we must work to ensure WRDA becomes law this year.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DREIER), distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I should state for the record that he was willing to offer me 1 minute during this debate, until I told him I was going to extend compliments to him, and that is how I got the 2 minutes of time here.

Mr. Speaker, I would like to say how much I appreciate the great work of the chairman of the committee, the chairman of the subcommittee and, of course, the ranking members of both the full committee and the subcommittee on this issue. As we look at the wide range of issues that have been discussed over the last few minutes, reform of the Corps, this important work in the Everglades, I am even more enthusiastic in my support of this legislation.

But I rise to again extend compliments for the fact that this committee chose to take and include the authorization on a very important piece of legislation that is impacting not just the area which I am privileged to represent in Los Angeles, but in fact the entire country. In the middle part of the last decade, the discovery of perchlorate in the groundwater was something that came to the forefront in Southern California. Mr. Speaker, this came from the fact that during the 1950s and 1960s, during the Cold War buildup, that companies were in fact disposing of spent rocket fuel, legally, I should underscore.

Well, since that time, some of the companies that were involved in that buildup during the Cold War are still in existence, but many of them are not in existence. I believe that those companies that are responsible, obviously, should shoulder the burden of this. But we obviously have potential legal problems, and this could be drawn out in the courts for many, many years. During that period of time, perchlorate will continues to seep into the groundwater.

That is why this legislation is so important to move forward, because cleaning up the groundwater that has the potential of impacting 7 million people in Southern California, but also trying to figure out how we will effectively address this in the future and for other parts of country, is an important part of this measure.

So I again compliment my colleagues for their vision and for including this very important measure, and I urge all to vote in favor of this very important legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I would simply say that no bill is all good or all bad, and we have certainly heard about the attributes of this bill. But I come down on the side of this being a bad bill, for the simple reason that if you care about Corps reform, or if you care about reform to the agencies basically underlying this bill, this bill is a very bad bill.

I say that, first of all, if you look at the bill itself, we have in place a somewhat bizarre process, and that is for weeks now we have been sort of in the military mode of "hurry up and wait" and "hurry up and wait" as we have been waiting for conference reports. Yet, when this bill comes along, it basically speeds through the process with a closed rule, despite the fact it has not been marked up in committee, and the question is why? Why does this speed through this way? Why do we not deal with reform right now? I think the answer, very clearly, is in the way that this bill has spiralled out of control. It spiralled from basically being a $2 billion bill to a $6 billion bill.

To me, this bill is similarly nothing more than a feeding frenzy. Sharks are supposedly the ones that feed; but this is a piggy feeding frenzy, when I think about this bill.

I will give an example of that. There is a long list of projects that I have here on several sheets. But an example of one would be a $15 million navigation project in False Pass Harbor, Alaska, that would serve a grand total of 86 boats; $15 million for 86 boats.

The other thing that I think is wrong with this bill from the standpoint of reform is that it is dessert before dinner. Consistently in the legislative process what we try and do is couple good with bad; and if we can get enough of that together, we send the bill forward, because reform is hard. Passing appropriations, passing $6 billion worth of spending in terms of authorization, is very easy; but we need to couple that with reform. That is not done in this bill.

There have been a number of very interesting articles within the Washington Post talking about how the Corps of Engineers desperately needs to be reformed, and we basically skip that, talking about how there is, for lack of a better term, waste, fraud and abuse in the Corps, and how the Corps has become something akin to or nothing more than a "water boy" for the U.S. Congress.

This bill had in it the chance to deal with the Corps, and, unfortunately, it does not. I would give an example of this. Right now if you look at the benefit-to-cost ratio with Corps projects, it is simply one-to-one. If you pass that threshold, it is something that can be authorized. To me, that does not make sense, because what that means fundamentally is if you put $10 into a project, you will get $10 back out. You may get more. That is the minimum threshold. That is the minimum threshold, one-to-one.

What that means to the United States taxpayer is he gets no return on his investment on a one-to-one ratio. It may be good, if it is in South Carolina, if it is in Alaska, if it is in California, for the Congressman or the Senator in that local district or in that local State; but it is not at all good for the United States taxpayer as a whole.

If you look on the back of any penny, what you see are the words "E Pluribus Unum," from the many, one. This bill, unfortunately, does not incorporate that.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes 40 seconds to the very distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank the ranking member for yielding me time. I would also like to expression my appreciation to the members of the committee and the chairman and the ranking member for their work on this and other legislation.

I would like to associate myself with the remarks of the gentleman from Wisconsin (Mr. KIND) with respect to the scientific modeling that is necessary with respect to the Upper Mississippi. We certainly need to better understand our rivers and ensure that as we proceed with projects and initiatives that affect these rivers, we implement policies and the Corps implements legislation in a way that is beneficial in the long term. We do have major proposals that are facing us here in Congress with respect to the Upper Mississippi lock and dam system.

The topic that I would like to address for the balance of my time has to do with the Corps' administration of section 404 of the Clean Water Act. I recognize that it is not in this bill, but I hope that before long we are able to take this up and modernize the work of our Federal agencies.

One of the most embarrassing experiences that I have had as a Member of Congress occurred last summer when I hosted a meeting between the Natural Resources and Conservation Service and the Army Corps of Engineers at a location within my congressional district to explore ways that we could better cooperate so that we could administer Federal programs in a coordinated way, rather than having an adversarial relationship between two Federal agencies.

I found, to my amazement and my embarrassment, that the Army Corps of Engineers in particular was cavalier and was hostile to the concept of trying to work with another agency. This, in my opinion, is unacceptable; and it is unbecoming to the Federal Government, to have a clash of agencies and a lack of interest in trying to identify a way to work this clash out.

Mr. Speaker, whether this problem occurs at the national level or at the St. Paul office of the Army Corps of Engineers, I do not know; but I believe it is absolutely critical that we get to the bottom of it, and that we end this type of bickering between Federal agencies.

We have hundreds of farmers that are being told, "Our agency has decided this. We have another agency, and we do not know what they will do or when they will do it." This is what leads to cries for an abolition, whether it is of the Corps or a variety of other programs.

I would like to simply ask my colleagues, the Chair of the committee and the ranking member, if we could work together in the next year to try to identify a way to solve this type of problem.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds to say it is a matter of concern to me that the gentleman brings this matter to the floor. Certainly that should not have occurred, and we will work with the gentleman in the future to address that matter and bring about comity between the Corps and sister Federal agencies.

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Yes, we did have a memorandum of agreement earlier between these agencies. I thought this had been worked out and, unfortunately, that memorandum of agreement is now treated as if it is irrelevant.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to tell the gentleman from Minnesota (Mr. MINGE) that I certainly want to work with him as well.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding me the time.

Mr. Speaker, I rise to thank the gentleman from Pennsylvania for his leadership in bringing this bill to the floor and the hard work put in by the gentleman and his staff to include the many projects needed to provide critical flood control for so many.

Mr. Speaker, the Sacramento Area Flood Control Agency has been working with the Army Corps of Engineers to implement the historic flood control project for the Sacramento region known as the Common Elements. The

Common Elements Project was authorized in the Water Resources Development Act of 1999, and I thank the gentleman for his work on that bill as well.

Unfortunately, recent analysis of the geology along the East Levee of the Sacramento River has shown an extremely porous condition exists. This condition can lead to seepage under the levee which will degrade the levee foundation and weaken the levee's structural integrity.

In order to compensate for this serious problem, the Corps of Engineers will need to significantly alter the design and construction along this portion of the East Levee than was originally anticipated, thus leading to significantly higher costs than authorized in WRDA in 1999.

I understand the reluctance of the gentleman from Pennsylvania (Chairman SHUSTER) to increase the authorized spending levels by $80 million. This is a significant cost increase, and Congress is entitled to have specific information that justifies such a large additional expenditure. While this additional cost may very well be justified, the information given to date by both the Sacramento Area Flood Control Agency and the Corps of Engineers to Congress is very minimal, and it did not come until the committee was almost ready to bring the bill to the floor.

In fact, the Corps of Engineers Sacramento District did not release the increased cost estimate until August 16 of this year. The report makes no mention of how the money would be spent, nor does it give any specifics on the necessary changes. I look forward to working with the gentleman from Pennsylvania (Chairman SHUSTER) on getting more specific information and accountability from the Sacramento Area Flood Control Agency and the Corps of Engineers Sacramento Division office on how this money will be spent before Congress approves the increased costs. I thank the gentleman for his consideration and cooperation.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would say to the gentleman he certainly is correct that we have had little time to review this proposal. Indeed, we still do not have enough information to make a sound judgment on it; and hopefully over the coming days, the local sponsor and the Corps will provide additional information which will be helpful in evaluating the proposal.

I certainly agree that we should take every reasonable action to assure that the water resources needs of the area are addressed.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I concur in the gentleman's concern. I make many visits to the Sacramento area to see my family there, my son and daughter-in-law.

Mr. OSE. The gentleman is always welcome.

Mr. OBERSTAR. Mr. Speaker, I have bicycled over those levies and talked to the orchardmen on the other side, who can testify to the seepage under those levies, and that is a matter that we need to address and the Corps should be working on. And I concur in the gentleman's concern and look forward to working with him on this matter.

Mr. OSE. Mr. Speaker, reclaiming my time, I would tell the gentleman from Minnesota he is always welcome in Sacramento.

Mr. OBERSTAR. There is great bicycling out there.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN), our distinguished colleague on the Committee on Transportation.

Ms. BROWN of Florida. Mr. Speaker, first of all, I want to thank very much the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for bringing this bill to the floor.

The Everglades project is very important to the State of Florida and, in fact, to the entire country. But I do have a concern, and I thank the gentleman from Minnesota (Mr. OBERSTAR) for working with me on my concerns.

This is the largest project in the history of the United States, and it is important that this project is one of inclusion and that there is minority and female participation, not only in contracting, but in employment and in training. So I am very concerned that we have a policy statement, the same kind of policy statement that we had when we did the transportation TEA21.

Florida does not have a great history of inclusion and, in fact, with our Governor Jeb Bush and his one Florida plan, we have gotten rid of affirmative action, so there will not be opportunities to participate in this project with taxpayers' dollars unless the policy is stated from the Federal Government status.

This is very important. This is taxpayers' money. This project is over 20 years, and we must have a public policy statement in this bill as to how these taxpayers' dollars are going to be used.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), our distinguished ranking member, and the gentleman from Pennsylvania (Mr. SHUSTER), our distinguished chairman, not only for their leadership in this matter but all other matters that come before the Committee on Transportation and Infrastructure and the great job that they do.

Mr. Speaker, I rise to engage the gentleman from Pennsylvania (Mr. SHUSTER), as well as the gentlewoman from Missouri (Mrs. EMERSON) for the purpose of a colloquy. I also rise to ask for the gentleman's consideration in including the authorization language in this legislation to benefit the lower Mississippi valley region.

As the gentleman may know, I have introduced bipartisan legislation, H.R. 2911, that would create the Delta Regional Authority, an economic development tool similar to the Appalachian Regional Authority.

Mr. Speaker, I am pleased to call the Arkansas portion of the Delta my home, but the Delta region consistently ranks as one of the poorest and most underdeveloped areas in the country.

This legislation would provide funds and resources specifically to this region.

Due to the efforts of the representatives of this region, we have been fortunate to receive $20 million in energy and water development appropriations.

We simply wish to include the necessary authorization language in this bill so we may begin to provide substantial assistance to the Delta region.

As the bill before the House today, WRDA 2000, continues through the legislative process, I hope the gentleman from Pennsylvania (Mr. SHUSTER) will consider including the authorizing language for the Delta Regional Authority in this bill.

Mrs. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. BERRY. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Speaker, I want to thank the gentleman from Arkansas for his yielding to me.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) for the hard work and leadership the gentleman has provided on this important piece of legislation and ask, along with the gentleman from Arkansas (Mr. BERRY), for the gentleman's consideration of including authorizing language for the Delta Regional Authority as WRDA 2000 moves towards a conference committee with the Senate.

As the gentleman knows, the Mississippi Delta is home to remarkable history, culture and natural resources, and I am sure proud to represent the wonderful people of this region; however, our Delta communities have not shared in America's prospering economy of the last few years and have historically faced unique economic challenges.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, the gentleman from Arkansas (Mr. BERRY) has led a bipartisan effort to establish the Delta Regional Authority and refocus our efforts on promoting jobs and economic development in the region. His bipartisan proposal is contained in H.R. 2911 and is supported by 21 Republicans and Democrats in the region, including our colleagues, the gentleman from Arkansas (Mr. DICKEY) and the gentleman from Missouri (Mr. GEPHARDT), among others.

As WRDA 2000 continues through the legislative process, I hope the gentleman will consider including the urgently needed authorizing language for the Delta Regional Authority.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, of course, have greatly sympathized with the concerns of the Mississippi Delta Region counties and the area's Members of Congress who are working on ways to address the economic distress this area has experienced far beyond that of Appalachia.

President Clinton, while he was Governor of Arkansas, served as chair of the Lower Mississippi Development Commission to study the needs of the economically distressed area. There are some ways that we can help establish the Mississippi Delta Commission in the course of further work on this WRDA legislation as it moves through conference.

I know that the gentleman from Pennsylvania (Chairman SHUSTER) is sympathetic and I certainly am and we will see what we can do.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would say to the gentlewoman from Missouri (Mrs. EMERSON) that representing part of Appalachia myself in Pennsylvania, I sometimes feel as if I know more about the need for economic development and the problems with lack of economic development than I wish I knew. It is a terrible problem, and so I want to be very helpful as we move forward. I hope we can do something.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no further speakers, but I will close for our side.

Mr. Speaker, it has been widely reported that the issue or one of the issues certainly that delayed this bill from floor consideration was the applicability of the Davis-Bacon Act to the non-Federal contributions to Corps projects. It has always been my belief and experience that Davis-Bacon applies to all aspects of Federal public works projects, regardless of whether the Corps is doing the work, or a non-Federal sponsor is contributing to the work. These are Federal public works projects. Davis-Bacon should apply.

The Corps was not consistently applying Davis-Bacon wage protections to the non-Federal contribution for Corps projects, and I was prepared to offer legislative language to remedy the situation. Such action is not necessary now that the Corps, the Department of the Army, the Department of Labor and the White House itself got together, reviewed the matter in a meeting in my office and have come to an agreement that Davis-Bacon does apply.

The wage provisions apply to non-Federal contributions to Corps of Engineer projects and an appropriate statement of policy on this matter is being formulated to make this matter very clear.

Mr. Speaker, the Corps of Engineers even in some debate here on the floor, but also in news accounts widely distributed across the country has come under assault. I would like to pay tribute to the Corps of Engineers as they celebrate their 225th anniversary. During that 2¼ centuries, it has established itself as the Nation's oldest, largest, most experienced government organization in water and related land engineering matters, extraordinary, competent, life-saving, economic-development enhancing service has been provided to this country and its people by the Corps of Engineers during these 2¼ centuries.

Few people know that the Corps of Engineers once had jurisdiction over Yellowstone Park and over Yosemite and Sequoia National Parks, until the National Park Service was established in 1916. Lieutenant Dan Kingman of the Corps in 1883, and later Kingman would become the Chief of Engineers, wrote of the corps' work on Yellowstone, quote, "The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will preserve as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to none."

A few years later, John Muir, the founder of the Sierra Club said, quote, "The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert, as far as underbrush, grass and flowers are concerned. But in 2 years, the skin of the mountains is healthy again; blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy."

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Another great American said, "The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it." That was Mark Twain.

Together, those statements say a lot about the Corps of Engineers and pay tribute to its work, to its legacy for all Americans: protecting people, protecting cities against flood, enhancing river navigation, America's most efficient means of transportation of goods; and, for me, protection of the Great Lakes, one-fifth of all the fresh water on the entire face of the Earth.

The Corps of Engineers deserves recognition, which it does not sufficiently receive, for all of these works and the great contribution it makes to the economic well-being, to the environmental enhancement of this country.

Finally, Mr. Speaker, I would like to mention that there is a provision in here that names a unit of the Boundary Waters Canoe Area Wilderness in my district as the Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness.

Bruce Vento understood the great oration of Chief Seattle at the signing of the treaty of 1854 when he said, "The Earth does not belong to man, man belongs to the Earth." Bruce Vento dedicated his career to man's responsibility to the earth, to environmental protection. Cicero, the great Roman orator and Senator said, "Gratitude is not only the greatest virtue, it is the parent of all others." In gratitude for Bruce Vento's service to the enhancement of our environment, I am very pleased that we are able to include this provision in this legislation.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this indeed is historic environmental legislation, not only because it provides for water resource protection and development throughout these United States, but most particularly because this is the largest ecosystem restoration project in the history of the world.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Florida (Mr. SHAW), who deserves so much credit for that, along with so many others around the country.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the chairman for giving me this privilege of being able to close debate.

Mr. Speaker, we here in this Chamber are only the voices speaking out for the millions of Americans who do care about the environment, and leading that in this House, of course, we have our great chairman, the gentleman from Pennsylvania (Mr. SHUSTER).

I had the privilege of working with the gentleman from Minnesota (Mr. OBERSTAR) both in the Committee on Transportation and Infrastructure and the Committee on Public Works; and the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from New York (Mr. BOEHLERT), who I think thinks he is representing Florida for the great work he has done for the restoration of the Everglades. Of course, we have many of the gentleman's New Yorkers in Florida, so I am sure that has been a great effort of his.

Also, thanks to the gentlemen from Florida (Chairman YOUNG) and the ranking member, the gentleman from California (Mr. MILLER), for the work they have done in their committees with regard to the Everglades.

Secretary Babbitt, whose name has been missing from this debate, he I think has given us an extraordinary amount of attention in the Everglades, and his name should certainly be referenced in our discussion.

And in the other body we have our two great Senators from Florida, Senator CONNIE MACK, who we are going to miss after this year, and Senator BOB GRAHAM, who has really gotten deeply involved in matters pertaining to the Everglades.

This has truly been a great moment of great bipartisan effort. I think the gentleman from Minnesota (Mr. OBERSTAR) may have stated it best in his closing remarks when he said that the Earth does not belong to man, that man belongs to the Earth. This is certainly a recognition.

Many roads are paved with great intentions that go in the wrong direction. This certainly is the case and has been the case with regard to the ecosystem of south Florida. Starting from just south of Orlando and going south to Lake Okeechobee, many years ago it was thought to be a great idea to get rid of the flooding, straighten the Kissimmee River, and have it dump directly into Lake Okeechobee.

It worked, but it worked too well, because it brought all of the agricultural runoff down into the bottom, which has really changed the very nature of Lake Okeechobee. Some of the oldtimers down there will tell us that in the old days we could read the date off of a dime that was laying on the bottom of Lake Okeechobee. Now we cannot find the dime. It has changed considerably.

But we are addressing that issue, and thanks to this great committee that this bill is coming out of, that restoration project is underway.

Now it is time to change the nature of the rest of the sheet flow, the runoff that runs south over that great river of grass. It was once thought that this ecosystem was indestructible, that we could do anything and get away with it. Mother Nature had different ideas. We cannot. The very water that now shoots down in by ways of canals into the Florida Bay has greatly changed the salinity of the Florida Bay itself. The natural grasses that grew on the floor of Florida Bay have been damaged because of the salinity and how it varies.

There are many other things that need to be studied, but we have a great blueprint. That blueprint is the Everglades to be restored before man changed it. We need to go back as close as we can.

But when we see the great cooperation that we have received not only from this body, but we have to go to my own State of Florida and talk about my Florida legislature that has stood up, stepped up to the plate and has put the money up, the matching funds required in order to make this happen; and all of the interests involved, the agricultural interests that wanted to go one way, the environmental interests that wanted to go the other way, the developers, the Miccosukee and Seminole Indian tribes, we had a coming together that was absolutely incredible. It was almost a magic moment.

It is very important on this bill that we not only vote it in today by the great bipartisan vote that I am confident of, but that we conference it promptly and get it passed into law and get it to the President's desk for signature. This is tremendously important because of that fragile balance that we have, the fragile balance of State and all of the interests that I have mentioned.

I can tell the Members, this is really a wonderful, wonderful moment in this institution and in the history of the country. It is not just a Florida issue. I would like to say, and I would want to absolutely recognize the greatness of our Florida delegation in working together, with interest in north Florida as well as south Florida, in bringing together what is going to happen here in just a minute or so; that is, the passage of this great bill.

Mr. Speaker, this Congress, this 106th Congress, it can look back and say that we put forth the greatest, largest environmental restoration project in the history of this globe. It is a wonderful moment for this institution. It is a wonderful moment for our country. I urge a yes vote.

Mr. Speaker, it is remarkable to have this broad a cross-section of Americans supporting legislation on any single issue. But protection of the Everglades is a national priority, because most Americans speak of this national treasure in the same breath as the Redwood Forests, the Mississippi River, Old Faithful, the Appalachian Trail, or the Grand Canyon.

Most Americans also understand the basic concepts of clean water and the delicate balance that nature requires. Everglades restoration is about restoring the balance that was disturbed by man-made structures as we pursued the noble goal of flood protection in decades past.

That is why so many diverse interests have come together, in historic fashion, to support enactment of a Comprehensive Everglades Restoration Plan, as outlined by the Comprehensive Review Study undertaken by the Central & Southern Florida Project, led by the U.S. Corps of Engineers and the South Florida Water Management District. (A list of participating organizations is submitted herein for the RECORD, with much applause for their work.)

That is why our underlying Everglades restoration bill, H.R. 5121 and S. 2796/2797, as modified by today's manager's amendment and the stellar work undertaken in the other Chamber, has been endorsed by numerous organizations, from environmental groups to agricultural groups to home builders and other businesses, to utility districts and other local governmental bodies, to recreational users and Native American Indian tribes. (A list of organizations supporting the legislation is also submitted for the RECORD.)

This legislation is as much about a process to make future decisions affecting the ecology of South Florida as it is about specific projects authorized by this bill. I am pleased that Members from other parts of the country have respected our State's right to determine what is correct within the context of our own State water laws. While recognizing that Florida has come to the table as a full and equal partner in this restoration effort, for the good of all Americans.

The State of Florida has already taken the extraordinary step of putting up 50 percent of the up-front construction costs, which Governor Jeb Bush has shepherded through the State legislature as a commitment in anticipation of the federal response. We at the federal level can no longer delay answering the call.

I thank Chairmen BUD SHUSTER, DON YOUNG, and SHERRY BOEHLERT, along with the Ranking Members OBERSTAR, MILLER, and BORSKI, my Florida colleagues and co-sponsors from other states for their leadership and support of doing the right thing.

Citizens from all over the country understand that this is not a local issue affecting only South Florida—although not simply because our state boasts tourists and future residents from all 50 states and many foreign countries.

What is good for the environment is good for us all, and with a vote to pass Everglades restoration in the House, we can truly lay claim to a legacy for the 106th Congress:

We will have worked in bipartisan, bicameral fashion to deliver a huge victory for the American people and a huge victory for the environment, with the largest and most significant environmental restoration project in the history of the United States, if not the history of the world.

Let me discuss a little about the Everglades. There is no other ecosystem like it anywhere in the world. It is home to 68 individual endangered or threatened species of plants and animals, which are threatened with extinction unless we act. The Everglades has also been shown to play a significant role in global weather patterns.

Several years of research by state and federal scientists, private environmental and agricultural experts and the Corps of Engineers produced the Comprehensive Everglades Restoration Plan (CERP), which includes 68 individual projects to be completed by the Corps of Engineers over the next 36 years. The total cost of the plan is $7.8 billion, to be shared 50/50 with the state of Florida.

The CERP will restore more than 1.7 billion gallons of freshwater per day to the natural system, which is currently lost to sea via the St. John and Caloosahatchee rivers. Flood control projects constructed by the Corps of Engineers in the 1940s destroyed the original freshwater sheet flow through the natural system, and more than 50% of the original ecosystem has been lost. This plan will restore the Everglades to almost 80% of its original condition.

In its natural state, the Everglades covered over 18,000 square miles and was connected by the flow of water from the Lake Okeechobee through the vast freshwater marshes to Florida Bay and on to the coral reefs of the Florida Keys.

The Everglades is the largest remaining tropical and subtropical wilderness remaining in the United States. Its wonders include unique habitats of sawgrass prairies, tree islands, estuaries and the vast waters of Florida Bay.

The lands owned and managed by the Federal government—4 national parks and 16 national wildlife refugees and 1 national marine sanctuary which comprise half of the remaining Everglades—will receive the benefits of the restoration.

But this legislation is designed to restore the entire ecosystem of the Everglades, not just the national parks and federally owned lands. This should be of comfort to those who enjoy the recreational benefits of such wilderness areas, as well as those living in communities on the periphery of the Everglades who are affected by the water flows of the system. I have heard from local property owners, sportsmen's chapters, airboat associations and Safari Club chapters and understand how important this is to to them.

The compelling Federal interest has been matched by the State of Florida, which has already stepped up and committed $2 billion to the effort. Florida's Fish & Wildlife Agency will maintain its strong role. Congress needs to respond to that pledge.

Finally, there are additional opportunities for community involvement contemplated or even called for by this legislation. One area is in the scientific verification procedures. Our Everglades legislation includes a provision for independent scientific review, contemplating that the National Academy of Sciences or some other qualified body or bodies will convene a panel to review the Plan's progress towards achieving the stated natural restoration goals. I believe it is appropriate to point out that, in South Florida, we have a number of institutions that could contribute significantly to such scientific research because of their demonstrated competency in such areas.

For example, Florida international University, one of the leading research universities in my State, has done a remarkable job in fostering an ecosystem approach to meeting the challenges created by population growth in one of the most environmentally sensitive regions on Earth—the greater Everglades ecosystem. Spearheading this effort is the Southeast Environmental Research Center (FIU–SERC) with its experienced scientific staff and established network of collaboration with university, federal, state, local, and private organizations. FIU–SERC has extensive expertise in conducting monitoring assessments for the Everglades that can contribute to the Adaptive Monitoring and Assessment Program in WRDA. The Corps of Engineers can greatly benefit from utilizing FIU–SERC's existing resources to conduct future monitoring activities in the Everglades.

In addition, the Museum of Discovery and Science in Fort Lauderdale, Florida, is uniquely situated to provide an interpretive site to carry out public outreach and educational opportunities pertaining to the restoration of the Everglades. In August, 1999, the Museum signed an agreement with the South Florida Ecosystem Restoration Task Force to provide public education outreach in conjunction with the restoration effort. The Museum has a 25-year history of providing environmental science education to the public in innovative ways. It currently hosts more than 500,000 visitors annually and plans to build a dynamic, interactive facility called the Florida Environmental Education Center, as well as expanding its Florida Ecoscapes Exhibition. I hope that such activity would be looked upon favorably by the Corps of Engineers in developing an interpretive site partnership initiative for community outreach and assistance.

Mr. Speaker, I include the following material on this legislation:

The Central and Southern Florida Project Comprehensive Review Study was led by the US Army Corps of Engineers, Jacksonville District and the South Florida Water Management District, located in West Palm Beach, Florida. Many other federal, state, tribal and local agencies were active partners in developing the Comprehensive Plan and that partnership will continue through the implementation of the Plan. Those agencies are listed below.

US Department of the Army:
US Army Corps of Engineers;
Office of the Assistant Secretary of the Army for Civil Works.
US Department of Agriculture:
Agricultural Research Service;
Natural Resources Conservation Service.
US Department of the Interior:
US Fish and Wildlife Service;
US Geological Survey/Biological Resources Division;
Everglades National Park;
Everglades Research and Education Center;
Biscayne National Park;
Big Cypress National Preserve.
US Department of Commerce:
National Oceanic and Atmospheric Administration;
National Marine Fisheries Service;
National Ocean Service;
Office of Oceanic and Atmospheric Research.
US Environmental Protection Agency.
Miccosukee Tribe of Indians of Florida.
Seminole Tribe of Florida.
State of Florida:
Department of Agriculture and Consumer Services;
Department of Environmental Protection;
Game and Fresh Water Fish Commission;
Governors Commission for a Sustainable South Florida;
Governor's Office;
South Florida Water Management District.
Local Agencies:
Broward County Department of Natural Resource Protection;
Broward County Office of Environmental Services;
Lee County Utility Department;
Martin County;
Miami-Dade Department of Environmental Resource Management;
Miami-Dade Water and Sewer Department;
Palm Beach County Environmental Resource Management;
Palm Beach County Water Utilities.
Academic Institutions:
Florida International University;
University of Miami;
University of Tennessee.

SUPPORTERS OF THE EVERGLADES RESTORATION BILL

The Clinton-Gore Administration
Governor Jeb Bush
Seminole Tribe of Florida
Miccosukee Tribe of Indians
National Audubon Society
National Wildlife Federation
Florida Wildlife Federation
World Wildlife Fund
Center for Marine Conservation
Defenders of Wildlife
National Parks and Conservation Association
The Everglades Foundation
The Everglades Trust
Audubon of Florida
1000 Friends of Florida
Natural Resources Defense Council
Environmental Defense
Florida Citrus Mutual
Florida Farm Bureau
Florida Home Builders
American Water Works Association
Florida Chamber of Commerce
Florida Fruit and Vegetable Association
Southeastern Florida Utility Council
Gulf Citrus Growers Association
Florida Sugar Cane League
Florida Water Environmental Utility Council
Sugar Cane Growers Cooperative of America
Florida Fertilizer and Agrichemical Association
League of Women Voters of Florida
League of Women Voters of Dade County
Chamber South

Mr. Speaker, I would like to thank and praise the leadership and hard work of the following people, on behalf of those they represented in creating a consensus product, legislation to restore the American Everglades, as embodied in this bill:

Governor Jeb Bush and his staff, especially Nina Oviedo and Clarke Cooper of the Governor's Washington office, Secretary David Struhs and Leslie Palmer of the Department of Environmental Protection, and Kathy Copeland of the South Florida Water Management District;

Senator BOB GRAHAM and Catharine Cyr-Randsom of his staff;

Senator CONNIE MACK and C.K. Lee of his staff;

Mike Strachn and Ben Grumbles of the Transportation & Infrastructure Committee;

Deputy Assistant Secretary of the Army for Civil Works Michael Davis;

Acting Assistant Secretary Mary Doyle and Peter Umhofer of the Department of the Interior;

Tom Adams of the Audubon Society;

Bob Dawson, representing the coalition of agriculture, home builders, and utility districts;

Mary Barley, Bill Riley, and Fowler West of the Everglades Trust;

Col. Terry Rice of Florida International University;

Dexter Lehtinen, The Honorable Jimmy Hayes, and Lee Forsgren, representing the Miccosukee Tribe of Indians; and finally, my own staff, especially Donna Boyer, Mike Sewell, and Bob Castro.

Mr. REGULA. Mr. Speaker, I rise today in support of S. 2796, the Water Resources Development Act of 2000 and would like to emphasize my support specifically for the Everglades language contained in it.

As many of my colleagues have already stated during this debate, the Everglades provisions represent a major step toward restoration of this unique ecosystem. As Chairman of the Interior Appropriations Subcommittee, I have become involved in this restoration effort, as it directly impacts the natural areas in federal ownership including Everglades National Park, Big Cypress Natural Preserve and several national wildlife refuges. Their future and that of the numerous species who make the Everglades their home, depend upon the success of this effort. Only if the Corps of Engineers carried out the restoration initiative properly will they survive.

I commend the Chairman of the House Transportation and Infrastructure Committee for recognizing that the environment must be the primary beneficiary of the water made available through the Comprehensive Plan for the restoration. The object of the plan is to restore, preserve and protect the natural system while also meeting the water supply, flood protection and agricultural needs of the region.

As we make our way through this massive ecosystem restoration, I intend to work with my colleagues on both sides of the aisle to ensure that we remain focused on the restoration of the natural areas. I commend the Members on their bipartisan work in bringing this legislation to the floor today and urge the support of the House in passing it.

Mr. WELLER. Mr. Speaker, I rise today to express my strong support for S. 2796, the Water Resources development act of 2000. This historic legislation will provide funding for valuable projects across our nation and the 11th Congressional District of Illinois.

Mr. Speaker, I am very pleased that three projects that are very important to my constituents were included in the Water Resources Development Act of 2000 (WRDA). Legislative language was included in the bill which will ensure the continuation of valuable work by the Army Corps of Engineers at Ballard's Island in the Illinois River; the Ottawa YMCA will have land transferred to it from the Army Corps of Engineers for expansion of its facilities; and the Joliet Park district will have land transferred to it for use as their regional headquarters.

Ballard's Island is a natural and historic treasure located in the Illinois River. However, the side channel around Ballard's Island has become severely clogged with sand and silt due to the Army Corps of Engineers erection of a closure structure at the end of the side channel of Ballard's Island in the 1940s. This side channel has since become increasingly clogged with sand and silt, the problem becoming severe over the past three decades. The original depth of the side channel was 19 feet but today it has been reduced to two feet, making the channel completely unusable. This channel was once a thriving and vibrant aquatic ecosystem, but it is now so choked with mud and sediment that it no longer supports the plants and animals it used to and it is no longer productive for local citizens.

To solve these problems, the Army Corps is prepared to begin a Section 1135 Preliminary Restoration Plan for solving the river's woes. The Illinois Department of Natural Resources will be the 25% non-federal sponsor for this project. However, the Illinois Department of Natural Resources has already begun work on removing sediment from the channel through a $250,000 state appropriation. The legislative language included in this bill will ensure that the valuable work already begun on the river will continue and its habitat and ecosystem restored. This is a victory for the people who live on and love this river who have watched it slowly die—their river will be returned to them.

Two other projects in this bill will help the people of Ottawa and Joliet, Illinois. The Ottawa YMCA is an outstanding community organization which already provides health and recreational services to hundreds of Illinois Valley families. In fact, because of the growing demand for these services, the Ottawa YMCA has launched a capital campaign to raise funds to expand its current facilities.

Earlier this year, with construction about to begin on the $1.3 million expansion project, YMCA officials learned that the U.S. Government was granted an easement in 1933 on the very piece of property intended as the site for the YMCA's expansion project. This easement, although never utilized, was intended for use in conjunction with the Army Corps of Engineers Illinois Waterway Project. On September 19, 2000 with legislative language provided to me by the Rock Island Army Corps district, I introduced H.R. 5216, a bill to convey the Army Corps easement back to the YMCA, ensuring that there will be no further questions about the land used by the YMCA for its expansion. I am pleased that H.R. 5216 was included in the Water Resources Development Act and that the good work of the Ottawa YMCA will be able to continue.

WRDA also provides a new home for the Joliet Park District. The Army Corps of Engineers currently owns property located at 622 Railroad Street in Joliet, Illinois. The property has served several functions in its official use but has recently been vacated. This property is no longer used or needed by the Army Corps of Engineers and is in the process of being deemed "excess."

The Joliet Park District has requested use of the land and buildings for its new location for its headquarters. The Park District currently has its headquarters and maintenance facilities in two separate, small locations on opposite sides of the City of Joliet. The approval of this property transfer will allow the Park District to increase its efficiency and save time and funds which can be much better used to the improvement of parks and recreation facilities. I am pleased that the Water Resources Development Act included H.R. 5389, legislation I introduced that conveys the land from the Army Corps of Engineers to the Joliet Park District.

Mr. Speaker, this is good legislation and I commend Chairmen BOEHLERT and SHUSTER for their work and efforts on this legislation. I urge passage of the Water Resources Development Act of 2000 by my colleagues.

Mrs. FOWLER. Mr. Speaker, today we take an historic step to restoring one of our nation's natural treasures, the Everglades. This will be the largest environmental project the Corps of Engineers has ever undertaken and Democrats and Republicans have come together to accomplish this great task.

My friend and colleague CLAY SHAW, the dean of our delegation, successfully guided this legislation through the House. Also, our Governor, Jeb Bush, has not wavered on his commitment to the Everglades. His tireless efforts guarantee state funding for the project over the next ten years.

This bipartisan plan will restore, preserve and protect the South Florida ecosystem while saving generations from inheriting an environmental nightmare. Over a million Americans visit the Everglades system each year—enjoying the natural wonders of this remarkable spot. Though we should be alarmed that this important ecosystem is now half its original size. But today, we start to reverse that dangerous trend and begin undoing the mistakes of the past. I know our children and grandchildren will benefit from a stronger Everglades.

Mr. DIAZ-BALART. Mr. Speaker, I wish to echo the sentiments of the gentleman from Florida, Mr. SHAW, about the FIU Southeast Environmental Research Center and reinforce the important contributions that the Center has made in the area of monitoring assessments in the Everglades. I would encourage the Corps of Engineers to explore ways to collaborate with FIU–SERC and utilize the Center's expertise in monitoring assessments. SERC has extensive expertise in Everglades restoration and can provide research and monitoring, technical assistance and infrastructure to support the Corps. FIU–SERC can also serve to coordinate technology transfer and apply the techniques and methodologies learned from CERP to other sustainable ecosystems.

Mr. TANCREDO. Mr. Speaker, I rise in opposition to S. 2796, the Water Resources Development Act. The communities in my district have learned first hand that the Army Corps of Engineers has become a large, bloated and intransigent bureaucracy. Now is the time for reform, and while I commend the Transportation Committee for their efforts to bring about some reform in the area of peer-review for projects in S. 2796, I believe more work must be done, and more efforts to shrink the size and power of the Corps of Engineers should be made.

To illustrate the point, I am enclosing for the RECORD the following Op-Ed I recently submitted to the Aurora Sentinel regarding the need for reform in the Army Corps of Engineers.

On a related topic, I believe that the public image and reputation of the Corps of Engineers might be improved tremendously if it would adopt some of the recommended policy changes suggested by the 1999 National Recreation Lakes Study Commission.

Specifically, I believe it is time for the Corps to reverse its long-standing opposition to cost-share proposals that would rehabilitate facilities on the recreational properties it leases to non-federal entities such as the State of Colorado.

Over the last year and a half, I have worked with the interested parties to encourage the Corps to enter into a cost-share agreement with the state of Colorado to improve the recreational facilities of Cherry Creek Reservoir, Chatfield Reservoir, and Trinidad Reservoir State Parks.

Cherry Creek, Chatfield, and Trinidad Reservoirs are each operated and maintained by the Corps, while the State manages all parks and recreation facilities on the surrounding federally-owned land. These reservoir-parks are the most valued sources of water recreation in Colorado, a state where virtually no natural large body of water exists. The three parks combined host almost 3.5 million visitors annually.

Most recreational facilities in these parks were constructed over 25 years ago. Entrance gates, trails, campsites, and outhouses are near states of disrepair. Worse, public safety is at risk if water, sewer, and Americans with Disabilities Act compliance improvements are not addressed. The State is not financially capable of meeting the repair and renovation needs without matching federal assistance.

In a recent meeting with Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal, I was assured by Secretary Westphal that the Corps is committed to beginning this cost share agreement as a pilot project. Governor Bill Owens has also committed the State of Colorado to meeting its financial obligation for the cost share program. Unfortunately, the project has not progressed as planned.

As was demonstrated by previous recreational facility cost share agreements with the Bureau of Reclamation, these agreements are a tremendously efficient way to leverage federal dollars and to help preserve Colorado's quality of life. In addition, the facilities provided through the cost shares enable the Corps to meet their legal obligation to provide recreation on these three reservoirs.

Because of the lack of an agreement, I proposed a policy reform in the form of an amendment to S. 2796 that instructed the Corps of Engineers to submit a plan in no less than one year on how it could implement cost-share programs with non federal entities for recreational purposes. While the amendment was not made in order, I intend to craft legislation that will seek to reform and improve the operations of the Corps of Engineers, and introduce the legislation when the 107th Congress convenes.

A Bright Light Shed on the Army Corps of Engineers

(By Congressman Tom Tancredo)

The evidence is in, and it is conclusive. The Army Corps of Engineers has tried to throw a blanket over the heads of American taxpayers in order to advance their own projects and agenda, and the citizens around the Cherry Creek Dam and Reservoir have been a top target.

The Washington Post released an article on February 24th entitled "Generals Push Huge Growth for Engineers," which details an internal push to expand the budget, size, and scope of the Army Corps of Engineers.

At the surface, the Corps has internally planned for growth of their budget to $6.5 billion by 2005, more than $2 billion greater than their 2000 budget, which breaks down more specifically within the agency.

The information obtained by the Washington Post also shows that Corps officials had been pressured by superiors to "get creative with cost-benefit analysis in order to greenlight major projects."

The Cherry Creek Dam controversy that has developed between the Corps, the local community and local public officials over the expansion of flood controls around the dam is even more alarming with the information contained in the Corps report proposing a "program with targeted studies that should lead to target construction activities with continuation of historical success rates."

This answers a few questions I had surrounding the proposed addition of flood controls to the Cherry Creek Dam. Why the conflicting facts and figures from the Corps? And why have they suppressed the concerns of local citizens and elected officials, myself included? The answer to those questions is evident in the report, the growth of the Corps is first and foremost.

Like many, I was skeptical of the need to add more flood control onto the Cherry Creek Dam when the Corps had admitted that the chances of a flood capable of breaking the dam, 24.7 inches in 72 hours, is approximately one in a billion. With Metro Denver averaging around fourteen inches of moisture a year, this would be a flood of biblical proportions.

What the Corps has turned into is a major public works department with over 37,000 workers attempting to capitalize on the expansion of the American economy and proposed government surpluses.

Let me be the first to inform the Army Corps of Engineers that the days of reckless government and fraud is over.

America has more pressing needs—saving Social Security and keeping our commitment to our nation's veterans—than to needlessly expand the budget of an agency whose motto is, "growth."

I am just sorry that the citizens of this community have had to endure what has become a stressful issue that has scared many families and individuals and affected property values in the proposed area.

As this process moves forward, and both Congressman Joel Hefley and I are discussing legislation that would require the Corps to use criteria for similar projects more in line with what the State of Colorado uses, I will keep the communities best interests, and not the Corps, at the forefront of the debate.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of the manager's amendment to the Water Resources Development Act of 2000. This bipartisan piece of legislation is a tribute to the outgoing Chairman BUD SHUSTER and Ranking Member JIM OBERSTAR. I want to touch on two components of the legislation that I wholeheartedly support.

Representing a district that sits within a 100-year floodplain along Hurricane Alley is often a daunting but fulfilling task. Hurricane Floyd ripped through Eastern North Carolina more than one year ago, causing billions of dollars of damage and displacing thousands of families.

While recovery is progressing and people's lives are slowing returning to normal, our rivers and streams remain clogged with debris from that horrific storm. If these streams are not immediately cleared after major disasters, flooding problems will be exacerbated and North Carolina will continue to remain vulnerable to extreme weather conditions. For instance, one country in my district, Onslow County, has almost 600 miles of rivers and streams that remain clogged, a continuing threat to life, property and economic development.

Included in the legislation is a demonstration project authorizing the Army Corps of Engineers to remove accumulated snags and debris in Eastern North Carolina rivers and tributaries immediately following major disasters. The accumulated debris in our rivers and streams are a contributing factor in the disastrous floods experienced by eastern North Carolina in the last few years.

Without this provision, flood control problems will worsen as urban centers are now being impacted by floodwaters. This emergency authority for the Army Corps of Engineers will help alleviate continued flooding within Eastern North Carolina and supplement other flood control programs.

The proposed program will not only aid navigation and safety, but it will also help the flow of the rivers themselves. With this provision, Eastern North Carolina will be better prepared to deal with extreme weather events like Hurricanes Bertha, Fran, Dennis, Floyd and Irene in the future.

The second provision I support is an authorization for hurricane and storm damage reduction for Dare County, North Carolina. The authorization affects the towns of Nags Head, Kill Devil Hills, and Kitty Hawk. I am a strong supporter of beach nourishment, not just for the 3 million tourists who visit our shores every year, but also for storm protection for our homes and infrastructure.

It is not well remembered, but it is nevertheless a fact, that these communities—indeed most of North Carolina's Outer Banks—have been protected for well over a half a century by a line of dunes constructed by the federal government under the Works Progress Administration. These dunes have been a wise investment of resources. Now, however, these dunes and berms have deteriorated and must be repaired.

Erosion along North Carolina's shoreline threatens the future existence of these beaches and shore protection is truly the only option available to ensure coastal areas will be here tomorrow. Nourishment of these beaches will provide the best protection against the devastating effects of storm surges on the dune system, private property, roads and other critical public infrastructure guaranteeing a healthy and fortified coastline.

Without beach nourishment these reinforcement measures cannot take place. Unfortunately it takes years for the Army Corps of Engineers and the local communities to actually place sand on the affected beaches. Shore protection projects have become entangled with numerous state and federal environmental regulations.

In addition, the projects are even further delayed by the Clinton-Gore Administration's opposition to beach nourishment, under which there have been no new startups of beach nourishment programs. I am hopeful that a new Administration will support such a sound program to protect both our communities and precious natural resources. Rest assured that I will continue to support shore protection and other initiatives along the North Carolina coast. It is essential that we protect the entire coast for the inhabitants and visitors today as well for future generations.

I commend the Committee on Transportation and Infrastructure for bringing this important legislation to the House floor. I hope it will be possible for us to improve this bill today and for the House and the other body to agree on a final version of this critical legislation prior to adjournment. This bill is a victory for Eastern North Carolina, a victory for Congress, and a victory for America.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of the Water Resources Development Act and I urge my colleagues to give it their full support as well. Specifically, Mr. Speaker, I rise in support of one provision of this bill that will begin the long over due effort to preserve the Everglades and restore them to their natural beauty.

Mr. Speaker, with this legislation, we will begin to correct the mistakes we made over 40 years ago when we began development in and around the Everglades area. In those years, we did not have the scientific understanding of the ramifications of our actions, and the result was enormous damage to this vital ecosystem. Yet since that time, clear and compelling scientific data has shown the perilous state of the Everglades.

Under the bill before us, 18,000 square miles of subtropical uplands, coral reefs and wetlands will be preserved, in addition to the habitat of 68 federally listed threatened and endangered species. Once implemented, 2 million acres of Everglades will be restored with a 50/50 cost share between the state of Florida and the federal government, providing $100 million per year for 10 years.

While I am pleased with this, it is only a first step in the preservation of the environment in Florida. As the state's population increases, Florida will experience increasing demands on its water resources. Mr. Speaker, I am committed to maintaining the federal-state partnership we have built for the Everglades, and I am pleased to be able to say that the legislation before this body has the support of a broad spectrum of groups and individuals, ranging from environmentalists, to agricultural and industry groups, to the Seminole Indians and the state of Florida. That broad array of support demonstrates just what we in this body can accomplish when we put partisan differences aside.

Mr. Speaker, I was proud to work with my Republican and Democratic colleagues from Florida on this measure, and I will continue to work in the forefront of the effort to protect our state's unique environment. This is prudent, scientifically sound legislation that will preserve a valuable national asset for generations to come, and I urge my colleagues to vote in favor of this investment in our nation's future.

Mr. UDALL of Colorado. Mr. Speaker, I have some serious reservations about this bill, especially those parts dealing with oceanfront development, dredging, and other projects to be carried out by the Corps of Engineers. I think the House should have had the chance to consider amendments that would have improved the bill. I regret that the rule adopted earlier does not permit that. However, I will vote the bill because I strongly support authorizing the important program of environmental restoration for the Everglades. The bill will now go to conference with the Senate. I hope that will result in improvements in the measure to make it one that everyone can support without reservations.

Mr. HOLT. Mr. Speaker, Marjory Stoneman Douglass, grand matron of the Everglades immortalized the sprawling South Florida wetlands in her classic book, Everglades: River of Grass. "Nothing anywhere else is like them," she wrote. "They are, they have always been, one of the unique regions of the earth, remote, never wholly known."

I am not sure that there is any better way to describe what is one of our nation's greatest natural wonders. But, I can tell you that even though we will never fully know or understand the Everglades, we do know a few things. The Everglades is home to a wide and rich bird population, particularly large wading birds, such as the roseate spoonbill, wood stork, great blue heron and a variety of egrets. It contains both temperate and tropical plant communities, including sawgrass prairies, mangrove and cypress swamps, pinelands and hardwood hammocks, as well as marine and estuarine environments. It is the only place in the world where alligators and crocodiles exist side by side. However, man has also lived in and around the Everglades for the past 2,000 years, sometimes with disastrous consequences. Starting in the 1880's, man began diverting water from the Everglades to make it more a hospitable place for people. Over the last century canals were dug and impoundments were created to provide drinking water, protection from floods and land for houses.

As a result of man's habitation and engineering, the Everglades are dying. Many portions are drying out and many species are threatened with extinction. We need to take immediate and long term steps to save this massive ecosystem. The Water Resources Development Act includes a $7.8 billion, 35-year federal-state plan to restore the Florida Everglades that is a major step towards saving that goal. This restoration plan will reverse the effects of the dams and waterways that drain 1.7 billion gallons of water a day from the Everglades into the Atlantic Ocean. This plan has 68 project components and will restore the natural water flow while continuing to supply water to South Florida. This legislation also requires that an ongoing, independent scientific review be established to ensure that the plan is progressing toward restoration.

I strongly urge all of my colleagues to support this plan to save this truly unique natural resource.

Mr. STUPAK. Mr. Speaker, I rise today in reluctant opposition to the Water Resources Development Act. I do not oppose this bill for its content. Rather, I oppose the measure because the rule did not provide an opportunity to offer amendments. This bill does not include language about preventing the withdrawal and diversion of water from the Great Lakes. In 1998, a Canadian company planned to ship 3 billion liters of water from Lake Superior over five years and sell it to Asia. I authored legislation that passed the House of Representatives that called on the United States government to oppose this action. The permit was subsequently withdrawn. We must strengthen existing laws to protect the possibility of other countries making similar requests in the future. We owe it to the estimated 35 million people who reside in the Great Lakes Basin.

I want to thank Chairman SHUSTER and Ranking Member OBERSTAR for their commitment to protecting our Great Lakes and I hope that similar language will be inserted in the WRDA conference report. Another point of concern for me in this bill concerns the transfer of a lighthouse in Ontonagon, Michigan, from the Secretary of the Army to the Ontonagon County Historical Society. This facility was built in 1866 and guided ships through the seas of Lake Superior for more than 100 years.

Thanks to the Ontonagon County Historical Society's efforts, this facility has been preserved for the public's enjoyment. To continue its work, the non-profit organization is seeking to have the lighthouse and the adjacent land of 1.8 acres transferred. Unfortunately, the Army Corps of Engineers, which owns and uses the property, has witnessed contamination of the property. Lead-based paint coats the interior walls and the exterior gallery of the lighthouse. A 5,000-gallon fuel tank, which may have leaked oil into the soil, sits idle near the lighthouse. Finally, for 14 years coal has been stored onsite by a company subletting the property; an action which has contaminated the soil.

This bill, however, does not include language absolving the organization of responsibility. And in no way should the Ontonagon County Historical Society be held liable for environmental damage of the property when it occurred during the ownership of the Army Corps of Engineers. Such an omission forces me to oppose this bill. The Senate version of WRDA would hold the Secretary of the Army responsible for the removal of onsite contaminated soil and lead-based paint. I hope that its language is retained in the bill's conference report.

Again, I reluctantly oppose this bill but wish to thank Mr. SHUSTER and Mr. OBERSTAR for bringing this legislation to the floor, especially given the session's time constraints. Their leadership in crafting a bipartisan bill should be commended.

Mr. WATTS of Oklahoma. Mr. Speaker, today the House is considering S. 2796, the Water Resources and Development Act of 2000. I would like to thank Chairman SHUSTER for his leadership in drafting this legislation and I rise in strong support of its passage.

This legislation takes the necessary steps to address the many water resources needs across the country. It does so by authorizing important water programs such as those sponsored and constructed by the Army Corps of Engineers. These projects provide important water resources to the areas they serve. These water resources are crucial to the economic development of many of these areas.

Mr. Speaker, I would like to thank Chairman SHUSTER again for his leadership on this legislation and I urge my colleagues in the House to join me by casting their vote in favor of S. 2796.

The SPEAKER pro tempore (Mr. OSE). All time for debate has expired.

Pursuant to House Resolution 639, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the Senate bill?

Mr. RAHALL. Mr. Speaker, in its current form, I am opposed to the Senate bill.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. RAHALL moves to commit the bill S. 2796 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Strike section 330 of the bill and redesignate subsequent sections of title III of the bill, accordingly.

In section 348 of the bill, strike "substantially" and all that follows through "1992".

Strike section 436 of the bill and redesignate subsequent sections of title IV of the bill, accordingly.

In section 563 of the bill, strike "stabilization and preservation" and insert "preservation and restoration".

Conform the table of contents of the bill by striking the items relating to sections 330 and 436 and redesignate subsequent items accordingly.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes in support of his motion to commit.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, we accept the gentleman's motion.

Mr. RAHALL. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. Does any Member seek time in opposition?

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The motion to commit was agreed to.

Mr. SHUSTER. Mr. Speaker, acting under the instructions of the House and on behalf of the Committee on Transportation and Infrastructure, I report the Senate bill, S. 2796, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Strike section 330 of the bill and redesignate subsequent sections of title III of the bill, accordingly.

In section 348 of the bill, strike "substantially" and all that follows through "1992".

Strike section 436 of the bill and redesignate subsequent sections of title IV of the bill, accordingly.

In section 563 of the bill, strike "stabilization and preservation" and insert "preservation and restoration".

Conform the table of contents of the bill by striking the items relating to sections 330 and 436 and redesignate subsequent items accordingly.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 14, not voting 24, as follows:

[Roll No. 534]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Andrews
Coburn
Doggett
Hill (MT)
Johnson, Sam
Paul
Ramstad
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Stupak
Tancredo

NOT VOTING—24

Ballenger
Campbell
Chenoweth-Hage
Clay
Dingell
Franks (NJ)
Gephardt
Hansen
Hilliard
Houghton
Jones (OH)
Lazio
Lipinski
McCollum
McIntosh
Miller (FL)
Morella
Oxley
Rodriguez
Simpson
Stark
Talent
Turner
Wise

□ 1206

Mr. SCHAFFER changed his vote from "yea" to "nay."

Mr. PETRI and Mr. CHABOT changed their vote from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BALLENGER. Mr. Speaker, on rollcall No. 534, I was inadvertently detained. Had I been present, I would have voted "yes."

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 4541, COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be authorized to file a supplemental report on the bill, H.R. 4541.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO GO TO CONFERENCE ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 639, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHUSTER moves to insist on the House amendment to S. 2796, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBERSTAR moves to instruct the conferees to insist on section 586 of the House amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of the motion to instruct, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to simply accept the motion, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, SHAW, OBERSTAR, BORSKI, and MENENDEZ.

There was no objection.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on S. 2796.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

WAIVING POINTS OF ORDER ON CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 638 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 638

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to my friend and colleague the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 638 is a rule waiving all points of order against the conference report and against its consideration to accompany H.R. 4635, the fiscal year 2001 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies.

Mr. Speaker, this conference report provides another example of a carefully crafted bill that strikes a balance between the fiscal discipline and social responsibility Americans expect of this Congress. I would like to once again commend the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and all the members of the Committee on Appropriations for making the tough decisions required to produce a very thoughtful bill that meets our most important priorities.

I would also like to express a personal note of gratitude for the assistance to help increase affordable housing opportunities in my district of Columbus, Ohio. This conference report provides a small amount of needed funding which will, in turn, become the foundation to give more people in Columbus the opportunity to fulfill the dream of home ownership.

The VA–HUD appropriation bill funds a variety of important programs to take care of our veterans, address the Nation's critical housing needs, preserve and protect our environment, invest in scientific research, and continue our exploration into space.

The conference report maintains our commitment to our Nation's veterans, who selflessly place themselves in harm's way so that we may enjoy the very freedoms which we so much cherish. This year, it provides an additional $1.36 billion over last year's historic increase for veterans' medical health care. It increases veterans' medical and prosthetic research by $30 million, and provides an extra $73 million over last year's funding level for the Veterans Benefits Administration to expedite claims that need processed for our veterans.

□ 1215

Finally, this conference report provides $100 million for Veterans State Extended Facilities, an increase of $40 million above the President's request.

Mr. Speaker, along with providing for the needs of our veterans, this conference report makes available important resources to help the most vulnerable in our society and place roofs over their heads.

Low-income families will benefit through this bill's investment in the

Housing Certificate Program, which provides funding for section 8 renewals and tenant protection.

A $2.5 billion increase over last year's funding level will allow for the renewal of all expiring section 8 contracts and provide needed relocation assistance at the level requested by the President. A total of $14 billion is provided for this important program in fiscal year 2001.

Other needed housing programs that help our elderly, people with AIDS, and Native Americans will also receive increases above last year's funding levels in this conference report.

H.R. 4365 also looks toward the future by preserving and protecting our environment for the next generation to enjoy.

It is my understanding that the conference report before us today resolves a number of outstanding environmental concerns which were previously expressed and are no longer considered controversial. The bill targets funding and places an emphasis on State grants to protect the water that we drink and the air that we breathe.

The State Revolving Fund for Safe Drinking Water is increased by more than $5 million from last year's level, and the Clean Water State Resolving Fund is increased by $550 million over the President's request. And finally, State Air grants are increased $6 million.

Finally, Mr. Speaker, this conference report provides important funding which maintains our commitment to the exploration of space and the improvement of science.

Total funding of $4.4 billion for NSF is the largest budget in its history and will help this important agency continue its mission of developing a national policy on science and promoting basic research as well as increasing scientific education.

NASA also receives an increase that will bring total funding to more than $14.3 billion.

Mr. Speaker, it is also important to note that this conference report includes two other important provisions.

First, like other appropriation conference reports considered and passed this year, the VA-HUD Conference Report maintains our commitment to debt reduction by providing yet another $5 billion to pay down the public debt.

Second, it contains a new version of the previously passed fiscal year 2001 Energy and Water appropriations bill, which now has the support of the administration.

Mr. Speaker, it is a good conference report and deserves our support. It takes a responsible path toward responding to our Nation's most pressing needs and priorities.

I urge all of my colleagues to support the straightforward, noncontroversial rule as well as this must-do piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule providing for the consideration of VA-HUD and Energy and Water appropriations bills.

I would like to congratulate my colleagues, the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for their excellent work on this very, very difficult subject matter and the excellent work on this conference report.

When this bill came to the floor the first time in June, it really needed a lot of help. But lucky for the American veterans and the American families, it did get that help.

This conference report, Mr. Speaker, is a welcomed and radical departure from the first VA-HUD appropriations bill. This bill provides more money for veterans medical research and State veterans homes. It also does a better job of funding housing programs, which people in my home State of Massachusetts will be very, very happy to hear.

Mr. Speaker, I believe that veterans and housing programs are very, very important. They give people hope. They save lives. And they should be adequately funded, especially given today's strong economy. And lucky for us and thanks to the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) this conference report does just that.

It also includes the Energy and Water Appropriations Conference Report, which now has been attached to the VA-HUD Appropriations Conference Report. Thanks to the hard work of the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the Energy and Water Conference Report contains funding for some very, very good water resource infrastructure projects.

Mr. Speaker, I am very pleased that they were able to come to an agreement with the White House on the language that caused the President to veto the bill the first time around.

It funds the Army Corps of Engineers' water projects and the Bureau of Reclamation, in addition to the Department of Energy's science programs. And thanks to the very excellent work on the part of the appropriations conferees, these two conference reports represent bipartisan agreements on a number of very important issues.

So I urge my colleagues to support the conference reports.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from the State of Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of the rule providing for consideration of the conference report on H.R. 4635, VA-HUD appropriations for fiscal year 2001. This compromise bill is a result of many hours of hard work by Members of the House and the Senate, and it is a bipartisan agreement that deserves the support of this body.

I would like to express my appreciation for the conference committee's inclusion of an amendment offered by myself and my colleague, the gentleman from Georgia (Mr. COLLINS), when the House first considered the bill. The language in our amendment ensures that Federal, State, and local governments do not waste precious taxpayer dollars on air quality standards that have been rendered unenforceable by the Federal Appeals Court.

Common sense dictates that until the Supreme Court has the opportunity to rule on these air quality standards, the Federal Government should not enforce them.

Our amendment passed the House in a strong bipartisan vote. I am pleased that Members of the conference committee recognized that hundreds of communities across the country could be tainted by designations made under these legally unenforceable standards without the inclusion of our amendment language. Our communities will be grateful for our actions.

Finally, Mr. Speaker, I would like to express my appreciation to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies; and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member on the subcommittee, for their hard work in crafting a fine bipartisan bill. I thank them.

I urge all Members to support the rule and the underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, let me acknowledge the very hard work that has been done by this entire committee, the Committee on Appropriations. The work is still being done.

I wish that we could move forward on some of the many important issues, as the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies, and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, have done today.

I rise to support the rule as well as the legislation, and I agree with the gentleman from Massachusetts (Mr. MOAKLEY) that this is a much better bill. I am very gratified that we have in this bill $575 million for distressed housing; 10 million of that can be used for technical assistance.

A few sessions ago, I passed legislation that would obligate or require or encourage the residents of various distressed public housing to be able to work in efforts of rehabilitation. I hope that, with this funding, more of that initiative will be in place.

In addition, however, I would like to say to the public housing authorities that, as we render to them Federal funds, I think it is important that they look to utilize minority-owned, women-owned, and small-owned businesses.

In my own Houston Harris County Housing Authority, that has not been the case. And I hope that they can be impressed by the large Federal dollars to help both the tenants and the community, as well as rebuild housing.

I am very pleased to see $90 million in second-round empowerment zones, some of the most important tools to reinvest and rebuild our communities. Veterans have been funded, and we are appreciative for what this legislation has done to fund the necessary needs of our veterans.

NASA is funded at $14.3 billion. But, as well, we have $6 billion for aeronautics, science and technology.

I am very delighted, as well, that there are dollars in this bill that will help provide supportive assistance for those seeking housing, affordable housing. And, as well, I am very grateful for the EDI grants to several of the nonprofits in my area, a multiculture center that encourages Hispanic culture and, as well, a million-dollar grant that I am very pleased to have support that is initiated by Senator HUTCHINSON for the Freedmans Town African American Museum.

This is a bill that responds to America's needs both in housing and as well as in economic development. As it relates to homeless individuals, of which I worked on as a member of the Houston City Council and continue to work on, I am very delighted that the homeless dollars now include assistance that will be coordinated with mainstream health, social services, employment programs which the homeless populations may be eligible for, including Medicaid, State children's health insurance, temporary assistance for needy families.

This bill, Mr. Speaker, is a bill that answers to the needs of the American people. It certainly is a bill that all of us have worked on with the chairman and the ranking member. I thank them again for their very hard work. I look forward to our community doing better because this legislation passes.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished colleague, the gentleman from Florida (Mr. GOSS), the vice-chairman of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time. She brings credit and strength to our leadership and to our Committee on Rules.

Mr. Speaker, I rise in strong support of this rule, which provides for orderly consideration of the VA-HUD Appropriations Conference Report. It is a standard rule for an appropriations conference report, and it deserves the support of every Member of the House.

In the wake of the tragic attack on the U.S.S. *Cole*, which we sadly all know about, Americans are painfully and necessarily reminded again of the great sacrifices our servicemen and servicewomen make to protect our interests and the interests of all Americans at home and abroad.

Presently we are living in what I call "blue sky times," an era of peace and prosperity. But, tragically, it is only relative peace. The recent tragedy is a sharp reminder of the sacrifices and risks our soldiers and sailors and airmen are confronted with day in and day out as they go about their business.

We must remember and emphasize that veterans made a selfless promise to defend and protect our country too. Now it is time that we deliver to them on the promises made about the security and comfort of adequate health care and benefits.

H.R. 4635 is a vehicle to help us accomplish that goal. This bill provides $20.3 billion to fully fund medical health care for veterans. That is a $1.36 billion increase over last year, and I am proud of that.

My home State of Florida has the second largest population of veterans in the country. I can tell my colleagues from firsthand experience talking with many of them and visiting clinics that these funds are greatly needed in our clinics and hospitals.

In addition, H.R. 4635 increases veterans medical and prosthetic research by $30 million, more than the President's request.

For veterans wounded in the line of duty, new technology resulting from these funds may mean the difference between being wheelchair bound and being able to walk. What a wonderful thought.

Finally, the conference report provides an extra $73 million to the Veterans Benefits Administration to expedite claims processing. This money would help alleviate some of the red tape associated with benefits claims. Moving vets out of the long lines and into programs for services will be provided timely.

Congress has made meaningful progress this year on providing for our veterans. Most notably, of course, is this year's defense authorization bill that keeps the promise of lifetime health care to military retirees. We build on those achievements by providing veterans expanded care and benefits as well today in this legislation.

I urge my colleagues to illustrate and underscore their dedication to our veterans by supporting passage of this bill and supporting this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 4 minutes to my distinguished colleague, the gentleman from the State of California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank my friends, the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), for their efforts on this bill, and also the gentleman from Arizona (Mr. STUMP), the subcommittee chairman. And what a good job that they have done.

Veterans health care, when we add $1.7 billion last year and add $1.36 billion this year over last year's, it is a slight commitment to show that the veterans are important. The medical research in this bill, one may say, why do we have medical research in a veterans bill? Well, all the way back from World War II, veterans that had nuclear reactions from the bombs where we put our people in harm's way, from the Desert Storm Syndrome to Agent Orange to anthrax shots, and for example, how does anthrax shots, with more and more women in our military, affect a woman who may have a child? That medical research is very, very important within the military.

☐ 1230

I would specifically like to thank the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. ARMEY), and the gentleman from Texas (Mr. DELAY). There is an issue that I have been working on since 1991, and quite often when there has been a promise given by someone like General MacArthur and the President of the United States almost 60 years ago, it is difficult to get that priority in a bill. We have been able to do that with our leadership's help.

The issue is this provides help for thousands of Filipino American veterans across the Nation. The language in the bill provides full dependency and indemnity compensation benefits so long denied for those who fought alongside our troops in World War II. Despite the fact that many of these valiant soldiers suffered the same casualties and wounds fighting with U.S. forces that our own troops did, they have until now received only 50 percent of the disability benefits. This bill changes that to 100 percent.

In addition, the bill insures full VA medical coverage for those Filipino-

American World War II veterans who are already being treated in VA facilities for their service-connected disability. Currently Filipino-American veterans may not receive care for any condition except specific to their service-connected disability. This bill changes that as well.

While seemingly limited extensions of benefits, they are extremely significant to over 1,200 qualifying veterans who are living on fixed incomes. Many of these veterans are in their 70s and 80s, at a time in their lives where health care access is as critical as ever. With so few Filipino-American veterans surviving, numbers decreasing annually, the time to ensure those benefits is now. That is why I thank our leadership and the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for adding this into this important bill.

As one who championed the cause for Filipino Americans working with President Ramos in the Philippines first and then working with President Estrada, and the hundreds of both Filipino Americans and Filipino nationals that came all the way from the Philippines to work this initiative, let it be known that their efforts have carried through and helped this.

This action has the full support of the larger veterans community and it has been endorsed by every single one.

There are a couple of things that I would like to see in the next veterans bill, though, that I would like to work with colleagues on that side. I have hundreds of veterans that come up every year and say they have lost their medical records. Either they were burned in a fire or they were lost because of the old filing system. We need to duplicate those records.

We also need to increase the amount again of veterans' benefits, and I want to thank the chairman. I specifically want to thank the gentleman from California (Mr. BILBRAY), who championed this bill, worked with our leadership, caused it to be effective. Without his support, we would not have this Filipino veterans' initiative.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

Mr. Speaker, I reluctantly rise in opposition to this rule. There are many provisions of this bill that I support. I have been a strong advocate for veterans' health care and for energy and water projects. However, the original energy and water bill as passed by the House of Representatives included a very important provision for my State and other Upper Missouri River States. It would have allowed us to preserve the spring water runoff that occurs in our States.

Now, the Clinton-Gore administration wants to force these Upper Missouri River States to increase the spring discharges from our reservoirs. My State is a very arid State and it happens to be also the home of the headwaters of the Missouri River. We get 50 percent of our rainfall in a 2-month period of time, which happens to be the period of time when the administration wants us to increase our discharges. We also get all of our spring snow runoff during that very short period of time.

The administration's plan, incidentally, is opposed by both the Upper Missouri and the Lower Missouri States, because it would have an adverse impact on our wildlife and have an adverse impact on our economy.

Now, retaining the water in these reservoirs is very important for us to maintain our fisheries. It is very important for us to have that water for irrigation purposes. It is very important for us to have that water for recreation purposes and for power generation at our peak-need period of time.

The original energy and water bill had a provision to bar the administration from forcing us to discharge this water, and that is why the President vetoed the bill. Now, the House, by two-thirds, voted to override the President's veto. We believe that this provision should be part of this combined VA-HUD bill or these bills should be brought separately so that we can cast our vote in opposition to this provision.

For that reason, I intend to vote against the rule and would urge others to do the same.

It is very important to my State. It is very important to the other Upper Missouri States. It is very important to the Lower Missouri States. I am going to ask for a recorded vote on the rule so that we can make clear our position on this.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sympathize with my colleague, the gentleman from Montana (Mr. HILL), but it is very important for the Members of this body to realize that we must get our work done. The President vetoed the bill with that important language in it, and so we must proceed without it. In light of that, this is a good conference report, irrespective. It responds to the needs of our veterans, protects our environment and keeps the U.S. at the forefront of space exploration, addresses our Nation's critical housing needs and helps more Americans realize the dream of owning their own home. Adopting this rule will allow us to consider all of those important initiatives.

I urge a yes vote on the rule and the conference report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HILL of Montana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 7, not voting 25, as follows:

[Roll No. 535]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Danner
Hill (MT)
Hulshof
Latham
Nussle
Roemer
Tancredo

NOT VOTING—25

Campbell
Chenoweth-Hage
Clay
Franks (NJ)
Hansen
Hilliard
Houghton
Jones (OH)
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Moran (VA)
Oxley
Pelosi
Rodriguez
Sanford
Shays
Stabenow
Talent
Thompson (MS)
Turner
Wise

□ 1259

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4635, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. WALSH. Mr. Speaker, pursuant to the rule just adopted, I call up the conference report on the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 638, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 18, 2000, at page H10083.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to bring before the full House of Representatives the conference report on H.R. 4635, making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies. So that we can move as quickly as possible, I will keep my comments brief.

This conference report was developed after difficult and somewhat prolonged discussions with our counterparts in the Senate as well as representatives of the administration.

While there are some parts of this bill that I frankly would like to have done differently, it is in the aggregate, a very good bipartisan bill that will serve the American people well.

Let me mention just a few highlights that illustrate this point. The bill fully funds veterans' medical care, with a $1.355 billion increase over last year's record level and provides increased funding for medical research, major construction, and cemetery administration operations.

Just as important, we have begun an effort to conduct better oversight of how much medical care funding goes for medical care per se and how much goes to maintaining buildings and facilities.

All veterans, no matter where they are located, deserve the best facilities we can provide. Expiring section 8 contracts at HUD are fully funded, and we have included language to push the Department to do a better, faster job getting these funds out of Washington to the people who need them the most.

In addition, funds have been added to provide an additional 79,000 new housing vouchers.

Mr. Speaker, we have fully funded the Community Development Block Grant entitlement programs and have fully funded all other HUD programs.

AmeriCorps has been funded at $453.5 million, less than the budget request, but a slight increase over the fiscal year 2000 funding level.

EPA's core operating programs have been fully funded while the various State grant programs, which assist States in implementing the Federal laws, have been more than fully funded.

The Clean Water State Revolving Program, gutted in the budget request, has been restored to $1.35 billion, while State and local air grants and section 319 non-point source pollution grants have been increased significantly.

Perhaps most important, we have proposed over $172 million, an increase of $57 million over last year's, for section 106 pollution control grants. These grants offer the States the maximum flexibility to deal with the difficult TMDL issues facing the States.

CDFI, one of the President's new programs, has been provided $118 million dollars, an increase over last year's funding level because, after a rocky start, this program is working very well and deserves our support.

Mr. Speaker, likewise, the Neighborhood Reinvestment Corporation, perhaps the most productive and most efficient Federal organization dealing with housing, has been provided their full funding level of $90 million. Again, they have earned and deserve our support.

National Science Foundation has received an increase of nearly $530 million over last year, putting them well over $4.4 billion, their largest budget ever. There is proud bipartisan support for fully funding the NSF.

Similarly, NASA received an increase over last year of nearly $683 million. Their first substantial increase in several years.

Before I complete my comments, Mr. Speaker, I think it is important to set the record straight with regard to language contained in the Statement of Managers concerning the dredging issue. The Statement contains a direction to EPA to take no action to initiate or order the use of dredging, capping, or other invasive remedial technologies for contaminated sediments until the report from the National Academy of Sciences is completed and its findings properly considered by the Agency.

The conferees have encouraged the National Academy of Sciences to issue a final report by the end of this year, and the Agency should promptly review that report and determine how to appropriately incorporate its recommendations into their remedy selection process.

Mr. Speaker, this direction is similar to language that was contained in the Statement of Managers for fiscal year 1999 and 2000 bills. I am frankly disappointed that the EPA has apparently chosen to ignore this direction in several cases during the past year.

The Agency appears to be relying on a misinterpretation of this direction, one that allows any business-as-usual EPA decision that dredging or capping is an appropriate remedy to qualify as an exception.

In each year, starting with the 1999 bill, the conferees have provided specific exceptions to this direction, primarily limited to cases where a significant threat to public health requires urgent, time-critical response. None of the dredging or capping projects undertaken during this fiscal year meets this test, yet each poses substantial risks to the environment of the kind under study by the NAS. EPA is expected to correct this misinterpretation as it complies with the direction in this bill's Statement of Managers.

The direction in this year's Statement of Managers does not apply to cases where a final plan selecting dredging or other invasive remedial technology has been adopted prior to October 1 of this year or, in cases not requiring adoption of a final plan, where authorized activities involving dredging or invasive remedial technologies are now occurring.

In any such case, such as a pilot or a demonstration, review of the NAS report and consideration of its findings would be required before adoption of a final plan involving dredging, capping or other invasive remedial activity.

Turning briefly to another issue. The conferees included language in last year's Statement of Managers accompanying the conference report regarding a proposed rule to implement new, affordable housing goals for the housing government-sponsored entities, the GSEs: Fannie Mae and Freddie Mac.

These goals are currently being finalized. I would like to reiterate the direction of the fiscal year 2000 Statement of Managers which encouraged HUD to craft a final rule that ensures regulatory parity for all of the GSEs, including the present composition of their overall portfolio and relative size of multifamily portfolio.

Finally, Mr. Speaker, a question has been raised regarding direction of EPA in the Statement of Managers regarding the Agency's issuing of new guidelines with respect to the TMDL program. This direction to the Agency is simply intended to prevent EPA regions or headquarters from issuing new rules or guidelines which are based on the new TMDL rule which cannot by law be implemented before October 1, 2001. Other rules or guidelines relative to the TMDL program which are not based on the rule may still be issued by the Agency.

Mr. Speaker, I have to say that it would have been very difficult to get this bill this far without the support and assistance of the gentleman from West Virginia (Mr. MOLLOHAN), my ranking member friend, who brings a great deal of knowledge and foresight to this bill, and the rest of this very hard-working subcommittee.

I truly appreciate all of these Members. I also wish to thank our counterparts in the Senate, specifically, Senator BOND and Senator MIKULSKI. They are both very tough negotiators but are also able to come to fair and equitable agreements.

I would be remiss if I did not mention the forthright and I think good-faith negotiations we had with the White House. There has been a lot of skepticism between the legislative and executive branch over the past number of years; but in my experience, I think they have always been fair, tough, but willing to compromise on all of these issues. And we would not have resolved these issues especially on the environment, had they not given some ground. We had to give ground; they gave some ground. But I think the conclusion is that this is a good, fair bill that everybody can say they took something home.

Mr. Speaker, while we do not always agree on issues, every effort has been made on both sides to continue this subcommittee's strong history of bipartisan cooperation in crafting this bill. I truly appreciate the help of each of these individuals and our close working relationship.

I would also be remiss if I did not mention the hard work of our staffs, both personal staffs and appropriation committee staff; these are professionals. Their goal is to provide us with the information and the resources we need to craft a good bill to make sure that throughout the negotiation that everybody is kept abreast of the changes, and that, to the best of our ability, to the best of their ability, they get the bill done on time, which requires mountains and mountains of paperwork. So I sincerely thank them all again.

Mr. Speaker, that in a nutshell is the fiscal year 2001 VA, HUD and Independent Agencies bill, which, as my colleagues know, has also been joined in this process with the Energy and Water bill; and I expect we will hear from the gentleman from California (Mr. PACKARD) and his ranking member.

This is a good bill. It is a fair bill, with solid policy direction while remaining fiscally responsible. We are still $2.4 billion under the President's request, which I think in the environment that we have negotiated in is remarkable. We are informed that it will be supported by the President when it arrives on his desk, and I strongly encourage the support of this body in moving this measure forward to its completion.

Mr. Speaker, I include the following for the RECORD:

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	21,568,364	22,766,276	22,766,276	22,766,276	22,766,276	+1,197,912
Readjustment benefits	1,469,000	1,634,000	1,664,000	1,634,000	1,634,000	+165,000
Veterans insurance and indemnities	28,670	19,850	19,850	19,850	19,850	-8,820
Veterans housing benefit program fund program account (indefinite)	282,342	165,740	165,740	165,740	165,740	-116,602
(Limitation on direct loans)	(300)	(300)	(300)	(300)	(300)	
Administrative expenses	156,958	166,484	161,484	162,000	162,000	+5,042
Education loan fund program account	1	1	1	1	1	
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	
Administrative expenses	214	220	220	220	220	+6
Vocational rehabilitation loans program account	57	52	52	52	52	-5
(Limitation on direct loans)	(2,531)	(2,726)	(2,726)	(2,726)	(2,726)	(+195)
Administrative expenses	415	432	432	432	432	+17
Native American Veteran Housing Loan Program Account	520	532	532	532	532	+12
Guaranteed Transitional Housing Loans for Homeless Veterans program account	48,250					-48,250
(Limitation on direct loans)	(100,000)					(-100,000)
Total, Veterans Benefits Administration	23,554,791	24,753,587	24,778,587	24,749,103	24,749,103	+1,194,312
Veterans Health Administration						
Medical care	18,106,000	19,381,587	19,354,587	19,381,587	19,381,587	+1,275,587
Delayed equipment obligation	900,000	900,000	927,000	900,000	900,000	
Total	19,006,000	20,281,587	20,281,587	20,281,587	20,281,587	+1,275,587
Across the board rescission (0.38%)	-79,519					+79,519
(Transfer to general operating expenses)	(-27,907)		(-28,134)	(-27,907)	(-28,134)	(-227)
(Transfer to Parking revolving fund)				(-2,000)	(-2,000)	(-2,000)
Subtotal	18,926,481	20,281,587	20,281,587	20,281,587	20,281,587	+1,355,106
Medical care cost recovery collections:						
Offsetting receipts	-608,000	-639,000	-639,000	-639,000	-639,000	-31,000
Appropriations (indefinite)	608,000	639,000	639,000	639,000	639,000	+31,000
Total available	(608,000)	(639,000)	(639,000)	(639,000)	(639,000)	(+31,000)
Medical and prosthetic research	321,000	321,000	351,000	331,000	351,000	+30,000
Medical administration and miscellaneous operating expenses	59,703	84,884	62,000	62,000	62,000	+2,297
General Post Fund, National Homes:						
Loan program account (by transfer)	(7)					(-7)
(Limitation on direct loans)	(70)					(-70)
Administrative expenses (by transfer)	(54)					(-54)
General post fund (transfer out)	(-61)					(+61)
Total, Veterans Health Administration	19,307,184	20,667,471	20,694,587	20,674,587	20,694,587	+1,387,403
Departmental Administration						
General operating expenses	912,584	1,061,854	1,006,000	1,050,000	1,050,000	+137,406
Offsetting receipts	(36,754)	(36,520)	(36,754)	(36,520)	(36,520)	(-234)
Total, Program Level	(949,348)	(1,098,374)	(1,042,754)	(1,086,520)	(1,086,520)	(+137,172)
(Transfer from medical care)	(27,907)		(28,134)	(27,907)	(28,134)	(+227)
(Transfer from national cemetery)	(117)		(125)	(117)	(125)	(+8)
(Transfer from inspector general)	(30)		(28)	(30)	(28)	(-2)
National Cemetery Administration	97,256	109,889	106,889	109,889	109,889	+12,633
(Transfer to general operating expenses)	(-117)		(-125)	(-117)	(-125)	(-8)
Office of Inspector General	43,200	46,464	46,464	46,464	46,464	+3,264
(Transfer to general operating expenses)	(-30)		(-28)	(-30)	(-28)	(- 2)
Construction, major projects	65,140	62,140	62,140	48,540	66,040	+900
Construction, minor projects	160,000	162,000	100,000	162,000	162,000	+2,000
(Transfer to Parking Revolving Fund)				(-4,500)	(-4,500)	(-4,500)
Grants for construction of State extended care facilities	90,000	60,000	90,000	100,000	100,000	+10,000
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000	25,000	25,000	
(Transfer to Parking Revolving Fund)				(6,500)	(6,500)	(+6,500)
Total, Departmental Administration	1,393,190	1,527,347	1,436,493	1,541,893	1,559,393	+166,203
Total, title I, Department of Veterans Affairs	44,255,165	46,948,405	46,909,667	46,965,583	47,003,083	+2,747,918
Appropriations	(44,334,684)	(46,948,405)	(46,909,667)	(46,965,583)	(47,003,083)	(+2,668,399)
Rescissions	(-79,519)					(+79,519)
(By transfer)	(61)					(-61)
(Limitation on direct loans)	(102,904)	(3,029)	(3,029)	(3,029)	(3,029)	(-99,875)
Consisting of:						
Mandatory	(23,396,626)	(24,585,866)	(24,615,866)	(24,585,866)	(24,585,866)	(+1,189,240)
Discretionary	(20,858,539)	(22,362,539)	(22,293,801)	(22,379,717)	(22,417,217)	(+1,558,678)

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund	7,176,695	9,927,824	9,075,388	8,971,000	9,740,907	+2,564,212
(By transfer)	(183,000)					(-183,000)
Advance appropriation, FY 2001/2002	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	
Total funding	11,376,695	14,127,824	13,275,388	13,171,000	13,940,907	+2,564,212
Across the board rescission (0.38%)	-72,275					+72,275
Rescission of unobligated balances:						
Section 8 recaptures (rescission)	-1,300,000		-275,388	-275,000	-1,833,000	-533,000
Section 8 carryover and Tenant Protection (resc)	-943,000					+943,000
Subtotal	-2,243,000		-275,388	-275,000	-1,833,000	+410,000
Public housing capital fund	2,900,000	2,955,000	2,800,000	2,955,000	3,000,000	+100,000
Public housing operating fund	3,138,000	3,192,000	3,139,000	3,192,000	3,242,000	+104,000
Subtotal	6,038,000	6,147,000	5,939,000	6,147,000	6,242,000	+204,000
Drug elimination grants for low-income housing	310,000	345,000	300,000	310,000	310,000	
Revitalization of severely distressed public housing (HOPE VI)	575,000	625,000	565,000	575,000	575,000	
Native American housing block grants	620,000	650,000	620,000	650,000	650,000	+30,000
Indian housing loan guarantee fund program account	6,000	6,000	6,000	6,000	6,000	
(Limitation on guaranteed loans)	(71,956)	(71,956)	(71,956)	(71,956)	(71,956)	
Total, Public and Indian Housing	16,610,420	21,900,824	20,430,000	20,584,000	19,890,907	+3,280,487
Community Planning and Development						
Housing opportunities for persons with AIDS	232,000	260,000	250,000	232,000	258,000	+26,000
Rural housing and economic development	25,000	27,000	20,000	27,000	25,000	
America's private investment companies program:						
(Limitation on guaranteed loans)	(541,000)	(1,000,000)				(-541,000)
Credit subsidy	20,000	37,000				-20,000
Urban empowerment zones	55,000				75,000	+20,000
Rural empowerment zones	15,000				15,000	
Subtotal	70,000				90,000	+20,000
Community development fund	4,800,000	4,900,000	4,505,000	4,800,000	5,057,550	+257,550
Across the board rescission (0.38%)	-18,765					+18,765
Contingent emergency (P.L. 106-246)	27,500					-27,500
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,261,000)	(1,217,000)	(1,217,000)	(1,261,000)	(1,261,000)	
Credit subsidy	29,000	28,000	28,000	29,000	29,000	
Administrative expenses	1,000	2,000	1,000	1,000	1,000	
Brownfields redevelopment	25,000	50,000	20,000	25,000	25,000	
HOME investment partnerships program	1,600,000	1,650,000	1,585,000	1,600,000	1,800,000	+200,000
Contingent emergency (P.L. 106-246)	36,000					-36,000
Homeless assistance grants	1,020,000	1,200,000	1,020,000	1,020,000	1,025,000	+5,000
Shelter Plus Care				105,000	100,000	+100,000
Communities in schools community development program	5,000	5,000				-5,000
Total, Community planning and development	7,871,735	8,159,000	7,429,000	7,839,000	8,410,550	+538,815
Housing Programs						
Housing for special populations	911,000	989,000	911,000	996,000	996,000	+85,000
Housing for the elderly	(710,000)	(779,000)	(710,000)	(783,000)	(779,000)	(+69,000)
Housing for the disabled	(201,000)	(210,000)	(201,000)	(213,000)	(217,000)	(+16,000)
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(140,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(+20,000,000)
(Limitation on direct loans)	(100,000)	(250,000)	(100,000)	(250,000)	(250,000)	(+150,000)
Administrative expenses	330,888	330,888	330,888	330,888	330,888	
Administrative contract expenses	160,000	160,000	160,000	160,000	160,000	
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	
Streamlined downpayment requirements		7,000			7,000	+7,000
Reduced downpayments for teachers/police (Sec 219)				-24,000		
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(18,100,000)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	(+2,900,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
Administrative expenses	64,000	211,455	211,455	211,455	211,455	+147,455
Administrative expenses (unobligated balances)	(147,000)					(-147,000)
Negative subsidy	-75,000	-100,000	-100,000	-100,000	-100,000	-25,000
Subsidy		101,000	101,000	101,000	101,000	+101,000
Subsidy (unobligated balances)	(153,000)					(-153,000)

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Non-overhead administrative expenses	144,000	144,000	144,000	144,000	144,000	
Additional contract expenses	7,000	7,000	7,000	7,000	7,000	
Total, Federal Housing Administration	634,888	865,343	858,343	834,343	865,343	+230,455
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	
Administrative expenses	9,383	9,383	9,383	9,383	9,383	
Administrative contract expenses		40,000				
Offsetting receipts	-422,000	-347,000	-347,000	-347,000	-347,000	+75,000
Policy Development and Research						
Research and technology	45,000	62,000	40,000	45,000	53,500	+8,500
Fair Housing and Equal Opportunity						
Fair housing activities	44,000	50,000	44,000	44,000	46,000	+2,000
Office of Lead Hazard Control						
Lead hazard reduction	80,000	120,000	80,000	100,000	100,000	+20,000
Management and Administration						
Salaries and expenses	477,000	565,000	474,647	473,500	543,267	+66,267
Transfer from:						
Limitation on FHA corporate funds	(518,000)	(518,000)	(518,000)	(518,000)	(518,000)	
GNMA	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	
Community Planning & Development	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	
America's Private Investment Companies Program		(1,000)				
Title VI	(150)	(150)	(150)	(150)	(150)	
Indian Housing	(200)	(200)	(200)	(200)	(200)	
Total, Salaries and expenses	(1,005,733)	(1,094,733)	(1,003,380)	(1,002,233)	(1,072,000)	(+66,267)
Office of Inspector General	50,657	52,000	50,657	55,500	52,657	+2,000
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	
Supplemental (P.L. 106-246)	6,000					-6,000
Rescission (P.L. 106-246)	-6,000					+6,000
Total, Office of Inspector General	(83,000)	(84,343)	(83,000)	(87,843)	(85,000)	(+2,000)
Office of Federal Housing Enterprise Oversight	19,493	25,800	22,000	22,000	22,000	+2,507
Offsetting receipts	-19,493	-25,800	-22,000	-22,000	-22,000	-2,507
Administrative Provisions						
Sec. 208 FHA	-319,000					+319,000
Annual contribution (transfer out)	(-79,000)					(+79,000)
Annual contributions (transfer out)	(-104,000)					(+104,000)
Sec. 212 Rescissions	-74,400					+74,400
Sec. 214 Moving to Work	5,000					-5,000
Total, administrative provisions	-388,400					+388,400
Total, title II, Department of Housing and Urban Development (net)	25,923,683	32,465,550	29,980,030	30,633,726	30,620,607	+4,696,924
Current year, FY 2001	(21,723,683)	(28,265,550)	(25,780,030)	(26,433,726)	(26,420,607)	(+4,696,924)
Appropriations	(24,074,623)	(28,265,550)	(26,055,418)	(26,708,726)	(28,254,607)	(+4,179,984)
Rescissions	(-2,414,440)		(-275,388)	(-275,000)	(-1,833,000)	(+581,440)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(382,261,000)	(382,261,000)	(+22,359,000)
(Limitation on corporate funds)	(561,076)	(562,076)	(561,076)	(561,076)	(561,076)	
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	28,467	26,196	28,000	26,196	28,000	-467
Across the board rescission (0.38%)	-108					+108
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	8,000	8,000	8,000	7,000	7,500	-500
Across the board rescission (0.38%)	-30					+30
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	95,000	125,000	105,000	95,000	118,000	+23,000

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Consumer Product Safety Commission						
Salaries and expenses	49,000	52,500	51,000	52,500	52,500	+3,500
Across the board rescission (0.38%)	-186					+186
Corporation for National and Community Service						
National and community service programs operating expenses	434,500	528,700		433,500	458,500	+24,000
Rescission	-81,000			-50,000	-30,000	+51,000
Across the board rescission (0.38%)	-1,347					+1,347
Office of Inspector General	4,000	5,000	5,000	5,000	5,000	+1,000
Across the board rescission (0.38%)	-15					+15
Supplemental (P.L. 106-246)	1,000					-1,000
Total	357,138	533,700	5,000	388,500	433,500	+76,362
Court of Appeals for Veterans Claims						
Salaries and expenses	11,450	12,500	12,500	12,445	12,445	+995
Across the board rescission (0.38%)	-42					+42
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,473	15,949	17,949	15,949	17,949	+5,476
Across the board rescission (0.38%)	-47					+47
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences 1/	60,000	48,527	60,000		63,000	+3,000
Public Health Service						
Toxic Substances and Environmental Public Health 1/	70,000	64,000	70,000		75,000	+5,000
Environmental Protection Agency						
Science and Technology	645,000	674,348	650,000	670,000	696,000	+51,000
Transfer from Hazardous Substance Superfund	38,000	35,871	35,000	38,000	36,500	-1,500
Subtotal, Science and Technology	683,000	710,219	685,000	708,000	732,500	+49,500
Across the board rescission (0.38%)	-2,697					+2,697
Environmental Programs and Management	1,900,000	2,099,461	1,895,000	2,000,000	2,087,990	+187,990
Across the board rescission (0.38%)	-4,733					+4,733
Office of Inspector General	32,409	34,094	34,000	34,094	34,094	+1,685
Transfer from Hazardous Substance Superfund	11,000	11,652	11,500	11,000	11,500	+500
Subtotal, OIG	43,409	45,746	45,500	45,094	45,594	+2,185
Across the board rescission (0.38%)	-29					+29
Buildings and facilities	62,600	23,931	23,931	23,000	23,931	-38,669
Across the board rescission (0.38%)	-238					+238
Hazardous Substance Superfund 2/	1,170,000	1,337,473	1,170,000	1,300,000	1,170,000	
Delay of obligation	100,000		100,000	100,000	100,000	
Transfer to Office of Inspector General	-11,000	-11,652	-11,500	-11,000	-11,500	-500
Transfer to Science and Technology	-38,000	-35,871	-35,000	-38,000	-36,500	+1,500
Subtotal, Hazardous Substance Superfund	1,221,000	1,289,950	1,223,500	1,351,000	1,222,000	+1,000
Leaking Underground Storage Tank Program	70,000	72,096	79,000	72,096	72,096	+2,096
Across the board rescission (0.38%)	-240					+240
Oil spill response	15,000	15,712	15,000	15,000	15,000	
Across the board rescission (0.38%)	-26					+26
State and Tribal Assistance Grants	2,581,650	1,838,000	2,108,000	2,365,000	2,620,740	+39,090
Categorical grants	885,000	1,068,957	1,068,957	955,000	1,008,000	+123,000
Subtotal, STAG	3,466,650	2,906,957	3,176,957	3,320,000	3,628,740	+162,090
Across the board rescission (0.38%)	-20,885					+20,885
Total, EPA	7,461,659	7,164,072	7,143,888	7,534,190	7,827,851	+366,192
Rescissions	-28,848					+28,848

1/ FY 2000 & FY 2001 Request were part of Hazardous Substance Superfund account.

2/ FY 2000 & FY 2001 Request modified to reflect comparable new accounts in Dept of HH&S.

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
Executive Office of the President						
Office of Science and Technology Policy	5,108	5,201	5,150	5,201	5,201	+93
Across the board rescission (0.38%)	-19					+19
Council on Environmental Quality and Office of Environmental Quality	2,827	3,020	2,900	2,900	2,900	+73
Across the board rescission (0.38%)	-11					+11
Total	7,905	8,221	8,050	8,101	8,101	+196
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,666)	(33,660)	(33,661)	(33,660)	(33,660)	(-6)
Federal Emergency Management Agency						
Disaster relief	300,000	300,000	300,000	300,000	300,000	
(Transfer out)	(-2,900)	(-2,900)	(-35,500)	(-2,900)	(-2,900)	
Across the board rescission (0.38%)	-12,416					+12,416
Emergency funding	2,480,425	2,609,220		2,609,220	1,300,000	-1,180,425
Pre-disaster mitigation		30,000				
(Transfer out)		(-2,600)				
Disaster assistance direct loan program account:						
State share loan	1,295	1,678	1,295	1,678	1,678	+383
(Limitation on direct loans)	(25,000)	(25,000)	(19,000)	(25,000)	(25,000)	
Administrative expenses	420	427	420	427	427	+7
Salaries and expenses	180,000	221,024	190,000	215,000	215,000	+35,000
Across the board rescission (0.38%)	-50					+50
Office of Inspector General	8,015	8,476	8,015	10,000	10,000	+1,985
Across the board rescission (0.38%)	-50					+50
Emergency management planning and assistance	267,000	269,652	267,000	269,652	269,652	+2,652
(By transfer)	(2,900)	(5,500)	(5,500)	(2,900)	(2,900)	
Across the board rescission (0.38%)	-218					+218
Radiological emergency preparedness fund	-1,000					+1,000
Emergency food and shelter program	110,000	140,000	110,000	110,000	140,000	+30,000
Flood map modernization fund	5,000					-5,000
(By transfer)			(30,000)			
National insurance development fund	(3,730)					(-3,730)
National Flood Insurance Fund (limitation on administrative expenses):						
Salaries and expenses	(24,333)	(25,736)	(25,736)	(25,736)	(25,736)	(+1,403)
Flood mitigation	(78,710)	(77,307)	(77,307)	(77,307)	(77,307)	(-1,403)
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	
National flood mitigation fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	
Cerro Grande fire assistance (P.L. 106-246)	500,000					-500,000
Total, Federal Emergency Management Agency	3,838,421	3,580,477	876,730	3,515,977	2,236,757	-1,601,664
Appropriations	(870,730)	(971,257)	(876,730)	(906,757)	(936,757)	(+66,027)
Rescissions	(-12,734)					(+12,734)
Emergency funding	(2,980,425)	(2,609,220)		(2,609,220)	(1,300,000)	(-1,680,425)
General Services Administration						
Federal Consumer Information Center Fund	2,622	6,822	7,122	7,122	7,122	+4,500
National Aeronautics and Space Administration						
Human space flight	5,510,900	5,499,900	5,472,000	5,400,000	5,462,900	-48,000
Across the board rescission (0.38%)	-23,000					+23,000
Science, aeronautics and technology	5,606,700	5,929,400	5,579,600	5,837,000	6,190,700	+584,000
Across the board rescission (0.38%)	-25,805					+25,805
Contingent emergency (P.L. 106-246)	1,500					-1,500
Mission support	2,515,100	2,584,000	2,584,000	2,584,000	2,608,700	+93,600
Across the board rescission (0.38%)	-3,076					+3,076
Office of Inspector General	20,000	22,000	23,000	23,000	23,000	+3,000
Total, NASA	13,652,700	14,035,300	13,658,600	13,844,000	14,285,300	+632,600
Rescissions	-51,881					+51,881
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)		(600,000)	(3,000,000)	(600,000)	(1,500,000)	(+1,500,000)
(Limitation on administrative expenses, corporate funds)	(257)	(296)	(296)	(296)	(296)	(+39)
Revolving loan program	1,000		1,000		1,000	
Across the board rescission (0.38%)	-4					+4
Community development credit union revolving loan fund		1,000				

H.R. 4635 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate Reported	Conference	Conference vs. enacted
National Science Foundation						
Research and related activities	2,966,000	3,540,680	3,117,690	3,245,562	3,350,000	+384,000
Across the board rescission (0.38%)	-7,538					+7,538
Major research equipment	95,000	138,540	75,600	109,100	121,600	+26,600
Across the board rescission (0.38%)	-1,500					+1,500
Education and human resources	696,600	729,010	694,310	765,352	787,352	+90,752
Across the board rescission (0.38%)	-5,728					+5,728
Salaries and expenses	149,000	157,890	152,000	170,890	160,890	+11,890
Across the board rescission (0.38%)	-100					+100
Office of Inspector General	5,450	6,280	5,700	6,280	6,280	+830
Total, NSF	3,912,050	4,572,400	4,046,300	4,297,184	4,426,122	+514,072
Rescissions	-14,866					+14,866
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	75,000	90,000	90,000	80,000	90,000	+15,000
Across the board rescission (0.38%)	-285					+285
Selective Service System						
Salaries and expenses	24,000	24,480	23,000	24,480	24,480	+480
Across the board rescission (0.38%)	-91					+91
Total, title III, Independent agencies	29,571,997	30,369,144	26,212,139	29,908,644	29,714,627	+142,630
Appropriations	(26,590,072)	(27,759,924)	(26,212,139)	(27,299,424)	(28,414,627)	(+1,824,555)
Rescissions	(-191,514)			(-50,000)	(-30,000)	(+161,514)
Emergency funding	(2,981,925)	(2,609,220)		(2,609,220)	(1,300,000)	(-1,681,925)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	(103,043)	(103,043)	
(Limitation on direct loans)	(25,000)	(625,000)	(3,019,000)	(625,000)	(1,525,000)	(+1,500,000)
(Limitation on corporate funds)	(257)	(296)	(296)	(296)	(296)	(+39)
OTHER PROVISIONS						
H.R. 202 - Preservation of Affordable Housing	-14,000					+14,000
TITLE V						
Filipino veterans provision					3,000	+3,000
Grand total (net)	99,736,845	109,783,099	103,101,836	107,507,953	107,341,317	+7,604,472
Current year, FY 2001	(95,536,845)	(105,583,099)	(98,901,836)	(103,307,953)	(103,141,317)	(+7,604,472)
Appropriations	(95,176,893)	(102,973,879)	(99,177,224)	(101,023,733)	(103,705,317)	(+8,528,424)
Rescissions	(-2,685,473)		(-275,388)	(-325,000)	(-1,863,000)	(+822,473)
Emergency funding	(3,045,425)	(2,609,220)		(2,609,220)	(1,299,000)	(-1,746,425)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	
(By transfer)	(236,727)	(53,660)	(83,661)	(53,660)	(53,660)	(-183,067)
(Transfer out)	(-203,061)	(-20,000)	(-50,000)	(-20,000)	(-20,000)	(+183,061)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	(103,043)	(103,043)	
(Limitation on direct loans)	(349,860)	(999,985)	(3,243,985)	(999,985)	(1,899,985)	(+1,550,125)
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(382,261,000)	(382,261,000)	(+22,359,000)
(Limitation on corporate funds)	(561,333)	(562,372)	(561,372)	(561,372)	(561,372)	(+39)
Total mandatory and discretionary	95,274,918	109,399,099	102,928,836	107,304,953	107,138,317	+11,863,399
Mandatory	21,306,626	24,581,866	24,611,866	24,581,866	24,581,866	+3,275,240
Discretionary	73,968,292	84,817,233	78,316,970	82,723,087	82,556,451	+8,588,159

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report. I am pleased to report that the report before us today represents a major improvement over the bill that left the House with far better funding levels. It was worked out through a lengthy and constructive process involving both sides of the aisle and both sides of the Capitol. I believe that the resulting conference report is worthy of the support of this House, and we have been advised that the President will sign it.

Let me briefly describe some of the highlights. Mr. Speaker. First, the conference report provides the full $1.3 billion increase proposed in the President's budget for veterans' health care. It also includes a $30 million increase for VA medical and prosthetic research and a $10 million increase for grants for construction of State extended care facilities.

Finally, Mr. Speaker, in the veterans area, I am also very glad to report that we were able to remedy a long-standing injustice affecting former residents of the Philippines who served with the U.S. Armed Forces during World War II. Under current law, these Filipino veterans receive just half the benefits paid to American veterans even if they live in the United States as U.S. citizens or permanent residents.

Under this conference report, these Filipino veterans living in this country will receive the same benefits as other World War II veterans.

Science funding is strongly supported with a 14 percent increase for the National Science Foundation.

For NASA, the conference report includes a 5 percent funding increase, providing $250 million above the President's budget request.

Within the HUD budget, we provide the full amount needed to renew all expiring section 8 housing contracts so that no one loses their housing assistance under this program, and the agreement also provides increases for several other high priority housing programs, including a 13 percent increase for home grants to States and local governments for affordable housing development, a 4 percent increase in CDBG formula grants and a 9 percent increase for housing for the elderly and disabled and a 10 percent increase for homeless assistance grants.

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While on the subject of assistance for those in acute need, I should also mention the $30 million increase in funding provided for FEMA's emergency food and shelter program, a very efficient program that relies on private, charitable organizations to get help to where it is most needed.

The conference report also funds another 79,000 new Section 8 housing assistance vouchers to help make a reduction in unmet needs for housing assistance. This is 41,000 fewer new vouchers than sought by President Clinton, but 19,000 more than were added last year. We look forward to working with HUD to ensure full utilization of Section 8 vouchers.

The impressive commitment to housing programs in this bill, Mr. Speaker, is a testament to the strong advocacy of HUD Secretary Andrew Cuomo, who has worked tirelessly for those who benefit from these housing programs.

The bill also includes generous funding for activities for the Environmental Protection Agency. The $7.8 billion provided in the final agreement represents a $664 million increase over the amount requested by the President, and $395 million over last year. A total of $3.6 billion is provided for important clean water and sewer projects under the State and territorial assistance grants program.

In addition to the funding provided, the conference report has eliminated or significantly modified a number of environmental riders. All of these changes have been accepted by the White House. As Members know, the House bill did not provide any money for the Corporation for National and Community Service, including the President's signature AmeriCorps program. The final package which we present today provides $464 million for the Corporation, $70 million below the budget request, but an increase of $25 million over fiscal year 2000.

I should also note that this conference report is being used as a vehicle to send back to the President the energy and water appropriations bill, this time without the provision that led to the veto. We are pleased to be able to be of assistance in bringing that part of the appropriations process to a successful conclusion, and I will defer to the leaders of that subcommittee for an explanation of the details of the package being presented here today.

In closing, Mr. Speaker, I would like to extend my sincere appreciation to the gentleman from New York (Chairman WALSH) for his leadership and cooperation in fashioning this conference report. He has done a tremendous job. He has been a good friend throughout this process, and very responsive to minority concerns. We appreciate that, and thank him for his commitment to trying to do the right thing by all of the important programs and agencies under our jurisdiction. It has been a pleasure working with him and his hard-working staff, including Frank Cushing, Tim Peterson, Valerie Baldwin, Dena Baron, and Jennifer Whitson, from the professional staff; and from the chairman's personal staff, John Simmons and Ron Anderson.

Mr. Speaker, I especially want to thank the talented staff on this side of the aisle, David Reich and Mike Stephens from the minority appropriations office, and Lee Alman and Gavin Clingham from my personal staff.

I want to thank, Mr. Speaker, especially the gentleman from Wisconsin (Mr. OBEY), our ranking member on the full committee, for all of his outstanding assistance and support throughout this process. He is a tireless leader of the Committee on Appropriations on our side of the aisle, and he has been extremely active in marking up this bill and throughout the process.

Finally, in closing, Mr. Speaker, we have four very capable, hard-working Democratic Members on this subcommittee: the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Florida (Mrs. MEEK), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Alabama (Mr. CRAMER).

Each of these Members have spent many hours working on this bill. It bears their input in so many places, and I am extremely appreciative for the contribution that each has made, and for their support throughout the process.

In summary, Mr. Speaker, this is an excellent conference report.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development with whom, in this venture, we are partners.

(Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this conference report and the conference agreement on H.R. 4635, and as my colleagues, both the chairman and the ranking member, have mentioned, this conference agreement will also enact the provisions of H.R. 5483, which I introduced yesterday, and is a modified version of the fiscal year 2001 energy and water development appropriations act that was vetoed by the President on October 7.

Members will recall that the President vetoed the bill over a provision regarding the management of the Missouri River that he had signed into law on four previous occasions. On October 11, the House voted to override the President's veto, and I want to thank my colleagues who supported on a bipartisan basis that override vote.

Unfortunately, the Senate did not believe it could override the votes. Either they did not have the vote or they elected not to take it up. Therefore, in order to move the process forward and to get this conference report passed, we have removed the provision that the President objected to regarding the Missouri River.

In cooperation with the Senate, we made a few other modest and minor changes in the bill, but I wish to assure my colleagues that we did not reduce or delete funding for any programs or projects that were included in the conference agreement that was previously agreed to and passed on the floor of the House.

Mr. Speaker, I include for the RECORD this table, which outlines the various provisions of the energy and water development bill.

The table referred to is as follows:

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	161,994	137,700	153,327	139,219	160,038	-1,956
Construction, general	1,385,032	1,346,000	1,378,430	1,361,448	1,717,199	+332,167
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	309,416	309,000	323,350	334,450	347,731	+38,315
Operation and maintenance, general	1,853,618	1,854,000	1,854,000	1,862,471	1,901,959	+48,341
Regulatory program	117,000	125,000	125,000	120,000	125,000	+8,000
FUSRAP	150,000	140,000	140,000	140,000	140,000	-10,000
General expenses	149,500	152,000	149,500	152,000	152,000	+2,500
Total, title I, Department of Defense - Civil	4,126,560	4,063,700	4,123,607	4,109,589	4,543,927	+417,367
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	22,436	19,566	19,566	19,566	19,566	-2,870
Fish, wildlife, and recreation mitigation and conservation	10,476	14,158	14,158	14,158	14,158	+3,682
Utah reclamation mitigation and conservation account	5,000	5,000	5,000	5,000	5,000	
Subtotal	37,912	38,724	38,724	38,724	38,724	+812
Program oversight and administration	1,321	1,216	1,216	1,216	1,216	-105
Total, Central Utah project completion account	39,233	39,940	39,940	39,940	39,940	+707
Bureau of Reclamation						
Water and related resources	605,992	643,058	635,777	655,192	678,450	+72,458
Loan program	11,577	9,369	9,369	9,369	9,369	-2,208
(Limitation on direct loans)	(43,000)	(27,000)	(27,000)	(27,000)	(27,000)	(-16,000)
Central Valley project restoration fund	42,000	38,382	38,382	38,382	38,382	-3,618
California Bay-Delta ecosystem restoration	60,000	60,000				-60,000
Policy and administration	47,000	50,224	47,000	50,224	50,224	+3,224
Total, Bureau of Reclamation	766,569	801,033	730,528	753,167	776,425	+9,856
Total, title II, Department of the Interior	805,802	840,973	770,468	793,107	816,365	+10,563
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	637,962	730,692	616,482	691,520	660,574	+22,612
(By transfer)	(5,821)					(-5,821)
Non-defense environmental management	332,350	282,812	281,001	309,141	277,812	-54,538
Uranium enrichment decontamination and decommissioning fund	249,247	294,588		297,778		-249,247
Uranium facilities maintenance and remediation			301,400		393,367	+393,367
Science	2,787,627	3,162,639	2,830,915	2,870,112	3,186,352	+398,725
Nuclear Waste Disposal	239,601	318,574	213,000	59,175	191,074	-48,527
Departmental administration	205,581	214,421	153,527	210,128	226,107	+20,526
Miscellaneous revenues	-106,887	-128,762	-111,000	-128,762	-151,000	-44,113
Net appropriation	98,694	85,659	42,527	81,366	75,107	-23,587
Office of the Inspector General	29,500	33,000	31,500	28,988	31,500	+2,000
Environmental restoration and waste management:						
Defense function	(5,716,037)	(6,159,655)	(5,864,004)	(6,148,824)	(6,122,190)	(+406,153)
Non-defense function	(581,597)	(577,400)	(582,401)	(589,039)	(671,179)	(+89,582)
Total	(6,297,634)	(6,737,055)	(6,446,405)	(6,737,863)	(6,793,369)	(+495,735)
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	4,427,052	4,639,225	4,579,684	4,883,289	5,015,186	+588,134
Defense nuclear nonproliferation	729,100	865,590	861,477	908,967	874,196	+145,096
Naval reactors	677,600	673,083	677,600	694,600	690,163	+12,563
Office of the Administrator				10,000	10,000	+10,000
Subtotal, National Nuclear Security Administration	5,833,752	6,177,898	6,118,761	6,496,856	6,589,545	+755,793
Defense environmental restoration and waste management	4,467,308	4,562,057	4,522,707	4,635,763	4,974,476	+507,168
Defense facilities closure projects	1,060,447	1,082,714	1,082,297	1,082,297	1,082,714	+22,267
Defense environmental management privatization	188,282	514,884	259,000	324,000	65,000	-123,282
Subtotal, Defense environmental management	5,716,037	6,159,655	5,864,004	6,042,060	6,122,190	+406,153
Other defense activities	309,199	575,617	592,235	579,463	585,755	+276,556
Defense nuclear waste disposal	111,574	112,000	200,000	292,000	200,000	+88,426
Energy employees compensation initiative (proposal)		17,000				
Total, Atomic Energy Defense Activities	11,970,562	13,042,170	12,775,000	13,410,379	13,497,490	+1,526,928

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	39,579	3,900	3,900	3,900	3,900	-35,679
Operation and maintenance, Southwestern Power Administration	27,891	28,100	28,100	28,100	28,100	+209
(By transfer)	(773)					(-773)
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	192,602	164,916	160,930	164,916	165,830	-26,772
Falcon and Amistad operating and maintenance fund	1,309	2,670	2,670	2,670	2,670	+1,361
Total, Power Marketing Administrations	261,381	199,586	195,600	199,586	200,500	-60,881
Federal Energy Regulatory Commission						
Salaries and expenses	174,950	175,200	175,200	175,200	175,200	+250
Revenues applied	-174,950	-175,200	-175,200	-175,200	-175,200	-250
Defense nuclear waste disposal (rescission)		-85,000	-85,000	-85,000	-75,000	-75,000
Defense environmental privatization (rescission)					-97,000	-97,000
Total, title III, Department of Energy	16,606,924	18,064,720	17,202,425	17,863,045	18,341,776	+1,734,852
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	66,149	71,400	63,000	66,400	66,400	+251
Defense Nuclear Facilities Safety Board	16,935	18,500	17,000	16,500	18,500	+1,565
Delta Regional Authority		30,000		20,000	20,000	+20,000
Denali Commission	19,924	20,000		30,000	30,000	+10,076
Nuclear Regulatory Commission:						
Salaries and expenses	464,913	481,900	481,900	481,900	481,900	+16,987
Revenues	-442,000	-447,958	-457,100	-457,100	-447,958	-5,958
Subtotal	22,913	33,942	24,800	24,800	33,942	+11,029
Office of Inspector General	5,000	6,200	5,500	5,500	5,500	+500
Revenues	-5,000	-6,076	-5,500	-5,500	-5,390	-390
Subtotal		124			110	+110
Total	22,913	34,066	24,800	24,800	34,052	+11,139
Nuclear Waste Technical Review Board	2,589	3,200	2,700	3,000	2,900	+311
Total, title IV, Independent agencies	128,510	177,166	107,500	162,700	171,852	+43,342
TITLE V EMERGENCY SUPPLEMENTAL						
DEPARTMENT OF ENERGY						
Atomic Energy Defense Activities						
Cerro Grande fire activities (contingent emergency appropriations)				203,460	203,460	+203,460
Appalachian Regional Commission (contingent emergency appropriations)					11,000	+11,000
Total, title V, Emergency Supplemental				203,460	214,460	+214,460
TITLE VI RESCISSIONS						
DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations (rescission)	-930					+930
Construction, general (rescission)	-12,819					+12,819
Total, Corps of Engineers - Civil	-13,749					+13,749
DEPARTMENT OF ENERGY						
Nuclear Waste Disposal (rescission)	-4,000					+4,000
Power Marketing Administrations						
Southeastern Power Administration:						
Purchase power and Wheeling (rescission)	-3,000					+3,000
Total, title VI, Rescissions	-20,749					+20,749
Grand total:						
New budget (obligational) authority	21,647,047	23,146,559	22,204,000	23,131,901	24,088,380	+2,441,333
Appropriations	(21,667,796)	(23,231,559)	(22,289,000)	(23,013,441)	(24,045,920)	(+2,378,124)
Contingent emergency appropriations				(203,460)	(214,460)	(+214,460)
Rescissions	(-20,749)	(-85,000)	(-85,000)	(-85,000)	(-172,000)	(-151,251)
(By transfer)	(6,594)					(-6,594)

Mr. PACKARD. Mr. Speaker, I want to again thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his help in putting these changes together.

I express my appreciation to the leadership of the House, and particularly of the Committee on Appropriations that has crafted this joint effort to join these two conference reports together, so we can move the process forward. I will ask all of my colleagues to support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member on the Subcommittee on Energy and Water Development.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise for two purposes. The first is to add my voice to that of the gentleman from California (Chairman PACKARD) and to acknowledge to my colleagues that there is an agreement as far as the changes that were made on energy and water. It obviously is now included in part of the underlying legislation. I would ask for their support.

The second point I would make is that I believe that the bill relative to the Veterans Administration, Housing, Urban Development, and Related Agencies also deserves our support, and will congratulate the gentleman from New York (Mr. WALSH), as well as the gentleman from West Virginia (Mr. MOLLOHAN), for their work.

Again, I do urge my colleagues to support this legislation.

Mr. WALSH. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to engage in a colloquy on a provision in the conference agreement relating to the definition of "urban county" under Federal housing law.

As the chairman knows, the community development block grant, CDBG, program's statutory provisions relating to the urban county classification do not contemplate the form of consolidated city-county government found in Duval County, Florida, which encompasses my city of Jacksonville, where there is no unincorporated area.

A recent decision by the Bureau of the Census and subsequently by the U.S. Department of Housing and Urban Development has questioned the status of Jacksonville/Duval County as an entitlement area.

Mr. WALSH. Mr. Speaker, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I am aware of this problem facing the city of Jacksonville.

Mrs. FOWLER. My purpose for entering into this colloquy is to seek clarification from the chairman about the effect of the provision adopted by the Conference Committee to amend the definition of "urban county" to address this problem facing Jacksonville.

Is it the chairman's understanding that section 217 of the conference report addresses the concerns of the town of Baldwin, Jacksonville, and the Beaches communities, by amending current law to classify Jacksonville as an urban county, and that the language would preserve the area's longstanding status as an entitlement area for CDBG grants, while also allowing the town of Baldwin to elect to have its population excluded from the entitlement area?

Mr. WALSH. Yes. I believe the language clarifies that Jacksonville/Duval County meets the definition of an urban county under the statute, as amended. HUD also agrees with this interpretation.

Mrs. FOWLER. I thank the chairman for his comments.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Mrs. MEEK), a hard-working member of the subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, this is a great opportunity for me to express my feelings about our subcommittee, our chairman, and our ranking member and the staff, as well as the full committee.

This has been an exercise in good bipartisanship of working together to reach a goal that will benefit the people of this country and improve the quality of their lives, so this is an experience.

The conference report should be voted on positively by every Member of this body. A great deal of work has gone into it, quite a bit of negotiating, and that is what it should be in this body. I am happy to see that the community development block grant program is funded at $5.1 million, $157 million above the President's request, and $257 million more than last year.

This is a signal that this committee has looked at low-income and moderate-income people to certainly help them to improve the quality of their lives.

EPA also had an increase, $529 million for NSF, and $683 million for NASA. I will not go into all of these details, Mr. Speaker, but the Congress needs to realize I think that this is one of the few times that the committee funded everything. All of the agencies and all of the programs that merited their funding they did fund. We will not find programs in this particular conference report for people who need it and did not get it.

We could have more money in the conference report for Section 8 housing, but they did a good job of that under the circumstances.

One thing about the chairman and the ranking member, they are very fair people, very fair. Once they promise us something in terms of one's districts, in terms of the people, they come through with it. So I am happy to see they put 79,000 new Section 8 vouchers. They did the best they could, and I thank them for that.

I am particularly proud, Mr. Speaker, of what the committee did for housing and seniors. That program represents a very dire need for better housing. This conference report took this into consideration and provided considerable new support for housing.

The conference agreement appropriated $996 million to develop housing for the elderly and the disabled, $85 million more than last year. That is a considerable rise or increase in this program. Capital grants for construction, for rehab and acquisition for the elderly under the section 202 program, the measure provides $779 million more than last year.

I guess what I am saying, Mr. Speaker, this conference report reflects a unanimous effort to aid people in this country, and I think we should thank the committee.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee on Legislative of the Committee on Appropriations.

Mr. TAYLOR of North Carolina. Mr. Speaker, I want to thank the chairman for the tremendous work that he and the members of the subcommittee have done this year in preparing the conference report for the House consideration.

As many of our colleagues may know, the subcommittee's initial allocation made the gentleman's task especially difficult this year, but the conference report we are considering today is truly an affirmation of the gentleman's commitment and this House's commitment to our Nation's veterans, and I thank the gentleman for his work.

□ 1330

As my colleagues know, the 11th District of North Carolina, which I have the privilege to represent, has one of the largest numbers of senior veterans in the country. My constituents have served the United States in every war, and especially World War II to the Persian Gulf. Many of them now are needing assistance from our veterans hospital. They get their good assistance from the VA Medical Center at Oteen, but we are experiencing a growing health problem among the veterans of the Western North Carolina region. Alzheimer's disease is certainly impacting our area.

The Asheville Center has proposed the creation of a unit devoted to the diagnosis and treatment of dementia-related illness as part of the fiscal year 2001 budget. This project has been included as a priority by the network in its most recent planning submission to the Department of Veterans Affairs. I will be working with the Department to secure funds for the staffing needs for the dementia unit in the upcoming year.

I want to bring the project to the attention of the gentleman from New York (Mr. WALSH) and ask for the support of the subcommittee and the House in making the much-needed project a reality for the senior veterans of western North Carolina.

Mr. WALSH. Mr. Speaker, I thank the gentleman from North Carolina (Mr. TAYLOR) for bringing the project to the subcommittee's attention. I know that improving and expanding the Asheville VA Medical Center has been the highest priority for him and the veterans of his district for many, many years.

I am also aware that Alzheimer's disease and other dementia-related illnesses are a growing problem for veterans in western North Carolina and throughout the Nation. I would be happy to work with the gentleman from North Carolina in bringing the important project to the Department's attention and in helping the Asheville VA Medical Center as it moves forward with it.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for his assistance.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference report on H.R. 4635, the Fiscal Year 2001 Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations bill.

In particular, I want to commend the chairman and the ranking member for the work they did on fully funding the NASA budget as it relates to the International Space Station and the Space Shuttle program, and particularly with reference to the fact that the conference report includes $3 million for the planning and design of the Bioastronautics Project.

The bill will provide the initial funding for the construction of a research facility located at the Johnson Space Center to examine the health effects of microgravity on long-term space flight. It will be undertaken with the Human Space Flight Program along with the National Space and Biomedical Research Institute located at Baylor College of Medicine in my district.

I appreciate the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for putting this in, as well as the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), vice-chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of the VA-HUD appropriations conference report. I want to thank the gentleman from New York (Chairman WALSH) for his leadership, the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership, and the great work of the staff in meeting the many priorities that we all want included in the bill.

Most importantly, Mr. Speaker, the bill increases funding for veterans' medical care, as has been said earlier, by $1.35 billion over last year's level for a total 2-year increase of $3 billion. This is absolutely critical funding that will be used to provide our veterans with nursing home care, treatment for serious mental illnesses, prescription drugs, routine medical care, and other badly needed services.

One way the money can be used next year will be to provide each of the 22 Veterans Integrated Service Networks, or VISNs, with a higher rate of reimbursement for treating veterans with the hepatitis C virus. This may not be on everybody's radar screen, but the disabling disease of the liver affects a large number of veterans, especially those of the Vietnam era. The treatment for the disease is costing an average of $15,000 a year for medications alone. Yet the VA only reimburses VISNs at the low, basic-care rate of $3,200.

As a result of language contained in the conference report, this will now change. At the Chair's insistence and my assistance and the committee members, we are now directing the VA to reimburse the VISNs for hepatitis C at the higher, complex-care rate of $42,000 per patient being treated for the disease.

I particularly would like, Mr. Speaker, to thank the Vietnam Veterans of America for their strong advocacy on the matter.

Lastly, Mr. Speaker, I am especially pleased that the conference report provides additional funding for affordable housing for all Americans, especially older Americans and disabled individuals under section 202 and section 811.

Mr. MOLLOHAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin (Mr. OBEY), our ranking minority member.

Mr. OBEY. Mr. Speaker, I am going to vote for the conference report. I think that, after being lost in wonderland territory for over 8 months, that the committee has finally been allowed to be realistic in terms of what our housing needs are, what our scientific research needs are, and what some other basic needs are that are funded by the bill.

I also want to congratulate the members on the other subcommittee in the Subcommittee on Energy and Water Development for the work that they have done. I must confess some disquiet in supporting that portion of the conference report, not because I object to the work done by the subcommittee, but because we are proceeding in a very strange way. Because of that fact, we are in a situation where we are going to be voting almost $900 million more than the President requested for that bill without having any knowledge of how much we are going to be allowed to provide for what I consider to be even more critical programs such as education and health care.

We have been stymied here for months, frankly, over the resistance of the majority party leadership to provide the same kind of financial largesse for education that we are providing in the Energy and Water bill for the Army Corps of Engineers or in some of the other bills that have gone through the place.

I would simply say I congratulate everyone for the work they have done on these bills. It is not their fault that the bills are being considered in the context. I want to make that clear. But I do object to having to vote for the kind of package without knowing what the plans are in the end to meet what ought to be the number one priority in the country, education.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to engage in a colloquy with the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

As the gentleman is aware, our New York State Department of Health recently released its findings from its Cancer Surveillance Improvement Initiative. That report disclosed that Rockland County in my area of New York State and the East Side of Manhattan are among the highest breast cancer incidence in the States.

Specifically, the report shows that a majority of these two areas are characterized by elevated incidence and are 15 to 50 percent higher than the State average for breast cancer incidence.

In response to this alarming finding, I have been working with the gentlewoman from Manhattan, New York (Mrs. MALONEY), to secure funding from the EPA for the NYU School of Medicine to conduct an assessment to determine if the observed excess incidence of breast cancer in Rockland County and on the East Side of Manhattan are associated with air pollution and electromagnetic radiation generated from local power plants.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for the work that he has done on this important issue and bringing it to the subcommittee's attention. I share his concern for the findings in the New York State Department of Health's report, which show the high incidence of breast cancer in Rockland County and also on the East Side of Manhattan Island.

I want to assure the gentleman from New York (Mr. GILMAN) that I will work with him and with the gentlewoman from New York (Mrs. MALONEY) to find the best source of funding for the important research project in next year's appropriations bill.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Chairman WALSH) for his support.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his efforts in working with me to secure the funding for the project. I also want to thank the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies, and the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for their commitment to work with us to secure funding for this important project next year.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a hard-working member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for yielding me this time.

Mr. Speaker, I rise in full support of the conference report. I want to thank the gentleman from New York (Chairman WALSH) and certainly the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, Frank Cushing, the staff, all of the staff for their great work in bringing about an outstanding conference report. None of this would have happened without extraordinary work, a lot of hours. I know there have been many long hours, so I salute all of them for that great amount of effort and great contribution.

This conference report responsibly provides a $1.3 billion increase for Veterans' Medical Health Care, a critical $30 million increase for Veterans' Medical and Prosthetics Research and responsible increases in the research-intensive agencies NASA and NSF. I am pleased that these and other funding priorities are in this bill and will be signed into law when this conference report lands on the President's desk.

The 2001 VA-HUD bill is a fair bill produced under most difficult circumstances. In fact, this 2001 Energy and Water spending bill, under the stewardship of the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), has been attached to this conference report. I am pleased that it, too, will be signed into law. This package holds the line on spending in a prudent manner and allows us to pay down the debt.

The gentleman from New York (Chairman WALSH) is to be saluted for crafting this piece of legislation under those very difficult circumstances, and I think he and the gentleman from West Virginia (Mr. MOLLOHAN) have worked with our colleagues and certainly the colleagues in the other body to forge a fiscally responsible bill in a bipartisan spirit.

This has been an unusual process this year because the other body did not consider the VA-HUD bill on the floor. Yet, it was negotiated in a bipartisan way with the White House fully engaged, and I am aware of no objections to this conference report.

Mr. Speaker, the conference report is the fruit of all their labors, and I urge its adoption.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH) for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. WALSH) for his thorough and responsible work, and let him know that I appreciate his assistance over the past months to address an important and divisive issue in my congressional district; that is, our national policy on contaminated sediments and specifically EPA's policies on contaminated sediments in the Hudson River.

At this point, EPA is poised to propose a massive environmental dredging project that would drastically affect both the ecology of the Upper Hudson River and the economies of those communities along its banks. This is a decision that has many of those communities rightly concerned about the long-term impacts of any such project and the scientific basis for it.

I recognize, Mr. Speaker, there are strong feelings on both sides of this issue and that the common interest is to see that remediation of the environmental damage to this river is accomplished. What we need at this point is to mitigate the contention and let sound science direct the decision making, and I believe the statement of the managers at this time will do that because it expressly directs the EPA to take no action to initiate or order the use of dredging until the National Academy of Science report has been completed and its findings have been properly considered by the agency. These instructions and the statement of managers are clear, and I expect the EPA to abide by the language.

□ 1345

Mr. Speaker, I appreciate the chairman's earlier statements to clarify the intent of the language in the Statement of Managers, which is similar to language included in this year's spending bill, and also for the past 2 years. As in past years, exceptions have been made for voluntary agreements and urgent cases.

The NAS will soon deliver a comprehensive report on the risks associated with various methods of addressing contaminated sediments, including: dredging, capping, source control, natural recovery, and disposal of contaminated sediments. I want to point out that this information by the NAS will be really the first time that other alternatives to dredging have been seriously considered.

On behalf of the constituents of the 22nd Congressional District, I want to thank the gentleman from New York (Mr. WALSH) for persevering and staying with us on this, because we need to ensure public confidence, and I want to thank him again for his earlier comments which do clarify.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I wish to engage in a brief colloquy with the fine chairman of the subcommittee, the gentleman from New York (Mr. WALSH).

I note in the conference report there are two line items through EPA which will help improve the environmental quality of the Kalamazoo River Watershed in southwestern Michigan. One such provision is directed to Western Michigan University's Environmental Research Institute; the other is directed to Calhoun County, Michigan.

I would like to clarify that the line item with respect to Calhoun County would be solely administered through Western Michigan University's Environmental Research Institute, provided that such funds are used to provide environmental quality for that portion of the Kalamazoo Watershed which is in Calhoun County, Michigan. By doing this, we will help ensure that there is no unnecessary duplication of effort in this regard.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I would simply advise the gentleman that I agree with him.

Mr. UPTON. Mr. Speaker, I thank the gentleman for his agreement.

Mr. WALSH. Mr. Speaker, can you advise us as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. WALSH) has 3 minutes remaining, and the gentleman from West Virginia (Mr. MOLLOHAN) has 15½ minutes remaining.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the VA-HUD appropriation bill.

Mr. Speaker, I recognize that this has been a challenging task to assemble this comprehensive legislation; and it is a testament to the tireless efforts of the chairman, the gentleman from New York (Mr. WALSH), and the gentleman from West Virginia (Mr. MOLLOHAN), as well as the staff of the Subcommittee on VA, HUD and Independent Agencies.

I am pleased that there is a provision in this bill that was authored by our colleague from Georgia and myself which will help and assist our communities across this country by delaying the designation of nonattainment by EPA until such time as the Supreme Court rules or until June 15 of 2001, whichever comes first.

In the interim, though, Mr. Speaker, the EPA and State environmental divisions will also continue to monitor our air, the air quality for communities, so that they can be assured that they know what is in their air. But this legislation, too, will ensure that reason and common sense is adhered to as we all work towards the common goal of improving our Nation's air quality.

I appreciate the fact that the White House did give us a consensus on this and worked with us too, and I look forward to further working with these gentlemen in subcommittee in their efforts.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of this VA-HUD conference report, and I want to commend our colleague and friend, the gentleman from New York (Mr. WALSH), and the gentleman from West Virginia (Mr. MOLLOHAN) for their diligence. Their leadership has produced a conference report that is not only fiscally sound but one that provides for our Nation's veterans, for housing, and for environmental programs with the funding and tools needed to meet our important needs.

Specifically, this conference report provides over $107 billion in new budget authority for our veterans' benefits, for housing programs, and for those agencies dealing with science, space and the environment. While the bill is higher than the House-approved bill, it is nevertheless $2.3 billion less than the President's request. More importantly, though, this report includes $5.2 billion for debt reduction.

In addition, this conference report includes the provisions of H.R. 1594, the Filipino Veterans Benefits Improvement Act, which will permit the payment of full service-connected disability compensation to our Filipino veterans residing in the United States who are citizens, or who have been lawfully admitted for permanent residence; provides comprehensive health care services at VA health centers; and permits the VA outpatient clinic in the Philippines to provide Filipino veterans of the U.S. Armed Forces with comprehensive health care.

It is gratifying that the fiscal year 2001 energy and water conference report, which the House previously approved, has been included in this measure and which includes several important flood control projects in my district, including the Ramapo/Mahwah and the Saw Mill River projects at Elmsford.

Accordingly, I urge all our colleagues to fully support this important conference report.

Mr. MOLLOHAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume to thank the leadership for giving us the opportunity to present this bill before the House today. I think, as we have said, it is a good bill and it is a bipartisan bill. I think we have worked well together all the way along. I think the House really did a great job.

That is not to denigrate the Senate, but I think we clearly knew what our challenge was and we set out to do it. We worked together, and I think we can all be proud of this product.

Mr. UNDERWOOD. Mr. Speaker, I support H.R. 4635, particularly title V dealing with Filipino veterans benefits improvements. I commend Mr. FILNER and Mr. GILMAN for their tireless efforts on this issue and their leadership in this long struggle for Filipino veterans equity.

H.R. 4635 will correct some of the injustices inflicted on the Filipino soldiers who fought courageously under U.S. command during World War II. It will provide full compensation for service related disabilities for Filipino veterans who are living permanently and legally in the United States. These veterans would receive the full dollar amount in benefits, rather than the "peso-rate standard" of 50 cents to the dollar. Filipino veterans deserve full compensation like all other U.S. veterans. Today, there are about 17,000 Filipino veterans who are U.S. citizens, and about 1,250 of these currently receive Veterans Affairs compensation for service-connected disabilities. Full compensation would be a long awaited victory for them.

In addition, H.R. 4635 will expand health services to those already receiving compensation for service connected disabilities in the U.S. so that they can be seen for all medical care. To the fullest extent possible, veterans residing in the Philippines who enlisted in the U.S. Armed Forces would be able benefit from this expansion of health services as well.

The remedy of full compensation is long overdue. Filipino veterans have been waiting over 50 years to receive such benefits, after the Rescission Act of 1946 denied them promised benefits. Now they are in their late 70s and 80s and continue to fight for the equity that they rightfully deserve.

In 1941, President Franklin D. Roosevelt called and ordered all organized military forces of the Philippine government into the service of the U.S. Armed Forces under the United States Army Forces in the Far East. Under U.S. command, the Philippine Commonwealth Army and the Special Philippine Scouts fought valiantly alongside American soldiers. They participated in some of the toughest battles of World War II and helped to achieve peace in the Pacific.

Unfortunately, after the war's end, these efforts were not justly recognized. The Recission Act of 1946 deemed Filipino military service as non-active, thereby denying them the rights, privileges and benefits which every U.S. military serviceman is entitled to. H.R. 4635, by providing full compensation for service related disabilities in the full dollar amount, will bring these veterans one step closer to equity.

Filipino veterans have been fighting many years for equity. In 1990, they were allowed eligibility for citizenship in the U.S., and in 1999, Public Law 106–69 enabled Filipino American veterans of WWII to return to the Philippines and maintain 75 percent of their benefits, including Supplemental Security Income. President Clinton issued a memorandum this past July that directed the Secretary of Veterans Affairs to complete a study by October 31, 2000, of Filipino veterans and to identify options available for addressing those needs.

Therefore, I urge your support for the advancement of Filipino veterans equity. Filipino veterans fought fearlessly to achieve peace more than 50 years ago amidst the turmoil of World War II. Filipino soldiers also fought valiantly alongside American soldiers, under the command of the United States of America. They were crucial to our nation's war efforts in the Pacific. For this they deserve benefits equal to every other veteran who fought under the United States flag. I urge my colleagues to continue this fight for equity and support H.R. 4635 so that Filipino veterans will receive some of the benefits that are long overdue.

Mr. EVANS. Mr. Speaker, I rise in support of the conference report on the VA/HUD/Energy and Water Appropriations Act. During the 106th Congress, the Administration and Congress have significantly increased appropriations for veterans' health care. For fiscal year 2000, the administration requested a $1 billion increase in appropriations for veterans' health care and Congress eventually approved a

$1.7 billion increase. This increase recognized the adverse consequences of four consecutive years of flat-line budgets for the Department of Veterans Affairs medical care system. The only increase in funding had come from a stream of non-appropriated revenues including veterans' health insurance and copayments, sharing agreements and other funds—the increase in appropriations also signaled the failure to provide adequate funding for veterans' health care from non-appropriated sources. For a number of reasons—some beyond its control—VA has not been successful obtaining the full amount of these projected revenues. For fiscal year 2001, the administration requested a $1.35 billion increase in appropriations for veterans' health care—a record administration increase in VA health care appropriations. While we have made some real progress in funding our veterans' health care, we must continue this progress in the future as VA health care is not immune to rising costs of providing health care, particularly pharmaceutical costs.

I do want to address one concern about a modification made to the House bill in the conference agreement. In this regard, I want to thank the gentleman from New York, Mr. WALSH, and the gentleman from West Virginia, Mr. MOLLOHAN for addressing concerns which the chairman of the Committee on Veterans Affairs, BOB STUMP, and I noted in our views and estimates submitted to the Budget Committee and which I later shared with them in testimony to the subcommittee. In particular, we expressed concern about a legislative proposal to return to the U.S. Treasury revenues anticipated from new resources collected using authorities in the Veterans Millennium Health and Benefits Act. I appreciate the subcommittee's rejection of that legislative proposal. When this Congress passed the millennium bill, it was clearly understood that its promise lay in allowing new funding streams, primarily from veterans' increased cost sharing, to augment VA's long-term care program. This proposal would, thus, compromise VA's funding for new long-term care programs.

The House initially rejected a proposal by the administration to return to the U.S. Treasury revenues anticipated from these new resource collection authorities. As veterans age, finding acceptable long-term care alternatives grows increasingly important to ensuring their health. Without expanding these options, VA will be forced to reduce others services it offers veterans. In conference, however, these funds were made subject to appropriation—I am hopeful that this will not mean that any additional revenues collected will be used to offset any program growth these funds might have allowed. This would constitute a real breech in the compact Congress has made with our veterans to use additional funds from their increased copayments for VA programs.

On the floor, the House added $30 million to VA's Grants for Construction of State Extended Care Facilities, bringing the total House request to $90 million. I am pleased the Senate has also seen fit to add funds to the Grants for Construction of State Extended Care account. Additional funds will ensure a smooth transition from VA's current funding methodology to an improved formula that will allow more renovation projects to be considered and ensure that veterans' needs are addressed. It will allow all of the "grandfathered" projects to be addressed and, thus, allow VA to determine its new priorities with a clean slate.

VA Research was also in need of additional resources. While other federal research programs have recognized significant gains in recent years, VA research has been frozen in the last four budgets. The ranking member of the VA Committee's Health Subcommittee, Mr. Gutierrez, recommended an additional $30 million for VA Research for FY 2001 in an amendment that was accepted on the House floor. These funds would allow the program to accommodate inflation and fund additional areas of interest. I understand the Senate's bill also supports this level of funding for medical research and I'm pleased that this level of funding was approved by the Conferees.

I am extremely pleased to note both House's strong support for new centers of excellence in the treatment and research of motor-neuron diseases, such as Parkinson's Disease. In fact, VA has recently shared with me an excellent proposal for six new Parkinson's centers. I had an opportunity to visit the VA Centers' prototype in San Francisco. VA is accomplishing great things there and I am pleased that this experience may soon be duplicated to the benefit of veterans in five additional sites around the country. I also believe VA would be well served by developing centers of excellence in Multiple Sclerosis as referenced in both of the VA–HUD Appropriations Subcommittee reports.

I am pleased that the resources, as outlined by the Conference Agreement, will allow funds for the successful operation of all VA programs. VA must continue to allow for responsible growth in each year's budget. Just like other health care providers, VA has inflationary costs beyond this control. In recent years, as VA has shifted to outpatient care that increasingly relies upon pharmaceuticals to manage health care conditions, VA's prescription drug costs have increased at rates from 15–25% annually. Likewise, the cost of medical supplies and capital equipment continue to increase at rates above general inflation. Employee payraises must be accommodated. VA nurses, some of whom have gone without any payraise for several years, were long overdue for increases in pay. Fortunately, Congress has just approved a bill that will correct this problem, but we must also give VA the ability to use the new pay rates we have authorized by providing needed resources to recruit and retain highly qualified health care providers in an era of fierce competition for their skills.

Just like other health care providers, VA also has significantly transformed the way it does business in the past few years. It has closed many beds, even while adding significantly to its patient workload. I am convinced the organization is committed to reforms that will bring about greater efficiencies. Even with these changes, however, it is impossible for VA to meet all of its challenges without a healthy annual increase in its budget.

The VA health care system must also contend with the significant challenge of Hepatitis C that is disproportionately affecting its users. The San Francisco VA Medical Center estimated that, including the costs of screening for veterans with negative tests and candidates who are not well-suited to treatment, it costs up to $100,000 for each "cure" (or each case in which viral counts are reduced to untraceable amounts). Last fall, the Inspector General indicated that in each of the eight facilities it visited, employees believed addressing Hepatitis C would require between two and seven dedicated employees. This constitutes an enormous new challenge for VA. In addition to this new epidemic, VA must continue to effectively manage the many other chronic conditions, such as hypertension, diabetes, AIDS, and pulmonary disorders that its veteran patients have in higher proportions than the general population. VA health care must also restore some of the capacity it has reduced under financial duress for seriously mentally ill veterans.

Congress and veterans have grown increasingly concerned with waiting times—the time that it takes VA to offer veterans its next-available appointment. Long waiting times have been a clear indication to many Members of Congress that there has been significant stress on the system. In addition to requesting additional funding for VA health care for this fiscal year, the Administration now has many initiatives underway to address the problems. I have requested that the General Accounting Office study the issue and report to me about the problems with data that hamper VA's ability to understand waiting times and initiatives, including "best practices", underway to address waiting times.

We also know that certain services and regions have been drastically affected by VA's Veterans Equitable Resource Allocation model. A few of the 22 Veterans Integrated Service Networks have had to request budget supplements—even with the significant increase we provided last year—and even with optimistic future funding scenarios, expect significant funding shortfalls in the future. The network that serves many veterans in my district in Western Illinois, is one example. I know the belt-tightening that has occurred throughout Nebraska, Iowa, and the rest of the areas that comprise that network. They have actually closed some inpatient facilities and now contract for care from local community facilities. This is a practice that as few as 10 years ago would have been considered untenable. Even if it closes most of the remaining medical centers in the network, the network will continue to have fiscal obligations that outstrip its projected budgets. I recently requested the General Accounting Office to look at allocations to determine if some regions are more adversely impacted than others under the new methodology.

I have also been concerned that the new funding methodology has adversely impacted mental health and other programs that address chronic disease or disability. In moving toward a community and outpatient-focused approach, VA has closed literally thousands of psychiatric inpatient beds—about 40% of the beds it operated five years ago. I remain concerned that VA has not replaced the beds with meaningful programs in the community designed to help the veterans that have been displaced from inpatient programs.

I understand that, as a result of its commitment to moving forward on VA's Capital Assets Restructuring for Enhanced Services (CARES) initiative, there is a de facto moratorium on major construction for VA's health care system. It is important to realize, however, that even as VA considers changing the mission of its facilities or even closing some of its buildings, there is still an aging health care infrastructure to maintain. On top of the needs for modification to ensure the safety of the patients and staff who use its buildings, a moratorium could impede VA's ability to perform its missions. Many of the buildings from which VA operates are aging and need significant renovations. There are also needs for significant modifications in order to address new missions and to accommodate new technology. I am concerned that any moratorium will compromise VA's ability to make adjustments to its instrastructure to accomplish its goals in an evolving health care environment. VA cannot stand still and also have the modern facilities that are critical to higher quality, more timely patient care and more efficient use of limited resources.

These continuing concerns set the stage for the debates we will soon have about the fiscal year 2002 budget. Still, it is clear from the fiscal year 2001 budget submission that communication between Congress and the Administration has greatly improved and that this has translated into a strong budget request for this year—the strongest an Administration has ever made. I am also appreciative that Congress has seen fit to address shortfalls that could have undermined VA's ability to be the type of health care provider we want for our veterans.

Mr. KNOLLENBERG. I rise today to discuss the Energy and Water Development Appropriations Act of 2001. As the distinguished Chairman knows, I authored report language to accompany H.R. 4733 that recommended the Department of Energy process Uranium-233 stored in Building 3019 at the Oak Ridge National Laboratory, in Tennessee, in a manner that would retain and make available alpha-emitting isotopes for the development of a promising and innovative cancer therapy known as Alpha Particle Immunotherapy.

Researchers at the Memorial Sloan Kettering Cancer Center in New York view this therapy as a potential breakthrough treatment for numerous types of cancer, including acute myelogenous leukemia, non-Hodgkin's lymphoma, breast, prostate, ovarian and lung cancer. This innovative approach to treat cancer is highly valuable because of its ability to target cancer cells and its unique potency in killing them. In addition, API treats the cancer without causing some of the negative side effects associated with treatment, such as nausea, hair loss and general malaise.

I am concerned by reports that the Oak Ridge National Laboratory is unable to produce the medical isotopes needed to support the development of this extremely promising cancer therapy. We simply must execute this project for its potential to save lives and save money for the U.S. taxpayer.

Mr. Speaker, I'd now like to take a moment to emphasize my intent in offering this language. Briefly, the intent of this language is to permit the Department of Energy to use the $15 million it has projected are needed for Building 3019 surveillance and maintenance costs to stabilize, dispose and deactivate all of the excess Uranium-233 in Building 3019 to enable the beneficial use of Uranium-233 for this breakthrough cancer treatment. In doing so, it is my intent that the Department of Energy would spend the $15 million to conduct routine surveillance and maintenance to control the stored material safely while at the same time blending-down the Uranium-233 to a radioactivity that eliminates safety and safeguards concerns, and extracting the radioactive isotope for cancer treatments. This approach would enable the Department of Energy to not only eliminate the nuclear criticality and vulnerability concerns at the Oak Ridge site, but would also provide the Department with the opportunity to take a leadership role in the worldwide effort to cure cancer. Again, I would like to point out that all of this could be accomplished within the existing DOE Building 3019 budget projections and potentially could provide life-cycle cost savings to the DOE and the American taxpayers of over $200 million.

Mr. Chairman, as you know, the Highly Enriched Uranium Vulnerability Assessment Report identified Building 3019 as one of the ten most hazardous facilities within the DOE complex. This risk increases as long as no action is taken to place the Uranium-233 in stabilized form.

The language that I drafted attempts to correct this situation by enabling the Department of Energy through private sector stabilization, disposition and deactivation to expeditiously eliminate the concerns at the Oak Ridge site, while enhancing the accessibility of the Lab.

This entire opportunity holds the potential to turn "swords in plowshares" by reindustrializing this nuclear liability into a humanitarian use. In addition, it offers significant national benefits, not only the primary ones to cancer patients and their families, but also benefits to the DOE and the Oak Ridge area as it would: Accelerate the disposition of this special nuclear material, reducing the long-term costs associated with its surveillance and maintenance; Begin addressing the State of Tennessee's concerns regarding the current U-233 storage facility, which has been classified as one of the ten most hazardous facilities within the DOE complex; and Broaden the scope of reindustrialization initiatives in Oak Ridge, potentially creating manufacturing and research jobs.

Mr. Speaker, we owe it to the people of America and the world, particularly those suffering from cancer, to do whatever we can do to enable this breakthrough cancer treatment to move forward as quickly as possible. This concludes my remarks. I thank you again for allowing me to clarify the intent of this very important provision.

Mr. NETHERCUTT. Mr. Speaker, while I support the hard work of House conferees in crafting this conference report I want to express concern that an amendment I had offered to H.R. 4465 was dropped in conference.

The amendment expressed concern about the state of NASA's research and analysis programs (R&A). Through peer reviewed grants to individual scientists, R&A provides the basic research which is the seed corn for space exploration missions. While these activities often are not glamorous, and do not make for pretty images on CNN, they are essential for increasing the return to taxpayers from more visible and expensive flight programs. Unfortunately, NASA been underfunding this activity. Despite projected overall increases in the NASA budget in the outyears, R&A is expected to be flat funded at best, and may in fact suffer further funding reductions.

In 1998, the National Research Council Report "Supporting Research and Data Analysis in NASA's Science Programs" offered significant new findings and important recommendations for strengthening this activity as well as Data Analysis (DA) programs. Six explicit recommendations were offered, but despite their clear potential for improving the effectiveness of flight programs, NASA has implemented few if any changes. My amendment simply required a review of the status in implementing the recommendations in the report, barriers to implementation and specific guidance on optimal funding levels. The provision was considered non-controversial by the full Appropriations Committee and was adopted by voice vote.

While Members of Congress regarded this as a common sense, good government amendment, NASA objected most strenuously to being held to the basic recommendations of the Space Studies Board. In an effort to preempt my language, NASA requested an interim assessment of Research and Data Analysis in the Office of Space Science. This September 22, 2000 letter report from the Space Studies Board (SSB), which I am including for the record, hardly notes enthusiastic support for the 1998 recommendations. It suggests that while NASA has been effective in talking about change in this area, little action has been seen to date.

As the letter report notes: "While the board supports the steps noted above, there are still two concerns to be addressed. First, many of the OSS responses to the 1998 report's recommendations are planned rather than ongoing activities, and so any assessment of their effectiveness must await their implementation. Second, there are areas where the plans appear to be incomplete or where the attention being given may be inadequate." The board concludes by noting that "it cannot, however, be confident that these recommendations will be met until an explicit implementation plan is available."

I note that this was an "interim" report for only one of NASA's three science offices, and that more comprehensive analysis is required. I expect that NASA will continue to work with interested Members of Congress and the SSB to ensure that these sound recommendations are actually implemented. The fact that this amendment was dropped from the final conference report should in no way be seen as a diminution of Congressional interest in this issue. I can assure the agency that unless concrete steps to towards implementation are undertaken, further Congressional action is likely. Research and analysis activities are critically important and the SSB has made sound recommendations for improvement which should be heeded.

I would also like to use this opportunity to bring to Members' attention, and that of VA policy, program and budget officials, the legislative history and background surrounding the inclusion of $5,000,000 for the Joslin Vision Network (JVN), developed by the Joslin Diabetes Center. The Conference Agreement of $5,000,000 for this effort is based on the following components.

Dr. Sven Bursell of Joslin Diabetes Center presented Outside Witness testimoney to the VA/HUD Subcommittee describing a $5 million plan for the JVN to be deployed within the VA beyond the FY 2000 level, and for the refinement of the JVN system toward a Windows NT platform and a seamless interface with VA Medical Care software. Dr. Bursell outlined the two major elements of the $5,000,000 plan as follows: $3 million would be used by the VA and Joslin to expand to additional sites with the most need for portable advanced detection and begin to train personnel and equip additional VA facilities to utilize the JVN technology; and $2 million would be provided to the Joslin Diabetes Center to complete the refinement of the original, prototype system (equipment and software) to the point that the VA can purchase and utilize advanced detection equipment and reading center technology.

Mr. Speaker, Congressman SAM GEJDENSON and I testified together before the VA/HUD Subcommittee on April 11, 2000, in support of the Joslin Diabetes Center plan. Our bipartisan request for approval and funding of the $5,000,000 Joslin Diabetes Center request was approved in the Conference Agreement on H.R. 4635. Congressional intent underlying this item is clear. The VA should endeavor to implement this plan as expeditiously as possible in order to bring improved care to VA patients suffering from diabetes.

INTERIM ASSESSMENT OF RESEARCH AND DATA ANALYSIS IN NASA'S OFFICE OF SPACE SCIENCE

On September 22, 2000, Space Studies Board Chair John H. McElroy sent the following letter to Dr. Edward J. Weiler, associate administrator for NASA's Office of Space Science.

As you requested in your letter of June 16, 2000 (Appendix A), the Space Studies Board (the Board, Appendix B) has conducted a brief review of actions taken by the Office of Space Science (OSS) that are relevant to recommendations in the board's 1998 report Supporting Research and Data Analysis in NASA's Science Programs: Engines for Innovation and Synthesis. The statement of task for this review is provided in Appendix C.

The Board conducted this assessment on a ambitious schedule in accordance with your request for feedback by September 2000. The Board was provided with relatively little written documentation of NASA's plans for improving the OSS R&DA program.

The review was based, in part, on inputs received from relevant standing committees of the Board—the Committee on Solar and Space Physics, the Committee on Planetary and Lunar Exploration, and the Committee on Astronomy and Astrophysics. A major source of information for the review was a pair of short papers provided to the Board on July 25, 2000, by Dr. Guenter Riegler, director of the OSS Research Program Management Division (Appendixes D and E). Dr. Riegler then briefed the board's executive committee and standing committee chairs at a meeting on August 16 at the National Academies' study center in Woods Hole, Massachusetts. At that meeting, members of the Board reviewed and discussed the information from NASA and the Board's discipline committees' responses and assembled this consensus assessment. The board concluded that the proposals that Dr. Riegler described for responding to the 1998 report are appropriate; however, a final assessment awaits action guided by a concrete implementation plan.

GENERAL OBSERVATIONS

The 1998 Space Studies board report analyzed the roles and contributions of R&DA grants in the research programs of NASA's three science offices, and it presented a set of strategic and programmatic recommendations to enhance the R&DA programs. The Board reaffirms the conclusions of the 1998 report: research and data analysis activities are critical elements of a viable space science program. The Board is aware of a number of actions within OSS that are under way or planned that will strengthen the R&DA programs and that will be entirely consistent with the recommendations of the 1998 report. For example, Dr. Riegler described plans to reallocate current budgets and to seek funds for new projects that will provide selected increases in data analysis funding at an overall rate of 8% per year. He also reported on the OSS intent to provide explicitly for data analysis funding in all new projects when they are initially proposed. Further, Dr. Reigler described a regular process of "senior reviews" of the research grants program that would complement the senior reviews of operating spacecraft mission programs and provide a mechanism to accomplish a number of actions recommended by the Board in the 1998 report.

While the Board supports the steps noted above, there are still two concerns to be addressed. First, many of the OSS responses to the 1998 report's recommendations are planned rather than ongoing activities, and so any assessment of their effectiveness must await their implementation. Second, there are areas where the plans appear to be incomplete or where the attention being given may be inadequate. In the remainder of this report, the Board provides additional comments on those areas by addressing each of the six major recommendations in the 1998 report in order.

ASSESSMENT OF THE OSS RESPONSE TO THE 1998 SSB RECOMMENDATIONS

1. Principles for Strategic Planning

The first recommendation of the 1998 report addressed a number of aspects of managing R&DA programs strategically. To be able to do so requires, of course, a strategic plan for the program as a whole and an approach that integrates attention to R&DA into that plan. In its May 2000 review of the OSS draft 2000 strategic plan, the Board indicated that while many aspects of the draft were solidly grounded, the document still lacked several important aspects of a strategic plan, as follows:

Although the draft document is called "The Space Science Enterprise Strategic Plan," it lacks, in fact, some key characteristics of a strategic plan. For example, the document does not explicitly discuss how choices were or are made in setting priorities, and it does not identify priorities for missions or other program elements that are presented in the plan. . . .

Regarding the integration of R&DA into that strategic plan, the Board's May 2000 report said:

The OSS draft plan should reflect a clearer sense of the priorities for R&DA, the linkages between R&DA and other parts of the OSS program, and the overall importance of R&DA in the space science enterprise. Finally, also needed is a more explicit discussion of the OSS strategy for achieving balance between flight mission development, supporting ground and suborbital research, theory and modeling, and data analysis. . . .

The Board is aware of OSS's plans to institute a new senior review process for evaluating the research grants program (Appendix D), probably on a triennial basis, to complement the senior reviews for operating satellites. Together these two reviews will go a long way toward responding to regular evaluations of balance as recommended in the 1998 report. What is apparently missing, however, is a process to integrate these decisions and to look across the whole program strategically. This integrating function is particularly important for handling cases in which senior reviews of operating missions and of the grants program might arrive at different conclusions. The NASA Space Science Advisory Committee may be a possible venue for integrating the senior reviews and evaluating balance across OSS.

2. Innovation and Infrastructure

The second recommendation addressed the need to examine stragically the requirements, priorities, and health of research infrastructures at universities and NASA field centers. This issue was also addressed in the Board's review of the OSS draft strategic plan:

The OSS draft document says little about what responsibility OSS assumes for universities. It notes the intention to "maintain essential technical capabilities at the NASA centers," and although it recognizes the role of scientists at universities in research and planning, and in developing the next generation of space research professionals, it is silent about intentions of OSS to maintain essential capabilities at universities. . . . Furthermore, a long-standing question within NASA has concerned the extent to which universities should be considered to be vendors, sources of members of the technical workforce, integral partners, or some mix of those roles. The OSS plan could be strengthened by more clearly recognizing that the universities are elements of the fabric of space science and that their capabilities also need to be nurtured.

Dr. Riegler called the Board's attention to plans within the executive branch to strengthen government-university partnerships, based on the "Principles of the Federal Partnership with Universities in Research" laid out in the National Science and Technology Council's report Renewing the Federal Government-University Research Partnership for the 21st Century. He cited several proposed NASA initiatives to increase university involvement in developing space hardware and infrastructure. These plans, if implemented, will enhance the research infrastructure in some areas. However, based on the information provided by OSS, the Board concluded that a more systematic assessment of research infrastructure along the lines recommended in the 1998 report is still needed.

3. Management of the Research and Data Analysis Programs

The third recommendation focused on the need to assess the distribution of grant sizes in each of NASA's science program areas. NASA presented data regarding grant sizes in different areas of the OSS research program as well as a description of the logic and history of the differences in sizes among those research areas. However, there does not appear to have been any systematic assessment across the program. In addition, the Board recognizes that a response to Recommendation 6 of the 1998 report is required in order to conduct such an assessment. Finally, the planned senior review of the research grants program described by NASA could be an appropriate vehicle for carrying out this systematic review.

4. Participation in the Research and Data Analysis Programs

The fourth recommendation emphasized the value in preserving a mix of university and non-university participation in technology, instrument, and facility development. OSS did not provide the Board with any information indicating that OSS has conducted or plans to conduct a systematic evaluation of the mix of university principal investigator awards and non-university funding for technology, instrument, and facility development. The Board notes that in assessing the mix of institutions involved in technology development, NASA should also promote university-industry-field center partnerships.

5. Creation of Intellectual Capital

The fifth recommendation addressed the use of training grants as a way to ensure breadth in graduate education. NASA indicated an intent to increase the number of (or introduce a new element into) training grants in the university program; however, no actions had been undertaken at the time of this review. The Board is interested in seeing an implementation plan for this initiative.

6. Accounting as a Management Tool in the Research and Data Analysis Programs

The sixth recommendation addressed the need to establish a uniform procedure for collecting data on R&DA funding and funding trends for use as a management tool. This issue was also raised in the Board's reports on technology development in OSS and in the report Federal Funding of Astronomical Research. NASA presented plans for acquiring the types of data recommended in the 1998 report, and the Board views this plan as a positive response. These plans would involve using a single contractor to administer the proposal review process as a means for collecting the data. If appropriate data are collected (e.g., on trends with respect to discipline, class of activity, and type of performing institution), they will provide a useful management tool for assessing the balance among elements and participants in the R&DA program. However, these data on R&DA funding will be incomplete until NASA implements full-cost accounting at the NASA field centers. In addition, these data will be required before OSS can respond appropriately to Recommendation 3 of the 1998 report.

CONCLUDING REMARKS

The Board believes that OSS's proposals for responding to the recommendations of the 1998 report are moving in the right direction. It cannot, however, be confident that these recommendations will be met until an explicit implementation plan is available. The Board is prepared to assist OSS in any way it can.

Mr. GEJDENSON. Mr. Speaker, I rise in support of funding provided for the Joslin Vision Network in H.R. 4635, the Fiscal Year 2001 VA/HUD Appropriations Act.

I would like to express my appreciation to Chairman WALSH, Ranking Member Mr. MOLLOHAN, and the House Conferees for the inclusion of several items in the VA Medical Care account that will provide improved detection and care for those in the VA patient population that suffer from diabetes and the complications of diabetes.

Specifically, I would like to highlight the legislative history and background surrounding the inclusion of $5,000,000 for the Joslin Vision Network (JVN), developed by the Joslin Diabetes Center. The Conference Agreement of $5,000,000 for this effort is based on the following components.

Dr. Sven Bursell of Joslin Diabetes Center presented Outside Witness testimony to the VA/HUD Subcommittee describing a $5 million plan for the JVN to be deployed within the VA beyond the FY 2000 level, and for the refinement of the JVN system toward a Windows NT platform and a seamless interface with VA Medical Care software. Dr. Bursell outlined the two major elements of the $5,000,000 plan as follows:

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$2 million would be provided to the Joslin Diabetes Center to complete the refinement of the original, prototype system (equipment and software) to the point that the VA can purchase and utilize advanced detection equipment and reading center technology.

Mr. Speaker, Congressman GEORGE NETHERCUTT and I testified before the VA/HUD Subcommittee on April 11, 2000 in support of the Joslin Diabetes Center plan. The VA should endeavor to implement this plan as expeditiously as possible in order to bring improved care to VA patients suffering from diabetes.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act for fiscal year 2001. First, this Member would like to thank the distinguished chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN), and all members of the Subcommittee for their work in bringing this measure to the House Floor.

This Member would like to focus his remarks on the following five areas: veterans, the Community Development Fund—Community Development Block Grant (CDBG), the HOME program, the American Indian Loan Guarantee Program, and the issue of arsenic in drinking water.

1. VETERANS

First, this Member rises in strong support of the $47 billion in the conference report that will be made available to the Department of Veterans Affairs (VA) for improvements in health care, housing, education and compensatory benefits to veterans and their dependents. The 106th Congress has continued to make dramatic improvements in the amount of funding available for veterans' services. Recent events in the Middle East remind us of the sacrifices that are made by those who have served our country and that we should remain true to our promise of providing equal and accessible health care as well as other services to all of our veterans throughout the United States no matter where they live.

2. COMMUNITY DEVELOPMENT FUND (CDF)

Second, this Member commends the $5.1 billion appropriations in the conference report for grants to state and local governments to fund selected community development programs, such as the highly successful CDBG program. This appropriation is $257.6 million more than the President's request. The CDBG program not only is valuable to the larger entitlement cities, but it also gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy.

In addition to this, this Member applauds the following set-asides within the CDF account: the Whitcomb Conservatory at Doane College in Crete, Nebraska; the downtown redevelopment of South Sioux City, Nebraska; and the Cedar Youth Services in Lincoln, Nebraska.

A. Whitcomb Conservatory at Doane College

First, $430,000 is appropriated in the conference report for Doane College in Crete, Nebraska, for the rehabilitation of the historic Whitcomb Conservatory for joint use by the college and the community as a performing arts center. This unique, five-sided structure built on the "Prairie" or "Frank L. Wright" architectural style was completed in 1907 and is a component of the Doane College Historic District National Register listing. It has many unusual architectural and construction features which make the building very important to preserve. The funding is needed for major structural repair of its roof, installation of a new mechanical system (including a new heating and cooling plant), new wiring, and a complete cosmetic refurbishing.

The Conservatory has been vacant for more than 30 years. However, the Crete community—as well as the student population of Doane is growing—and necessitates refurbishing the building. Doane College and the Crete community have a close and long-standing working relationship and would have a formal joint-use agreement for the future use of Whitcomb Conservatory. The restoration of the Conservatory would create a community resource and provide a setting for musicals, summer community theater, special concerts and lectures.

B. South Sioux City, Nebraska

Second, $430,000 is appropriated in the conference report for the South Sioux City, Nebraska, Downtown Redevelopment Area—for the redevelopment and rehabilitation of a civic building site. South Sioux City, Nebraska, as part of the South City Standard Metropolitan Statistical Area (SMSA), which also includes Sioux City, Iowa, and North Sioux City, South Dakota, has the lowest per capita income of any SMSA in the surrounding states. Moreover, South Sioux City, which borders the Missouri River, has experienced a decline in employment and tax base and was declared blighted in 1998 by local elected officials in accordance with state law. This funding will be used for the much-needed downtown redevelopment of South Sioux City.

C. Cedar Youth Services in Lincoln, Nebraska

Third, $1.25 million is appropriated in the conference report for Cedar Youth Services' in Lincoln, Nebraska. Cedars Youth Services, a leading social service provider in the City of Lincoln, would use this funding to complete construction of a community center on the corner of 27th and Holdrege Streets to serve as the focal point for a variety of services and support to strengthen and revitalize the surrounding neighborhood. Social services, such a Head Start preschool classes, as well as neighborhood-strengthening activities, such as preventative health care and recreational opportunities, would be provided at the North 27th Street Community Center. This appropriation builds on the $550,000 which was appropriated in FY2000 for this project.

3. HOME PROGRAM

Third, this Member supports the $1.8 billion appropriation for the HOME Investment Partnerships program in the conference report, which is $215 million more than the President's request. This program provides funds to states, units of local government, Indian tribes and others for acquisition, rehabilitation, and new construction to expand the supply and quality of affordable housing.

4. AMERICAN INDIAN LOAN GUARANTEE PROGRAM

Fourth, this Member commends the inclusion of $6 million in loan subsidy in the conference report for the HUD Section 184 Housing loan guarantee program, which this Member created in consultation with a range of Indian Housing specialists. A very conservative estimate would suggest that this $6 million appropriation should facilitate over $72 million in guaranteed loans for privately financed homes for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

5. ARSENIC IN DRINKING WATER

Lastly, this Member is pleased that the conference report includes language providing up to an additional six months for the Environmental Protection Agency (EPA) to issue a final regulation for arsenic in drinking water. This Member shares the conferees concerns and has in fact written a letter to EPA Administrator Browner asking hard and specific questions about the necessity for this regulation. Over the past month, this Member has received many letters from utilities superintendents, city administrators, village boards, mayors and other local officials who are understandably concerned about the effects this proposed rule would have on their communities. The EPA has a responsibility to really listen to these individuals' comments and to address their concerns. The additional time provided in the H.R. 4635 conference report certainly will help.

Local officials in the 1st Congressional District of Nebraska have not been convinced of the need to lower the maximum contaminant level for arsenic from the current 50 parts per billion (ppb) to possibly as low as 5 ppb. Such a change could cost every water system customer hundreds of dollars per year, if not more. The costs would fall disproportionately on the smallest systems. It is also important to keep in mind that forcing communities to treat water often results in a series of other problems which must be addressed. Everyone certainly recognizes the importance of providing safe drinking water and this Member obviously does not support taking any action that would cause drinking water to become unsafe. However the EPA has a clear responsibility to demonstrate the need for such a drastic change which would have far-reaching consequences. If there is inadequate science to support this rule, communities should not be forced to divert scarce resources to come into compliance.

Mr. Speaker, for these aforementioned reasons and others, this Member would encourage his colleagues to support the conference report of H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act.

Mr. HALL of Texas. Mr. Speaker, as the Ranking Member on the Science Committee, I rise in strong support of the VA–HUD Conference Report, which is a much more satisfying bill than the one which passed the House in June. I am especially pleased to see that the Conferees were able to find funds for important programs at NASA and NSF that this body didn't seem to have access to four months ago.

In June, the President's request for NASA was slashed by $377 million. One of the most troubling cuts in that bill was the elimination of funding for the Space Launch Initiative, a program that directed at developing advanced, reusable launch vehicles that will dramatically reduce the cost of launching government and commercial payloads. The high cost of access to space is the single largest impediment to our ability to reach our full potential in space. Fortunately, the bill we are considering today fully funds the Space Launch Initiative.

In funding NASA at $14.285 billion, this Conference Report provides the resources needed to ensure the successful development and assembly of the International Space Station and the continued safe operation of the Space Shuttle. H.R. 4635 also provides a healthy level of funding for NASA's important Science, Aeronautics, and Technology activities. Finally, I am pleased that H.R. 4635 requires NASA to provide for annual life and micro-gravity sciences research missions on the Space Shuttle.

I have long supported a vigorous program of life and micro-gravity sciences flight research, and believe that such flights ultimately will deliver significant scientific returns. At the same time, we will need to ensure that such flights do not adversely disrupt the assembly of the Space Station, which will be the ultimate venue for path-breaking biomedical research in orbit.

As for the National Science Foundation appropriations, again, this conference report is a great improvement over the House-passed bill, which cut the Administration's request by $500 million. I know that in June the Committee did the best that it could with the hand it was dealt. But, had the cuts prevailed, NSF—an agency with a critically important role in sustaining the nation's research and education capabilities in all fields of science and engineering—would have been severely damaged.

These cuts would have been short-sighted because basic research discoveries launch new industries that bring returns to the economy far exceeding the public investment. The Internet, which emerged from research projects funded by the DOD and NSF, strikingly illustrates the true investment nature of such research expenditures. In fact, over the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it.

I am pleased that the conference report recognizes NSF's important role by providing an historic increase of $539 million, or nearly 14 percent, above the previous year's budget level. This increase will enable the Foundation to expand its investments in exciting, cutting-edge research initiatives, including information technology, nanoscale science and engineering, and environmental research.

Moreover, this new funding will enable NSF to increase average grant size and duration, as well as increase the number of new awards. Last year alone, NSF could not fund 3800 proposals that received very good or excellent ratings by peer reviewers.

Finally, the increases provided by the conference report will begin to address a growing imbalance in federal support for fundamental research in the physical sciences and engineering relative to the biomedical fields. This is a serious matter because for any field of science progress is dependent on advances made in other fields.

This point was recently made by the past director of the National Institutes of Health, Nobel Laureate Harold Varmus: "Most of the revolutionary changes that have occurred in biology and medicine are rooted in new methods. Those, in turn, are usually rooted in fundamental discoveries in many different fields."

For the past half-decade, we have been very free in our support of biomedical research. I consider that to be a very good thing for all of our people. However, investing too narrowly in medical fields without investing in all the other sciences—sciences that contribute to the base of knowledge necessary for medical breakthroughs—will lead to a slowdown in medical progress in the long-run.

I want to congratulate the Conferees on their work in this bill and to particularly thank them for finding the resources necessary to keep our Nation at the forefront of progress in space and science.

Mr. HOBSON. Mr. Speaker, I rise today to commend the Chairman and our Subcommittee for crafting such a fine bill which meets the needs of our veterans, addresses our critical housing needs, protects our environment and at the same time pays down our national debt.

As a member of the Appropriations Committee and the VA–HUD Subcommittee, I support the common-sense approach the Committee has already taken to address the problem of contaminated sediments in our rivers.

Three years ago, Congress directed the EPA not to issue dredging or capping regulations until the National Academy of Sciences completes a study on the risks of such actions. Qualified scientists are working to finish this report to determine the best way to clean up rivers with nominal impact to the surrounding environment. This has been an open process, allowing input from the public, environmental organizations, and from the EPA itself.

I want to reiterate that in the final decision making process, the EPA must ensure that remedies will protect human health and environment, and be cost effective. The National Academy of Science study will be extremely useful in guiding the EPA to develop the most appropriate methods of mediation. My colleagues on the Committee and I will be closely watching to ensure that EPA considers the recommendations of the study and fully integrates them into the final rule.

Additionally, the report language which accompanies this bill also allows for the immediate sediment clean up in specific, urgent cases where the contaminated sediment poses a significant threat to public health. However, I would like to clarify that this exception is only for new and immediate risks.

Mr. Speaker, I agree that this is an environmentally sensitive issue, and it is important that most qualified, independent scientists weight in on this regulation. This is why I support the existing language, which directs the EPA not to act prematurely and to wait until the NAS study is complete.

Mr. Speaker, I thank Chairman WALSH for the excellent work he has done on crafting this find bill. it has been a pleasure to work with him this year.

Mr. LAFALCE. Mr. Speaker, following the pattern of recent years, the conference report for VA–HUD Appropriations ignores the funding cuts for housing programs that the majority party paused through the House earlier this year. The result is a product with very modest funding boosts for affordable housing and economic development.

There are some positive provisions in the bill worth nothing. Following the lead of the Administration and Congressional Democrats, the conference report funds 79,000 incremental Section 8 vouchers, the third year in a row that we have expanded the supply of rental housing assistance.

Building on the efforts this year of many of us who successfully fought to restore funding for expired, unrenewed Shelter Plus Care homeless assistance grants, the conference report for the first time creates a separate account for renewals, entitled "Shelter Plus Care Renewals." This account provides $100 million, enough to renew all Shelter Plus Care grants expiring during fiscal years 2001 and 2002.

Unlike last year's approach, in which renewals were subject to competing with all other projects under the broad McKinney-Vento Act continuum of care competition, this separate funding source makes renewals contingent only on meeting minimal, but reasonable requirements that the "project is determined to be needed under the applicable continuum of care" and that it "meets appropriate program requirements and financial standards, as determined by the Secretary."

I am also pleased to see that the conference report continues for another year the provision which allows non-insured Section 236 affordable housing projects to retain their "excess income." This is especially critical for non-profits which own affordable housing units that are aging and in need of capital repair, since non-profits typically lack access to capital or financing to make such needed repairs.

Another positive development is that the conference report, like the House-passed language, expands the range of eligible applicants for the $50 million in grants to convert elderly affordable housing units to assisted living. Last year's bill limited grant eligibility to only Section 202 elderly housing units. this year's bill refers specifically to Section 202b (Section 2 from H.R. 1624, my "Elderly Housing Quality Improvement Act" of last year). This section, enacted last year, authorizes conversion grants, and generally makes all federal elderly housing projects eligible.

Finally, I am pleased to see that the conference report extends the nationwide application of FHA down payment simplification for another twenty-seven months, through December 31, 2002. While there is overwhelming bi-partisan House support for making down simplification permanent, this provision at least guarantees that we will have all of the next Congress to further extend its application or make it permanent.

However, notwithstanding these few provisions and the modest funding increases, the real story of this bill is one of missed opportunities. For example, the House earlier this year passed, as part of H.R. 1776, a bill that I authorized to provide one percent down FHA mortgage loans for teachers, policemen, and firemen buying a home in the school district or local jurisdiction of employment. This same provision was included in the Senate version of this year's VA–HUD appropriations bill. Yet, in conference this provision was inexplicably stripped out. This is doubly unfortunate, because the provisions would have actually raised funds, which could have been reinvested in housing, veterans, or other worthy programs.

The conference report is also notable for its lack of any new affordable housing production initiative. This is in spite of the fact that the Senate bill had included a new capital grant housing production bill, and the House version had included incremental voucher linked to new affordable housing production.

Moreover, unlike last year's bill, the conference report does not include any additional provisions from H.R. 202, the elderly housing bill which passed the House last year. This raises the prospect that we will adjourn without acting on the Vento matching grant program for housing preservation, a number of related provisions to encourage mixed income elderly housing, greater flexibility in the use of elderly and disabled service coordinators, and a provision to make it easier for sponsors of Section 202 elderly housing projects to use savings from refinancing for the benefit of their projects or tenants.

So, with respect to housing, this is a modest bill which undoes the harm of the House-passed bill, but which is notably lacking in making any dramatic progress to address the growing affordable housing challenges facing our low- and moderate-income seniors, disabled, and families. Hopefully, we will redouble our efforts in this area next year.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today in support of the Fiscal Year 2001, VA/HUD appropriations bill. The Appropriations Committee has put together a bill that is truly bipartisan. I am proud to rise in strong support of this measure which funds such important priorities as veterans health care and benefits, section 8 family housing, housing for persons with AIDS, and key environmental programs. This measure also provides much needed resources to assist state and local governments with infrastructure improvement and economic development needs.

The Central Naugatuck Valley, in my district, has been undergoing a major water infrastructure upgrade. I am pleased that under the State and Territorial Assistance Grant Program, $1,000,000 has been appropriated for these much needed improvements.

The City of Waterbury, which operates the hub of the region's sewer system, has been burdened by the majority of the cost for these improvements. Therefore, $750,000 (of the total $1,000,000) will go to the City of Waterbury for wastewater infrastructure improvements including the cost of the new sewage treatment facility in the City.

The Town of Wolcott, Connecticut is partially served by the water system of the City of Waterbury. However, the Clinton Hill Road neighborhood of Wolcott relies on well water and septic systems for their water needs. Recently, this area of the town has been experiencing well failures and contamination. Under this legislation, the Town of Wolcott will receive $250,000 (of the total $1,000,000) toward the extension of the water distribution system to the Clinton Hill Road neighborhood.

Finally, I would like to also point out that $100,000 has been appropriated for the Town of Beacon Falls toward the purchase of the currently nearly vacant Pinebridge Industrial Park. The purchase of this property will enable Beacon Falls to develop an economically vital and viable industrial park. To Beacon Falls, the failure to fill the existing park with tenants over the years represents many missed opportunities for economic development and an expanded tax base. This funding will allow the Town to at last address this issue in an effective way.

Mr. Speaker, I am pleased today to support this measure not only because of what it means to my District, but also for what it means to America's veterans, our environment and those who receive the vital housing assistance they need in order to partake in the American Dream. Thank you.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of H.R. 4635.

H.R. 4635 includes provisions which address benefits for our World War II Filipino Veterans. These provisions add only a small incremental benefit to these veterans who fought side-by-side to our soldiers in World War II.

I have long argued that Congress must act to establish parity for these Filipino Veterans. Those of us familiar with this injustice recall President Roosevelt's promise of U.S. citizenship and veterans benefits to Filipinos who fought alongside our soldiers in World War II. Prior to the war the Philippines had been a United States possession for 42 years.

On June 26, 1941, when President Roosevelt issued his Executive Order nearly 200,000 Filipinos responded. They responded without hesitation to defend their homeland, and because they felt part of the United States Government.

During four years, Filipino soldiers fought alongside American Soldiers. They bravely fought in every major battle, and endured years of captivity.

In 1946 Congress broke its promise to these Filipino Veterans when it denied full benefits to them.

The issue today is not should we correct this injustice, but when will we fulfill our obligation?

H.R. 4635 increases the disability benefit compensation for Filipino Veterans who currently live in the United States. Currently, they receive only 50% of the disability compensation paid to other veterans with service-connected disabilities. H.R. 4635 also allows Filipino Veterans who currently receive medical care in VA facilities for service-connected disabilities to receive care for illnesses and injuries that are not service-connected.

H.R. 4635 also benefits Filipino Veterans living in the Philippines. Filipino Veterans currently receiving medical care at a VA facility for service-connected conditions will now receive full medical care at VA outpatient facilities in the Philippines.

The $3 million appropriated by H.R. 4635 to fund these two provisions represent an improvement in the status of Filipino Veterans. I want to stress this is not a new benefit for Filipino Veterans. It supplements what they already receive.

Those Filipino Veterans who receive no benefit now, will not benefit from this bill.

Mr. Speaker, I support H.R. 4635 because it recognizes our obligation to Filipino Veterans by increasing disability compensation and medical care for Filipino Veterans with service-connected disabilities.

However, Congress must fulfill its obligation and enact legislation that establishes parity between Filipino Veterans and their American counterparts. There is no excuse for this continuing injustice.

Ms. PELOSI. Mr. Speaker, I rise to support the VA–HUDS–IA Conference Report that would significantly increase funding above the earlier House and Senate passed levels for vital housing programs. I commend HUD Secretary Cuomo, President Clinton, and Representative Alan Mollohan, Ranking Member of the HUD–VA House Subcommittee, for their tremendous leadership on housing issues and their success in increasing America's investment in affordable housing for impoverished Americans.

In June, I joined with most Democrats in voting to oppose the Republican led House bill that was severely underfunded. Thanks to the success of our Democratic leadership, today, I intend to vote for this improved agreement. Although I am glad this agreement increases funding levels, we must recognize that it still does not meet America's housing needs. Despite America's continuing economic growth, an estimated 5.4 million Americans pay more than half their income for rent and millions more live at risk of homelessness. We must continue to do more to develop new quality affordable housing, preserve existing affordable units, and provide needed housing and services to homeless Americans and those with special needs to ensure they have an adequate foundation to participate in our growing economy.

This bill is so important because it assists low income Americans. HUD residents of Section 8 housing and public housing have an average annual income of $7,800. This bill also assists seniors on fixed incomes and people with disabilities and special needs. Without this housing assistance, working men and women would be forced to choose between housing, health care, food, and other basic needs.

This agreement provides funding increases to important programs; $258 million for the Housing Opportunities for Persons with AIDS programs [HOPWA]; $452 million for 79,000 new Section 8 housing vouchers for low-income Americans; $100 million for a new Shelter Plus Care account to renew expiring homeless projects; $3 billion to modernize and make capital improvements to public housing and $3.242 billion to operate public housing for the 1.4 million American families who live there; and $1.8 billion for the HOME program to produce affordable housing for poor Americans.

Of particular importance to San Francisco, this agreement provides $258 million for the Housing Opportunities for Persons with AIDS program [HOPWA] to assist low-income persons with AIDS and their families with short-term rental assistance and mortgage assistance, and provides assistance to acquire, construct, modernize, or operate facilities and deliver supportive services. HOPWA provides vital resources to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care. More than 200,000 people with HIV/AIDS are currently in need of housing assistance, and 50% of those living with this disease will need housing assistance at some point during their illness. Increase in housing demand and the number of people living with HIV/AIDS mean that San Francisco's HOPWA needs are greater than ever. This increase will greatly benefit those living with HIV/AIDS.

I urge my colleagues to support this Conference Report and increase housing assistance to low-income Americans.

Mr. DINGELL. Mr. Speaker, the statement accompanying this conference report contains language which directs the Environmental Protection agency (EPA) to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000, or where such activities are not now occurring until the National Academy of Sciences (NAS) report, which Congress required, has been completed and its findings have been properly considered by the agency. The language further provides that remediation plans which include dredging or invasive technologies are not to be finalized until June 30, 2001, or until the agency has properly considered the NAS report, whichever comes first. It is important to note that the language provides for exceptions to this limitation on the initiation of dredging or invasive remedies, and these exceptions include instances in which a party may voluntarily agree to the remedy, or "urgent" cases where "contaminated sediment poses a significant threat to public health."

As in years past, this language speaks to the importance of obtaining information on the various technologies for addressing contaminated sediments. I hope that the NAS will complete this study as soon as practicable, and sooner than the date by which the conferees encourage its completion.

However, I wish to clarify, as my colleagues in the Senate have noted, that this language is not an amendment to the Superfund statute. This language is not a product of the regular order of legislative business that may result in an amendment to our laws, after full and fair consideration by the authorizing Committees. The statutory criteria by which the EPA selects remedies, the regulatory criteria promulgated under the statutory authority, and applicable guidance are not changed by this language. When the NAS study becomes available, the language directs EPA to "properly consider" the study. The language does not direct the agency to confer deference to the study, nor to adopt its recommendations in remedial decisions. I note that the Chairman of the Subcommittee in the Senate has concurred with this interpretation of this language.

My colleagues in the Senate also have clarified that the terms "urgent" and "significant threat to public health" as used in this language should be defined within the discretion of the EPA. I note that the EPA has specific authority governing its ability to issue orders under the Superfund statute, and I reiterate that this language is not an amendment to a statute. In keeping with the spirit and intent of the statute, the EPA should not interpret this language to limit the scope of its authorities to address threats posed to human health and the environment.

Mr. Speaker, my colleagues Messrs. Towns, Oberstar, and Borski request that I state their concurrence with this statement.

Mr. WALSH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 24, not voting 22, as follows:

[Roll No. 536]

YEAS—386

Abercrombie
Ackerman
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart

Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Andrews
Archer
Barton
Bliley
Castle
Chabot
Coburn
Cox
DeMint
Gibbons
Hostettler
Johnson, Sam
Kasich
Paul
Pitts
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Stenholm
Tancredo
Toomey

NOT VOTING—22

Campbell
Chenoweth-Hage
Clay
Conyers
Franks (NJ)
Goodling
Hansen
Houghton
Jones (OH)
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Oxley
Rodriguez
Shays
Talent
Thompson (MS)
Turner
Wise

□ 1413

Mr. RYAN of Wisconsin changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded

A motion to reconsider was laid on the table.

Providing for consideration of H.J. Res. 114.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 637 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 637

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

□ 1415

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 637 is a closed rule providing for the consideration of H.J. Res. 114, a resolution making further continuing appropriations for fiscal year 2001. H.J. Res. 637 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides for one motion to recommit as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day and a further continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills.

H.J. Res. 114 is a clean continuing resolution that simply extends the provisions included in H.J. Res. 109 through October 25.

Mr. Speaker, as my colleagues know, it takes a lot of hard work and tough decision-making to fund the Federal Government. While I share the regret of many of my colleagues that the negotiations have stretched on this long, we are now very close to completing the appropriations process. We have successfully resolved many of the hurdles in our path with hours of hard work. As we enter the final stretch, we remain dedicated to passing sensible and fiscally responsible appropriations bills. I am confident that this fair, clean and continuing resolution will give us the time we need to fulfill our obligations to the American people and complete the appropriations process in an even-handed and conscientious manner.

This rule was unanimously approved by the Committee on Rules on yesterday. I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my colleague and my dear friend, the gentleman from Georgia (Mr. LINDER), for yielding me the customary half-hour.

Mr. Speaker, here we go again. This is the fourth continuing resolution to come before the House this year. Apparently number three was not the lucky charm. This is the fourth time that we have had to extend the appropriations deadline and this time through October 25, because my Republican colleagues just have not finished their work; and I do not think it is going to be the last time.

Despite the promises to finish all 13 appropriation bills on time, my Republican colleagues are still very far behind.

Mr. Speaker, from where I sit, the end is not even in sight. Each time we pass another continuing resolution, we grant another reprieve. Congress goes back in a recess. We all go back to our districts and nothing gets done here in Washington. So I think enough is enough. I think we should do shorter continuing resolutions. We should get the appropriation bills finished. These week-long continuing resolutions are not working. Congress should stay here and work.

Mr. Speaker, at this moment only 3 of the 13 appropriation bills have been signed into law. The rest are awaiting action either by the House or the Senate or by both. My Republican colleagues could have finished the appropriations bills by now. They could have approved education. They could have done a lot more but they just did not.

Despite the pressing needs for more classrooms, more teachers, repairs to our schools, my Republican colleagues continue to put education on the back burner.

So I think it is time for my Republican colleagues to get down to work. I think it is time our Republican colleagues make education a priority and put American children before the powerful special interests. Democrats want to stay in Washington and strengthen the American public school system. Democrats want to fund school modernization and construction, and we also want to hire new teachers and reduce class size. So, Mr. Speaker, I do not think Congress should head back home when so much important work is left undone. If we have time to move the appropriations deadline again, we really have time for America's children. So I urge my colleagues to oppose the previous question in order to get the work done.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, as my colleague, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, said, here we go again. For the fourth time this month, the Congress is considering a resolution to temporarily fund the government. Now, Republicans claim that they are working very hard to get these appropriations bills passed, but the American people should know that today is our only full day of work in the Congress this week. The Republicans will send us home tonight, and we will not be back again until next Tuesday night. And I think the Republicans should be embarrassed. They simply cannot govern. Keep in mind that between today and next Tuesday, the Republicans are deploying their members to go out and campaign. They are not hunkered down in some room trying to figure out the appropriations bills. No, they are going out to fund-raisers and political events rather than doing the work that they were elected and paid to do.

Bowing to the will of special interests, Republicans have stopped their work on HMO reform, on prescription drugs, on gun safety, on education. They simply cannot get the job done.

Mr. Speaker, I wanted to mention the education issue in particular today, because that is one of the ones that is supposedly going to be addressed in an appropriations bill next week; but so far the Republicans have been unwilling to bring up the Democratic initiative, which says two things. One, that we want to send more money back to the local school districts around the country so that they can hire more teachers and reduce class size. We know that smaller class sizes are great for discipline, great for a learning experience. But, no, the Republicans do not want to do that. They do not want to provide the money.

The second education initiative the Democrats have stressed is that they want to provide some funding back to the local school districts to help defray the costs of school modernization. We know that many schools are falling apart. They need renovation. Some need to be upgraded for computers, for the Internet. Many times there is overcrowding, and new schools need to be built. Well, the Democrats have been saying and the President and Vice President GORE have been saying let us provide some money back to the towns, back to the local school districts to accomplish that goal but, no, the Republicans do not want to do that.

Basically, they are saying that these are not important. We should not provide money to reduce class size, to hire more teachers, to provide for school modernization. Democrats are saying, let us stay here and get the job done. We are not going to leave until the job is done and those two education initiatives are passed.

Let me mention some of the other issues. Prescription drugs, Governor Bush, the Republican candidate for President, said the other day that he was very concerned and wanted to provide some sort of benefit of prescription drugs, but I do not see it happening here. The Democrats have been saying they want a Medicare prescription drug benefit. Put it up. Let us vote on it. Same thing with HMO reform. We passed a good HMO reform bill here, the Norwood-Dingell bill, the Patients' Bill of Rights. It went over to the Senate and it died there. It died in conference. The conference has not even met. I am a member. I am one of the conferees. The conference has not met in several months. These are the kinds of things that the American people want done. They want HMO reform. They want the Patients' Bill of Rights. They want a Medicare prescription drug benefit. They want to do something about education.

What is more important to this country than good public schools? But we do not see any action on these things. We do not see any action. We say, go home. Come here one day. We will pass another continuing resolution, keep the government going for another 5 days or so. I have said before and I will say again, I am not going to support these long-term continuing resolutions for 5 days or a week. We should not allow continuing resolutions for more than one day at a time because we need to force the Republican leadership to get the job done. That is what they came down here for. We should insist and all should insist on staying here through the weekend every day until these appropriation bills are passed.

There are 13 appropriation bills that make up the budget effectively, and only three have been signed. The rest are still languishing here. Some of them are moving now but not enough, certainly not enough for us to go home for the weekend until next Tuesday.

Mr. Speaker, let me say the Republican majority seems to be good at doing only one thing, and that is going home. Well, then the American people should send them home for good this November.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, this continuing resolution really should not be approved, and it should not be approved because it is not going to allow us to get the work of this country done in this Congress because it simply postpones the date at which we are going to be held responsible for getting that work done.

I would hope the President does not grant this continuing resolution because a continuing resolution should only be granted so we can get our work done. This continuing resolution is being granted and then everybody is going to go home. Everybody is going to leave here tonight and come back Wednesday, and the continuing resolution runs until Wednesday.

Now we have heard weekend after weekend how the Republicans are going to stay here and work, but nothing happens. No meetings take place. Nobody works. No progress is made, and I think it is time to say enough is enough. The President ought to give us a continuing resolution until Monday and we ought to stay here tomorrow and Saturday and Sunday and get the people's business done.

There is a great deal at stake here. There is a great deal of concern in this country; and we have expressed it on both sides of the aisle, about our education system, about the resources that are necessary for our education system. We strongly believe certainly on this side of the aisle that we ought to increase the expenditures for special education. We ought to increase the expenditures for school construction, for modernization; and we ought to get on with it. We ought to get it done because this is what the people want for their children.

We ought to make sure that clearly the funds are in place for teacher quality, to lower class size, and supposedly both sides of the aisle are for that, except it just is not being done. The President has asked us now, point blank, to get it done and yet we find out that the meetings are not taking place; that the Republican leadership in the Senate and in the House are not coming together to present that plan and that proposal.

So what do we see? We drag on day after day, week after week, and the continuing resolution now, instead of forcing us to get things done, becomes an excuse for which we do not get things done, and meetings do not take place.

So I think we would be much more honest to the people we represent and to the people who are concerned with these issues in the country if we would shorten this continuing resolution; if in fact we would require people to stay here and work. Maybe we ought to go back to open conference committees where people are held accountable for the work product of those committees. I know that this extends in other areas, but I have worked very hard on some of these education bills. We have talked about the help that we can give to many districts that need additional financial assistance for special education, and yet we see that that is bogged down. That cannot be that difficult to resolve, these education issues and to resolve them on behalf of America's families, on behalf of America's children and our local schools.

They need these resources to do the job. They should be given these resources to do the job, and we should do it now.

I would hope that later on when we are asked to vote on the continuing resolutions that people would reject this, and we would get on with a continuing resolution that puts some pressure on the Congress to get done with the people's business and to resolve these issues on health care.

I do not know if we have run out of time, but I would also hope that we could address the problems of prescription drug benefits, that we could address the problems of a Patients' Bill of Rights, that we could address the problems of the minimum wage for millions of workers who need additional financial resources to hold their families together, to provide, hopefully, themselves with the wherewithal to buy some kind of health care policy.

□ 1430

But these are people who are going to work every day, they are working hard, and, at the end of the year, they end up poor. They end up without health care, they end up without decent housing, they end up without decent educational opportunities for their children, and we ought to raise the minimum wage. But we ought to do it now, and we should not continue to provide excuses another 4 days, another 5 days, another 6 days, when everybody just goes home, they hold fund-raising events, they go campaign, they go to golf tournaments, they do all the rest of it. They just forget to do the people's business. And that ought to stop, and we ought to stop that now by defeating this continuing resolution, and maybe give us the continuing resolution to finish this weekend and get the people's work done and go home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic equipment in the Chamber of the House is prohibited under the rules of the House, and Members are to disable wireless telephones on the floor of the House.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to address why this CR, this continuing resolution, is necessary. What it does is it allows our government to keep functioning. Now, there are those who do not want one. That would mean the government shuts down. I do not know if they have quite thought that through, but we do not want the government to shut down.

Now, why is the budget not signed? There are a couple of reasons that we think this is necessary to do today. Number one, we are at the point in the budget where the leadership on the Committee on Appropriations is working directly with the White House.

Now, the President has been out of town. The President has been in the Middle East. I think it is important for the President to be in the Middle East. I think it is important for America to be doing what America has been doing in the Middle East, to try to get Chairman Arafat and Prime Minister Barak together, because what is going on in the Middle East is not just about the Middle East, it is about the whole globe; and I respect the President for dedicating the time that he has to try to resolve that. But obviously the President cannot negotiate the budget and the appropriations bills when he is out of town, so we are having to wait.

Now, the President is in town today, but then again tomorrow, Mr. Speaker, he will be at the funeral of his friend, the Governor of Missouri. Many of our Members, Republican and Democrat, including the distinguished Democrat leader, will be there for that important funeral of a very important, well-respected national figure. So there are a lot of Members of Congress who are going to be in Missouri tomorrow. We respect that. That is a bipartisan thing.

But during that period of time, there will still be a crew here negotiating on the budget, a crew here talking. There will be people working through the weekend, and that is what the leaders on the Committee on Appropriations and the leadership in the House have been doing and will continue to do.

So all of this finger pointing, that we are in this situation because somebody has done something wrong, I guess that is what George Bush was talking about the other day when he said it is time to get some people together who have a can-do attitude in Washington, who want to solve problems, who will reach out to the other side, reaching out to the Senate and the White House.

I do not think the American people want to hear all this partisan sniping today. The Members on the other side know that we passed the majority of the Committee on Appropriations bills, I think 12 out of 13, before we left town for the August work period, and we feel good that those were passed.

But this is a bicameral process, there are three branches of government; and just because the House passes the bill does not mean it ends there. It goes to the Senate, and the Senate has different visions and different ideas. Then we know also in order to have the White House sign it, they have their own visions and ideas. So we are in this very complicated process of resolving a $1.8 trillion budget for a country of 275 million people, and it should not surprise anybody that it takes a long time.

What is it that the House Republicans are trying to do? What is our vision? Well, our vision is simple. We want to pay our obligations first for Social Security. It was the House Committee on Appropriations that said we are going to quit using the Social Security trust fund for general operating expenses. After all, no business in America can mix its pension plan with its operating expenses. Who would do that? Who, but the U.S. Congress? Four years ago we stopped that process, and that has been one of our highest priorities.

Our second priority, of course, has been to protect and preserve the insurance policy for our seniors, the Medicare program, and we have done that. You will remember that 3 or 4 years ago the bipartisan Medicare trustees appointed by the President said it is going bankrupt if we do not act to preserve and protect it. We did, and now Medicare is on more solid footing.

This year our budget called for a prescription drug benefit for American seniors; not one that would insure Ross Perot and Bill Gates and other people who do not need the benefit, but targeting those who are in the most economic need of a prescription drug benefit. We have done that. We had a program that gave our seniors choices, not a universal required mandatory plan, and yet that was not passed by the Senate.

Well, again, that is what bicameral legislation is about. We are going to continue working on that.

I am happy to say that this House Committee on Appropriations in the agriculture bill did do something very significant to bring down the cost of prescription drugs, and that is the Drug Reimportation Act. The Drug Reimportation Act allows our seniors to buy lower-cost American manufactured drugs in other countries, such as Canada and Mexico, and take advantage of savings that they can get in those countries that they are not able to get right now, because, if they do, the Clinton-Gore FDA says no, you cannot go to Canada and buy your Zocor.

But I will tell you the case of a woman in our office, Myrlene Free. Her sister is on Zocor. If she buys it in Texas, it is $97; but if she goes to Mexico, it is $29. Now, this Republican Congress reached out to people like her and said we want you to be able to do that, and we put some language in the agriculture appropriation bill to allow that.

But, better than that, we said this is great news for people in boarder States, but what about the interior States? We are going to let them do it through the Internet, and also let their neighborhood pharmacist reimport drugs. Keep in mind, Mr. Speaker, these are American-made and American-manufactured drugs, the same dosage as they are already taking, and at as much as a 40 to 50 percent savings. That not only helps millions of American seniors, but millions and millions of young mothers raising kids.

I have four children. I know how expensive it is to keep a family in good health, and prescription drugs is part of our budget. This bill will bring down the cost of it. Now, we did get an agreement with the Senate on this, we do have an agreement with the President on this, and I think that has been worth fighting for. I think it has been worth the negotiating process.

There are other issues out there, such as trade opportunities for our farmers with Cuba. That is still out there.

Then we are going to be debating what to do about funding international abortion agencies. Mr. Speaker, that is always a controversial issue, and it is a bipartisan issue. You have pro-lifers and pro-choicers on both sides of the aisle. But this takes time.

We have another amendment out there that deals with the situation in Yugoslavia. Should we withhold funds from Serbia? Should we withhold funds from Montenegro because they are having elections out there that have turned out on a positive note right at this point? We want to support Mr. Kostunica; but, on the same hand, what do you do with Mr. Milosevic? That is pending in front of the Committee on International Relations right now.

There is another piece of legislation introduced by many Members from the Democrat side, with some bipartisan support from the Republican side, that takes a similar approach in Palestine and says do we want to give Palestinians foreign aid money in the face of what appears is going on in the peace process, or should we use that money as a tool to get both parties back at the table with maybe a more cooperative attitude?

These, Mr. Speaker, are important issues. These are bipartisan issues. These are not things that, well, we are going to haggle over and see who can claim victory on this or that, but things that sincere Members of Congress with serious legislative proposals have come to the floor and said, you know what, the appropriation bills are somewhat the last train leaving town, can you put these amendments on the bills? We are narrowed down to the home stretch, and that is what takes so long.

But this is America. This is a Republic, where everybody has opinions. That is why it has taken so long for us to adjourn.

Mr. Speaker, I urge Members to reconsider their positions and support this continuing resolution, so that we can keep the government operating, not have a shutdown, and finalize these very, very important issues.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we are now 6 weeks beyond the deadline for completing our work on the budget. The main reason we are that far behind is not because of what is happening now; it is because for 8 months this Congress proceeded under false pretenses, and the majority party pretended that there was enough room in the budget to pass their gigantic tax package, most of which favored the most well-off and the most privileged among us.

Now, one by one, the appropriation subcommittees are finally being allowed to produce bills that reflect in real terms what both parties recognize needs to be provided for science, for transportation, for housing. We finished a bill just a few minutes ago that finally recognized reality.

But for 8 months, because of the political pretense that the surpluses were going to be large enough that you could make all of these wild tax promises to everybody, we have proceeded on the assumption that this Congress is going to spend about $40 billion to $50 billion less than it will wind up spending. Now, in fact, ironically, some of the appropriation bills are coming back in excess of the President's request; and some of that is justified, in my view, and some of that is not.

But now we have a real problem, because we are down to the last few issues. And, yes, there is an issue remaining on family planning; and, yes, there are a couple of other issues remaining in other bills, but essentially there are very few differences remaining between the majority party and us.

The main issue that remains is education, and, to a secondary extent, what we are going to spend on health programs and on worker protection and worker training programs.

Mr. Speaker, we have seen a lot of talk in the press about the legislative chaos that has produced the requirement for a series of continuing resolutions. I do not believe that that is the case. I am coming increasingly to believe that these delays are purposeful, and I would like to explain why.

This calendar shows in red seven days a week, a normal weekly schedule. This calendar shows in red the times that we have been in session since Labor Day. I want to walk you through it.

The week after Labor Day we were in for less than 24 hours. We came in after 6 o'clock on Wednesday and left before 6 o'clock on Thursday.

The next week we were in about 48 hours. We came in at 6 o'clock on Tuesday and were gone by that time on Thursday.

The next week we were here, as you can see, parts of 4 days, but, actually, in terms of real time spent, about 3 days of work.

If you get down to the week of October 2, that is the only week since Labor Day that we have put in a 5-day week here.

Do you see what happened last week? We came in late on Tuesday; the week was foreshortened by the unfortunate death of our colleague, Mr. Vento.

This week we were in session for a couple of hours yesterday, starting very late in the afternoon, around 5 o'clock, and we will be out of session by sometime between 6 and 7 o'clock tonight.

□ 1445

It is a little over a day today, and then people will be at another funeral Friday. I think what this schedule does is to make it easier and easier for the majority party to avoid ever having to face up and actually vote on the issues that divide us on the issue of education.

Mr. Speaker, that is what I think is going on, and so now what is going to happen is when this CR is passed to keep the government open another week, what will happen is we will have a brief meeting around 4:00 or 5:00 today in the Subcommittee on Labor, Health and Human Services and Education. There may be another meeting after that; but I will tell you something, I have been stuck here, I feel like a fugitive on a chain gang, because as the ranking Democrat on the Committee on Appropriations, I have been here 3 weekends out of the last 4 weekends through the weekend, so has Mr. Lew from the White House.

The President has always been a phone call away, and yet while we have been waiting for something to happen, nothing has happened. Why? Because the leadership of both Houses refused to delegate the decision-making power fully to the committee with the responsibility to get the work done, that is the Committee on Appropriations. That is the problem. Well, I will tell you something, I have got some things I want to do in my district, too.

I see the leadership going all over the country campaigning for marginal Members. In my view, if I have to stay here, they ought to stay here. So if you want me to stay in town this weekend, I want to know that the Speaker, the floor leader, the deputy floor leader and all of the people making the real decisions are going to stay here, too, but they are not going to. They will be out of town while the appropriators will be stuck here pretending that something real is going on.

Now, to me, if you want to get a decision made, delegate it to the people who know how to work it out. If you do not trust their judgment, then stay in town yourselves and sit down with your opposite Members and our leadership and get the job done, but do not ask the appropriators to stay in town to give the rest of the leadership cover while they go off to campaign around the country.

If we pass resolutions like this, we are going to be here until next Saturday and probably the following Saturday, and that will get us so close to the election that, in the end, what you will have been able to do is to avoid voting on the issues on education that divide us. That is what I believe the game plan is. That may suit your partisan purposes, but it does not suit the needs of the country or this institution.

Mr. Speaker, I am going to vote against this continuing resolution because we ought to have one that makes us be back here Sunday or Monday for everybody to get the work done.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG) chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I really had not intended to speak on the rule, but my friend from Wisconsin (Mr. OBEY) has excited my imagination here. When I saw his chart, I decided to bring out a larger chart that, more or less, reinforces what the gentleman from Wisconsin (Mr. OBEY) has said, but I am going to take a little different spin on it.

My spin is the Committee on Appropriations has done its job in the House. The House appropriators have done their job. I hope that we can focus on this fiscal year calendar, which is a little easier to understand than the one that the gentleman had. If you look at all of the red colored days in October, November, December, January, February, March and part of April, that is how much time all of the fiscal year that is gone before the Committee on Appropriations ever gets a budget resolution, which is when we can begin our work appropriating, which is what the Constitution tells us to do.

The blue colored days are the days that the House has not been in session. And in order to get 13 bills through 13 sets of hearings, meaning 200 to 300 hearings and 13 subcommittee markups and 13 full committee markups and 13 bills on the Floor, we have only the green colored days available to do that. That is part of the problem.

The budget resolution does not get adopted until after these red days are all gone leaving only the green days, that is a problem with the budget process.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply say to the gentleman the only difference between his chart and mine is that his chart in the green gives credit for the entire day even if we have only been allowed to be in session for a couple of hours. So the charts are essentially in agreement.

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, I do admit that the gentleman's chart did go down to the hour. I was tempted to make mine go down to the minute to compete with his, but I thought just days would be good enough.

But the point is that despite this problem of time, the House did its job. We got our bills out of here, and the 13th bill, which was for the District of Columbia, was on this floor in July before we went to the August recess. Now, that bill was not completed at that time. It was pulled off the floor, and we did not get back to it until August.

The gentleman is correct that there is a problem of time here, but other things needed to be done. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON), I thought, made a good point. Once we did our job, that was only part of the process, and the gentleman from Wisconsin (Mr. OBEY) has told us so many times there is no use getting to first base if you cannot get home.

The truth of the matter is you cannot get home if you do not get to first base. And so getting through our committee work was first base; going through the House floor that was second base; then you have to go through the other body. We have a bicameral legislature. The other body, the United States Senate, has to do the same thing that we do, they have to pass all the bills too.

Well, this year they did not pass all their bills. This year they still have not passed all of their bills, and so we have to come up with creative ways to pass a bill through the system that has not passed in the other body. And so far we have done that.

We did a bill today that, more or less, went through that creative process. The VA, HUD bill went through that process. But now then where does that leave us? Even after the other body passes the bills, their priorities may be different than ours, and most of the time they are. So we have to sit down together and reason together to figure out what is a responsible way to present this package to both the House and the Senate, so that we can get it passed in both the House and Senate. That takes a little bit of time.

We have been spending a lot of time, as the gentleman from Wisconsin (Mr. OBEY) said. Appropriators have been here day after day after day, whether they were colored red, blue or green on my calendar. Appropriators have been here dealing with these differences. But then there is another factor before you get to home base, that is the President of the United States. When a bill gets to his desk, he has a power that is the same as two-thirds of the House and the Senate, because if that one person, the President of the United States, does not approve of the bill and he vetoes it, it takes a two-thirds vote in both the House and Senate to override the veto.

Well, we have a small majority in this Congress. We do not have a two-thirds vote; although, we did override the President's veto on the Energy and Water bill in the House just a few days ago, but, nevertheless, because we have a small majority, we have to work with the President and with his staff to try to send bills out of here that he will sign, so that we do not have to be here week after week waiting for those vetoes.

Mr. Speaker, the gentleman mentioned the education bill. We have been meeting with the White House on the education bill now for weeks, and we still have not come to a conclusion with the President on what is going to be in that bill. What will he sign? Earlier there was a strategy to send him a bill and let him veto it and send it back.

We rejected that strategy. We thought we should work with the President, work with the minority party, and that is what we have been trying to do. The minority staff has been involved in every meeting with the majority staff, but those things take time.

And I am as frustrated as my colleague from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations. I wish this work would have been done in July when the House finished passing the bills but we only control one-third of the process. And that is one reason that it is taking more time.

I want to say to my friend, the gentleman from Wisconsin (Mr. OBEY), in as friendly a way as I can say it that we have spent many days on appropriations bills in this House that were unnecessary. The majority party allowed the minority party hour upon hour of debate on amendments that we all knew were not in order; that were not protected by the rule; that were subject to a point of order, but yet we allowed the minority party all of that extra time because they wanted to make their arguments.

We believe in freedom of speech. This is a debating society in this House. So we allowed many, many days of debate on appropriations bills that really were not necessary, except for the political debate that was going on. Had we not done that, had we just decided to jam the minority party, we would not have allowed those amendments to even be discussed. We would have raised a point of order against them immediately, but we allowed them to go on for hour upon hour upon hour before finally raising the point of order or before they were withdrawn by the sponsor.

Mr. Speaker, when we get right down to it, time is a problem. But I would suggest that the majority party is not any more guilty of absorbing and using the time than the minority party or the President of the United States. You see it seems in this process everybody has to have it their way or no way, but when we are dealing with a bicameral legislature and a President of the United States, we have to come together.

It is amazing. On the bill that we just passed, we passed it with a large vote. It was a good bill, because we finally came together, and we made it happen. We had the Agriculture appropriations bills a few days ago. We came together. We worked together. And we produced a good product.

We do not need to have political rhetoric. We do not need that. The political points ought to be made back home on the campaign trail. In here, we should do the people's business. In here, people should come before politics. Back home is where we do our politics. Here we do the people's business.

We should expedite this business the best we can, and we should be thorough, and we should be responsible.

Mr. Speaker, I thank the gentleman for yielding me as much time as he did.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

The gentleman from Florida (Mr. YOUNG) says that the majority gave us a lot of time to talk about issues that concerned us. They gave us a lot of time, but they did not allow us to get any votes on the issues that demonstrated where we wanted to take this country on education, on health care and a whole range of other issues.

The gentleman used the Committee on Rules and you used the budget resolution to prevent us from ever having votes on our alternatives while you were free to put yours on the floor. If you want me to change time for votes any time, I would be happy to do that. We would have had much the better deal.

Secondly, I would point out, that is consistent with what you have done across the board. You did not give us an opportunity to have a vote on our version of a prescription drug bill under Medicare, so we wound up with your bill of goods rather than our bill being on the floor.

On the tax bill, we were not allowed to have a vote on our alternative, so we had to reshape our alternative to fit it into your rules.

□ 1500

The fact remains, in the last 6 years they have tried to cut education $13 billion below the President's budgets, and they have tried to cut education below previous year's spending levels by $5.7 billion over that time period, and it has been only because of the fights that we and the White House have waged that we were able to add $15 billion over that period of time to the various appropriation bills for education.

Mr. Speaker, I include for the RECORD an insert on Republican attacks relating to education and a number of charts illustrating education numbers:

The material referred to is as follows:

EFFORTS TO ATTACK EDUCATION—1994 THROUGH 2000

Across the nation Republican Congressional Candidates are giving speeches and running ads pretending to be friends of education. Those speeches and ads fly in the face of the historical record of the past six years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut federal investments in programs essential for building America's future in order to provide large tax cuts they have been promising their constituents.

Six years ago in their drive to take control of the House of Representatives, the Republican Leaders led by Newt Gingrich produced a so-called "Contract with America" which they claimed would balance the budget while at the same time making room for huge tax cuts. They indicated that one of the ways they would do so was by abolishing four departments of the federal government. Eliminating the U.S. Department of Education was their number one goal. They also wanted they said to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995 they proposed cuts below existing appropriations in a rescission bill, HR 1158. That bill passed the House on March 16, 1995 reducing federal expenditures by nearly $12 billion. Education programs accounted for $1.7 billion of the total. While the budget of the Department of Education totaled only 1.6% of federal expenditures in fiscal 1995, it contributed 14% to the spending reductions in the House Republican package. The package was adopted with all but six House Republicans voting in favor. (See Roll Call #251 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, March 16, 1995, page H3302)

Next, legislation (HR 1883) was introduced which called for "eliminating the Department of Education and redefining the federal role in education." The legislation was cosponsored by more than half of all House Republicans including as original cosponsors, current Speaker Dennis Hastert, Majority Leader Dick Armey, and Majority Whip Tom Delay.

The desire to eliminate the Department of Education was stated explicitly in both the Report that accompanied the Republican Budget Resolution passed by the House and in the Conference Report on the Budget that accompanied the final product agreed to by both House and Senate Republicans. The Conference Report for H. Con. Res. 76 (the FY 1996 Budget Resolution) states flatly, "In the area of education, the House assumes the termination of the Department of Education."

That FY96 Budget Resolution not only proposed the adoption of legislation to terminate the Department organizationally, but put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department. The Conference Agreement adopted on June 29, 1995 proposed cuts in funding for Function 500, the area of the budget containing all federal education programs, or $17.6 billion or 34 percent below the amount needed to keep even with inflation over the six-year period starting in Fiscal 1996. The House passed Resolution had proposed even larger cuts. Every House Republican except one voted for both the House Resolution and the Conference Report.

That Budget Resolution established a framework for passage of the 13 appropriation bills. The Labor-HHS-Education appropriations bill, which contains the vast majority of funds that go to local school districts, was the hardest hit by that resolution. The Fiscal 1996 appropriations bill for labor, health, and education was adopted by the House on August 4th 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. This $4.2 billion or 17 percent cut below prior year levels was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three quarters of a million students a year. The programs affected by these cuts included Title I for disadvantaged children (reduced by $1.1 billion below the prior year), teacher training (reduced by $251 million), vocational education (reduced by $273 million), Safe and Drug Free Schools (reduced by $241 million), and Goals 2000 to raise student performance (reduced by $361 million). Republicans voted in favor of the bill, 213 to 18. (See Roll Call #626 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, August 4, 1995, page H8420) The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican Leadership of the House was so determined to force the President to sign that legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican Leader, "force the President to his knees." Speaker Gingrich said, "On October 1, if we don't appropriate, there is no money * * * You can veto whatever you want to. But as of October 1, there is no government * * * We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century.' There's a lot of stuff we don't care if it's ever funded. (Rocky Mountain News, June 3, 1995) It is clear that the Labor-HHS-Education bill, and education funding in particular, was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, "I don't care what the price is. I don't care if we have no executive offices, and no bonds for 60 days—not this time." (Washington Post, September 22, 1995) House Republican Whip Tom DeLay said, "We are going to fund only those programs we want to fund * * * We're in charge. We don't have to negotiate with the Senate; we don't have to negotiate with the Democrats." (Baltimore Sun, January 8, 1996)

When the government shut down, the public reacted strongly against Republican House Leadership hard-headedness and that led to the eventual signing of the Conference Agreement on Labor HHS-Education funding as part of an omnibus appropriations package on April 26, 1996, more than halfway through the fiscal year. That action came after 9 continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year funding that had been pushed through by the Republican Majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

Later in 1996 the Republican House Caucus organized another attempt to cut education funding below prior year levels in the fiscal 1997 Labor-HHS-Education bill. Only July 12, 1996 the House adopted the bill with Republicans voting 209 to 22 in favor of passage (See Roll Call #313, CONGRESSIONAL RECORD, July 11, 1996, page H7373.) The bill cut Education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill Republicans also voted (227–2) to kill an amendment specifically aimed at restoring $1.2 billion in education funding. (See Roll Call #303, CONGRESSIONAL RECORD, July 11, 1996, page H7330).

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more $3.6 billion above House passed levels.

1997 brought a one-year respite from Republican efforts to squeeze education. For one year, a welcome bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-HHS-Education bill that cut the President's education budget by more than $660 million. But the bill remained in legislative limbo until after the beginning of the next fiscal year. Then on October 2, 1998 Republicans voted with only six dissenting votes to bring the bill to the floor. (See Roll Call #476, CONGRESSIONAL RECORD, October 2, 1998, page H9314). The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican Leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and Democrats in Congress were able to force them to accept a funding level for education that was $2.6 billion above the House bill.

Last year, in 1999, House Republican Leaders again directed their Appropriators to report a Labor-HHS-Education Appropriation bill that cut education spending below the President's request and below the level of the prior year. The FY2000 bill reported by the Appropriations Committee on a straight party line vote funded education programs at nearly $200 million below the FY1999 level. The bill was almost $1.4 billion below the President's request. Included in the cuts below requested levels were reductions in Title I grants to local school districts for education of disadvantaged students ($264 million), after school programs ($300 million), education reform and accountability efforts ($491 million), and improvement of educational technology resources ($301 million). Because inadequate funding threatened their ability to pass the bill, House Republican Leaders never brought it to the House floor. After weeks of pressure from House Democrats they ordered a separate bill that had been agreed to with Senate Republican Leaders to be brought to the House floor. The bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs by $300 million, Title I by almost $200 million and teacher quality programs by $353 million. The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education including parent and teacher groups, school boards, and school administrators. It was adopted by a vote of 218 to 211 with House Republicans voting 214 to 7 in favor. (See Roll Call #549, CONGRESSIONAL RECORD, October 28, 1999, page H11120) It was also promptly vetoed by the President. After further negotiations, they agreed on November 18th to add nearly $700 million more, which we were requesting to education programs.

This year the President proposed a $4.5 billion increase for education programs in the FY2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the request included $400 million from Title I, $400 million from after school programs, $1 billion for improving teacher quality and $1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217–214 with House Republicans voting 213 to 7 in favor. (See Roll Call #273, CONGRESSIONAL RECORD, June 14, 2000, page H4436).

When the FY2001 Labor-HHS-Education bill was sent to conference a motion to instruct Conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language insuring that funds provided for reducing class size and repairing school buildings was used for those purposes. It was defeated 207 to 212 with Republicans voting 208 to 4 in opposition. (See Roll Call #415, CONGRESSIONAL RECORD, July 19, 2000, page H6563).

In summary, the record clearly shows that over the past six years House Republicans set the elimination of the Department of Education as a primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House of Representatives they have attempted to cut the President's request for education funding. Appropriations bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. In three of the six years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment and the annual increase in costs to local school districts of providing quality classroom instruction.

The education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as Title I, After School, Safe and Drug Free Schools, Class Size Reduction, and Educational Technology Assistance all send well over 95% of their funds directly to local school districts. While zealots in the Republican Conference drove much of this agenda it is clear that they could not have succeeded without the repeated assistance from dozens of Republican moderates who attempt to portray themselves as friends of education.

The one redeeming aspect of the Republican record on education over the last six years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republicans find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts cannot do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the last six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education $5.5 billion below previous levels and $14.6 billion below presidential requests. It shows that the more than $15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR

[Millions of dollars]

	Prior year	House level	House cut
FY 95 Rescission	25,074	23,440	−1,635
FY 96 Labor-HHS-Education	25,074	20,797	−4,277
FY 97 Labor-HHS-Education	22,810	22,756	−54
FY 00 Labor-HHS-Education	33,520	33,321	−199

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST

(Millions of Dollars)

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	−5,007	−19
FY 97 Labor-HHS-Education	25,561	22,756	−2,805	−11
FY 98 Labor-HHS-Education	29,522	29,331	−191	−1
FY 99 Labor-HHS-Education	31,185	30,523	−662	−2
FY 00 Labor-HHS-Education	34,712	33,321	−1,391	−4
FY 01 Labor-HHS-Education	40,095	37,142	−2,953	−7
Total FY96 to FY01	186,879	173,870	−13,009	−7

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS

(Millions of Dollars)

	House level	Conf. agreement	Restoration	Percent increase
FY 95 Rescission	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education	29,331	29,741	410	1
FY 99 Labor-HHS-Education	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education	37,142	40,751	3,609	10
Total FY95 to FY01	197,310	212,975	15,665	8

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out to the gentleman from Wisconsin what the Committee on Rules did on the appropriation bills was to use the standing rules of the House. Those who were offering amendments germane to the subject matter were allowed votes, those who did not were not allowed votes.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the ranking member for yielding me the time.

I have enjoyed this collegial debate between the Chair and the ranking member of the Committee on Appropriations. I only wish the rest of the House worked as well.

The gentleman from Georgia stated that the government functions. The government functions just fine. The Republican leadership is what is dysfunctional in this town.

For example, there is no one in this room, there is no one in this country, particularly the seniors, who do not know that it is time to have a prescription drug benefit for the seniors. We who legislate in other committees and have the responsibility for a prescription drug benefit have not been allowed to participate in any of that discussion.

For example, the gentleman from Florida (Mr. SHAW) who serves on the Committee on Ways and Means with me has voted two or three times, along with every other Republican on the Committee on Ways and Means, to deny the seniors in this country a discount on their prescription drugs. Just think, being from Florida, as the gentleman from Florida (Mr. SHAW) is with lots of seniors, how could the gentleman vote two or three times to deny even bringing to the floor for discussion a discount for seniors for their prescription drugs? Those are the kinds of things that are being held up.

This House passed a Patients' Bill of Rights, a bipartisan Patients' Bill of Rights to bring under control the managed care plans, the HMOs that provide service to our citizens. That bill is tied up. It is dead in the water because the Republicans refuse to move it along.

What have they done instead? In a balanced budget give-back bill, as it is called, a bill that helped our health care providers and to some extent our beneficiaries, they are rewarding the managed care plans with somewhere between $6 and $30 billion.

Why do I not know why? Because no one will tell the Democrats what is in the bill. The bill is in the Speaker's office. Lobbyists are parading in and out of the Speaker's office working on the Republican bill, and not telling the rest of the Members.

At any rate, as near as we can determine, there is somewhere between $6 and $30 billion going as a reward to the managed care plans, regardless of whether they provide a prescription drug benefit or maintain the effort of keeping their plans open in rural areas; no strings attached, take the money and run. They give a reward of that magnitude to the very people that we voted to regulate.

What would we do if we did not give that money to the managed care plans? We would give 2 extra years of update to the hospitals, we would help home health care, and we would provide more benefits for our beneficiaries. That is what is going on under all of this as the Republicans stall the work of this Congress.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, the distinguished ranking member.

Mr. Speaker, I rise to oppose the continuing resolution because I think it is time we got about the people's business. The decisions that we will be making in the next few days and next week are about our national budget, the appropriation of funds to meet the needs of the American people.

I believe that our national budget should be a statement of our national values. What we think is important is what we should put our resources to. So we are coming down to the last few or several appropriations bills. One of them is Labor, Health, and Human Services, which is the lion's share of our domestic budget. In that budget we fund the Department of Education and the Federal role in education. In that bill we also fund the National Institutes of Health.

All of the studies that we receive from the National Institutes of Health and other research organizations that are funded by the Federal government tell us that children learn better in smaller classes. Indeed, we are even learning that some children do better in smaller schools.

We pay for this research. We have the best scientists in the world applying their intellects to it. They give us their conclusions. Then this body chooses to ignore those conclusions about smaller classes and smaller schools.

President Clinton has an initiative on the table which has been rejected by the Republican majority. The President's proposal would provide interest-free loans for localities to have bond measures for school modernization, for smaller classes, and rewiring schools.

If we are going to have smaller classes, we need more classrooms and we need more teachers. If we are going to have our children prepared for the future, we need to have these schools modernized, wired for the future.

It is really very, very difficult to understand how the Republican majority can reject such a reasonable proposal, a proposal based on science and for the well-being of America's children. That by and large is the main argument that is keeping us here.

At the same time, the Republican majority has chosen to take four- or five-day weekends, instead of attending to a prescription drug benefit for our seniors, a real prescription drug benefit for our seniors; instead of a subsidized premium for insurance companies, which they may or may not even decide to offer; and to attend to a real Patients' Bill of Rights.

But it is about the children that we are here. The Republican majority is asking us to vote for a continuing resolution, not so that we can continue our work until we are finished, but so that we can go home for 4 or 5 days, come back with work unfinished, and ask for another continuing resolution. I urge my colleagues to vote no on the CR.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Massachusetts, for yielding time to me.

Mr. Speaker, we are having an argument that is worth having. The argument is predicated on this, as the gentlewoman from California (Ms. PELOSI) just said.

In the springtime, the majority passed a budget that was predicated on the proposition that we should pass sweeping tax cuts in this year's budget. We disagree with that. That is an argument worth having. We believe that the principal fiscal focus of this country should be on reducing the national debt.

Beyond that, we are having another argument that is worth having about whether we should invest in education more or less, yes or no. We believe, and I think a majority of this House believes, Mr. Speaker, that investment in education should happen.

The reason we are having this argument, the reason we have overshot our deadline by 2 weeks, is that we will stand on principle.

We believe that assistance for school districts around this country in modernizing their schools and building new ones is worth fighting for.

We believe that putting a qualified teacher in every classroom in America, so that particularly in the primary grades children get more one-on-one attention, is worth staying and fighting for.

And we believe that programs like after-school programs, drug and alcohol education, are worth funding to their highest and most practical level. It is an argument worth having.

I commend the Committee on Appropriations for their diligence in moving the process forward, but we will stick to our principles and invest in debt reduction and education improvement for the benefit of the people of this country.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman wishes to stick to his principles with respect to debt reduction, he can support these bills, because each of these appropriation bills has a special line item for debt reduction.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote on the previous question. If the previous question is defeated, I will offer an amendment to move the end of the continuing resolution up 2 days from Wednesday, October 25, to Monday, October 23. If we do not move the deadline, there will be no pressure to work, and American families will continue to get short shrift from this Republican Congress.

We need to rebuild our schools. We need to hire new teachers. We need to stay in session until we get the work done.

The text of the amendment, if offered, is as follows:

On page 2, line 4, strike "and (2)" and add after the semicolon, "(2) the amendment printed in section 2 of this resolution which shall be considered as adopted; and (3) "

At the end of the resolution, add "Section 2. The amendment to H. J. Res 114 Strike "October 25, 2000" and insert "October 23, 2000"

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support the previous question so we can move on with the vote on the rule and get the continuing resolution on the floor to keep the government open, running, and responsible until we finish our work, our very difficult work this year.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 212, nays 193, not voting 27, as follows:

[Roll No. 537]

YEAS—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh

McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—27

Campbell
Chenoweth-Hage
Clay
Conyers
Cooksey
Franks (NJ)
Gephardt
Hansen
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Oberstar
Oxley
Rodriguez
Rush
Shays
Spratt
Talent
Thompson (MS)
Turner
Weygand
Wise

□ 1529

Messrs. ROTHMAN, UDALL of New Mexico, EVANS and Mrs. MEEK of Florida changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 187, not voting 36, as follows:

[Roll No. 538]

AYES—209

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—187

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—36

Campbell
Chenoweth-Hage
Clay
Clement
Conyers
Davis (VA)
Dunn
Franks (NJ)
Gekas
Gephardt
Gilman
Hansen
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum

McIntosh
Miller (FL)
Oberstar
Obey
Oxley
Pickering
Radanovich
Regula
Rodriguez
Rush
Shays
Spratt
Talent
Tauzin
Thompson (MS)
Turner
Weygand
Wise

□ 1538

Mr. DIXON and Mr. CONDIT changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 398

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H. Res. 398.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution (H.J. Res. 114) making further continuing appropriations for fiscal year 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 637, I call up the joint resolution (H.J. Res. 114) making further continuing appropriations for fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 114 is as follows:

H.J. RES. 114

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, if further amended by striking "October 20, 2000" in section 106(c) and inserting in lieu thereof "October 25, 2000". Notwithstanding section 106 of Public Law 106–275, funds shall be available and obligations for mandatory payments due on or about November 1, 2000, may continue to be made.

The SPEAKER pro tempore. Pursuant to House Resolution 637, the gentleman from Florida (Mr. YOUNG) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the CR before us now should not require much debate, since we did have a very lively debate on the rule on the very same subject, but I am sure the same subjects will be discussed again. But this does extend the funding for the fiscal year until next Wednesday.

It is essential to pass this CR because, although the House has completed its part of the appropriations process quite a long time ago, the part of the process requiring the other body and the administration has not been completed yet, although we are getting very close. We moved out two more bills today, as my colleagues will remember.

This CR does two things: One, it extends the date from midnight tomorrow night until midnight Wednesday night of next week. In addition, because we are reaching the end of the month, it is necessary that we make provision for funding authority for checks that go out automatically every month to those who are in entitlement programs. The agencies involved need to have the authority to go ahead and print the checks, mail the checks, and have them in the mail so that they arrive by the first of the month. Those are the two things this continuing resolution does.

Hopefully, this is the last one we will have to do. One of the outstanding bills is the bill from Labor, Health and Human Services, and Education. We are having another meeting this afternoon on this bill with the White House and with the Republican and Democratic Members representing the House and the Senate, and we hope to finalize those agreements today.

The District of Columbia bill, as most Members know, is ready to file, however, it is being held because it may be needed as a vehicle for another appropriations bill that our colleagues in the other body have not passed yet. So there is somewhat of a delay there. It is not a delay of the making of the House of Representatives or the House appropriators.

And I want to repeat, Mr. Speaker, as I have said so many times, that the House Committee on Appropriations completed its work very early in the year. We had all 13 of our appropriation bills through the House, with the last one on the floor in July before the August recess. That bill was then withdrawn from consideration and put off, but the appropriators were ready to move.

Anyway, we are near the end. It was theoretically possible that we could have done what the gentleman from Massachusetts (Mr. MOAKLEY) wanted and made this CR go to midnight on Monday night. Because it runs until Wednesday, he opposed the previous question so that he could offer an amendment to take us to midnight Monday. But, Mr. Speaker, tomorrow the House will not be in session out of respect for the Governor of Missouri who was, along with his son, unfortunately killed in a tragic airplane crash. We respect that and the fact that many of our Members will be traveling to Missouri for that funeral tomorrow.

□ 1545

So there will be no business here tomorrow. Saturday and Sunday the House will not meet for recorded votes. Monday the House will not be in for recorded votes. And so, if we go to the policy of having CR's one day at a time, that is a big mistake, Mr. Speaker. If we do that, I can guarantee we will be here until Christmas because it will take all day long to do each CR, and we will not get any other work done.

So we need to get this CR passed and then the appropriators will continue the meetings with the White House. And if we can reach the agreements that we think we will in the next few days, we will have this business completed by midnight Wednesday next.

Mr. Speaker, I ask for support of the CR.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communication devices is prohibited in the Chamber of the House, and they are to disable wireless telephones while they are in the Chamber of the House.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this CR.

Mr. Speaker, I have supported the previous CR's. I rise, representing the gentleman from Wisconsin (Mr. OBEY), the ranking member who, unfortunately, has been called off the floor.

Mr. Speaker, the Members of the majority are fortunate. They have been fortunate in September; and they have been fortunate in October. Let me tell my colleagues why. The Olympics were on in September and people were focused on the Olympics. The World Series is just about to start. The playoffs have just completed, and the people have been focused on those. And we have a presidential race. It is a tight race, as everybody knows, and the people have been focused on them. All of those events have captured the public's attention and diverted it from what is not going on in this House.

What is going on here is that one of the greatest deliberative bodies in the world is doing practically nothing. We are at a standstill, Mr. Speaker, and the American people are suffering because of it. No meaningful Patients' Bill of Rights, despite the fact that it enjoys wide bipartisan support. No Medicare prescription drug benefit, despite the fact that our seniors need relief from skyrocketing drug prices. No reasonable gun safety legislation. No Hate Crimes bill. No targeted tax relief for hard-working American families.

Let me say, we could have passed inheritance tax or estate tax or death tax, call it what you will, relief for 98 percent of the estates in this country and the President said he would have signed it. We could pass legislation to relieve married couples from the penalty that they might incur. But because we could not give all of a loaf, we have passed none of the loaf.

As Roll Call stated recently, "If they paid attention," and as I said, they have been distracted because of the Olympics, the World Series, the playoffs, the presidential debate, they, the public, "surely would be appalled," said Roll Call.

We are now considering our fourth continuing resolution because the Republican leadership has not had us doing anything this week, the previous week, the week before that, the week before that and, yes, the week before that. Look at the RECORD. We have hardly met since Labor Day.

My distinguished chairman references the fact that we got our work done in July. With all due respect to the chairman, we passed 13 bills by July which all of us on this side said were not going anywhere and, very frankly, we were absolutely correct and, very frankly in my opinion, the majority knew they were not going anywhere.

How do I know that? Because they said, well, this is the first inning or the second inning or the third inning, we know this is not the real deal; but at some point in time we will get real. We have not done it yet. We are not there yet. There is still no end in sight.

While negotiations have continued behind closed doors, the fact of the matter is the President has still signed only three of the 13 spending bills that fund the basic operations of our government.

I ask my colleagues, is this any way to run a railroad? Well, I do not know about that, but it is certainly no way to run the people's House. Even many of our Republican friends are hard pressed to say it is.

Last week our colleague, the gentleman from South Carolina (Mr. SANFORD), commented, and I quote Mr. SANFORD, not a Democrat, but Mr. SANFORD, "Anarchy reigns at the moment. Nobody is quite sure what comes next."

Clearly we are not, because we are not told. But the gentleman from South Carolina (Mr. SANFORD) from the majority side says, "Nobody is quite sure what comes next."

Let me tell my friends on the Republican side of the aisle one thing they can count on. Democrats will never, never, never sell out America's children. Our kids need and they deserve smaller class sizes, which improves their learning and achievement. The Democrats' class size reduction initiative to hire 100,000 new teachers does just that.

Our kids need, Mr. Speaker, and they deserve safe schools, a great number of which now require repair and renovation. The Democrats' and the President's school modernization initiative does just that. Our kids need and they deserve highly trained and highly qualified teachers. The Democrats' teacher quality initiative does just that. Our kids need and they deserve safe and drug-free schools. The Democrats' safe and drug-free school program does just that.

These, however, Mr. Speaker, are not just Democratic priorities. They are the priorities of the American people. If we fail to enact them by passing a Labor-HHS-Education conference report that looks anything like the bill that passed the House in June, of which my chairman spoke, then we have failed future generations.

Mr. Speaker, I will vote against this resolution. I expect, however, it will pass. I do not want to see the government shut down. Nobody on this floor does. But I do want to see us do our work.

The gentleman from Wisconsin (Mr. OBEY), who has stayed here the last two weekends, has told me that no meetings have been scheduled to work on any of the bills. So that when we go home tonight at some point in time, apparently no work will be done on Friday, no work done on Saturday, no work done on Sunday, no work done on Monday; and we will come back Tuesday at some point in time.

As I said, I will vote against this resolution. But I also want to urge the majority party, the party that wanted to eliminate the Department of Education to take education off the chopping block, we can do better, we should do better, we must do better, and the American people and our children deserve better.

Let us do, I say to my colleagues of this House, what the voters sent us here to do and pass the bills that meet their needs and address their concerns.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona (Mr. KOLBE) will manage the time previously allocated to the gentleman from Florida (Mr. YOUNG).

There was no objection.

Mr. KOLBE. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. DELAY), a member of the committee and, of course, also the majority whip.

Mr. DELAY. Mr. Speaker, this is an election year. Unfortunately, most of the time, the real loser in an election year is the truth.

Mr. Speaker, I have seen the Democrat presidential nominee and the vice presidential nominee travel all over this country taking credit for balancing the budget, taking credit for paying down the debt, taking credit for welfare reform, taking credit for locking up the Social Security surplus and the Medicare surplus.

Yet, the truth of the matter is, when Bill Clinton had a Democrat Congress, they passed budgets that had deficits as far as the eye could see. In fact, their budget they passed, the last one they passed in 1994, said that last year we would have over a $200 billion deficit. Yet now we have surpluses.

In fact, they would lead us to believe that the shutdown of the Government in 1995 was because the Republican Congress was intransigent. If we really look at the record, the shutdown in 1995 came when the President shut down the Government because he did not want a balanced budget. That is what that fight was all about.

On welfare reform, the President of the United States and most of his people in the House and the Senate voted against welfare reform. We had speeches down here in the well of the House accusing us of starving children and putting children in the grates outside and throwing them out of their homes. Yet it was a huge success, so now they want to take credit for it.

The President vetoed welfare reform twice before he finally signed it a couple of months before his reelection campaign.

Last year, when we decided to stop the 40-year-old Democrat practice of taking the Social Security surplus and spending it on Big Government programs, they fought us every step of the way. Yet we did it for the first time in 40 years and, hopefully, forever more.

This last spring, we said that we were going to do the same with the Medicare surplus, we were going to stop the Government from spending the surplus on Big Government programs. And we did it. Now we are saying that we want to lock up 90 percent of the on-budget surplus and use it to pay down the debt.

In the last 2 years, we have paid over $354 billion down on the public debt. We are proposing that next year we pay another, in 1 year, $240 billion down on the public debt that is on the backs of our children and our grandchildren. That is responsible.

The minority and this President have fought us every step of the way while they have taken credit for everything that we have done, and now they say that we are a "do nothing" Congress. "Do nothing" Congress? The 106th Congress is one of the most productive Congresses in recent history.

This is a single-space list of all the wonderful bills that we have gotten signed by this President dealing with reducing the national debt, with Social Security and Medicare, strengthening retirement security, excellence in education, health care, tax fairness, enhancing the national security of our Nation, protecting families from crimes and drugs, ending lawsuit abuse, advancing the high-tech agenda. And it goes on and on and on. That is what we have done.

Now we have reached the end, and we have had to face for 6 years this event every year. The President submits his budget at the first of the year, and then we do not hear another word from him until the very end, and then he wants all this spending.

He has never vetoed a bill because it had too much spending. He has vetoed bills because they did not have enough spending; and he has drug it on and on and on, especially this year worse than ever.

Mr. Speaker, we remain here today because some people simply will not support the principles of fiscal discipline. The House did its job, and it completed its business. The minority chose not to participate. Some of the 13 bills we passed in this House we had to pass with only Republican votes, and we only have a six-vote margin.

Let us remember what happened earlier this year. The leadership of the other party acknowledged that they had no genuine interest in working together to advance any sort of bipartisan agenda. Instead, they resolved to slow down proceedings, drag out the negotiations, and stall progress. That was their strategy that they started out with this year.

Why in the world would they adopt such a strategy? Well, in some unguarded remarks, they admitted that their drive to become the majority party was predicated on a "do nothing" strategy that was designed to stop anything from happening.

□ 1600

It was designed to stop anything from happening, and the indictments that we hear today are indictments on themselves, because they are the ones that have slowed this process down; will not negotiate. We have asked the President for the last 2 months to negotiate these bills with us, and he has chosen not to.

At this point in time, they are holding the bills hostage for issues that have never passed either body, the House or the Senate, because they want their way or they will take their ball and go home. If the President was serious about reaching a reasonable consensus on the budget, he could rapidly conclude the negotiations by finally answering a few simple questions. How much spending is enough? How much money should go for debt reduction? How much money should go for tax relief? He often claims to support tax relief and debt relief but his actions do not reflect these goals. Rather, every effort of this administration, through this budget process, has been to advance his actual agenda and that is spend the surplus.

Support this continuing resolution and let us get our work done.

Mr. HOYER. Mr. Speaker, I yield myself 1 minute and 10 seconds.

Mr. Speaker, the majority whip says the truth has not been told on this side of the aisle. I beg to differ with my friend, and I certainly beg to differ with his recitation of history. He relates that the President has vetoed every one of the bills where they tried to cut spending. Now, if that is the case then the fact is that nothing they did on their side has brought us this surplus.

The CBO says that, in fact, the Republican Congresses have added to the deficit, not cut it. Now I will remind the public that in 1993, the majority whip stood on this floor and said if we pass the President's economic program, the deficit is going to soar, unemployment is going to soar, inflation is going to soar, and the economy will go in the Dumpster. He was 180 degrees wrong.

In fact, we now have the best economy in the lifetimes of anybody in this Chamber because of the leadership of this President and the courage of Members to vote for tough programs, tough spending cuts and tough revenues.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, we heard from the majority whip, the gentleman from Texas (Mr. DELAY). We heard from my distinguished colleague, the gentleman from Maryland (Mr. HOYER). Some of you may be confused who is correct. Let me just quote, if I can, three editorials that have been written recently about this Congress. The Washington Post, October 10, "The normal role of congressional leadership is to help pass legislation. The principal role in this Congress has been instead to block it."

They go on to say, the Republicans say they have engaged in no more than normal self-defense. They have lost control of their agenda. They have tried mainly to give the impression of dealing with issues that it has systematically finessed. The finessing of them and the blame are part of what this election is now about.

Roll Call, a newspaper which follows the goings on of the Congress, had an editorial recently that said, what a mess.

The Baltimore Sun had similar comments about the ineptitude of this Congress.

Mr. Speaker, one of the great moments in American history was the successful effort to decrease the work week to 40 hours. At the time it was done, it was considered a radical thing to do, but that is nothing compared to the work week the majority has given this House: A 16-hour work week and a 5-day weekend. That is what this is about, and I would like to take those sheets that the gentleman from Texas (Mr. DELAY) demonstrated just a second ago, and I would imagine that about half of that are filled with the naming of post offices all over this country.

This is the fourth CR, continuing resolution, to keep the government going. We just heard from the gentleman from Florida (Mr. YOUNG) before he yielded the time to the gentleman from Arizona (Mr. KOLBE), that they will not be meeting on Saturday and Sunday. We are 19 days past the date that the fiscal year began and we have not done our work. They have only had 3 of the 13 bills that make the government work signed into law by the President. The rest have not reached him, Mr. Speaker.

So I would say to my colleagues on the other side of the aisle, do your work. Let me remind you, let me remind you of something, that no one elected us to work 2- and 3-day weeks. Let me remind you of something else; that if a policeman or a nurse or a fireman or an auto worker or a nurse or any other American can put in a full week's work on the job, we can as well.

There is not a working man or woman in this country who has a right to walk away from their job and say, well, I will come back and finish it maybe next week, Tuesday or next week Wednesday, but that is exactly what the majority is telling us. Mr. Speaker, it is high time that we stop that kind of schedule, and that kind of nonsense. Instead of passing one stop gap measure after another to keep the government from shutting down, it is time for all of us to roll up our sleeves, to lock the doors, to stay here and to do the work of the country.

It is not as if we do not have work to do. The main issues that this election is being fought on, the issues that the people are responding to, have not been addressed. Instead of leaving town, we could be putting together a bipartisan bill on prescription drug care: You are campaigning on it. You are running ads on it. Let us do something about it. You are in the leadership. You control what goes on in this body and in the other body. Bring something forward. Instead of complaining, going home, putting a sign on the door saying gone fishing or maybe gone out to the golf tournament there in Manassas, we could be staying here this weekend and dealing with things like the HMO reform bill. You are running ads on it. Let us get it done. Or hate crimes, or the minimum wage. We can find money for the top 1 percent in a tax bill. The top 1 percent making $319,000 a year under your bill would get about $46,000 a year. All we are asking is that the 10 million Americans who go to work every day, who take care of our children, who take care of our aging parents and who make $5.15 to $6.15 an hour, all we want is a minimum wage for them and that has gone nowhere.

How about Latino fairness, to give fairness and justice for those who are here who are doing those jobs I have just described? And what about, of course, education? We will not leave this floor, we will not leave this body, until we get what we want in education; and that means lower class sizes for our children so they can get a better disciplined education. That means school construction so we do not have faucets leaking and roofs falling on top of children in schools, and children learning in mobile units outside the main building. That means as well, Mr. Speaker, after-school programs so our children have a place to go so they do not go home to an empty home where temptation leads them to drugs and alcohol and teen pregnancies and all the other maladies that flow when there are not people there loving them, teaching them, mentoring them; an after-school program that we think, when we fund, can put an additional 1.6 million kids into an after-school program where they can get that attention.

We are not leaving here until those things are done. These are tough issues. They deserve our attention. They deserve our time, and I urge my colleagues to vote no. This is a 5-day CR. We ought to be doing it one day at a time forcing us to stay in this building.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the gentleman from Florida (Mr. YOUNG) will manage the time for the majority.

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we did one CR every day that is all we would get done. We would not have time to do anything else except the CR one day after another. We would be here until Christmas.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, it is interesting the way people deal with history around here. For more than 40 years this party was the majority. As recently as 1993 they owned the government. They had the House; they had the Senate. They had the Presidency and yet they have the gall to stand up and say what we should be doing about children in schools. They owned the place. What did they do when they were here? I will tell you. In 1992 and in 1993, this House was in scandal and when the Republican majority took over we said we want a third party audit. It took us 5 years, no question about it. This House now gets a clean audit from the third party private sector. Do you know why we have a surplus? It is very simple.

In 1993, they held the House, they held the Senate and they held the Presidency. They passed the largest tax increase in history, and then the American people in November of 1994 voted Republicans for the first time in half a century a majority in the House. And guess what? We did not spend it.

Now, if you want to know where the surplus came from, they raised taxes; and we did not spend it. That is how we got the surplus. So if you listen to these people telling you all of the things that need to be corrected, with our small majority we passed a prescription drug provision; we are moving forward on Medicare reforms. And we are making changes while they are complaining about things they never ever did when they were in the majority.

Mr. HOYER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, the gentleman from California (Mr. THOMAS) makes an impassioned statement, but the fact of the matter is almost every independent analyst agrees that the reason we have the surplus is the 1990 bill for which most of his colleagues did not vote and excoriated their own President, President Bush, for proposing; the 1993 bill and then the 1997 bipartisan agreement. So that the gentleman's reading of history is sorely wrong.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, we heard a few minutes ago that truth has been a victim in this election. I would submit that it has been a victim today on this floor. The fact of the matter is it was Democrats and Democrats alone that passed the votes for the President's deficit reduction program that brought us the first balanced budget in a generation and now the Federal surpluses that we argue about on this floor.

That is a good argument to have, but let us not forget that the truth of the matter is not one Republican in this House, not one Republican in the Senate, was willing to make the difficult decisions on the deficit reduction program that President Clinton put forth. I have never seen how the majority that runs both this House and the other body can claim that it is the responsibility of the minority to be able to achieve that for which they control the entire legislative process of this House and the other body. I do not know where in America the majority does not run and rule, and the majority in this House is a Republican majority.

Now we have had the whole year to finish our budgetary work, and we have not. We Democrats want to stay here and work until we complete the important business of the people. The real purpose of this continuing resolution, which by the way is a one-page resolution for which the date is changed so it is not that complicated to have it on a daily basis to keep the pressure to make us complete the people's business, is not to help America's working families; it is to allow Republican Members to go home and avoid a battle of public opinion they know they will lose.

Now Governor Bush keeps talking about bipartisanship. Well, I hope he makes some phone calls here to the House and to the other body where his party rules, because we want bipartisanship, too; but that does not mean abdicating our principles and letting one do simply what they want.

□ 1615

We believe that we will have bipartisanship, but not at the expense of reducing class size for our children or giving children the modern schools they deserve or hiring 100,000 qualified teachers. There are some battles we are fighting, some principles worth going to the mat to defend. For me, for Democrats, educating our children and giving our seniors a secure and decent retirement, are just those kinds of principles, the right principles for America.

Governor Bush keeps talking about bipartisanship. But look at what Republicans cannot accomplish when they control both Houses of Congress. They cannot pass a strong Patients' Bill of Rights; they cannot pass a Medicare prescription drug benefit for all seniors; they cannot provide class size reduction legislation for our children; they cannot pass campaign finance reform to preserve our very democracy; and that is the failed record, in part, of this Republican Congress. And they want the presidency too.

If the Republican majority cannot get a budget done at the height of prosperity, how can you govern when tough decisions have to be made?

To my colleagues on the other side, I say it is time to stop the delaying and get the work done. Working families need our help now, and if Republicans cannot provide the leadership to do so, we Democrats are more than ready to take the reins and get the job done: pass a strong Patients' Bill of Rights; pass a prescription drug program under Medicare; pass an education process that raises standards, but helps reduce class size; modernize our schools and provide for technology connections; ensure that we pay down this debt over the next 12 years; and have tax cuts for working families. That is an agenda. If we had been working together, we could get it done. That is an agenda that your Members are campaigning upon. That is an agenda we have been fighting for.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side of the aisle speak as if they know the facts. I would say that the gentleman is factually challenged. Let me be specific.

When the Democrats controlled the White House, the House and the Senate, they said not a single Republican voted for their tax increase, $265 billion in tax increase, $320 billion in new spending. How did they get the new spending with the tax increase? They stole every dime out of the Social Security trust fund. AL GORE was the deciding vote on that, to take the money out of the Social Security trust fund.

Why did we not vote for it? First of all, it increased the tax on Social Security. That is a fact. It took every dime out of the Social Security trust fund and put it up here with new taxes for increased spending. That is a fact. They talked for a year about a targeted middle class tax cut. The leadership over here demagogued for a year. "What we want is a targeted middle class tax cut." They could not help themselves, because money in the Federal Government is power to the Democrats, their ability to rain down money and spend it on their constituents. And yet they increased the tax on the middle class, that is a fact, when they had the House, the White House, and the Senate.

Another one of their priorities, they cut the veterans' COLAs. They cut the military COLAs in 1993. And they ask why we did not vote for it? I would not vote for it today.

They talk about the minimum wage. Did they pass a minimum wage increase in 1993 when they had control of the White House, House, and Senate? Absolutely not. Alan Greenspan said there are three issues which have stimulated the economy the most: one is the balanced budget, the other is welfare reform, and the other was capital gains.

Balanced budget, my liberal Democrat leadership fought tooth, hook and nail against a balanced budget, every single time. Even when we passed it and the President signed it, the liberal leadership on that side still fought against it.

Welfare reform, that was vetoed twice, and after the President signed welfare reform, my liberal friends on that side of the aisle still fought against welfare reform.

Capital gains, they said, oh, that is a tax break for the rich. Alan Greenspan says that is what stimulated the economy, along with a balanced budget, that lowered interest rates and allowed jobs. But yet my colleagues on that side of the aisle fought against it.

Why did not we vote for the 1993 bill? Because it was anti-economic progress. It was anti-economic progress, 100 percent.

They talk about school construction. I went to 18 districts 3 weeks ago. Every district had at least $1 million from their unions put against our candidates. Why would not they vote for school construction with Davis-Bacon taken out? Why would not they vote for school construction and waive Davis-Bacon? I will vote for it if you do. It saves 35 percent, and we can allow those schools to keep the money that it takes, the extra, for the union to do it.

Mr. Speaker, I would tell you, they said we need a living wage. Ninety-five percent of all construction in this country is done without the union, and they earn a good wage. But my colleagues get all of their campaign funds from the liberal trial lawyers, from the unions, and do you think that they would do that in the name of education? Absolutely not.

You did not talk about quality of education for 40 years; you just put more money into it. It was the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, that talked of quality education. Your 100,000 teachers from the last time, half of them were not even qualified. We had to say if you are going to put those teachers in, they have to be qualified and the school has got the flexibility to use the money. If they want technology, if they want teacher training, if they want class size reduction, we will do that. But yet my colleagues on that side want government to tell everything.

Those are the facts, Mr. Speaker.

Mr. HOYER. Mr. Speaker, I yield myself 40 seconds.

Mr. Speaker, unfortunately, I do not have time to correct all the misstatements of the gentleman from California. Suffice it to say, however, as he leaves the floor, that from 1981 through 1992, not a penny was spent in the United States from Social Security, from anyplace else, that was not approved by Ronald Reagan and George Bush. Not a penny. Why? Because we never overrode a veto of a spending bill that asked for more spending of Ronald Reagan. Never.

So the fact of the matter is that it is Presidents who make policy. We make the laws, I understand that. But in your lament that Bill Clinton will not sign the bills you want signed, your tax bill of 1998 would have wiped out that surplus that you now so proudly say you want to pay down the debt with. It has been Bill Clinton and the Democrats in Congress that have brought us this surplus.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, a few moments ago the distinguished majority leader, the gentleman from Texas, made the assertion at that podium that often in an election year the first casualty is truth; and then, over the course of the next several minutes, he went on to prove that, at least in some cases, that assertion can be true.

He asserted that a couple of years after President Clinton and Vice President GORE took office, the budget deficit was still $200 billion. You can hurt the truth and kill the truth by acts of omission as well as commission, and that is what happened in that particular case.

What he failed to observe was that when President Clinton and Vice President GORE came to the White House, the annual budget deficit that year was almost $300 billion; and so, yes, a couple of years later it was already reduced by $100 billion, and it was continuing to go down.

He used the phrase "budget deficits as far as the eye could see." That is a phrase that was coined by the Office of Management and Budget, the Budget Director, of the outgoing Bush Administration, and the outgoing Bush Administration predicted that under the policies of former President Bush, that the deficit today would be $445 or $450 billion. That is "deficits as far as the eye can see."

Yes, unquestionably, it was in fact the budget resolution of 1993, added on to the previous one in the Bush Administration, that has brought this Nation back to fiscal sanity and brought the budget back into balance, and in fact brought the budget this year into a $211 billion surplus; a $500 billion turnaround in the 8 years that President Clinton and Vice President GORE have been in the White House. Those are the facts.

Mr. Speaker, the facts today are these: we are fighting now over a budget here, and the issues are these. You want a tax cut for the richest people in the country; we want services for the American people. We want a Patients' Bill of Rights; you do not. We want a prescription drug program for people who have to pay for their prescription drugs out of their pocket; you do not. We want an increase in the minimum wage; you do not. We want a reasonable and modest middle class tax cut, which will provide the majority of the benefits to the working people of this country; you want to give $1 trillion to the richest people in the country.

Those are the issues upon which we differ, and those are the issues that need to be decided, and they will not be decided by passing a continuing resolution. They will only be decided by staying here and debating these issues, and bringing the bills out on the floor so that they can get honest and fair votes, and so far you have refused to do that.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a real fighter. He was a fighter pilot in Vietnam, and the first ace, having shot down a lot of the enemy's aircraft. I would like to yield to him to respond, because he is a fighter; and I think I see a fight developing here.

Mr. CUNNINGHAM. Mr. Speaker, no fights, just facts. In 1993, I mentioned that the Democrats raised Social Security taxes. We did away with that. They took every dime out of the Social Security trust fund. Republicans put it into a lockbox. AL GORE was the deciding vote to take the money. Every budget that Clinton-GORE sent us stole the money out of the Social Security trust fund. Now he is saying, oh, I want a Social Security trust fund.

The middle class tax that they increased, we gave it back in a $500 deduction. We gave IRAs for school education. That was a "tax break for the rich," and the liberals fought against it, tooth, hook and nail; but we gave it. We gave middle class tax relief.

If you take a look at the veterans' COLAs that they cut, we rescinded that. We gave back the veterans' COLAs. The military active duty COLAs, we gave back. Not a single one of the White House budgets or economic policies have passed either the House or Senate.

So when they claim credit for the economy, the 1993 bill, we rescinded it, and none of their bills passed since. Those are the facts.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), chairman of one of our important appropriation subcommittees.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I have been sitting here listening to this debate, and there are a couple of things that I thought we might want to correct just for the record here.

There have been speakers on the other side that have talked about how they are concerned about class size reduction, how they are concerned about the infrastructure of our schools and making sure that we have money for that. And we are too. But perhaps the public does not know that in the conference that has been worked out on the Labor-HHS bill, there is every single dollar that the President has requested for classroom size reduction, $1.4 billion, and for new school construction, $1.3 billion. Every one of those dollars is in there. The difference, of course, is that in the conference report, it is in a block grant to the schools.

□ 1630

Because as we know, in one school district, there may not be a problem with new school construction. It may be teacher development, and in another school district, there may not be a problem with class sizes, it may be a community where the population is shrinking. They may need to have new computers and renovation.

What we suggest is give the money back to the school districts, to the local districts, to the teachers, to the parents, to the administrators to make the decisions about how the dollars will be spent; but the other side says no, we, here in Washington, the bureaucracy in Washington, we, in Congress, we will dictate exactly how you are going to spend those dollars. We know best.

That is the fundamental philosophical difference between the minority and the majority. We believe that the dollars should go back to the schools, back to the parents, back to the teachers, back to those who need it, get into the classrooms.

They believe it should go to the bureaucracy to determine how it will be spent, and we will direct exactly how those dollars will be spent.

One other point, Mr. Speaker, it was mentioned here earlier that the only thing different about this CR is the date is changed. Well, there is another difference, the previous CR did not give the authority to the administration to write the checks beginning for November 1 for Social Security benefits and for veterans' benefits and all other entitlements, but mainly for Social Security and for veterans' benefits. This continuing resolution does give them that.

Mr. Speaker, a vote against this continuing resolution, make no mistake about it, a vote against this continuing resolution is a vote against writing the Social Security checks for the beginning of the month. It is a vote against the benefits for veterans. It is a vote to say no, we will not make the payments for veterans or for Social Security beneficiaries. That is what the vote against this continuing resolution would do, because it is not the same as the previous continuing resolution.

So I think those points need to be kept in mind here as we move forward with this debate.

Mr. Speaker, I appreciate the gentleman from Florida for yielding me the additional time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank the gentleman from Arizona (Mr. KOLBE) for making that point on the entitlement checks, because in my opening comments, I did refer to the entitlement checks that are prepared in advance. I did not specify that they were Social Security checks. And I did not specify that they were veterans' checks, but that is, in fact, what they are. If my colleagues watched television last night, there was a big program about that. These checks are printed in advance of the time that they are mailed out, and if we do not give the administration, the Social Security Administration, ample time to prepare and print those checks, they will not get delivered on time.

I thank the gentleman for making that point. I think it is essential that we include, and we did include, in this CR the provision that the affected agencies could go ahead and prepare those checks and mail them out so they get in the hands of the Social Security recipients and the veterans and anyone else entitled to an entitlement check at the appropriate time, at the beginning of the month.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, is it the proposition of the gentleman from Florida (Chairman YOUNG) if we did not pass this CR and we still continue another 24 hours, because the CR expires, as the gentleman said 24 hours from now or 36 hours from now, that the agencies, both Social Security and the Veterans Administration, would not go ahead over the next 24 hours or 36 hours and prepare to send out these checks?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentleman that that is the reason we put that language in this continuing resolution. It is there so that there would be no question they had the authority to do just that.

If the gentleman would like to discuss the 24-hour period CR, we are not going to be here tomorrow. Many Members of this House are going to show their respect to the former Governor of Missouri and go to his funeral tomorrow. So we are not going to be here tomorrow.

Last week we paid tribute to and honored one of our own Members who had passed way, and we were not here that day either. So we lost those legislative days, but it was proper and appropriate that we honor the memory of Congressman Vento. It is certainly proper that we honor the memory and the service of the Governor of Missouri. The 24 hour CR just does not work.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I appreciate that the gentleman from Florida (Chairman YOUNG) has refocused and the gentleman from Arizona (Mr. KOLBE) has refocused this debate on exactly what we are debating about here right now on the floor.

Mr. Speaker, I rise in support of the measure before us, which is H.J. Res. 114, which is designed to keep the government open till Wednesday. I would prefer to keep it open, even if we cannot come to an understanding among Republicans and Democrats and people on both sides of the aisle on appropriation bills. Unfortunately, the Gekas amendment, to keep the government open under these circumstances, was defeated in this House earlier this year. Perhaps some of my colleagues, even on my side of the aisle, might have second thoughts on the Gekas amendment now that we find ourselves in this predicament.

But notwithstanding that, what we have before us is a measure to keep the government open through next Wednesday. Now, who could oppose that? Yes, that is right. What we have here is a situation where people are opposing that. In order to accomplish what? People are opposing that in order to accomplish, and I have heard the debate, I hope my colleagues listened very closely, spending proposal after spending proposal after spending proposal.

What we have are people who are willing to hold the American people hostage, even hold Social Security checks and veterans' checks hostage in order to get more government spending on specific ideas that people on that side of the aisle support, particular government spending.

All right. We have may have a difference on agreement on priorities. Republicans may want to spend a little bit less than. Democrats may want to spend a little bit more. It is not right to hold the American people hostage under this circumstance.

Let me say one of the issues at hand that the President is demanding that we put into the Commerce, State and Justice appropriations bill, he is threatening to veto that bill and close down the government, what is that issue the President is demanding? It is for us to have an amnesty for millions of illegal aliens, which would again push up spending in the United States and the spending requirements that we have.

This is not right. It is not right, number one, to hold us hostage and to demand things. It is not right to hold the American people hostage under these circumstances.

We can have honest disagreements here. But the fact is that we have turned this into a political debate. We have gotten way off course, because, I am sorry, my friends on the other side of the aisle made this into a political debate. This is about whether or not we should keep the government open until Wednesday and not shut it down and not put our veterans and our Social Security recipients in jeopardy, and not to hold those things in hostage in order to force us to spend more money on illegal immigration and all these other spending proposals.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I responded to the gentleman from Maryland (Mr. HOYER) about the need to have the authority for the entitlement checks, and I did double-check and it was the President's Office of Management and Budget who advised us that this had to be done, and that is why it is here

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, one or two points I might make here is that, quite frankly, the continuing resolution is enough time for us to try to do our business here if we have not accomplished it. But the fact of the matter is that this is going through next Wednesday. We will not be here. They are letting us out of here. There will be no work done on the issues that we have to focus on until we get back next Wednesday. So it is really a little bit disingenuous about the amount of time that we need in order to get business done, when no business will be done on prescription drugs, on Social Security, on any other issue that is important to the people in this country.

Secondly, to my good friends across the aisle, quite frankly, the only people, the only people who have shut this government down, not once, but twice, have been my colleagues on the Republican side of the aisle. So that if any one wants to talk about jeopardizing Social Security or veterans' benefits, take heed my friends, because my colleagues did it not once, but twice.

But I will just say that here we go again, another week comes, another weeks goes, and this Republican Congress continues inaction on a specific issue, I might add, in my view, which is a critical priority for this country, and that is education.

Mr. Speaker, instead of trying to fashion a bipartisan agenda, where we invest in our schools and our teachers, reduce class size, increase accountability and standards, the Republican leadership today is going to push through another stopgap measure that only preserves the status quo, the fourth, fourth stopgap measure that the House will consider. Quite frankly, it ought to be the last.

Instead of working only 2 days a week naming post offices, this Congress ought to stay here every single day until the work of the American people is done. My friends, that is what we are paid to do. That is what we get elected to do in this body, and we should do it, it is what our obligations are.

Mr. Speaker, the final budget for this year is now 2½ weeks late. It did not have to be this way. We could have moved forward by crafting a bipartisan budget that reflects the values of this great country, which paid attention to America's number one priority, the education of our children.

The Republican leadership rejected bipartisan progress. They drafted a budget that puts tax cuts for the wealthy at the very head of the line, and they pushed education to the bottom of the list. We are left with their misplaced priorities. This House has passed $750 billion in tax cuts for the wealthiest Americans. They have spent not one dime to modernize America's crumbling schools, not one dime to hire 100,000 new teachers to reduce class size, increase discipline and to hold schools accountable for the results.

The analysis on their tax cut is as follows: 43 percent of their tax cut goes to the richest 1 percent of the people in this country, that is folks making an average of about $915,000 a year, and for those folks, they are going to get $46,000 a year in a tax cut. And by his own admission, Governor Bush, 2 nights ago, said yes, in fact, that the tax cut was going to the richest 1 percent of the people in this country. Yes, in fact, a trillion dollars was coming out of this Social Security.

Let me just say, it is, in fact, in their own words, we need to do the people's work in this House; that is what it is about, and we need to look at what we are doing about education, what we are doing for retirement security. These folks need to really understand what the priorities are.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there has been back and forth about who is responsible for this and who is responsible for that. Unfortunately, we do not have the time to fully develop those issues. We ought to in the long run. This is about passing a CR.

Everybody on my side of the aisle has voted for the last three CRs. They passed overwhelmingly. Keep the government functioning. We ought to keep the government functioning, but we ought to also, as the gentlewoman from Connecticut (Ms. DELAURO) said, do the people's business.

What this debate is about, Mr. Speaker, is about the fact that we do not think we are doing the people's business. With all due respect to the gentleman from Florida (Chairman YOUNG), the issue is not the funeral on Friday of my good and close friend and a great leader of this country who was tragically lost to us in an airplane crash, Governor Mel Carnahan, Saturday is available to us, Sunday is available to us, Monday is available to us, Tuesday is available to us. But we are not coming back until Tuesday at 6 p.m.

Mr. Speaker, essentially what our side of the aisle is saying, through the debate on this continuing resolution, is we ought to address some of the critical issues that had been pending in this House for 8 months and pending in the Senate, pending in the Congress for 8 months. Yes, my colleagues have heard us talk about prescription drugs. Everybody says they are for prescription drugs, because we know the costs of drugs is driving seniors to Draconian choices in their lives.

□ 1645

But we are not passing a prescription drug bill, we are having a CR on going home for 5 days. We do not think that is right, Mr. Speaker. That is what this debate is about.

We talk about a Patients' Bill of Rights, so that HMOs are not telling doctors and patients what kind of medical care they ought to get, and that they have access to emergency care and they can make choices.

The gentleman from Arizona says our educational debate is about who makes the choices, "bureaucrats," used as an epithet, or the people at home. The fact of the matter is on the school construction program, guess what, who makes the choices? The people at home. If they do not build schools, that is their choice. If they do not want to put on more classrooms, that is their choice. We do not force them to do anything. If they do not need teachers and do not hire teachers, we do not force them to.

Get off my back with this rhetoric that is phony on choices. None of these programs we are talking about force locals to do anything, and the gentleman knows it, but he thinks it is good political rhetoric. I understand that.

This CR is about whether we are going to do the people's business. That is what this debate is about. I think, as I said, that this CR may pass. If it does not pass, then we ought to pass a second CR until Monday night and come back Saturday, after we observe the funeral for Mel Carnahan, and do our work on Saturday; and yes, go to church Sunday morning, come here in the afternoon, and do the people's business.

Mr. Speaker, that is what this debate is about, not about a CR which says we have not done our business, and therefore we are going to continue government in operation until Tuesday night or Wednesday night. We all agree on that. It is about whether we are going to go away from here 2½ weeks after we said we were going to adjourn without doing the critical business on the public's agenda.

That is what this debate has been about, that is what this discussion is about; not to look at the past, at what has been done and who is responsible or who is not. It is about, Mr. Speaker, whether we are going to pass these critical programs: prescription drugs, campaign finance reform, education, more teachers, more classrooms, smaller sizes, particularly for young children, which all the experts say need specific attention.

If they get it, we will lift them up and make them better students in the upper grades. We will therefore have a better America and a more competitive America. That is what this discussion on this CR is about.

I would hope we would defeat this CR, Mr. Speaker. I would hope we would defeat this CR. Then, Mr. Speaker, because I know the gentleman is a man of such good will and purpose and responsibility, I would ask the chairman that we come back on the floor, pass the CR until Monday night, as the gentleman from Massachusetts wanted to do, come back here Saturday, do our work, come back here Sunday afternoon, do our work, come back here Monday, and perhaps be able to leave.

If the gentleman does not agree with the President, fine, send him a bill. Let him veto it, and criticize him. I do not know why Members do not send the bills. I have a hunch that they are afraid that the American public will say he is right and they are wrong, so they do not send the bills down. I hope this CR is defeated, Mr. Speaker.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of our speakers spoke in favor of an automatic CR. One of the reasons that I have opposed the automatic CR is because it would deny my friends on the minority side the opportunity to take 2 hours today for their political platform.

I was really happy last week when I heard the minority leader, the gentleman from Missouri (Mr. GEPHARDT), stand in the well and say, we really ought to cut out all of this partisanship, and we ought to work together.

Mr. Speaker, it is amazing what we can do when we work together. I will have to admit that it is tempting to rejoin the political argument here. But this is not the place for campaign politics. The place for campaign politics is back home in our districts, not on the floor of the people's House, where we are supposed to put the people's business above politics.

We have talked about appropriators being here or not being here. When the House leaves, I think everybody ought to know the appropriators do not necessarily leave. The appropriators in the House on both parties work really hard. Whether the House is in session or not, the appropriators that have business before them are here, whether it is a weekend, whether it is late at night.

I know sometimes our colleagues will say, this was done or that was done in the dark of night. That is a fact. We do a lot of work in the dark of night, because if we start here in the morning at 9 o'clock, and we are still going at midnight or 1 or 2 o'clock in the morning to get our business done, we are working in the dark of night. If we did not do that, we would be here until next spring.

We would need a 2-year budget cycle, which I think is probably a good idea anyway. As the gentleman from Maryland knows, I have supported that strongly.

But appropriators do not leave Washington just because everyone else does. There will be appropriators here this weekend working on finalizing decisions, making decisions, writing the bills, reading the bills, getting them ready to file.

As I pointed out earlier in my comments on the rule, we only are one-third of the process here. If we were the entire process, we would have been done back in July, but we are only one-third of the process. Our colleagues and friends at the other end of the Capitol are one-third, and the President of the United States is one-third.

Mr. Speaker, we have a great prosperity in this country today. There are a lot of people who want to take credit for it. I think that the confidence that we have created in the industrial community by balancing the budget is one reason we have a strong prosperity. Investors are willing to invest because they think that government might not be on their back as much as it has been in the past, so they are willing to invest. It creates prosperity. It creates movement in the economy.

There is another reason. One of my colleagues on the minority side mentioned it and one of my colleagues on the majority side mentioned it: welfare reform. I do not think Congress has gotten nearly as much credit for what welfare reform has contributed to our economy as it should.

For years, there were families who had been on welfare for generations. We changed that. We changed it, and we reformed welfare to the point that we encouraged people to go to work. Mr. Speaker, many Americans who had been on welfare for all of their lives went to work. They started to earn money. They were able to buy homes, buy automobiles. They actually felt good about the fact that they were working. They were making an income. They were doing something for their wives and children.

Besides that good feeling, those people for years had been taking money out of the system. Once they went back to work, they were putting money back into the system. They paid taxes, like everyone else. They paid payroll taxes, social security taxes, income taxes. They paid into the system, so we are getting two for one benefits. They are no longer taking out, they are putting in, so there is a tremendous economic advantage to that.

Now, if I might allow myself something that might sound a little political, I listened to the speeches of both candidates for president. I was impressed. I watched the Vice President when he made his acceptance speech at his convention, and on two occasions he mentioned how he fought for this welfare reform that I think is a major contributor to our strong economy.

I sat there and scratched my head, because I remember being here in the House when we passed the welfare reform bill the first time. We sent it to their administration. They vetoed it. Then I remember we came back and fought again to pass welfare reform legislation. We sent it to the administration, the President and the Vice President. They vetoed it again.

So we went back to work and wrote it the third time. We sent it to the administration, the President and the Vice President, and this time they finally said, we will sign it. We do not like it. They told their friends who opposed it, we do not really like it, but we are going to sign it. They did. They signed it.

Then I heard the Vice President in that speech say how he had fought for welfare reform after his administration had effectively killed it twice after Congress fought to make it happen, and the third time it happened.

There are other things that have been mentioned in this debate that have nothing to do with the CR, that are political issues that are out there in the presidential debates. I would say to those who make those arguments, why do they not make them where they belong? They do not belong on this CR. This CR has nothing to do with what they were talking about.

Then I would repeat words that I have said and many of my colleagues have said: Where were they for the last 8 years? They have owned the administration for 8 years. Where were they? Why did they not do it? Why did they not get it done during that 8-year period?

That comment has nothing to do with the CR, just like most of the comments from the minority side have nothing to do with the CR. Mr. Speaker, let us pass this CR and then get about finishing the few appropriations matters that still lay out there to be completed.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this Continuing Resolution, the fourth resolution in as many weeks to keep the government open. I call on Republicans to stop the delays, stop the obfuscation, and keep Congress in session so we can finish our work. We must do the people's agenda, and we must do it now.

We are now three weeks beyond the start of the fiscal year, and the light at the end of the tunnel is still not shining brightly. We do not meet. We take off days at a time. We spend our time on the floor naming courthouses, voting on suspension bills.

And the American people are not seeing any results.

Education is America's number one priority. But this Congress has failed to meet the challenge. Republicans have refused to dedicate funding to reduce class size and for school construction. They are unwilling to fund critical priorities so communities can hire more teachers, improve teacher quality, and provide more after-school programs. Instead, they support block grants with no accountability that a single teacher will be hired or a single classroom fixed. They also let the Elementary and Secondary Education Act expire for the first time in 35 years because of their extremism.

The time has come to stop the delays, stop the foot-dragging, and act on the education priorities of the American people. We should not neglect the people's agenda for personal politics. This Congress should stay in session and finish our spending work. We should take a first step to make every public school a great public school.

Democrats want funding dedicated to emergency school repairs; the bipartisan Johnson-Rangel tax credit to help schools districts on school construction bonds; funding to hire 100,000 highly-qualified teachers to reduce class size, and for teacher training and recruitment and after-school programs that are an essential part of any school reform.

We are in an Information Age. Every child needs to know how to read and write. Parents are working more and they are commuting more, and they have less time for children. And our public schools are not equipped to fill the breach. What we are asking for is a sensible, first step toward filling the holes in our education system. And I believe there is still time to work together, in a bipartisan way, to meet this challenge.

Let's stop neglecting our work, stop passing these stopgap measures, and do what any sensible legislative body would do: finish our spending bills, fund the priorities of our people, and get away from the special interests.

The SPEAKER pro tempore (Mr. ISAKSON). All time for debate has expired.

Pursuant to House Resolution 637, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 136, not voting 34, as follows:

[Roll No. 539]

YEAS—262

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—136

Allen
Andrews
Baca
Baird
Becerra
Berry
Blumenauer
Bonior
Borski
Boyd
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kaptur
Kennedy
Kildee
Kilpatrick
LaFalce
Lampson

Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Stark
Stenholm
Strickland
Stupak
Tanner
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—34

Ackerman
Barcia
Brady (PA)
Campbell
Chenoweth-Hage
Clay
Conyers
Diaz-Balart
Dingell
Forbes
Franks (NJ)
Gephardt
Hansen
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McIntosh
Miller (FL)
Oberstar
Owens
Oxley
Rodriguez
Rush
Sanchez
Shays
Spratt
Talent
Thompson (MS)
Turner
Weygand
Wise

□ 1717

Mr. HINOJOSA and Mr. NADLER changed their vote from "yea" to "nay."

Mr. KLECZKA changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 539 on H.J. Res. 114, I was unavoidably detained, Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDER ATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, That it shall be in order at any time on the legislative day of Thursday, October 19, 2000, for the Speaker to entertain motions to suspend the rules and pass, or adopt, the following measures:

(1) the bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults;

(2) the resolution (H. Res. 605) expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children;

(3) the bill (H.R. 4541) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes;

(4) the concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis; and

(5) the bill (H.R. 2592) to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

SEC. 2. House Resolutions 615 and 633 are laid on the table.

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and passed this resolution, providing that it shall be in order at any time on the legislative day of Thursday, October 19, for the Speaker to entertain motions to suspend the rules and pass or adopt the following measures:

The bill H.R. 2780, to authorize the Attorney General to provide grants for organizations to find missing adults; the resolution, House Resolution 605, expressing the sense of the House that communities should implement the Amber Plan to expedite the recovery of abducted children; the bill H.R. 4541, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; the concurrent resolution, H. Con. Res. 271, expressing the support of Congress for activities to increase public awareness of multiple sclerosis; and, five, the bill H.R. 2592, to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such an Act.

Finally, the rule provides that House Resolutions 615 and 623 are laid upon the table.

Mr. Speaker, as we all know, we are coming to the end of the congressional session and floor time is at a premium. This resolution allows us to consider several bills today under the expedited suspension procedure. I must stress that we have had all day to examine these bills, four of which are totally noncontroversial. These suspensions are not a surprise.

In addition, this resolution is within the spirit of the House rules. Under clause 1 of rule XV of the rules of the House, the Speaker may only entertain motions to suspend the rules on Mondays and Tuesdays and during the last 6 days of the session.

The House has not yet passed an adjournment resolution, but I think all of us hope and expect that we are in the last 6 days of this session. This resolution simply abides by the spirit of the standing rules of the House.

One of these bills is a bill I introduced in honor of Krister. Modafferi, a college student from Charlotte, North Carolina, who disappeared after her 18th birthday. When Kristen's parents called the National Center for Missing and Exploited Children to ask for help, they were told, "No, we can't help you because Kristen is 18 years old." If we pass Kristen's Act, that will never happen again.

The National Center for Missing Children has been an incredibly effective resource for the recovery of minors. Kristen's Act would create the same type of center for missing adults. It is just common sense. We should build upon the success of the National Center for Missing Children.

H. Res. 640 also allows the House to consider H.R. 4541, the reauthorization of the Commodity Exchange Act under suspension of the rules. H.R. 4541 will lift a portion of the regulatory burden from our commodity and futures exchanges, allowing them to compete within the world's modern financial markets.

I must state, though, that I am disappointed with one aspect of the measure. While the intent of H.R. 4541 is to deregulate U.S. markets, it actually places retroactive regulation on some of our newest and most innovative electronic markets.

Foreign countries are taking advantage of electronic technology at a more rapid pace and with less red tape than our domestic market. With this in mind, the House Committee on Banking and Financial Services placed language in its version of the bill that would have ensured freedom from regulation for U.S. companies that are developing and implementing new electronic technology within the swaps market.

I was extremely disappointed to see the Committee on Banking and Financial Services language stripped from the bill we are considering today. We should encourage business innovation and not stifle new companies with regulatory uncertainty. If we fail to restore the Committee on Banking and Financial Services's language, we will place our domestic electronic exchanges at a relative disadvantage to their foreign competitors.

I am confident our colleagues in the Senate will take care of the problem. If not, our homegrown companies will have to move overseas.

Now, Mr. Speaker, despite my disappointment with part of H.R. 4541, I strongly support this rule and urge my colleagues to do the same. With this resolution, we will consider five bills before we adjourn for the year.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I will not actively oppose the rule. The underlying suspension bills that the rule make in order are important for many of our constituents. But it is astonishing that the Committee on Rules must generate resolutions such as these to create the illusion that Congress is diligently performing its obligation.

This body is floating in a Never-Never Land 2 weeks into the fiscal year, considering suspension bills at a time when only 7 of the 13 spending bills are on their way to the President. I wish I could justify unqualified support for this measure with the excuse that Congress was hard at work and needed this flexibility to complete its commitments, but my constituents know better.

Instead of working to ensure affordable prescription drugs for seniors or working to secure funds for school construction, this body routinely adjourns in the early afternoon to ponder what post office we will name on the following legislative day. The long stretches of idleness in this body surely can be replaced with meaningful deliberation on important measures.

Instead, my colleagues and I are left at the mercy of the leadership's scheduling whims. If the majority is going to abuse the power of suspensions, I implore them to put them to good use and make a real difference in the lives of the American people.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and want to congratulate my colleague the gentlewoman from North Carolina (Mrs. MYRICK) for her very, very able management of it.

This rule addresses the legitimate concern of Members who very much want an opportunity to review in advance any legislation that will be considered under the suspension of the rules procedure. The rule provides suspension authority only to those measures that are listed in the rule, so there will be no surprises whatsoever.

One of the measures listed in the rule, Mr. Speaker, is a bill authored by the manager of this rule, the gentlewoman from North Carolina (Mrs. MYRICK), which would establish a national center to collect and disseminate information on missing adult cases. I want to commend my friend from Charlotte for her work on behalf of the millions of Americans who are searching for their loved ones, and I strongly support her legislation.

Mr. Speaker, the rule also allows under suspension of the rules the consideration of H.R. 4541, critically important legislation to modernize the financial futures market. It is a collaborative effort between the Committee on Agriculture, the Committee on Banking and Financial Services and the Committee on Commerce, and I want to commend the chairmen of those committees, the gentleman from Texas (Mr. COMBEST), the gentleman from Iowa (Mr. LEACH), and the gentleman from Virginia (Mr. BLILEY); as well as the gentleman from Illinois (Mr. EWING), the gentleman from Louisiana (Mr. BAKER), and the gentleman from Ohio (Mr. OXLEY) for their hard work and dedication in bringing this legislation to the floor.

□ 1730

Similar to the Graham-Leach-Bliley Financial Services Modernization Act, H.R. 4541 will remove actually the impediments to financial innovation and will be competitive by bringing the antiquated regulatory framework for financial futures and derivatives into the 21st century. While I strongly support the bill, it is not perfect.

As my friend from Charlotte, North Carolina (Mrs. MYRICK), so clearly noted, the bill does not remove all of the necessary regulatory impediments to electronic systems that are used in trading financial futures and derivatives. It is important that this legislation not only promote competition and innovation within traditional markets but that it promote competition and innovation for emerging technologies.

Otherwise, these innovative companies, which are the key to the continued growth of our economy, will simply take their operations overseas where the regulatory climate today is much more favorable toward competition from electronic trading systems.

Mr. Speaker, passing H.R. 4541 will allow the process to move forward. It is my hope that this bill can be further improved when it is considered by the other body. But before we can consider it, we need to pass this rule, and we need to debate and pass that legislation.

So I want to urge my colleagues to move just as expeditiously as possible to pass this measure again so that all can have an opportunity to look at the different pieces of legislation that we will be considering.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to my colleague, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me the time and for her leadership.

Mr. Speaker, I rise in support of the rule and in support of the underlying legislation, which is among one of the most important bills that this Congress will consider this session.

The notional value of the derivatives market is fast approaching $100 trillion. By comparison, the entire Federal budget is closer to $1.7 trillion. This legislation increases the legal certainty of these instruments and makes sure that market participants are held responsible for their losses or gains.

In the Committee on Banking, I offered an amendment that was supported by the CFTC to limit the trading of energy derivatives when conducted off exchange and out of public view. Energy derivatives are based on underlying commodities, such as oil and gas, that are critically important to consumers. While my amendment was narrowly defeated, I continued to work on this issue after the markup.

I am pleased to report that my concern has now been addressed at least in part. This legislation now gives additional authority to the CFTC to monitor day-to-day prices and to issue regulations to police fraud and manipulation in off-exchange energy derivatives trades. These powers will increase public confidence in the markets and reduce the potential of manipulation by big players operating off-exchanges.

This provision could be further improved by deleting language that favors electronic trading facilities over traditional exchanges. Monitoring derivatives markets will be a major focus of the Committee on Banking for years to come. When properly used, large companies and financial institutions decrease economic risks and benefit consumers through the use of derivatives.

Large financial institutions use derivatives to hedge interest rate risk and decrease potential market disruptions.

I just want to close very briefly by thanking the chairman of the Committee on Banking, the gentleman from Iowa (Mr. LEACH), for his 6 years of leadership and the ranking member, the gentleman from New York (Mr. LAFALCE). This will probably be the last bill from the Committee on Banking while he is chair of the committee.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I did not intend to comment on the rule, but I want to let my colleagues know that I rise in strong support and appreciate the work that the Committee on Rules did giving us an opportunity to bring the Commodities Exchange Act in front of the Congress today under a suspension. And since we are establishing a record here, I wanted to take the opportunity to make a couple of comments in response to the gentlewoman from North Carolina (Mrs. MYRICK) in regards to one area that she specifically singled out as having had some concern.

This has been a long going process, and the process has been with the intention and the goal of trying to relieve to the extent possible the regulatory burden on the exchange activity and commodities in the United States, giving them much more of a level playing field in regards to some of their foreign competitors. And at the same time while the interest and endeavor has been to relieve some of the regulatory burdens, we wanted to make sure that there was still a great amount of public confidence by the fact that there would be an oversight regulatory body that would be in fact monitoring these trades.

The specific new businesses that the gentlewoman from North Carolina (Mrs. MYRICK) referred to we generally call electronic billboards. I just wanted to make mention that I had met with a number of them over a long period of time; and certainly as an endeavor not to increase regulations on various types of trading associations and groups, we wanted to make for certain, as they requested, that we did not in fact increase regulatory burdens on them.

We have not done that, Mr. Speaker. In fact, there are a number of sections of the bill that specifically indicate that the type of trading that is done by electronic billboards would be totally excluded as a part of CEA, would not come under the regulatory burden; and the President's working group that also had a great deal of input agreed to the fact that there should be exclusion from the CEA.

A question remains. I have visited with the gentlewoman about it. We will continue to look at it into the future. Actually, the problem seems to arise from a request of certain of these new electronic billboards to have a specific carve-out that in fact would give them additional authority that other type exchanges would not have, and it is strongly opposed by other exchanges giving them a specific advantage. That is the reason that there were not the changes. But in terms of the regulatory authority, not only did we not include them, we excluded them in some areas in some parts of the bill.

In regards to liability, we in fact created a number of things that electronic billboards, I think, would find very pleasing.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of one of the bills that would be permitted to be taken up today under the suspension calendar, H.R. 4541, the Commodities Futures Modernization Act of 2000.

I do this for one overriding reason. If we do not pass this bill, our huge and vibrant exchanges and swap markets will decline while those in the rest of the world will flourish.

Given the alterations taking place in global finance, the need to modernize our futures and swaps markets is clear. At every turn, we are seeing active innovation in our global environment. Indeed, there is a major international merger movement in progress off shore.

OM is bidding to buy the London Stock Exchange. We now have Euronext, the creation of the merger of the Paris, Brussels, and Amsterdam bourses. There is Eurex, which now has an interest in merging with some United States exchanges. All of these are capable of more flexibility than what is permitted in our current market structures.

Moreover, the financial markets are creating increasingly specialized instruments and transactions. The most prominent of these are swaps, contractual arrangements which are so diverse in detail that they cannot be readily categorized. Their notional value has swollen to nearly $100 trillion. Moreover, there are other novelties, such as flex options, which are beginning to emerge.

American law and American regulations have been unable to keep up with these innovations except through makeshift and questionable legal inventions and contortions, the foundations of which are unclear and uncertain.

H.R. 4541 is merely a first step in this modernization. It opens up a new category of future which has heretofore been forbidden, the future on single stocks or small groups of stocks. It provides legal certainty to swaps innovations, a certainty which has been sorely missing until this bill. Moreover, it recognizes that, in most cases, the normal consumer is not the proper participant in these markets or that their participation is guarded by regulations such as the "know your customer rule."

These alterations will assist in streamlining the United States so that it can mirror the practices which are emerging in the competitive markets of Europe and Asia and prevent those markets from obtaining legal advantages. Further, it will keep these burgeoning businesses in the United States and not force them to migrate overseas.

I do not say this is a perfect bill. Indeed, I do not approve of using the suspension calendar to consider this sort of legislation. There should be opportunity for more than the managers amendment. There also should be opportunity for more extensive education and fuller debates.

I am not pleased with some of the bill's provisions, which fail to establish an optimal regulatory scheme and might be open to loopholes that would undermine the vital transparency and trustworthiness of American markets. Consequently, while I do not join others who oppose this legislation, I do have considerable sympathy for some of their arguments.

However, I believe the legislative process must be moved along at this time. It is doubtful we can come to agreement with the other Chamber and the administration in the short period remaining in the 106th Congress. Indeed, I caution that attempts in the other Chamber to push through vast deregulatory schemes, which will prevent the SEC, CFTC, and banking authorities from assuring the investing public that the markets are not subject to manipulation and fraud, will certainly meet with my opposition.

It is dubious whether Congress can produce a public law this session. And if we cannot, passage of today's bill will at least set down a marker for us to take up next year. In any case, this is not a subject area which is going to go away with one new law. The rapidity and breadth of change to which I have alluded assure that. Yet, for today, I support the administration's Statement of Policy on this bill and, therefore, urge an aye vote.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I am going to be brief because I know there is a lot of activity going on.

Some of the great exchanges of our Nation are in Chicago, Illinois. We have been fighting to preserve and protect those.

As many of my colleagues know, this bill modernizes the regulation of the exchange trade and futures. It establishes legal certainly for over-the-counter derivative products, and it reforms Shad-Johnson.

To the gentleman from Illinois (Mr. EWING), who is my friend, my counselor, and part author of this legislation, I just want to say, job well done.

Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. Being from Illinois, with all the Chicago interests involved, you should know that it has been my intent to develop a level and fair playing field for all involved.

When this bill was in the Commerce Committee, I offered an amendment in the nature of a substitute that eventually resulted in the version the Commerce Committee reported. We knew when we reported the bill that there was still a lot of work to be done. For that reason, I am pleased to see a final product on the House floor today. I want to thank my good friend from Illinois, Mr. EWING, for the leadership he and his staff have taken on this issue. In your retirement, you will be missed by the Illinois delegation, as well as this entire body. I also want to thank Chairman BLILEY, Subcommittee Chairman OXLEY, the ranking Members, Mr. RUSH of Illinois, and their staffs; as well as the Members and staff of the Banking Committee. They need to be recognized for their tireless efforts, persistence and cooperation to bring this compromise to the House floor.

Finally, I want to thank the Chicago Board Options Exchange, the Chicago Mercantile Exchange and the Chicago Board of Trade for their efforts to compromise and for their patience with us as we worked through the legislative process. As you know, this legislation will do three things: It modernizes the regulation of exchange-traded futures; establishes legal certainty for over-the-counter derivatives products; and reforms the Shad-Johnson Accord.

The Shad-Johnson portion of this legislation has been the most controversial, but yet the most exciting section of this bill. If this bill becomes law, we will lift an 18-year "temporary" ban on single stock futures and allow U.S. investors access to these products. In our global economy, we need to stay competitive, and I believe that lifting this ban will help us achieve that goal.

This is historic legislation and a vote for U.S. investors and markets. Please join me in voting in favor of H.R. 4541.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the rule and in strong support of one of the bills that will be considered under the rule, the Commodities Futures Modernization Act of 2000, H.R. 4541.

I want to associate myself with the remarks of the previous speaker, the gentleman from New York (Mr. LAFALCE), the ranking Democrat on the House Committee on Banking.

As a member of that committee, I worked with both the chairman, the gentleman from Iowa (Mr. LEACH), and the gentleman from New York (Mr. LAFALCE) in helping to craft this legislation. I think that it is a very good forward approach to moving the United States' regulatory scheme over-the-counter derivatives markets in the right direction. And I think all three committees which had jurisdiction over this, the Committee on Banking, the Committee on Agriculture, and the Committee on Commerce did very good work.

This otherwise complicated measure will repeal the Shad-Johnson Accord and bring legal certainty to the over-the-counter derivatives and swaps market. That is something that, as that market has grown and developed in the United States, needs to be done. We need to codify a regulatory regime, as opposed to having an understanding between two Federal agencies. And it is done in a way which brings the regulatory expertise of both the Commodities Future Trading Commission and the Securities and Exchange Commission together. I think that is why we have found this legislation is also being supported by the Treasury Department.

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I also want to say that I think this bill is correct in its exemption or exclusion of the energy derivatives market. This is a new market. A lot of it is being conducted out of my area of the country, and I think it is fair to say that the energy market in the United States is among the most transparent in the world. I think it would be premature for the Congress or the regulatory authorities to engage in some new form of regulation in those markets, particularly in the derivatives market, absent some form of national or global energy deregulation which obviously this Congress is not going to take up and it will not be taken up until the next Congress at the earliest date. So I think this is a very good bill that moves us forward.

Finally, let me say one other item. In the Committee on Banking and Financial Services, we considered the issue of whether or not to expand the ability to market swaps and derivatives over the counter to the retail public, and I think the committee very wisely chose not to follow that path. I do not think we have the regulatory regime in place to safely allow such products to be sold to the retail public, and if that were in this bill I would have a very hard time supporting it. So I think that Members need to understand that this is not a retail instrument.

I think the Members need to understand that we have ensured that there is no retail component in this bill. I think that is something that is subject to a great deal more study before we move in that direction, and so I would encourage the Members to support this bill. I would also hope that the other body across the rotunda will adopt this bill as well. It would be a shame if this Congress were to adjourn without enacting this compromise legislation and providing legal certainty to the markets.

I want to again reiterate what the gentleman from New York (Mr. LAFALCE) said. Without this legislation, it is very likely we could be pushing certain sectors of the U.S. financial markets abroad, and I think that would be to our detriment.

I rise in strong support of the rule and the bill.

Mr. Speaker, I rise today in strong support of the Commodity Futures Modernization Act of 2000 (H.R. 4541). This legislation will provide the legal certainty for Over The Counter (OTC) derivatives. Derivatives are sophisticated financial instruments which help companies to manage risk.

As a member of the House Banking Committee, I believe that providing this legal certainty is necessary. First, legal certainty will ensure that these instruments continue to be available and sold in the United States. We have an economic interest in keeping these instruments here in the United States. There is growing concern that some trading operations will move overseas without this clarification. Second, the President's Working Group on Financial Markets has also recommended that approving legislation is the only practical way to provide this legal certainty.

This legislation would also exclude certain hybrid instruments for the Commodity Exchange Act. As a result, these hybrid instruments can be sold on non-CEA regulated markets. As the representatives for one of the largest energy-related trading markets, I am particularly pleased that this legislation includes a provision that would ensure that energy-based OTC derivatives will be exempt from the CEA.

This legislation would also ensure that single stock futures and narrow-based stock index futures can be sold. As a result, the Shad-Johnson Accord would be repealed. This language was developed in cooperation with the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) who helped to negotiate this language. Under this bill, these products could be sold on existing or yet to be established commodities and securities exchanges. Trading of securities futures would be delayed for one year from enactment. Options on futures would be permitted three years after enactment after the SEC and CFTC have jointly determined whether to permit such trading and jointly studied the framework needed for such options. By requiring joint rulemaking for the CFTC and SEC, we are ensuring that both the securities and commodities regulators will be working together to set up a framework for the sale of these products. I am also pleased that these provisions would ensure that the retail public cannot purchase these products. I am not yet convinced that selling stock futures to the retail public is appropriate and requires more study.

This bill also reauthorizes the Commodity and Exchange Act. On October 1, 2000, the CEA expired and the CFTC is currently working without its authorization. Reauthorization is necessary to ensure that our commodity markets are being reviewed and overseen by a federal regulator.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am going to rise in reluctant opposition to the rule under which these bills are being considered, because the rule provides that these bills will come here under suspension, which means that the bills cannot be amended in any way. It deprives us of the opportunity to offer an amendment to one of these bills, H.R. 4541, which a number of us have worked on throughout this process.

Now I want to say at the outset that I am not going to vote against H.R. 4541, because I think it is a marginal improvement in the law. It is important to pass this bill, but we passed a bill out of the Committee on Banking and Financial Services, a version of this bill which was substantially better than the bill that is coming to the floor, in one important respect.

We have heard a lot of discussion here about driving U.S. commercial ventures offshore. There is one provision that has been dropped from the bill from the Committee on Banking and Financial Services that I believe will have the effect quite possibly of driving a commercial venture that is currently located in my congressional district offshore. I represent a small company called D&I Holdings, which has a system, a proprietary communications and information system, over which the world's largest financial institutions negotiate and agree on certain types of swap transactions on an electronic basis. This company was founded in 1996 and is headquartered in my congressional district in Charlotte, North Carolina, and it has offices in London, New York and Tokyo.

At the present time, there are 40 commercial and investment banks that use their system to effectuate swaps agreements which total over hundreds of millions of dollars per day. Their system, this small business' system, is the first and at the present time the only operational inter-dealer electronic system for this segment of the swap market. It has a number of patents, but it is essentially an electronic information system.

The problem is that this bill, in the haste to deal with trading facilities, has defined trading facilities in such a way that it brings this electronic system and information system that does no negotiating at all, the parties on each end of the system are doing the negotiating but now we have bought into the definition of trading facility an electronic system that should not be included in the Federal regulations. Now, my colleagues quite often are talking about how terrible it is to have Federal regulations regulating things that should not be regulated. I am here this time talking about one of those instances where we are regulating something that really should not be regulated.

The parties on both ends of the transaction, I concede, should be regulated; and that is what this legislation should be about, but the electronic system in between the two negotiating parties should not be regulated. In the process of going through the conference and basically carving out language that the Committee on Banking and Financial Services had carefully considered that would have protected this small venture in my congressional district, they have overzealously, probably unintentionally, included an operation here that really should not be. And I think ultimately what is going to happen is we are running the risk that this small operation could be driven offshore because it can be done, this electronic operation can be done, in England or Tokyo or anywhere else in the world; but we want this business located here in the United States as we want every business located here.

It is a clean, good, upstanding business, and there is no reason that we ought to be regulating it. If this bill were not on suspension, we would have the opportunity to offer an amendment to get back to the language of the Committee on Banking and Financial Services, and therefore I am going to vote against the rule, even though I will probably end up voting for the bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

To the gentlewoman's colleague, the gentleman from North Carolina (Mr. WATT), who just spoke, I would like to respond to him. I think the issue the gentleman brings up is a very important issue and as the sponsor of the bill I want to let the gentleman know where we are with this legislation. Number one, the Blackbird Institution is not regulated by this bill. It is not regulated now. We believe that this bill exempts them from any regulation so long as they are trading in the manner in which they have indicated they are. The issue here is so long as they do not act as an organized exchange and do not do retail trades, they will be exempt under this bill and exempt from regulation. The idea, of course, is that if they decide to do otherwise then, of course, they will come under regulation like every other exchange, every other trader with retail interests.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. EWING. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, what I would like to do with the gentleman's permission is perhaps come back during the debate on the main bill and actually have a colloquy so that at least we can create a legislative record that specifically indicates that the gentleman's interpretation is that this bill does not cover this Blackbird system, because their interpretation is entirely different than the gentleman's, and I think it would be helpful at least to have that legislative record developed. I am not sure we can do it as a part of the rule. So if the gentleman would be so kind.

Mr. EWING. Reclaiming my time, I would be more than happy to engage in that colloquy.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I want to comment on one of the bills that everyone else seems to be commenting on, that is H.R. 4541, the Commodities Futures Modernization Act. I support the bill. The legislation reauthorizes the Commodities Futures Trading Commission, streamlines regulation of the futures markets and provides legal certainty to over-the-counter derivatives.

As we know, the President's Working Group on Financial Markets has testified that securing legal certainty for financial derivatives is imperative to reducing risk within America's financial system. This legislation, while a compromise on many points, is not only an important step toward achieving the legal certainty our financial markets need but it will foster continued American innovation in the increasingly important realm of derivative financial products.

Moreover, it will help prevent the flight of our domestic financial derivatives business abroad. This makes H.R. 4541 particularly important to my State, Mr. Speaker, New York, where much of our Nation's financial trading takes place. The legislation has broad-based backing. It is supported by the Department of the Treasury, the SEC, the CFTC, as well as the major financial institutions. I would, however, like to raise one note of concern, Mr. Speaker.

The process through which H.R. 4541 was developed was not completely fair or open. At times Democrats were not sufficiently included in the negotiations, and the ranking member on the Committee on Commerce, on which I serve, the gentleman from Michigan (Mr. DINGELL), has expressed concerns which I share about the process, the fact that the Committee on Commerce was not sufficiently involved in the process, and that is wrong and things were put into this bill at the last minute just the other day, and there really has been no time to discuss it or deliberate on it; and I think that is wrong as well.

I would hope that some of these issues can be resolved when the bill finally comes back.

While the process was not satisfactory, overall the final bill moves forward and is worthy of passage by the House. Once again, I express my support for the Commodity Futures Modernization Act and I urge my colleagues to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4635) "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on H.R. 4541, the Commodity Futures Modernization Act, will be taken after debate has concluded on that motion.

Record votes on remaining motions to suspend the rules will be taken on Tuesday, October 24, 2000.

☐ 1800

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4541) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for future and over-the-counter derivatives, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Commodity Futures Modernization Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—COMMODITY FUTURES MODERNIZATION

Sec. 101. Definitions.
Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
Sec. 103. Legal certainty for excluded derivative transactions.
Sec. 104. Excluded electronic trading facilities.
Sec. 105. Hybrid instruments.
Sec. 106. Transactions in exempt commodities.
Sec. 107. Swap transactions.
Sec. 108. Application of commodity futures laws.
Sec. 109. Protection of the public interest.
Sec. 110. Prohibited transactions.
Sec. 111. Designation of boards of trade as contract markets.
Sec. 112. Derivatives transaction execution facilities.
Sec. 113. Derivatives clearing.
Sec. 114. Common provisions applicable to registered entities.
Sec. 115. Exempt boards of trade.
Sec. 116. Suspension or revocation of designation as contract market.
Sec. 117. Authorization of appropriations.
Sec. 118. Preemption.
Sec. 119. Predispute resolution agreements for institutional customers.
Sec. 120. Consideration of costs and benefits and antitrust laws.
Sec. 121. Contract enforcement between eligible counterparties.
Sec. 122. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
Sec. 123. Rule of construction.
Sec. 124. Technical and conforming amendments.
Sec. 125. Privacy.
Sec. 126. Report to Congress.
Sec. 127. International activities of the Commodity Futures Trading Commission.
Sec. 128. Rules of construction.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

Sec. 201. Definitions under the Securities Exchange Act of 1934.
Sec. 202. Regulatory relief for markets trading security futures products.
Sec. 203. Regulatory relief for intermediaries trading security futures products.
Sec. 204. Special provisions for interagency cooperation.
Sec. 205. Maintenance of market integrity for security futures products.
Sec. 206. Special provisions for the trading of security futures products.
Sec. 207. Clearance and settlement.
Sec. 208. Amendments relating to registration and disclosure issues under the Securities Act of 1933 and the Securities Exchange Act of 1934.
Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.
Sec. 210. Preemption of State laws.

Subtitle B—Amendments to the Commodity Exchange Act

Sec. 221. Jurisdiction of Securities and Exchange Commission; other provisions.
Sec. 222. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
Sec. 223. Notification of investigations and enforcement actions.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reauthorize the appropriation for the Commodity Futures Trading Commission;

(2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;

(3) to transform the role of the Commodity Futures Trading Commission to oversight of the futures markets;

(4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;

(5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;

(6) to promote innovation for futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;

(7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and

(8) to enhance the competitive position of United States financial institutions and financial markets.

TITLE I—COMMODITY FUTURES MODERNIZATION

SEC. 101. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (7), (8) through (12), (13), (14), (15), and (16) as paragraphs (2) through (8), (16) through (20), (22), (23), (24), and (28), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) Alternative trading system.—The term 'alternative trading system' means an organization, association, or group of persons that—

"(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);

"(B) performs the functions commonly performed by an exchange (as defined in section 3(a)(1) of the Securities Exchange Act of 1934);

"(C) does not—

"(i) set rules governing the conduct of subscribers other than the conduct of such subscribers' trading on the alternative trading system; or

"(ii) discipline subscribers other than by exclusion from trading; and

"(D) is exempt from the definition of the term 'exchange' under such section 3(a)(1) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions.";

(3) by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

"(2) Board of trade.—The term 'board of trade' means any organized exchange or other trading facility.";

(4) by inserting after paragraph (8) the following:

"(9) Derivatives clearing organization.—

"(A) In general.—The term 'derivatives clearing organization' means a clearinghouse, clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

"(i) enables each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties;

"(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions executed by participants in the derivatives clearing organization; or "(iii) otherwise provides clearing services or arrangements that mutualize or transfer among participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants.

"(B) EXCLUSIONS.—The term 'derivatives clearing organization' does not include an entity, facility, system, or organization solely because it arranges or provides for—

"(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

"(ii) settlement or netting of cash payments through an interbank payment system; or

"(iii) settlement, netting, or novation of obligations resulting from a sale of a commodity in a transaction in the spot market for the commodity.

"(10) ELECTRONIC TRADING FACILITY.—The term 'electronic trading facility' means a trading facility that—

"(A) operates by means of an electronic or telecommunications network; and

"(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

"(11) ELIGIBLE COMMERCIAL ENTITY.—The term 'eligible commercial entity' means, with respect to an agreement, contract or transaction in a commodity—

"(A) an eligible contract participant described in clause (i), (ii), (v), (vii), (viii), or (ix) of paragraph (12)(A) that, in connection with its business—

"(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

"(ii) incurs risks, in addition to price risk, related to the commodity; or

"(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

"(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

"(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

"(ii) either—

"(I) in the case of a collective investment vehicle whose participants include persons other than—

"(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 C.F.R. 4.7(a));

"(bb) accredited investors, as defined in Regulation D of Securities and Exchange Commission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

"(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940;

in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

"(II) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, $100,000,000 in total assets; or

"(C) such other persons as the Commission shall determine appropriate and shall designate by rule, regulation, or order.

"(12) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' means—

"(A) acting for its own account—

"(i) a financial institution;

"(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

"(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

"(iv) a commodity pool that—

"(I) has total assets exceeding $5,000,000; and

"(II) is formed and operated by a person subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

"(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

"(I) that has total assets exceeding $10,000,000;

"(II) the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

"(III) that—

"(aa) has a net worth exceeding $1,000,000; and

"(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity's business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity's business;

"(vi) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

"(I) that has total assets exceeding $5,000,000; or

"(II) the investment decisions of which are made by—

"(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or this Act;

"(bb) a foreign person performing a similar role or function subject as such to foreign regulation;

"(cc) a financial institution; or

"(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

"(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

"(II) a multinational or supranational government entity; or

"(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II),

except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii);

"(viii)(I) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

"(II) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b), 78q(h));

"(III) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i));

"(ix) a futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

"(x) a floor broker or floor trader subject to regulation under this Act in connection with any transaction that takes place on or through the facilities of a registered entity or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

"(xi) an individual who has total assets in an amount in excess of—

"(I) $10,000,000; or

"(II) $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

"(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

"(ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940, a commodity trading advisor subject to regulation under this Act, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

"(C) any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person.

"(13) EXCLUDED COMMODITY.—The term 'excluded commodity' means—

“(i) an interest rate, exchange rate, currency, security, security index, credit risk or measure, debt or equity instrument, index or measure of inflation, or other macroeconomic index or measure;

“(ii) any other rate, differential, index, or measure of economic or commercial risk, return, or value that is—

“(I) not based in substantial part on the value of a narrow group of commodities not described in clause (i); or

“(II) based solely on 1 or more commodities that have no cash market;

“(iii) any economic or commercial index based on prices, rates, values, or levels that are not within the control of any party to the relevant contract, agreement, or transaction; or

“(iv) an occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or level of a commodity not described in clause (i)) that is—

“(I) beyond the control of the parties to the relevant contract, agreement, or transaction; and

“(II) associated with a financial, commercial, or economic consequence.

“(14) Exempt commodity.—The term ‘exempt commodity’ means a commodity that is not an excluded commodity or an agricultural commodity.

“(15) Financial institution.—The term ‘financial institution’ means—

“(A) a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 603), commonly known as ‘an agreement corporation’;

“(B) a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), commonly known as an ‘Edge Act corporation’;

“(C) an institution that is regulated by the Farm Credit Administration;

“(D) a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

“(E) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(F) a foreign bank or a branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)));

“(G) any financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

“(H) a trust company; or

“(I) a similarly regulated subsidiary or affiliate of an entity described in any of subparagraphs (A) through (H).”;

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

“(21) Hybrid instrument.—

“(A) In general.—The term ‘hybrid instrument’ means a deposit instrument offered by a financial institution, or a security, having 1 or more payments indexed to the value, level, or rate of 1 or more commodities.

“(B) Deposit instrument defined.—The term ‘deposit instrument’ means an instrument representing an interest described in paragraph (1), (2), (3), (4), or (5) of section 3(l) of the Federal Deposit Insurance Act, other than in subparagraph (A), (B), or (C) at the end of such paragraph (5).”;

(6) by striking paragraph (24) (as redesignated by paragraph (1)) and inserting the following:

“(24) Member of a contract market; member of a derivatives transaction execution facility.—The term ‘member’ means, with respect to a contract market or derivatives transaction execution facility, an individual, association, partnership, corporation, or trust—

“(A) owning or holding membership in, or admitted to membership representation on, the contract market or derivatives transaction execution facility; or

“(B) having trading privileges on the contract market or derivatives transaction execution facility.

“(25) Narrow-based security index.—

“(A) The term ‘narrow-based security index’ means an index—

“(i) that has 9 or fewer component securities;

“(ii) in which a component security comprises more than 30 percent of the index’s weighting;

“(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index’s weighting; or

“(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

“(B) Notwithstanding subparagraph (A), an index is not a narrow-based security index if—

“(i)(I) it has at least 9 component securities;

“(II) no component security comprises more than 30 percent of the index’s weighting; and

“(III) each component security is—

“(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

“(bb) 1 of 750 securities with the largest market capitalization; and

“(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

“(ii) it is a contract of sale for future delivery with respect to which a board of trade was designated as a contract market by the Commodity Futures Trading Commission prior to the date of enactment of the Commodity Futures Modernization Act of 2000;

“(iii)(I) it traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery that was not a narrow-based security index; and

“(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

“(iv) it is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Securities and Exchange Commission;

“(v) no more than 18 months have passed since enactment of the Commodity Futures Modernization Act of 2000 and it is—

“(I) traded on or subject to the rules of a foreign board of trade;

“(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

“(III) the conditions of such authorization continue to be met; or

“(vi) it is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Securities and Exchange Commission.

“(C) Within 1 year after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission jointly shall adopt rules or regulations that set forth the requirements under subparagraph (B)(iv).

“(D) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (B) shall not be a narrow-based security index for the 3 following calendar months.

“(E) For purposes of subparagraphs (A) and (B)—

“(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

“(ii) the Commission and the Securities and Exchange Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

“(26) Option.—The term ‘option’ means an agreement, contract, or transaction that is of the character of, or is commonly known to the trade as, an ‘option’, ‘privilege’, ‘indemnity’, ‘bid’, ‘offer’, ‘put’, ‘call’, ‘advance guaranty’, or ‘decline guaranty’.

“(27) Organized exchange.—The term ‘organized exchange’ means a trading facility that—

“(A) permits trading—

“(i) by or on behalf of a person that is not an eligible contract participant; or

“(ii) by persons other than on a principal-to-principal basis; or

“(B) has adopted (directly or through another nongovernmental entity) rules that—

“(i) govern the conduct of participants, other than rules that govern the submission of orders or execution of transactions on the trading facility; and

“(ii) include disciplinary sanctions other than the exclusion of participants from trading.”; and

(7) by adding at the end the following:

“(29) Registered entity.—The term ‘registered entity’ means—

“(A) a board of trade designated as a contract market under section 5;

“(B) a derivatives transaction execution facility registered under section 5a;

“(C) a derivatives clearing organization registered under section 5b; and

“(D) a board of trade designated as a contract market under section 5f.

“(30) Security.—The term ‘security’ means a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

“(31) Security future.—The term ‘security future’ means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982). The term ‘security future’ does not include any agreement, contract, or transaction excluded from this Act under subsection (c), (d), (f), or (h) of section 2 of this Act, as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000.

“(32) SECURITY FUTURES PRODUCT.—The term ‘security futures product’ means a security future or any put, call, straddle, option, or privilege on any security future.

“(33) TRADING FACILITY.—

“(A) IN GENERAL.—The term ‘trading facility’ means a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

“(B) EXCLUSIONS.—The term ‘trading facility’ does not include—

“(i) a person or group of persons solely because the person or group of persons constitutes, maintains, or provides an electronic facility or system that enables participants to negotiate the terms of and enter into bilateral transactions as a result of communications exchanged by the parties and not from interaction of multiple bids and multiple offers within a predetermined, nondiscretionary automated trade matching and execution algorithm;

“(ii) a government securities dealer or government securities broker, to the extent that the dealer or broker executes or trades agreements, contracts, or transactions in government securities, or assists persons in communicating about, negotiating, entering into, executing, or trading an agreement, contract, or transaction in government securities (as the terms ‘government securities dealer’, ‘government securities broker’, and ‘government securities’ are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); or

“(iii) facilities on which bids and offers, and acceptances of bids and offers effected on the facility, are not binding.

“(C) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization of transactions executed on or through the person or group of persons.”.

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is amended by adding at the end the following:

“(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in—

“(A) foreign currency;

“(B) government securities;

“(C) security warrants;

“(D) security rights;

“(E) resales of installment loan contracts;

“(F) repurchase transactions in an excluded commodity; or

“(G) mortgages or mortgage purchase commitments.

“(2) COMMISSION JURISDICTION.—

“(A) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction described in paragraph (1) that is—

“(i) a contract of sale of a commodity for future delivery (or an option thereon), or an option on a commodity (other than foreign currency or a security or a group or index of securities), that is executed or traded on an organized exchange; or

“(ii) an option on foreign currency executed or traded on an organized exchange that is not a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

“(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

“(i) is a contract of sale for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); and

“(ii) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

“(I) a financial institution;

“(II) a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) or a futures commission merchant registered under this Act;

“(III) an associated person of a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5), or an affiliated person of a futures commission merchant registered under this Act, concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h)) or section 4f(c)(2)(B) of this Act;

“(IV) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

“(V) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

“(VI) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934).

“(C) Notwithstanding subclauses (II) and (III) of subparagraph (B)(ii), agreements, contracts, or transactions described in subparagraph (B) shall be subject to sections 4b, 4c, 6c, 6d, and 8(a) if they are entered into by a futures commission merchant or an affiliate of a futures commission merchant that is not also an entity described in subparagraph (B)(ii) of this paragraph.”.

SEC. 103. LEGAL CERTAINTY FOR EXCLUDED DERIVATIVE TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(d) EXCLUDED DERIVATIVE TRANSACTIONS.—

“(1) IN GENERAL.—Nothing in this Act (other than section 5b or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

“(A) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

“(B) the agreement, contract, or transaction is not executed or traded on a trading facility.

“(2) ELECTRONIC TRADING FACILITY EXCLUSION.—Nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

“(A) the agreement, contract, or transaction is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii);

“(B) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants described in subparagraph (A), (B)(ii), or (C) of section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

“(C) the agreement, contract, or transaction is executed or traded on an electronic trading facility.”.

SEC. 104. EXCLUDED ELECTRONIC TRADING FACILITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(e) EXCLUDED ELECTRONIC TRADING FACILITIES.—

“(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to an electronic trading facility that limits transactions authorized to be conducted on its facilities to those satisfying the requirements of sections 2(d)(2), 2(g)(3), and 2(h).

“(2) EFFECT ON AUTHORITY TO ESTABLISH AND OPERATE.—Nothing in this Act shall prohibit a board of trade designated by the Commission as a contract market, derivatives transaction execution facility, or exempt board of trade from establishing and operating an electronic trading facility excluded under this Act pursuant to paragraph (1).

“(3) EFFECT ON TRANSACTIONS.—No failure by an electronic trading facility to limit transactions as required by paragraph (1) of this subsection or to comply with section 2(g)(5) shall in itself affect the legality, validity, or enforceability of an agreement, contract, or transaction entered into or traded on the electronic trading facility or cause a participant on the system to be in violation of this Act.

SEC. 105. HYBRID INSTRUMENTS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(f) EXCLUSION FOR QUALIFYING HYBRID INSTRUMENTS.—

“(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to a hybrid instrument that is predominantly a security or deposit instrument.

“(2) PREDOMINANCE.—A hybrid instrument shall be considered to be predominantly a security or deposit instrument if—

“(A) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument, substantially contemporaneously with delivery of the hybrid instrument;

“(B) the purchaser or holder of the hybrid instrument is not required to make any payment to the issuer in addition to the purchase price paid under subparagraph (A), whether as margin, settlement payment, or otherwise, during the life of the hybrid instrument or at maturity;

“(C) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

"(D) the hybrid instrument is not marketed as a contract of sale for future delivery of a commodity (or option on such a contract) subject to this Act.

"(3) Mark-to-Market Margining Requirements.—For the purposes of paragraph (2)(C), mark-to-market margining requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.".

SEC. 106. TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following.

"(g) Legal Certainty for Certain Transactions in Exempt Commodities.—

"(1) Except as provided in paragraph (2), nothing in this Act shall apply to a contract, agreement or transaction in an exempt commodity which—

"(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

"(B) is not entered into on a trading facility.

"(2) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—

"(A) sections 5b and 12(e)(2)(B);

"(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not between eligible commercial entities (unless 1 of the entities is an instrumentality, department, or agency of a State or local governmental entity) and would otherwise be subject to such sections and regulations; and

"(C) sections 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

"(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

"(A) entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

"(B) executed or traded on an electronic trading facility.

"(4) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—

"(A) sections 5a (to the extent provided in section 5a(g)), 5b, 5d, and 12(e)(2)(B);

"(B) sections 4b and 4o and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

"(C) sections 6(c) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract, or transaction would otherwise be subject to such sections; and

"(D) such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

"(5) An electronic trading facility relying on the exemption provided in paragraph (3) shall—

"(A) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include the following:

"(i) the name and address of the facility and a person designated to receive communications from the Commission;

"(ii) the commodity categories that the facility intends to list or otherwise make available for trading on the facility in reliance on the exemption set forth in paragraph (3);

"(iii) certifications that—

"(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the facility is a person described in any of subparagraphs (A) through (H) of section 8a(2);

"(II) the facility will comply with the conditions for exemption under this paragraph; and

"(III) the facility will notify the Commission of any material change in the information previously provided by the facility to the Commission pursuant to this paragraph; and

"(iv) the identity of any derivatives clearing organization to which the facility transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the facility in reliance on the exemption set forth in paragraph (3);

"(B)(i)(I) provide the Commission with access to the facility's trading protocols and electronic access to the facility with respect to transactions conducted in reliance on the exemption set forth in paragraph (3); or

"(II) provide such reports to the Commission regarding transactions executed on the facility in reliance on the exemption set forth in paragraph (3) as the Commission may from time to time request to enable the Commission to satisfy its obligations under this Act; and

"(ii) maintain for 5 years, and make available for inspection by the Commission upon request, records of all activities related to its business as an electronic trading facility exempt under paragraph (3), including—

"(I) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the facility conducted in reliance on the exemption set forth in paragraph (3); and

"(II) the name and address of each participant on the facility authorized to enter into transactions in reliance on the exemption set forth in paragraph (3); and

"(iii) upon special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information related to its business as an electronic trading facility exempt under paragraph (3), including information relating to data entry and transaction details in respect of transactions entered into in reliance on the exemption set forth in paragraph (3), as the Commission may determine appropriate—

"(I) to enforce the provisions specified in subparagraphs (B) and (C) of paragraph (4);

"(II) to evaluate a systemic market event; or

"(III) to obtain information requested by a Federal financial regulatory authority in order to enable the regulator to fulfill its regulatory or supervisory responsibilities; and

"(C)(i) upon receipt of any subpoena issued by or on behalf of the Commission to any foreign person who the Commission believes is conducting or has conducted transactions in reliance on the exemption set forth in paragraph (3) on or through the electronic trading facility relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner reasonable under the circumstances, or as specified by the Commission; and

"(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission pursuant to clause (i), and the Commission in writing has directed that a facility relying on the exemption set forth in paragraph (3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility or, as applicable, limit that person's access to the facility for liquidation trading only;

"(D) comply with the requirements of this paragraph applicable to the facility and require that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable law;

"(E) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

"(F) not represent to any person that the facility is registered with, or designated, recognized, licensed or approved by the Commission.

"(6) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this section, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.".

SEC. 107. SWAP TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(h) Excluded Swap Transactions.—No provision of this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)) shall apply to or govern any agreement, contract, or transaction in a commodity other than an agricultural commodity if—

"(1) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time they enter into the agreement, contract, or transaction; and

"(2) each of the material economic terms of the agreement, contract, or transaction is individually negotiated by the parties.".

SEC. 108. APPLICATION OF COMMODITY FUTURES LAWS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(i) Application of Commodity Futures Laws.—

"(1) No provision of this Act shall be construed as implying or creating any presumption that—

"(A) any agreement, contract, or transaction that is excluded or exempted under subsection (c), (d), (e), (f), (g), or (h) of section 2 or section 4(c); or

"(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so excluded or exempted,

is or would otherwise be subject to this Act.

"(2) No provision of, or amendment made by, the Commodity Futures Modernization Act of 2000 shall be construed as conferring jurisdiction on the Commission with respect to any such agreement, contract, or transaction, except as expressly provided in section 5a of this Act (to the extent provided in section 5a(g) of this Act), 5b of this Act, or 5d of this Act.".

SEC. 109. PROTECTION OF THE PUBLIC INTEREST.

The Commodity Exchange Act is amended by striking section 3 (7 U.S.C. 5) and inserting the following:

"SEC. 3. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The transactions subject to this Act are entered into regularly in interstate and international commerce and are affected with a national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities.

"(b) PURPOSE.—It is the purpose of this Act to serve the public interests described in subsection (a) through a system of effective self-regulation of trading facilities, clearing systems, market participants and market professionals under the oversight of the Commission. To foster these public interests, it is further the purpose of this Act to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.".

SEC. 110. PROHIBITED TRANSACTIONS.

Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking "SEC. 4c." and all that follows through subsection (a) and inserting the following:

"SEC. 4c. PROHIBITED TRANSACTIONS.

"(a) IN GENERAL.—

"(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of a transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

"(A) hedge any transaction in interstate commerce in the commodity or the product or byproduct of the commodity;

"(B) determine the price basis of any such transaction in interstate commerce in the commodity; or

"(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

"(2) TRANSACTION.—A transaction referred to in paragraph (1) is a transaction that—

"(A)(i) is, is of the character of, or is commonly known to the trade as, a 'wash sale' or 'accommodation trade'; or

"(ii) is a fictitious sale; or

"(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.".

SEC. 111. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

The Commodity Exchange Act is amended—

(1) by redesignating section 5b (7 U.S.C. 7b) as section 5e; and

(2) by striking sections 5 and 5a (7 U.S.C. 7, 7a) and inserting the following:

"SEC. 5. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

"(a) APPLICATIONS.—A board of trade applying to the Commission for designation as a contract market shall submit an application to the Commission that includes any relevant materials and records the Commission may require consistent with this Act.

"(b) CRITERIA FOR DESIGNATION.—

"(1) IN GENERAL.—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.

"(2) PREVENTION OF MARKET MANIPULATION.—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

"(3) FAIR AND EQUITABLE TRADING.—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—

"(A) transfer trades or office trades;

"(B) an exchange of—

"(i) futures in connection with a cash commodity transaction;

"(ii) futures for cash commodities; or

"(iii) futures for swaps; or

"(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

"(4) TRADE EXECUTION FACILITY.—The board of trade shall—

"(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and

"(B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.

"(5) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

"(6) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

"(7) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

"(8) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

"(c) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

"(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

"(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

"(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

"(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

"(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

"(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

"(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

"(A) liquidate or transfer open positions in any contract;

"(B) suspend or curtail trading in any contract; and

"(C) require market participants in any contract to meet special margin requirements.

"(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public information concerning—

"(A) the terms and conditions of the contracts of the contract market; and

"(B) the mechanisms for executing transactions on or through the facilities of the contract market.

"(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

"(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

"(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

"(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

"(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.

"(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

"(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

"(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market and establish a process for resolving such conflicts of interest.

"(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.

"(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

"(18) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

"(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

"(B) imposing any material anticompetitive burden on trading on the contract market.

"(e) CURRENT AGRICULTURAL COMMODITIES.—

"(1) Subject to paragraph (2) of this subsection, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trade on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this section.

"(2) In order to promote responsible economic or financial innovation and fair competition, the Commission, on application by any person, after notice and public comment and opportunity for hearing, may prescribe rules and regulations to provide for the offer and sale of contracts for future delivery or options thereon to be conducted on a derivatives transaction execution facility.".

SEC. 112. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 111(2)) the following:

"SEC. 5a. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

"(a) IN GENERAL.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility if the facility is—

"(1) designated as a contract market and meets the requirements of this section; or

"(2) registered as a derivatives transaction execution facility under subsection (c) of this section.

"(b) REQUIREMENTS FOR TRADING.—

"(1) IN GENERAL.—A registered derivatives transaction execution facility under subsection (a) may trade any contract for sale of a commodity for future delivery (or option on such a contract) on or through the facility only by satisfying the requirements of this section.

"(2) REQUIREMENTS FOR UNDERLYING COMMODITIES.—A registered derivatives transaction execution facility may trade any contract for sale of a commodity for future delivery (or option on such a contract) only if—

"(A) the underlying commodity has a nearly inexhaustible deliverable supply;

"(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation;

"(C) the underlying commodity has no cash market;

"(D)(i) the contract is a security futures product, and (ii) the registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934 or an alternative trading system;

"(E) the Commission determines, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility that trading in the contract (or option) is highly unlikely to be susceptible to the threat of manipulation; or

"(F) except as provided in section 5(e)(2), the underlying commodity is a commodity other than an agricultural commodity enumerated in section 1a(4), and trading access to the facility is limited to eligible commercial entities trading for their own account.

"(3) ELIGIBLE TRADERS.—To trade on a registered derivatives transaction execution facility, a person shall—

"(A) be an eligible contract participant; or

"(B) be a person trading through a futures commission merchant that—

"(i) is registered with the Commission;

"(ii) is a member of a futures self-regulatory organization or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934;

"(iii) is a clearing member of a derivatives clearing organization; and

"(iv) has net capital of at least $20,000,000.

"(4) TRADING BY CONTRACT MARKETS.—A board of trade that is designated as a contract market shall, to the extent that the contract market also operates a registered derivatives transaction execution facility—

"(A) provide a physical location for the contract market trading of the board of trade that is separate from trading on the derivatives transaction execution facility of the board of trade; or

"(B) if the board of trade uses the same electronic trading system for trading on the contract market and derivatives transaction execution facility of the board of trade, identify whether the electronic trading is taking place on the contract market or the derivatives transaction execution facility.

"(c) CRITERIA FOR REGISTRATION.—

"(1) IN GENERAL.—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.

"(2) DETERRENCE OF ABUSES.—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—

"(A) obtain information necessary to perform the functions required under this section; or

"(B) use technological means to—

"(i) provide market participants with impartial access to the market; and

"(ii) capture information that may be used in establishing whether rule violations have occurred.

"(3) TRADING PROCEDURES.—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—

"(A) transfer trades or office trades;

"(B) an exchange of—

"(i) futures in connection with a cash commodity transaction;

"(ii) futures for cash commodities;

"(iii) futures for swaps; or

"(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.

"(4) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

"(d) CORE PRINCIPLES FOR REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.—

"(1) IN GENERAL.—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.

"(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.

"(3) MONITORING OF TRADING.—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.

"(4) Disclosure of general information.—The board of trade shall disclose publicly and to the Commission information concerning—

"(A) contract terms and conditions;

"(B) trading conventions, mechanisms, and practices;

"(C) financial integrity protections; and

"(D) other information relevant to participation in trading on the facility.

"(5) Daily publication of trading information.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

"(6) Fitness standards.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.

"(7) Conflicts of interest.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction execution facility and establish a process for resolving such conflicts of interest.

"(8) Recordkeeping.—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.

"(9) Antitrust considerations.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

"(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

"(B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.

"(e) Use of Broker-Dealers, Depository Institutions, and Farm Credit System Institutions as Intermediaries.—

"(1) In general.—With respect to transactions other than transactions in security futures products, a registered derivatives transaction execution facility may by rule allow a broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

"(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System; and

"(B) receive funds of customers to serve as margin or security for the transactions.

"(2) Requirements.—The requirements referred to in paragraph (1) are that—

"(A) the broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the Farm Credit Administration), as applicable; and

"(B) if the broker-dealer, depository institution, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction execution facility for more than 1 business day, the broker-dealer, depository institution, or institution of the Farm Credit System is registered as a futures commission merchant and is a member of a registered futures association.

"(3) Implementation.—The Commission shall cooperate and coordinate with the Securities and Exchange Commission, the Secretary of the Treasury, and Federal banking regulatory agencies (including the Farm Credit Administration) in adopting rules and taking any other appropriate action to facilitate the implementation of this subsection.

"(f) Segregation of Customer Funds.—Not later than 180 days after the date of the enactment of the Commodity Futures Modernization Act of 2000, consistent with regulations adopted by the Commission, a registered derivatives transaction execution facility may authorize a futures commission merchant to offer any customer of the futures commission merchant that is an eligible contract participant the right to not segregate the customer funds of the customer that are carried with the futures commission merchant for purposes of trading on or through the facilities of the registered derivatives transaction execution facility.

"(g) Election To Trade Excluded and Exempt Commodities.—

"(1) In general.—Notwithstanding subsection (b)(2) of this section, a board of trade that is or elects to become a registered derivatives transaction execution facility may trade on the facility any agreements, contracts, or transactions involving excluded or exempt commodities other than securities, except contracts of sale for future delivery of exempt securities under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982, that are otherwise excluded or exempt from this Act under section 2(c), 2(d), 2(g), or 2(h) of this Act.

"(2) Exclusive jurisdiction of the Commission.—The Commission shall have exclusive jurisdiction over agreements, contracts, or transactions described in paragraph (1) to the extent that the agreements, contracts, or transactions are traded on a derivatives transaction execution facility.".

SEC. 113. DERIVATIVES CLEARING.

(a) In General.—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended—

(1) by inserting before the section heading for section 401, the following new heading:

"CHAPTER 1—BILATERAL AND CLEARING ORGANIZATION NETTING";

(2) in section 402, by striking "this subtitle" and inserting "this chapter"; and

(3) by inserting after section 407, the following new chapter:

"CHAPTER 2—MULTILATERAL CLEARING ORGANIZATIONS

"SEC. 408. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

"(1) Multilateral clearing organization.—The term 'multilateral clearing organization' means a system utilized by more than 2 participants in which the bilateral credit exposures of participants arising from the transactions cleared are effectively eliminated and replaced by a system of guarantees, insurance, or mutualized risk of loss.

"(2) Over-the-counter derivative instrument.—The term 'over-the-counter derivative instrument' includes—

"(A) any agreement, contract, or transaction, including the terms and conditions incorporated by reference in any such agreement, contract, or transaction, which is an interest rate swap, option, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, and forward rate agreement; a same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, or forward agreement; an equity index or equity swap, option, or forward agreement; a debt index or debt swap, option, or forward agreement; a credit spread or credit swap, option, or forward agreement; a commodity index or commodity swap, option, or forward agreement; and a weather swap, weather derivative, or weather option;

"(B) any agreement, contract or transaction similar to any other agreement, contract, or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into by parties that participate in swap transactions (including terms and conditions incorporated by reference in the agreement) and that is a forward, swap, or option on 1 or more occurrences of any event, rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic or other indices or measures of economic or other risk or value;

"(C) any agreement, contract, or transaction described in subsection (c), (d), (f), or (h) of section 2 of the Commodity Exchange Act or exempted under section 2(g) or 4(c) of such Act; and

"(D) any option to enter into any, or any combination of, agreements, contracts or transactions referred to in this subparagraph.

"(3) Other definitions.—The terms 'insured State nonmember bank', 'State member bank', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

"SEC. 409. MULTILATERAL CLEARING ORGANIZATIONS.

"(a) In General.—Except with respect to clearing organizations described in subsection (b), no person may operate a multilateral clearing organization for over-the-counter derivative instruments, or otherwise engage in activities that constitute such a multilateral clearing organization unless the person is a national bank, a State member bank, an insured State nonmember bank, an affiliate of a national bank, a State member bank, or an insured State nonmember bank, or a corporation chartered under section 25A of the Federal Reserve Act.

"(b) Clearing Organizations.—Subsection (a) shall not apply to any clearing organization that—

"(1) is registered as a clearing agency under the Securities Exchange Act of 1934;

"(2) is registered as a derivatives clearing organization under the Commodity Exchange Act; or

"(3) is supervised by a foreign financial regulator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as applicable, has determined satisfies appropriate standards.".

(b) Enforcement Powers of the Board of Governors of the Federal Reserve System.—Section 9 of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following new paragraph:

"(24) Enforcement authority.—Section 3(u), subsections (j) and (k) of section 7, subsections (b) through (n), (s), (u), and (v) of section 8, and section 19 of the Federal Deposit Insurance Act shall apply to a State member bank which is not an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in the same manner and to the same extent as such provisions apply to State member insured banks, and any reference in such sections to an insured depository institution shall be deemed to include a reference to any such noninsured State member bank.''.

(c) Resolution of Clearing Banks.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

"SEC. 9B. RESOLUTION OF CLEARING BANKS.

''(a) Conservatorship or Receivership.—

''(1) Appointment.—The Board may appoint a conservator or receiver to take possession and control of any uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.

''(2) Powers.—The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

''(b) Board Authority.—The Board shall have the same authority with respect to any conservator or receiver appointed under subsection (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

''(c) Bankruptcy Proceedings.—The Board (in the case of an uninsured State member bank which operates, or operates as, such a multilateral clearing organization) may direct a conservator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of otherwise applicable Federal or State insolvency law.''.

(d) Technical and Conforming Amendments to Title 11, United States Code.—

(1) Bankruptcy code debtors.—Section 109(b)(2) of title 11, United States Code, is amended by striking ''; or'' and inserting the following: '', except that an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or''.

(2) Chapter 7 debtors.—Section 109(d) of title 11, United States Code, is amended to read as follows:

''(d) Only a railroad, a person that may be a debtor under chapter 7 of this title (except a stockbroker or a commodity broker), and an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor under chapter 11 of this title.''.

(3) Definition of financial institution.—Section 101(22) of title 11, United States Code, is amended to read as follows:

''(22) the term 'financial institution'—

''(A) means a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, a bank or a corporation organized under section 25A of the Federal Reserve Act and, when any such bank or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, the customer; and

''(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;''.

(4) Definition of uninsured state member bank.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (54) the following new paragraph—

''(54A) the term 'uninsured State member bank' means a State member bank (as defined in section 3 of the Federal Deposit Insurance Act) the deposits of which are not insured by the Federal Deposit Insurance Corporation; and''.

(5) Subchapter V of chapter 7.—

(A) In general.—Section 103 of title 11, United States Code, is amended—

(i) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(ii) by inserting after subsection (d) the following new subsection:

''(e) Scope of Application.—Subchapter V of chapter 7 of this title shall apply only in a case under such chapter concerning the liquidation of an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(B) Clearing bank liquidation.—Chapter 7 of title 11, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER V—CLEARING BANK LIQUIDATION

"§ 781. Definitions

''For purposes of this subchapter, the following definitions shall apply:

''(1) Board.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(2) Depository institution.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(3) Clearing bank.—The term 'clearing bank' means an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

"§ 782. Selection of trustee

''(a) In General.—

''(1) Appointment.—Notwithstanding any other provision of this title, the conservator or receiver who files the petition shall be the trustee under this chapter, unless the Board designates an alternative trustee.

''(2) Successor.—The Board may designate a successor trustee if required.

''(b) Authority of Trustee.—Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

"§ 783. Additional powers of trustee

''(a) Distribution of Property Not of the Estate.—The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

''(b) Disposition of Institution.—The trustee under this subchapter may, after notice and a hearing—

''(1) sell the clearing bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the clearing bank among the consortium);

''(2) merge the clearing bank with a depository institution;

''(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

''(4) transfer assets or liabilities to a depository institution;

''(5) transfer assets and liabilities to a bridge bank as provided in paragraphs (1), (3)(A), (5), (6), of section 11(n) of the Federal Deposit Insurance Act, paragraphs (9) through (13) of such section, and subparagraphs (A) through (H) and subparagraph (K) of paragraph (4) of such section 11(n), except that—

''(A) the bridge bank to which such assets or liabilities are transferred shall be treated as a clearing bank for the purpose of this subsection; and

''(B) any references in any such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to deposit insurance shall be omitted.

''(c) Certain Transfers Included.—Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

"§ 784. Right to be heard

''The Board or a Federal reserve bank (in the case of a clearing bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter.''.

(6) Definitions of clearing organization, contract market, and related definitions.—

(A) Section 761(2) of title 11, United States Code, is amended to read as follows:

''(2) 'clearing organization' means a derivatives clearing organization registered under the Act;''.

(B) Section 761(7) of title 11, United States Code, is amended to read as follows:

''(7) 'contract market' means a registered entity;''.

(C) Section 761(8) of title 11, United States Code, is amended to read as follows:

''(8) 'contract of sale', 'commodity', 'derivatives clearing organization', 'future delivery', 'board of trade', 'registered entity', and 'futures commission merchant' have the meanings assigned to those terms in the Act;''.

(e) Clerical Amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following new items:

''SUBCHAPTER V—CLEARING BANK LIQUIDATION

''Sec.
''781. Definitions.
''782. Selection of trustee.
''783. Additional powers of trustee.
''784. Right to be heard.''.

(g) Resolution of Edge Act Corporations.—The 16th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

"(16) APPOINTMENT OF RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

"(B) EQUIVALENT AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

"(C) TITLE 11 PETITIONS.—The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.".

(g) DERIVATIVES CLEARING ORGANIZATIONS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5a (as added by section 112) the following new section:

"SEC. 5b. DERIVATIVES CLEARING ORGANIZATIONS.

"(a) REGISTRATION REQUIREMENT.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization described in section 1a(9) with respect to a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, in each case unless the contract or option—

"(1) is excluded from this Act by subsection (a)(1)(C)(i), (c), (d), (f), or (h) of section 2, or exempted under section 2(g) or 4(c); or

"(2) is a security futures product cleared by a clearing agency registered under the Securities Exchange Act of 1934.

"(b) VOLUNTARY REGISTRATION.—A derivatives clearing organization that clears agreements, contracts, or transactions excluded from this Act by subsection (c), (d), (f), or (h) of section 2 of this Act, or exempted under section 2(g) or 4(c) or other over-the-counter derivative instruments (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991) may register with the Commission as a derivatives clearing organization.

"(c) REGISTRATION OF DERIVATIVES CLEARING ORGANIZATIONS.—

"(1) APPLICATION.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing such information as the Commission may require for the purpose of making the determinations required for approval under paragraph (2).

"(2) CORE PRINCIPLES.—

"(A) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant complies with the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

"(B) FINANCIAL RESOURCES.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

"(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—The applicant shall establish—

"(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and

"(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

"(D) RISK MANAGEMENT.—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

"(E) SETTLEMENT PROCEDURES.—The applicant shall have the ability to—

"(i) complete settlements on a timely basis under varying circumstances;

"(ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and

"(iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

"(F) TREATMENT OF FUNDS.—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

"(G) DEFAULT RULES AND PROCEDURES.—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

"(H) RULE ENFORCEMENT.—The applicant shall—

"(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and for resolution of disputes; and

"(ii) have the authority and ability to discipline, limit, suspend, or terminate a member's or participant's activities for violations of rules of the applicant.

"(I) SYSTEM SAFEGUARDS.—The applicant shall demonstrate that the applicant—

"(i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and

"(ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

"(J) REPORTING.—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

"(K) RECORDKEEPING.—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

"(L) PUBLIC INFORMATION.—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

"(M) INFORMATION SHARING.—The applicant shall—

"(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

"(ii) use relevant information obtained from the agreements in carrying out the clearing organization's risk management program.

"(N) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

"(i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

"(ii) imposing any material anticompetitive burden on trading on the contract market.

"(3) ORDERS CONCERNING COMPETITION.—A derivatives clearing organization may request the Commission to issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

"(d) EXISTING DERIVATIVES CLEARING ORGANIZATIONS.—A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market for such agreements, contracts, or transactions before the date of enactment of this section.

"(e) APPOINTMENT OF TRUSTEE.—

"(1) IN GENERAL.—If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

"(2) ASSUMPTION OF JURISDICTION.—If the Commission applies for appointment of a trustee under paragraph (1)—

"(A) the court may take exclusive jurisdiction over the derivatives clearing organization and the records and assets of the derivatives clearing organization, wherever located; and

"(B) if the court takes jurisdiction under subparagraph (A), the court shall appoint the Commission, or a person designated by the Commission, as trustee with power to take possession and continue to operate or terminate the operations of the derivatives clearing organization in an orderly manner for the protection of participants, subject to such terms and conditions as the court may prescribe.

"(f) LINKING OF REGULATED CLEARING FACILITIES.—

"(1) IN GENERAL.—The Commission shall facilitate the linking or coordination of derivatives clearing organizations registered under this Act with other regulated clearance facilities for the coordinated settlement of cleared transactions.

"(2) COORDINATION.—In carrying out paragraph (1), the Commission shall coordinate with the Federal banking agencies and the Securities and Exchange Commission.".

SEC. 114. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5b (as added by section 113(g)) the following:

"SEC. 5c. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

"(a) Acceptable Business Practices Under Core Principles.—

"(1) In general.—Consistent with the purposes of this Act, the Commission may issue interpretations, or approve interpretations submitted to the Commission, of sections 5(d), 5a(d), and 5b(d)(2) to describe what would constitute an acceptable business practice under such sections.

"(2) Effect of interpretation.—An interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

"(b) Delegation of Functions Under Core Principles.—

"(1) In general.—A contract market or derivatives transaction execution facility may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

"(2) Responsibility.—A contract market or derivatives transaction execution facility that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

"(c) New Contracts, New Rules, and Rule Amendments.—

"(1) In general.—Subject to paragraph (2), a registered entity may elect to list for trading or accept for clearing any new contract or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale for future delivery of a government security (or option thereon) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

"(2) Prior approval.—

"(A) In general.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

"(B) Prior approval required.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

"(C) Deadline.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

"(3) Approval.—The Commission shall approve any such new contract or instrument, new rule, or rule amendment unless the Commission finds that the new contract or instrument, new rule, or rule amendment would violate this Act.

"(d) Violation of Core Principles.—

"(1) In general.—If the Commission determines, on the basis of substantial evidence, that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

"(A) notify the registered entity in writing of the determination; and

"(B) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principles.

"(2) Failure to make changes.—If, not later than 30 days after receiving a notification under paragraph (1), a registered entity fails to make changes that, in the opinion of the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

"(e) Reservation of Emergency Authority.—Nothing in this section shall limit or in any way affect the emergency powers of the Commission provided in section 8a(9).".

SEC. 115. EXEMPT BOARDS OF TRADE.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5c (as added by section 114) the following:

"SEC. 5d EXEMPT BOARDS OF TRADE.

"(a) Election To Register With the Commission.—A board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt from the board of trade of a notice, provided in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (C) and (D) of section 2(a)(1) and section 12(e)(2)(B)) shall apply with respect to a contract of sale (or option on such a contract) of a commodity for future delivery traded on or through the facilities of an exempt board of trade.

"(b) Criteria for Exemption.—To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery (or options on such contracts)—

"(1) for which the underlying commodity has—

"(A) a nearly inexhaustible deliverable supply;

"(B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

"(C) no cash market;

"(2) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract; and

"(3) that are not contracts of sale (or options on such a contract) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities.

"(c) Antimanipulation Requirements.—A party to a contract for sale of a commodity for future delivery (or option on such a contract) that is traded on an exempt board of trade shall be subject to sections 4b, 4c(b), 4o, 6(c), and 9(a)(2), and the Commission shall enforce those provisions with respect to any such trading.

"(d) Price Discovery.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data as appropriate to the market.

"(e) Jurisdiction.—The Commission shall have exclusive jurisdiction over any account, agreement, or transaction involving a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, or transaction is traded on an exempt board of trade.

"(f) Subsidiaries.—A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may operate an exempt board of trade by establishing a separate subsidiary or other legal entity and otherwise satisfying the requirements of this section.

"(g) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is registered with, or designated, recognized, licensed, or approved by the Commission.".

SEC. 116. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET.

Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 111(1)) is amended to read as follows:

"SEC. 5e. SUSPENSION OR REVOCATION OF DESIGNATION AS REGISTERED ENTITY.

"The failure of a registered entity to comply with any provision of this Act, or any regulation or order of the Commission under this Act, shall be cause for the suspension of the registered entity for a period not to exceed 180 days, or revocation of designation as a registered entity in accordance with the procedures and subject to the judicial review provided in section 6(b).".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking "2000" and inserting "2005".

SEC. 118. PREEMPTION.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:

"(e) Relation to Other Law, Departments, or Agencies.—

"(1) Nothing in this Act shall supersede or preempt—

"(A) criminal prosecution under any Federal criminal statute;

"(B) the application of any Federal or State statute (except as provided in paragraph (2)), including any rule or regulation thereunder, to any transaction in or involving any commodity, product, right, service, or interest—

"(i) that is not conducted on or subject to the rules of a registered entity or exempt board of trade;

"(ii) (except as otherwise specified by the Commission by rule or regulation) that is not conducted on or subject to the rules of any board of trade, exchange, or market located outside the United States, its territories or possessions; or

"(iii) that is not subject to regulation by the Commission under section 4c or 19; or

"(C) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation.

"(2) This Act shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

"(A) an electronic trading facility under section 2(e);

"(B) an agreement, contract, or transaction that is excluded or exempt under section 2(c), 2(d), 2(f), 2(g), or 2(h) or is covered by the terms of an exemption granted by the Commission under section 4(c) (regardless of whether any such agreement, contract, or transaction is otherwise subject to this Act).".

SEC. 119. PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.

Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended by striking subsection (g) and inserting the following:

"(g) Predispute Resolution Agreements for Institutional Customers.—Nothing in this section prohibits a registered futures commission merchant from requiring a customer that is an eligible contract participant, as a condition to the commission merchant's conducting a transaction for the customer, to enter into an agreement waiving the right to file a claim under this section.".

SEC. 120. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended by striking "Sec. 15. The Commission" and inserting the following:

"SEC. 15. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

"(a) Costs and Benefits.—

"(1) In general.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission shall consider the costs and benefits of the action of the Commission.

"(2) Considerations.—The costs and benefits of the proposed Commission action shall be evaluated in light of—

"(A) considerations of protection of market participants and the public;

"(B) considerations of the efficiency, competitiveness, and financial integrity of futures markets;

"(C) considerations of price discovery;

"(D) considerations of sound risk management practices; and

"(E) other public interest considerations.

"(3) Applicability.—This subsection does not apply to the following actions of the Commission:

"(A) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

"(B) An emergency action.

"(C) A finding of fact regarding compliance with a requirement of the Commission.

"(b) Antitrust Laws.—The Commission".

SEC. 121. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

"(4) Contract enforcement between eligible counterparties.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no such party shall be entitled to rescind, or recover any payment made with respect to, such an agreement, contract, or transaction, under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction to comply with the terms or conditions of an exemption or exclusion from any provision of this Act or regulations of the Commission.".

SEC. 122. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4o the following:

"SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

"(a) Authority.—The Commission shall consider issuing rules or orders which—

"(1) prescribe procedures under which each contract market is to provide for orderly delivery, including temporary storage costs, of any agricultural commodity enumerated in section 1a(4) which is the subject of a contract for purchase or sale for future delivery;

"(2) increase the ease with which domestic agricultural producers may participate in contract markets, including by addressing cost and margin requirements, so as to better enable the producers to hedge price risk associated with their production;

"(3) provide flexibility in the minimum quantities of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery that is traded on a contract market, to better allow domestic agricultural producers to hedge such price risk; and

"(4) encourage contract markets to provide information and otherwise facilitate the participation of domestic agricultural producers in contract markets.

"(b) Report.—Within 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to implement this section and on the activities of contract markets pursuant to this section.".

SEC. 123. RULE OF CONSTRUCTION.

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by the Act supersedes, affects, or otherwise limits or expands the scope and applicability of laws governing the Securities and Exchange Commission.

SEC. 124. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Commodity Exchange Act.—

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a), as amended by section 101, is amended—

(A) in paragraphs (5), (6), (16), (17), (20), and (23), by inserting "or derivatives transaction execution facility" after "contract market" each place it appears; and

(B) in paragraph (24)—

(i) in the paragraph heading, by striking "CONTRACT MARKET" and inserting "REGISTERED ENTITY";

(ii) by striking "contract market" each place it appears and inserting "registered entity"; and

(iii) by adding at the end the following:

"A participant in an alternative trading system that is designated as a contract market pursuant to section 5f is deemed a member of the contract market for purposes of transactions in security futures products through the contract market.".

(2) Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, 4a, 3) is amended—

(A) by striking "Sec. 2. (a)(1)(A)(i) The" and inserting the following:

"SEC. 2. JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERSTATE COMMERCE.

"(a) Jurisdiction of Commission; Commodity Futures Trading Commission.—

"(1) Jurisdiction of commission.—

"(A) In general.—The"; and

(B) in subsection (a)(1)—

(i) in subparagraph (A) (as amended by subparagraph (A) of this paragraph)—

(II) by striking "subparagraph (B) of this subparagraph" and inserting "subparagraphs (C) and (D) of this paragraph and subsections (c) through (i) of this section";

(III) by striking "contract market designated pursuant to section 5 of this Act" and inserting "contract market designated or derivatives transaction execution facility registered pursuant to section 5 or 5a";

(IV) by striking clause (ii); and

(V) in clause (iii), by striking "(iii) The" and inserting the following:

"(B) Liability of principal for act of agent.—The"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(C)";

(II) in clause (v)—

(aa) by striking "section 3 of the Securities Act of 1933"; and

(bb) by inserting "or subparagraph (D)" after "subparagraph"; and

(III) by moving clauses (i) through (v) 4 ems to the right;

(C) in subsection (a)(7), by striking "contract market" and inserting "registered entity";

(D) in subsection (a)(8)(B)(ii)—

(i) in the first sentence, by striking "designation as a contract market" and inserting "designation or registration as a contract market or derivatives transaction execution facility";

(ii) in the second sentence, by striking "designate a board of trade as a contract market" and inserting "designate or register a board of trade as a contract market or derivatives transaction execution facility"; and

(iii) in the fourth sentence, by striking "designating, or refusing, suspending, or revoking the designation of, a board of trade as a contract market involving transactions for future delivery referred to in this clause or in considering possible emergency action under section 8a(9) of this Act" and inserting "designating, registering, or refusing, suspending, or revoking the designation or registration of, a board of trade as a contract market or derivatives transaction execution facility involving transactions for future delivery referred to in this clause or in considering any possible action under this Act (including without limitation emergency action under section 8a(9))", and by striking "designation, suspension, revocation, or emergency action" and inserting "designation, registration, suspension, revocation, or action"; and

(E) in subsection (a), by moving paragraphs (2) through (9) 2 ems to the right.

(3) Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "designated by the Commission as a 'contract market' for" and inserting "designated or registered by the Commission as a contract market or derivatives transaction execution facility for";

(ii) in paragraph (2), by striking "member of such"; and

(iii) in paragraph (3), by inserting “or derivatives transaction execution facility” after “contract market”; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking “designated as a contract market” and inserting “designated or registered as a contract market or derivatives transaction execution facility”; and

(II) by striking “section 2(a)(1)(B)” and inserting “subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)”; and

(ii) in paragraph (2)(B)(ii), by inserting “or derivatives transaction execution facility” after “contract market”.

(4) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting “or derivatives transaction execution facilities” after “contract markets”; and

(ii) in the second sentence, by inserting “or derivatives transaction execution facility” after “contract market”;

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, or derivatives transaction execution facility or facilities,” after “markets”; and

(ii) in paragraph (2), by inserting “or derivatives transaction execution facility” after “contract market”; and

(C) in subsection (e)—

(i) by striking “contract market or” each place it appears and inserting “contract market, derivatives transaction execution facility, or”;

(ii) by striking “licensed or designated” each place it appears and inserting “licensed, designated, or registered”; and

(iii) by striking “contract market, or” and inserting “contract market or derivatives transaction execution facility, or”.

(5) Section 4b(a) of the Commodity Exchange Act (7 U.S.C. 6b(a)) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(6) Sections 4c(g), 4d, 4e, and 4f of the Commodity Exchange Act (7 U.S.C. 6c(g), 6d, 6e, 6f) are amended by inserting “or derivatives transaction execution facility” after “contract market” each place it appears.

(7) Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(A) in subsection (b), by striking “clearinghouse and contract market” and inserting “registered entity”; and

(B) in subsection (f), by striking “clearinghouses, contract markets, and exchanges” and inserting “registered entities”.

(8) Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(9) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting “or derivatives transaction execution facility” after “contract market”.

(10) Section 4l of the Commodity Exchange Act (7 U.S.C. 6l) is amended by inserting “or derivatives transaction execution facilities” after “contract markets” each place it appears.

(11) Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(A) in the third sentence of subsection (a), by striking “Act or contract markets” and inserting “Act, contract markets, or derivatives transaction execution facilities”; and

(B) in subsection (b), by inserting “derivatives transaction execution facility,” after “contract market,”.

(12) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking “board of trade desiring to be designated a ‘contract market’ shall make application to the Commission for such designation” and inserting “person desiring to be designated or registered as a contract market or derivatives transaction execution facility shall make application to the Commission for the designation or registration”;

(II) by striking “above conditions” and inserting “conditions set forth in this Act”; and

(III) by striking “above requirements” and inserting “the requirements of this Act”;

(ii) in the second sentence, by striking “designation as a contract market within one year” and inserting “designation or registration as a contract market or derivatives transaction execution facility within 180 days”;

(iii) in the third sentence—

(I) by striking “board of trade” and inserting “person”; and

(II) by striking “one-year period” and inserting “180-day period”; and

(iv) in the last sentence, by striking “designate as a ‘contract market’ any board of trade that has made application therefor, such board of trade” and inserting “designate or register as a contract market or derivatives transaction execution facility any person that has made application therefor, the person”;

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking “designation of any board of trade as a ‘contract market’ upon” and inserting “designation or registration of any contract market or derivatives transaction execution facility on”;

(II) by striking “board of trade” each place it appears and inserting “contract market or derivatives transaction execution facility”; and

(III) by striking “designation as set forth in section 5 of this Act” and inserting “designation or registration as set forth in sections 5 through 5b or section 5f”;

(ii) in the second sentence—

(I) by striking “board of trade” the first place it appears and inserting “contract market or derivatives transaction execution facility”; and

(II) by striking “board of trade” the second and third places it appears and inserting “person”; and

(iii) in the last sentence, by striking “board of trade” each place it appears and inserting “person”;

(C) in subsection (c)—

(i) by striking “contract market” each place it appears and inserting “registered entity”;

(ii) by striking “contract markets” each place it appears and inserting “registered entities”; and

(iii) by striking “trading privileges” each place it appears and inserting “privileges”;

(D) in subsection (d), by striking “contract market” each place it appears and inserting “registered entity”; and

(E) in subsection (e), by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”.

(13) Section 6a of the Commodity Exchange Act (7 U.S.C. 10a) is amended—

(A) in the first sentence of subsection (a), by striking “designated as a ‘contract market’ shall” and inserting “designated or registered as a contract market or a derivatives transaction execution facility”; and

(B) in subsection (b), by striking “designated as a contract market” and inserting “designated or registered as a contract market or a derivatives transaction execution facility”.

(14) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(A) by striking “contract market” each place it appears and inserting “registered entity”;

(B) in the first sentence, by striking “designation as set forth in section 5 of this Act” and inserting “designation or registration as set forth in sections 5 through 5c”; and

(C) in the last sentence, by striking “the contract market's ability” and inserting “the ability of the registered entity”.

(15) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a–1(a)) by striking “contract market” and inserting “registered entity”.

(16) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a–2(1)) is amended by inserting “derivatives transaction execution facility,” after “contract market,”.

(17) Section 7 of the Commodity Exchange Act (7 U.S.C. 11) is amended—

(A) in the first sentence—

(i) by striking “board of trade” and inserting “person”;

(ii) by inserting “or registered” after “designated”;

(iii) by inserting “or registration” after “designation” each place it appears; and

(iv) by striking “contract market” each place it appears and inserting “registered entity”;

(B) in the second sentence—

(i) by striking “designation of such board of trade as a contract market” and inserting “designation or registration of the registered entity”; and

(ii) by striking “contract markets” and inserting “registered entities”; and

(C) in the last sentence—

(i) by striking “board of trade” and inserting “person”; and

(ii) by striking “designated again a contract market” and inserting “designated or registered again a registered entity”.

(18) Section 8(c) of the Commodity Exchange Act (7 U.S.C. 12(c)) is amended in the first sentence by striking “board of trade” and inserting “registered entity”.

(19) Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(A) by striking “contract market” each place it appears and inserting “registered entity”; and

(B) in paragraph (2)(F), by striking “trading privileges” and inserting “privileges”.

(20) Sections 8b and 8c(e) of the Commodity Exchange Act (7 U.S.C. 12b, 12c(e)) are amended by striking “contract market” each place it appears and inserting “registered entity”.

(21) Section 8e of the Commodity Exchange Act (7 U.S.C. 12e) is repealed.

(22) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(23) Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(A) in subsection (a)(1)(B), by striking “contract market” and inserting “registered entity”; and

(B) in subsection (f), by striking “contract markets” and inserting “registered entities”.

(24) Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by striking

"contract market" each place it appears and inserting "registered entity".

(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "contract market, clearing organization of a contract market, licensed board of trade," and inserting "registered entity"; and

(II) in subparagraph (C)(i), by striking "contract market" and inserting "registered entity";

(ii) in paragraph (2), by striking "sections 5a(11)," and inserting "sections 5(d)(13), 5b(b)(1)(E),"; and

(iii) in paragraph (3), by striking "contract market" and inserting "registered entity"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "contract market or clearing organization of a contract market" and inserting "registered entity";

(II) by striking "section 5a(8) and section 5a(9) of this Act" and inserting "sections 5 through 5c";

(III) by striking "contract market, clearing organization of a contract market, or licensed board of trade" and inserting "registered entity"; and

(IV) by striking "contract market or licensed board of trade" and inserting "registered entity";

(ii) in paragraph (3)—

(I) by striking "a contract market, clearing organization, licensed board of trade," and inserting "registered entity"; and

(II) by striking "contract market, licensed board of trade" and inserting "registered entity";

(iii) in paragraph (4), by striking "contract market, licensed board of trade, clearing organization," and inserting "registered entity"; and

(iv) in paragraph (5), by striking "contract market, licensed board of trade, clearing organization," and inserting "registered entity".

(b) Federal Deposit Insurance Corporation Improvement Act of 1991.—Section 402(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) that is registered as a derivatives clearing organization under section 5b of the Commodity Exchange Act.".

(c) Tax Treatment of Securities Futures Contracts.—

(1) In general.—Subpart IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining gains and losses) is amended by inserting after section 1234A the following new section:

"SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

"(a) Treatment of Gain or Loss.—

"(1) In general.—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by the taxpayer).

"(2) Nonapplication of subsection.—This subsection shall not apply to—

"(A) a contract which constitutes property described in paragraph (1) or (7) of section 1221(a), and

"(B) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

"(b) Short-Term Gains and Losses.—Except as provided in the regulations under section 1092(b) or this section, if gain or loss on the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss shall be treated as short-term capital gain or loss.

"(c) Securities Futures Contract.—For purposes of this section, the term 'securities futures contract' means any security future (as defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this section).

"(d) Contracts Not Treated as Commodity Futures Contracts.—For purposes of this title, a securities futures contract shall not be treated as a commodity futures contract.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to provide for the proper treatment of securities futures contracts under this title."

(2) Terminations, etc.—Section 1234A of such Code is amended—

(A) by inserting "(other than a securities futures contract, as defined in section 1234B)" after "right or obligation" in paragraph (1),

(B) by striking "or" at the end of paragraph (1),

(C) by adding "or" at the end of paragraph (2), and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) a securities futures contract (as so defined) which is a capital asset in the hands of the taxpayer,".

(3) Nonrecognition under section 1032.—The second sentence of section 1032(a) of such Code is amended by inserting ", or with respect to a securities futures contract (as defined in section 1234B)," after "an option".

(4) Treatment under wash sales rules.—Section 1091 of such Code is amended by adding at the end the following new subsection:

"(f) Cash Settlement.—This section shall not fail to apply to a contract or option to acquire or sell stock or securities solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such stock or securities."

(5) Treatment under straddle rules.—Clause (i) of section 1092(d)(3)(B) of such Code is amended by striking "or" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

"(II) a securities futures contract (as defined in section 1234B) with respect to such stock or substantially identical stock or securities, or".

(6) Treatment under short sales rules.—Paragraph (2) of section 1233(e) of such Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following:

"(D) a securities futures contract (as defined in section 1234B) to acquire substantially identical property shall be treated as substantially identical property."

(7) Treatment under section 1256.—

(A)(i) Subsection (b) of section 1256 of such Code is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following:

"(5) any dealer securities futures contract.

The term 'section 1256 contract' shall not include any securities futures contract or option to enter into such a contract unless such contract or option is a dealer securities futures contract."

(ii) Subsection (g) of section 1256 of such Code is amended by adding at the end the following new paragraph:

"(9) Dealer securities futures contract.—

"(A) In general.—The term 'dealer securities futures contract' means, with respect to any dealer, any securities futures contract, and any option to enter into such a contract, which—

"(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(ii) is traded on a qualified board or exchange.

"(B) Dealer.—For purposes of subparagraph (A), a person shall be treated as a dealer in securities futures contracts or options on such contracts if the Secretary determines that such person performs, with respect to such contracts or options, as the case may be, functions similar to the persons described in paragraph (8)(A). Such determination shall be made to the extent appropriate to carry out the purposes of this section.

"(C) Securities futures contract.—The term 'securities futures contract' has the meaning given to such term by section 1234B."

(B) Paragraph (4) of section 1256(f) of such Code is amended—

(i) by inserting ", or dealer securities futures contracts," after "dealer equity options" in the text, and

(ii) by inserting "AND DEALER SECURITIES FUTURES CONTRACTS" after "DEALER EQUITY OPTIONS" in the heading.

(C) Paragraph (6) of section 1256(g) of such Code is amended to read as follows:

"(6) Equity option.—The term 'equity option' means any option--

"(A) to buy or sell stock, or

"(B) the value of which is determined directly or indirectly by reference to any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this paragraph).

The term 'equity option' includes such an option with respect to a group of stocks only if such group meets the requirements for a narrow-based security index (as so defined)."

(D) The Secretary of the Treasury or his delegate shall make the determinations under section 1256(g)(9)(B) of the Internal Revenue Code of 1986, as added by this Act, not later than July 1, 2001.

(8) Conforming amendments.—

(A) Section 1223 of such Code is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) If the security to which a securities futures contract (as defined in section 1234B) relates (other than a contract to which section 1256 applies) is acquired in satisfaction of such contract, in determining the period for which the taxpayer has held such security, there shall be included the period for which the taxpayer held such contract if such contract was a capital asset in the hands of the taxpayer.".

(B) The table of sections for subpart IV of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1234A the following new item:

"Sec. 1234B. Securities futures contracts."

(9) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(d) DESIGNATION OF CONTRACT MARKETS.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DESIGNATION OF CONTRACT MARKETS.—Any designation by the Commodity Futures Trading Commission of a contract market which could not have been made under the law in effect on the day before the date of the enactment of the Commodity Futures Modernization Act of 2000 shall apply for purposes of this title except to the extent provided in regulations prescribed by the Secretary."

SEC. 125. PRIVACY.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5f (as added by section 222) the following:

"SEC. 5g. PRIVACY.

"(a) TREATMENT AS FINANCIAL INSTITUTIONS.—Notwithstanding section 509(3)(B) of the Gramm-Leach-Bliley Act, any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker that is subject to the jurisdiction of the Commission under this Act with respect to any financial activity shall be treated as a financial institution for purposes of title V of such Act with respect to such financial activity.

"(b) TREATMENT OF CFTC AS FEDERAL FUNCTIONAL REGULATOR.—For purposes of title V of such Act, the Commission shall be treated as a Federal functional regulator within the meaning of section 509(2) of such Act and shall prescribe regulations under such title within 6 months after the date of enactment of this section.".

SEC. 126. REPORT TO CONGRESS.

(a) The Commodity Futures Trading Commission (in this section referred to as the "Commission") shall undertake and complete a study of the Commodity Exchange Act (in this section referred to as "the Act") and the Commission's rules, regulations and orders governing the conduct of persons required to be registered under the Act, not later than 1 year after the date of the enactment of this Act. The study shall identify—

(1) the core principles and interpretations of acceptable business practices that the Commission has adopted or intends to adopt to replace the provisions of the Act and the Commission's rules and regulations thereunder;

(2) the rules and regulations that the Commission has determined must be retained and the reasons therefor;

(3) the extent to which the Commission believes it can effect the changes identified in paragraph (1) of this subsection through its exemptive authority under section 4(c) of the Act; and

(4) the regulatory functions the Commission currently performs that can be delegated to a registered futures association (within the meaning of the Act) and the regulatory functions that the Commission has determined must be retained and the reasons therefor.

(b) In conducting the study, the Commission shall solicit the views of the public as well as Commission registrants, registered entities, and registered futures associations (all within the meaning of the Act).

(c) The Commission shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of the results of its study, which shall include an analysis of comments received.

SEC. 127. INTERNATIONAL ACTIVITIES OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) derivatives markets serving United States industry are increasingly global in scope;

(2) developments in data processing and communications technologies enable users of risk management services to analyze and compare those services on a worldwide basis;

(3) financial services regulatory policy must be flexible to account for rapidly changing derivatives industry business practices;

(4) regulatory impediments to the operation of global business interests can compromise the competitiveness of United States businesses;

(5) events that disrupt financial markets and economies are often global in scope, require rapid regulatory response, and coordinated regulatory effort across international jurisdictions;

(6) through its membership in the International Organisation of Securities Commissions, the Commodity Futures Trading Commission has promoted beneficial communication among market regulators and international regulatory cooperation; and

(7) the Commodity Futures Trading Commission and other United States financial regulators and self-regulatory organizations should continue to foster productive and cooperative working relationships with their counterparts in foreign jurisdictions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, consistent with its responsibilities under the Commodity Exchange Act, the Commodity Futures Trading Commission should, as part of its international activities, continue to coordinate with foreign regulatory authorities, to participate in international regulatory organizations and forums, and to provide technical assistance to foreign government authorities, in order to encourage—

(1) the facilitation of cross-border transactions through the removal or lessening of any unnecessary legal or practical obstacles;

(2) the development of internationally accepted regulatory standards of best practice;

(3) the enhancement of international supervisory cooperation and emergency procedures;

(4) the strengthening of international cooperation for customer and market protection; and

(5) improvements in the quality and timeliness of international information sharing.

SEC. 128. RULES OF CONSTRUCTION.

(a) FINANCIAL INSTITUTION ACTIVITIES.—No provision of this Act, or any amendment made by this Act to any other provision of law, shall be construed as authorizing, supporting the authorization for, or implying any prior authorization for, any financial institution (as defined in section 1a(15) of the Commodity Exchange Act), or any subsidiary of such financial institution, to engage in any activity or transaction or to hold any security or other asset.

(b) DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(v) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—No depository institution may take delivery of an equity security under a security futures product (as defined in section 3(a)(56) of the Securities Exchange Act of 1934).

"(2) ADDITIONAL RULE.—Paragraph (1) shall not be construed as creating any inference that a depository institution may take delivery of, or make any investment in, an equity security under any other circumstance.".

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

SEC. 201. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting "security future," after "treasury stock,";

(2) by striking paragraph (11) and inserting the following:

"(11) The term 'equity security' means any stock or similar security; or any security future on any such security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any put, call, straddle, option, or privilege on any such security; or any other security which the Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.";

(3) in paragraph (13), by adding at the end the following: "For security futures products, such term includes any contract, agreement, or transaction for future delivery.";

(4) in paragraph (14), by adding at the end the following: "For security futures products, such term includes any contract, agreement, or transaction for future delivery."; and

(5) by adding at the end the following:

"(55)(A) The term 'security future' means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) as in effect on the date of enactment of the Futures Trading Act of 1982). The term 'security future' does not include any agreement, contract, or transaction excluded under subsection (c), (d), (f), or (h) of section 2 of the Commodity Exchange Act as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000.

"(B) The term 'narrow-based security index' means an index—

"(i) that has 9 or fewer component securities;

"(ii) in which a component security comprises more than 30 percent of the index's weighting;

"(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting; or

"(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

"(C) Notwithstanding subparagraph (B), an index is not a narrow-based security index if—

"(i)(I) it has at least 9 component securities;

"(II) no component security comprises more than 30 percent of the index's weighting; and

"(III) each component security is—

"(aa) registered pursuant to section 12 of this title;

"(bb) 1 of 750 securities with the largest market capitalization; and

"(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

"(ii) it is a contract of sale for future delivery with respect to which a board of trade was designated as a contract market by the Commodity Futures Trading Commission prior to the date of enactment of the Commodity Futures Modernization Act of 2000;

"(iii)(I) it traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery that was not a narrow-based security index; and

"(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

"(iv) it is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Commodity Futures Trading Commission;

"(v) no more than 18 months have passed since enactment of the Commodity Futures Modernization Act of 2000 and it is (I) traded on or subject to the rules of a foreign board of trade; (II) the offer and sale in the United States of a contract of sale for future delivery on such index was authorized prior to the effective date of the Commodity Futures Modernization Act of 2000; and (III) the conditions of such authorization continue to be met; or

"(vi) it is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Commodity Futures Trading Commission.

"(D) Within 1 year after the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Commodity Futures Trading Commission jointly shall adopt rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

"(E) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (C) shall not be a narrow-based security index for the 3 following calendar months.

"(F) For purposes of subparagraphs (B) and (C) of this paragraph—

"(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

"(ii) the Commission and the Commodity Futures Trading Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

"(56) The term 'security futures product' means a security future or any put, call, straddle, option, or privilege on any security future.

"(57)(A) The term 'margin', when used with respect to a security futures product, means the amount, type, and form of collateral required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required as a performance bond related to the purchase, sale, or carrying of a security futures product.

"(B) The terms 'margin level' and 'level of margin', when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount of margin required as a performance bond related to the purchase, sale, or carrying of a security futures product.

"(C) The terms 'higher margin level' and 'higher level of margin', when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and in effect pursuant to section 7(c)(2)(B).".

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) Expedited Registration and Exemption.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

"(g) Notice Registration of Security Futures Product Exchanges.—

"(1) Registration required.—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products if—

"(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

"(i) has been designated a contract market by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission; or

"(ii) is registered as a derivative transaction execution facility under section 5a of the Commodity Exchange Act and such registration is not suspended by the Commodity Futures Trading Commission; and

"(B) such exchange does not serve as a market place for transactions in securities other than—

"(i) security futures products; or

"(ii) futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under section 2(a)(1)(C) of the Commodity Exchange Act.

"(2) Registration by notice filing.—

"(A) Form and content.—An exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commission a written notice in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents concerning such exchange, comparable to the information and documents required for national securities exchanges under section 6(a), as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. If such exchange has filed documents with the Commodity Futures Trading Commission, to the extent that such documents contain information satisfying the Commission's informational requirements, copies of such documents may be filed with the Commission in lieu of the required written notice.

"(B) Immediate effectiveness.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if such registration would be subject to suspension or revocation.

"(C) Termination.—Such registration shall be terminated immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

"(3) Public availability.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

"(4) Exemption of exchanges from specified provisions.—

"(A) Transaction exemptions.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members with, and its members shall not, solely with respect to those transactions effected on such exchange in security futures products, be required to comply with, the following provisions of this title and the rules thereunder:

"(i) Subsections (b)(2), (b)(3), (b)(4), (b)(7), (b)(9), (c), (d), and (e) of this section.

"(ii) Section 8.

"(iii) Section 11.

"(iv) Subsections (d), (f), and (k) of section 17.

"(v) Subsections (a), (f), and (h) of section 19.

"(B) Rule change exemptions.—An exchange that registered under paragraph (1) of this subsection shall also be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

"(i) such exchange shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such exchange's obligation to enforce the securities laws pursuant to section 19(b)(7);

"(ii) such exchange shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

"(iii) such exchange shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

"(5) Trading in security futures products.—

"(A) In general.—Subject to subparagraph (B), it shall be unlawful for any person to execute or trade a security futures product until the later of—

"(i) 1 year after the date of enactment of the Commodity Futures Modernization Act of 2000; or

"(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.

"(B) Principal-to-principal transactions.—Notwithstanding subparagraph (A), a person may execute or trade a security futures product transaction if—

"(i) the transaction is entered into—

"(I) on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act; and

"(II) only between eligible contract participants (as defined in subparagraphs (A), (B)(ii), and (C) of such section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

"(ii) the transaction is entered into on or after the later of—

"(I) 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000; or

"(II) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.".

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—

(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

"(7) SECURITY FUTURES PRODUCT RULE CHANGES.—

"(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 6(g) of this title or that is a national securities association registered pursuant to section 15A(k) of this title shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (hereinafter in this paragraph collectively referred to as a 'proposed rule change') that relates to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such self-regulatory organization's obligation to enforce the securities laws. Such proposed rule change shall be accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, promptly publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit data, views, and arguments concerning such proposed rule change.

"(B) FILING WITH CFTC.—A proposed rule change filed with the Commission pursuant to subparagraph (A) shall be filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that review of the proposed rule change is not necessary, or upon approval of the proposed rule change by the Commodity Futures Trading Commission.

"(C) ABROGATION OF RULE CHANGES.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that review of such proposed rule change is not necessary, or the date the Commodity Futures Trading Commission approves such proposed rule change, the Commission, after consultation with the Commodity Futures Trading Commission, summarily may abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest and the protection of investors. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 nor deemed to be a final agency action for purposes of section 704 of title 5, United States Code.

"(D) REVIEW OF RESUBMITTED ABROGATED RULES.—

"(i) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and refiled in accordance with paragraph (1), or within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

"(I) by order approve such proposed rule change; or

"(II) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (II) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents.

"(ii) GROUNDS FOR APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization under this subparagraph if the Commission finds that such proposed rule change does not unduly burden competition or efficiency, does not conflict with the securities laws, and is not inconsistent with the public interest or the protection of investors. The Commission shall disapprove such a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.".

(2) DECIMAL PRICING PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (7), as added by paragraph (1), the following:

"(8) DECIMAL PRICING.—Not later than 9 months after the date on which trading in any security futures product commences under this title, all self-regulatory organizations listing or trading security futures products shall file proposed rule changes necessary to implement decimal pricing of security futures products. The Commission may not require such rules to contain equal minimum increments in such decimal pricing.".

(3) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (8), as added by paragraph (2), the following:

"(9) CONSULTATION WITH CFTC.—

"(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association registered pursuant to section 15A(a) or a national securities exchange subject to the provisions of subsection (a) that primarily concerns conduct related to transactions in security futures products, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.

"(B) RESPONSES TO CFTC COMMENTS AND FINDINGS.—If the Commodity Futures Trading Commission comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving or disapproving the proposed rule. If the Commodity Futures Trading Commission determines, and notifies the Commission, that such rule, if implemented or as applied, would—

"(i) adversely affect the liquidity or efficiency of the market for security futures products; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section,

the Commission shall, prior to approving or disapproving the proposed rule, find that such rule is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Commodity Futures Trading Commission's determination.".

(c) REVIEW OF DISCIPLINARY PROCEEDINGS.—Section 19(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(d)) is amended by adding at the end the following:

"(3) The provisions of this subsection shall apply to an exchange registered pursuant to section 6(g) of this title or a national securities association registered pursuant to section 15A(k) of this title only to the extent that such exchange or association imposes any final disciplinary sanction for—

"(A) a violation of the Federal securities laws or the rules and regulations thereunder; or

"(B) a violation of a rule of such exchange or association, as to which a proposed change would be required to be filed under section 19 of this title, except that, to the extent that the exchange or association rule violation relates to any account, agreement, or transaction, this subsection shall apply only to the extent such violation involves a security futures product.".

SEC. 203. REGULATORY RELIEF FOR INTERMEDIARIES TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTIONS.—

(1) AMENDMENT.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

"(11) BROKER/DEALER REGISTRATION WITH RESPECT TO TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—

"(A) NOTICE REGISTRATION.—

"(i) CONTENTS OF NOTICE.—Notwithstanding paragraphs (1) and (2), a broker or dealer required to register only because it effects transactions in security futures products on an exchange registered pursuant to section

6(g) may register for purposes of this section by filing with the Commission a written notice in such form and containing such information concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. A broker or dealer may not register under this paragraph unless that broker or dealer is a member of a national securities association registered under section 15A(k).

"(ii) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if the registration would be subject to suspension or revocation under paragraph (4).

"(iii) SUSPENSION.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of this title suspends the membership of that broker or dealer.

"(iv) TERMINATION.—Such registration shall be terminated immediately if any of the above stated conditions for registration set forth in this paragraph are no longer satisfied.

"(B) EXEMPTIONS FOR REGISTERED BROKERS AND DEALERS.—A broker or dealer registered pursuant to the requirements of subparagraph (A) shall be exempt from the following provisions of this title and the rules thereunder with respect to transactions in security futures products:

"(i) Section 8.

"(ii) Section 11.

"(iii) Subsections (c)(3) and (c)(5) of this section.

"(iv) Section 15B.

"(v) Section 15C.

"(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.".

(2) CONFORMING AMENDMENT.—Section 28(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)) is amended by adding at the end the following:

"(4) The provisions of this subsection shall not apply with regard to securities that are security futures products.".

(b) FLOOR BROKERS AND FLOOR TRADERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by inserting after paragraph (11), as added by subsection (a), the following:

"(12) EXEMPTION FOR SECURITY FUTURES PRODUCT EXCHANGE MEMBERS.—

"(A) REGISTRATION EXEMPTION.—A natural person shall be exempt from the registration requirements of this section if such person—

"(i) is a member of a designated contract market registered with the Commission as an exchange pursuant to section 6(g);

"(ii) effects transactions only in securities on the exchange of which such person is a member; and

"(iii) does not directly accept or solicit orders from public customers or provide advice to public customers in connection with the trading of security futures products.

"(B) OTHER EXEMPTIONS.—A natural person exempt from registration pursuant to subparagraph (A) shall also be exempt from the following provisions of this title and the rules thereunder:

"(i) Section 8.

"(ii) Section 11.

"(iii) Subsections (c)(3), (c)(5), and (e) of this section.

"(iv) Section 15B.

"(v) Section 15C.

"(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.".

(c) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by adding at the end the following:

"(k) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—

"(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures association registered under section 17 of the Commodity Exchange Act shall be a registered national securities association for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products pursuant to section 15(b)(11).

"(2) REQUIREMENTS FOR REGISTRATION.—Such a securities association shall—

"(A) be so organized and have the capacity to carry out the purposes of the securities laws applicable to security futures products and to comply, and (subject to any rule or order of the Commission pursuant to section 19(g)(2)) to enforce compliance by its members and persons associated with its members, with the provisions of the securities laws applicable to security futures products, the rules and regulations thereunder, and its rules;

"(B) have rules that—

"(i) are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and the advertising of security futures products reasonably comparable to those of other national securities associations registered pursuant to subsection (a) that are applicable to security futures products; and

"(ii) are not designed to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association;

"(C) have rules that provide that (subject to any rule or order of the Commission pursuant to section 19(g)(2)) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the securities laws applicable to security futures products, the rules or regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and

"(D) have rules that ensure that members and natural persons associated with members meet such standards of training, experience, and competence necessary to effect transactions in security futures products and are tested for their knowledge of securities and security futures products.

"(3) EXEMPTION FROM RULE CHANGE SUBMISSION.—Such a securities association shall be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

"(A) the association shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for, advertising of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in security futures products, or rules effectuating the association's obligation to enforce the securities laws pursuant to section 19(b)(7);

"(B) the association shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

"(C) the association shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

"(4) OTHER EXEMPTIONS.—Such a securities association shall be exempt from and shall not be required to enforce compliance by its members, and its members shall not, solely with respect to their transactions effected in security futures products, be required to comply, with the following provisions of this title and the rules thereunder:

"(A) Section 8.

"(B) Subsections (b)(1), (b)(3), (b)(4), (b)(5), (b)(8), (b)(10), (b)(11), (b)(12), (b)(13), (c), (d), (e), (f), (g), (h), and (i) of this section.

"(C) Subsections (d), (f), and (k) of section 17.

"(D) Subsections (a), (f), and (h) of section 19.".

(d) EXEMPTION UNDER THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—

(1) Section 16(14) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll(14)) is amended by inserting "or any security future as that term is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934," after "certificate of deposit for a security,".

(2) Section 3(a)(2)(A) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)(A)) is amended—

(A) in clause (i), by striking "and" after the semicolon;

(B) in clause (ii), by striking the period and inserting "; and";

(C) by adding at the end the following:

"(iii) persons who are registered as a broker or dealer pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934.".

SEC. 204. SPECIAL PROVISIONS FOR INTERAGENCY COOPERATION.

Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended—

(1) by striking "(b) All" and inserting the following:

"(b) RECORDS SUBJECT TO EXAMINATION.—

"(1) PROCEDURES FOR COOPERATION WITH OTHER AGENCIES.—All";

(2) by striking "prior to conducting any such examination of a registered clearing" and inserting the following: "prior to conducting any such examination of a—

"(A) registered clearing";

(3) by redesignating the last sentence as paragraph (4)(C);

(4) by striking the period at the end of the first sentence and inserting the following: "; or

"(B) broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) gives notice to the Commodity Futures Trading Commission of such proposed examination and consults with the Commodity Futures Trading Commission concerning the feasibility and desirability of coordinating such examination with examinations conducted by the Commodity Futures Trading Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for such broker or dealer or exchange.";

(5) by adding at the end the following new paragraphs:

"(2) FURNISHING DATA AND REPORTS TO CFTC.—The Commission shall notify the Commodity Futures Trading Commission of any examination conducted of any broker or dealer registered pursuant to section

15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) and, upon request, furnish to the Commodity Futures Trading Commission any examination report and data supplied to, or prepared by, the Commission in connection with such examination.

"(3) USE OF CFTC REPORTS.—Prior to conducting an examination under paragraph (1), the Commission shall use the reports of examinations, if the information available therein is sufficient for the purposes of the examination, of—

"(A) any broker or dealer registered pursuant to section 15(b)(11);

"(B) exchange registered pursuant to section 6(g); or

"(C) national securities association registered pursuant to section 15A(k);

that is made by the Commodity Futures Trading Commission, a national securities association registered pursuant to section 15A(k), or an exchange registered pursuant to section 6(g).

"(4) RULES OF CONSTRUCTION.—

"(A) Notwithstanding any other provision of this subsection, the records of a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) described in this subparagraph shall not be subject to routine periodic examinations by the Commission.

"(B) Any recordkeeping rules adopted under this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) shall be limited to records with respect to persons, accounts, agreements, and transactions involving security futures products."; and

(6) in paragraph (4)(C) (as redesignated by paragraph (3) of this section), by striking "Nothing in the proviso to the preceding sentence" and inserting "Nothing in the proviso in paragraph (1)".

SEC. 205. MAINTENANCE OF MARKET INTEGRITY FOR SECURITY FUTURES PRODUCTS.

(a) ADDITION OF SECURITY FUTURES PRODUCTS TO OPTION-SPECIFIC ENFORCEMENT PROVISIONS.—

(1) PROHIBITION AGAINST MANIPULATION.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "acquires"; and

(ii) by striking "; or" and inserting "; or (B) any security futures product on the security; or";

(B) in paragraph (2)—

(i) by inserting "(A)" after "interest in any"; and

(ii) by striking "; or" and inserting "; or (B) such security futures product; or"; and

(C) in paragraph (3)—

(i) by inserting "(A)" after "interest in any"; and

(ii) by inserting "; or (B) such security futures product" after "privilege".

(2) MANIPULATION IN OPTIONS AND OTHER DERIVATIVE PRODUCTS.—Section 9(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(g)) is amended—

(A) by inserting "(1)" after "(g)";

(B) by inserting "other than a security futures product" after "future delivery"; and

(C) by adding at the end following:

"(2) Notwithstanding the Commodity Exchange Act, the Commission shall have the authority to regulate the trading of any security futures product to the extent provided in the securities laws.".

(3) LIABILITY OF CONTROLLING PERSONS AND PERSONS WHO AID AND ABET VIOLATIONS.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended by striking "or privilege" and inserting ", privilege, or security futures product".

(4) LIABILITY TO CONTEMPORANEOUS TRADERS FOR INSIDER TRADING.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(a)(1)) is amended by striking "standardized options, the Commission—" and inserting "standardized options or security futures products, the Commission—".

(5) ENFORCEMENT CONSULTATION.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

"(i) INFORMATION TO CFTC.—The Commission shall provide the Commodity Futures Trading Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any broker or dealer registered pursuant to section 15(b)(11), any exchange registered pursuant to section 6(g), or any national securities association registered pursuant to section 15A(k).".

SEC. 206. SPECIAL PROVISIONS FOR THE TRADING OF SECURITY FUTURES PRODUCTS.

(a) LISTING STANDARDS AND CONDITIONS FOR TRADING.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (g), as added by section 202, the following:

"(h) TRADING IN SECURITY FUTURES PRODUCTS.—

"(1) TRADING ON EXCHANGE OR ASSOCIATION REQUIRED.—It shall be unlawful for any person to effect transactions in security futures products that are not listed on a national securities exchange or a national securities association registered pursuant to section 15A(a).

"(2) LISTING STANDARDS REQUIRED.—Except as otherwise provided in paragraph (7), a national securities exchange or a national securities association registered pursuant to section 15A(a) may trade only security futures products that (A) conform with listing standards that such exchange or association files with the Commission under section 19(b) and (B) meet the criteria specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act.

"(3) REQUIREMENTS FOR LISTING STANDARDS AND CONDITIONS FOR TRADING.—Such listing standards shall—

"(A) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that any security underlying the security future, including each component security of a narrow-based security index, be registered pursuant to section 12 of this title;

"(B) require that if the security futures product is not cash settled, the market on which the security futures product is traded have arrangements in place with a registered clearing agency for the payment and delivery of the securities underlying the security futures product;

"(C) be no less restrictive than comparable listing standards for options traded on a national securities exchange or national securities association registered pursuant to section 15A(a) of this title;

"(D) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that the security future be based upon common stock and such other equity securities as the Commission and the Commodity Futures Trading Commission jointly determine appropriate;

"(E) require that the security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on one market and offset on another market that trades such product;

"(F) require that only a broker or dealer subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) effect transactions in the security futures product;

"(G) require that the security futures product be subject to the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or the provisions of section 11(a) of this title and the rules and regulations thereunder, except to the extent otherwise permitted under this title and the rules and regulations thereunder;

"(H) require that trading in the security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

"(I) require that procedures be in place for coordinated surveillance among the market on which the security futures product is traded, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading;

"(J) require that the market on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (I);

"(K) require that the market on which the security futures product is traded has in place procedures to coordinate trading halts between such market and any market on which any security underlying the security futures product is traded and other markets on which any related security is traded; and

"(L) require that the margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B), except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

"(4) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS.—

"(A) AUTHORITY TO MODIFY.—The Commission and the Commodity Futures Trading Commission, by rule, regulation, or order, may jointly modify the listing standard requirements specified in subparagraph (A) or (D) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(B) AUTHORITY TO GRANT EXEMPTIONS.—The Commission and the Commodity Futures Trading Commission, by order, may jointly exempt any person from compliance with the listing standard requirement specified in subparagraph (E) of paragraph (3) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(5) REQUIREMENTS FOR OTHER PERSONS TRADING SECURITY FUTURE PRODUCTS.—It shall be unlawful for any person (other than a national securities exchange or a national securities association registered pursuant to section 15A(a)) to constitute, maintain, or provide a marketplace or facilities for bringing together purchasers and sellers of security future products or to otherwise perform with respect to security future products the functions commonly performed by a stock exchange as that term is generally understood, unless a national securities association registered pursuant to section 15A(a) or a national securities exchange of which such person is a member—

"(A) has in place procedures for coordinated surveillance among such person, the market trading the securities underlying the security future products, and other markets trading related securities to detect manipulation and insider trading;

"(B) has rules to require audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (A); and

"(C) has rules to require such person to coordinate trading halts with markets trading the securities underlying the security future products and other markets trading related securities.

"(6) Deferral of options on security futures trading.—No person shall offer to enter into, enter into, or confirm the execution of any put, call, straddle, option, or privilege on a security future, except that, after 3 years after the date of enactment of this subsection, the Commission and the Commodity Futures Trading Commission may by order jointly determine to permit trading of puts, calls, straddles, options, or privileges on any security future authorized to be traded under the provisions of this Act and the Commodity Exchange Act.

"(7) Deferral of linked and coordinated clearing.—

"(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association registered pursuant to section 15A(a) may trade a security futures product that does not—

"(i) conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3); or

"(ii) meet the criterion specified in section 2(a)(1)(D)(i)(IV) of the Commodity Exchange Act.

"(B) The Commission and the Commodity Futures Trading Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

"(C) For purposes of this paragraph, the term 'compliance date' means the later of—

"(i) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all national securities exchanges, any national securities associations registered pursuant to section 15A(a), and all other persons equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges and any national securities associations registered pursuant to section 15A(a); or

"(ii) 2 years after the date on which trading in any security futures product commences under this title.".

(b) Margin.—Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended—

(1) in subsection (a), by inserting "or a security futures product" after "exempted security";

(2) in subsection (c)(1)(A), by inserting "except as provided in paragraph (2)," after "security),";

(3) by redesignating paragraph (2) of subsection (c) as paragraph (3) of such subsection; and

(4) by inserting after paragraph (1) of such subsection the following:

"(2) Margin regulations.—

"(A) Compliance with margin rules required.—It shall be unlawful for any broker, dealer, or member of a national securities exchange to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on, any security futures product unless such activities comply with the regulations—

"(i) which the Board shall prescribe pursuant to subparagraph (B); or

"(ii) if the Board determines to delegate the authority to prescribe such regulations, which the Commission and the Commodity Futures Trading Commission shall jointly prescribe pursuant to subparagraph (B).

If the Board delegates the authority to prescribe such regulations under clause (ii) and the Commission and the Commodity Futures Trading Commission have not jointly prescribed such regulations within a reasonable period of time after the date of such delegation, the Board shall prescribe such regulations pursuant to subparagraph (B).

"(B) Criteria for issuance of rules.—The Board shall prescribe, or, if the authority is delegated pursuant to subparagraph (A)(ii), the Commission and the Commodity Futures Trading Commission shall jointly prescribe, such regulations to establish margin requirements, including the establishment of levels of margin (initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission jointly deem appropriate—

"(i) to preserve the financial integrity of markets trading security futures products;

"(ii) to prevent systemic risk;

"(iii) to require that—

"(I) the margin requirements for a security future product be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to section 6(a) of this title; and

"(II) initial and maintenance margin levels for a security future product not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future;

except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product when it deems such action to be necessary or appropriate; and

"(iv) to ensure that the margin requirements (other than levels of margin), including the type, form, and use of collateral for security futures products, are and remain consistent with the requirements established by the Board, pursuant to subparagraphs (A) and (B) of paragraph (1).".

(c) Incorporation of Security Futures Products Into the National Market System.—Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1) is amended by adding at the end the following:

"(e) National Markets System for Security Futures Products.—

"(1) Consultation and cooperation required.—With respect to security futures products, the Commission and the Commodity Futures Trading Commission shall consult and cooperate so that, to the maximum extent practicable, their respective regulatory responsibilities may be fulfilled and the rules and regulations applicable to security futures products may foster a national market system for security futures products if the Commission and the Commodity Futures Trading Commission jointly determine that such a system would be consistent with the congressional findings in subsection (a)(1). In accordance with this objective, the Commission shall, at least 15 days prior to the issuance for public comment of any proposed rule or regulation under this section concerning security futures products, consult and request the views of the Commodity Futures Trading Commission.

"(2) Application of rules by order of CFTC.—No rule adopted pursuant to this section shall be applied to any person with respect to the trading of security futures products on an exchange that is registered under section 6(g) unless the Commodity Futures Trading Commission has issued an order directing that such rule is applicable to such persons.".

(d) Incorporation of Security Futures Products Into the National System for Clearance and Settlement.—Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended by adding at the end the following:

"(7)(A) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to the rules of the designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it must have arrangements in place with a registered clearing agency to effect the payment and delivery of the securities underlying the security futures product.

"(B) Any clearing agency that performs the functions of a clearing agency with respect to security futures products must coordinate with and develop fair and reasonable links with any and all other clearing agencies that perform the functions of a clearing agency with respect to security futures products, in order to permit, as of the compliance date (as defined in section 6(h)(6)(C)), security futures products to be purchased on one market and offset on another market that trades such products.".

(e) Market Emergency Powers and Circuit Breakers.—Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)) is amended—

(1) in paragraph (1), by adding at the end the following: "If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission."; and

(2) in paragraph (2)(B), by inserting after the first sentence the following: "If the actions described in subparagraph (A) involve a

security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.".

(f) Transaction Fees.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended

(1) in subsection (a), by inserting "and assessments" after "fees";

(2) in subsections (b), (c), and (d)(1), by striking "and other evidences of indebtedness" and inserting "other evidences of indebtedness, and security futures products";

(3) in subsection (f), by inserting "or assessment" after "fee";

(4) in subsection (g), by inserting "and assessment" after "fee";

(5) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(6) by inserting after subsection (d) the following new subsection:

"(e) Assessments on Security Futures Transactions.—Each national securities exchange and national securities association shall pay to the Commission an assessment equal to $0.02 for each round turn transaction (treated as including one purchase and one sale of a contract of sale for future delivery) on a security future traded on such national securities exchange or by or through any member of such association otherwise than on a national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such assessment shall be equal to $0.0075 for each such transaction. Assessments collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.".

(g) Exemption From Short Sale Provisions.—Section 10(a) of the Securities Exchange Act of 1934 (15 U.S.C 78j(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Paragraph (1) of this subsection shall not apply to security futures products.".

(h) Rulemaking Authority To Address Duplicative Regulation of Dual Registrants.—Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3))is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) Consistent with this title, the Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of (i) the provisions of section 8, section 15(c)(3), and section 17 of this title and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting, or other financial responsibility rules, involving security futures products and (ii) similar provisions of the Commodity Exchange Act and rules and regulations thereunder involving security futures products.".

(i) Obligation to Address Duplicative Regulation of Dual Registrants.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C 78f) is amended by inserting after subsection (h), as added by subsection (a), the following:

"(i) Consistent with this title, each national securities exchange registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities exchanges registered pursuant to section 6(g) and national securities associations registered pursuant to section 15A(k) involving security futures products.":

(j) Obligation To Address Duplicative Regulation of Dual Registrants.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C 78o–3) is amended by inserting after subsection (k), as added by section 203, the following:

"(l) Consistent with this title, each national securities association registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

"(1) rules of such national securities association of the type specified in section 15(c)(3)(B) involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges registered pursuant to section 6(g) involving security futures products.".

(k) Obligation To Put in Place Procedures and Adopt Rules.—

(1) National securities associations.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting after subsection (l), as added by subsection (j) of this section, the following new subsection:

"(m) Procedures and Rules for Security Future Products.—A national securities association registered pursuant to subsection (a) shall, not later than 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000, implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title.".

(2) National securities exchanges.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (i), as added by subsection (i) of this section, the following new subsection:

"(j) Procedures and Rules for Security Future Products.—A national securities exchange registered pursuant to subsection (a) shall implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title not later than 8 months after the date of receipt of a request from an alternative trading system for such implementation and rules.".

(l) Obligation To Address Security Futures Products Traded on Foreign Exchanges.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding after subsection (i), as added by subsection (i), the following—

"(j)(1) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the protection of investors and the maintenance of fair and orderly markets, the Commission and the Commodity Futures Trading Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

"(2) The rules, regulations, or orders adopted under paragraph (1) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflect.".

SEC. 207. CLEARANCE AND SETTLEMENT.

Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended—

(1) in paragraph (3)(A), by inserting "and derivative agreements, contracts, and transactions" after "prompt and accurate clearance and settlement of securities transactions";

(2) in paragraph (3)(F), by inserting "and, to the extent applicable, derivative agreements, contracts, and transactions" after "designed to promote the prompt and accurate clearance and settlement of securities transactions"; and

(3) by inserting after paragraph (7), as added by section 206(d), the following:

"(8) A registered clearing agency shall be permitted to provide facilities for the clearance and settlement of any derivative agreements, contracts, or transactions that are excluded from the Commodity Exchange Act, subject to the requirements of this section and to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.".

SEC. 208. AMENDMENTS RELATING TO REGISTRATION AND DISCLOSURE ISSUES UNDER THE SECURITIES ACT OF 1933 AND THE SECURITIES EXCHANGE ACT OF 1934.

(a) Amendments to the Securities Act of 1933.—

(1) Treatment of Security Futures Products.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(A) in paragraph (1), by inserting "security future," after "treasury stock,";

(B) in paragraph (3), by adding at the end the following: "Any offer or sale of a security futures product by or on behalf of the issuer of the securities underlying the security futures product, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell the underlying securities.";

(C) by adding at the end the following:

"(16) The terms 'security future', 'narrow-based security index', and 'security futures product' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(2) Exemption from registration.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

"(14) Any security futures product that is—

"(A) cleared by a clearing agency registered under section 17A of the Securities Exchange Act of 1934 or exempt from registration under subsection (b)(7) of such section 17A; and

"(B) traded on a national securities exchange or a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.".

(3) CONFORMING AMENDMENT.—Section 12(a)(2) of the Securities Act of 1933 (15 U.S.C. 77l(a)(2)) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (14)".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTION FROM REGISTRATION.—Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)) is amended by adding at the end the following: "The provisions of this subsection shall not apply in respect of a security futures product traded on a national securities exchange.".

(2) EXEMPTIONS FROM REPORTING REQUIREMENT.—Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: "For purposes of this subsection, a security futures product shall not be considered a class of equity security of the issuer of the securities underlying the security futures product.".

(3) TRANSACTIONS BY CORPORATE INSIDERS.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following:

"(f) TREATMENT OF TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—The provisions of this section shall apply to ownership of and transactions in security futures products as if they were ownership of and transactions in the underlying equity security. The Commission may adopt such rules and regulations as it deems necessary or appropriate in the public interest to carry out the purposes of this section.".

SEC. 209. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.—

(1) Section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(36)) is amended by inserting "security future," after "treasury stock,".

(2) Section 202(a)(18) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(18)) is amended by inserting "security future," after "treasury stock,".

(3) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following:

"(52) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

"(27) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(b) OTHER PROVISION.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following:

"(6) any investment adviser that is registered with the Commodity Futures Trading Commission as a commodity trading advisor whose business does not consist primarily of acting as an investment adviser, as defined in section 202(a)(11) of this title, and that does not act as an investment adviser to—

"(A) an investment company registered under title I of this Act; or

"(B) a company which has elected to be a business development company pursuant to section 54 of title I of this Act and has not withdrawn its election.".

SEC. 210. PREEMPTION OF STATE LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended—

(1) in the last sentence—

(A) by inserting "subject to this title" after "privilege, or other security"; and

(B) by striking "any such instrument, if such instrument is traded pursuant to rules and regulations of a self-regulatory organization that are filed with the Commission pursuant to section 19(b) of this Act" and inserting "any such security"; and

(2) by adding at the end the following new sentence: "No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.".

Subtitle B—Amendments to the Commodity Exchange Act

SEC. 221. JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION; OTHER PROVISIONS.

(a) JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION.—

(1) Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2a) (as redesignated by section 124(a)(2)(C)) is amended—

(A) in clause (ii)—

(i) by inserting "or register a derivatives transaction execution facility that trades or executes," after "contract market in,";

(ii) by inserting after "contracts) for future delivery" the following: ", and no derivatives transaction execution facility shall trade or execute such contracts of sale (or options on such contracts) for future delivery,";

(iii) by striking "making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets" and inserting "or the derivatives transaction execution facility, and the applicable contract, meet";

(iv) by striking subclause (III) of clause (ii) and inserting the following:

"(III) Such group or index of securities shall not constitute a narrow-based security index.";

(B) by striking clause (iii);

(C) by striking clause (iv) and inserting the following:

"(iii) If, in its discretion, the Commission determines that a stock index futures contract, notwithstanding its conformance with the requirements in clause (ii) of this subparagraph, can reasonably be used as a surrogate for trading a security (including a security futures product), it may, by order, require such contract and any option thereon be traded and regulated as security futures products as defined in section 3(a)(56) of the Securities Exchange Act of 1934 and section 1a(32) of this Act subject to all rules and regulations applicable to security futures products under this Act and the securities laws as defined in section 3(a)(47) of the Securities Exchange Act of 1934."; and

(D) by redesignating clause (v) as clause (iv).

(2) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4) is amended by adding at the end the following:

"(D)(i) Notwithstanding any other provision of this Act, the Securities and Exchange Commission shall have jurisdiction and authority over security futures as defined in section 3(a)(55) of the Securities Exchange Act of 1934, section 2(a)(16) of the Securities Act of 1933, section 2(a)(52) of the Investment Company Act of 1940, and section 202(a)(27) of the Investment Advisers Act of 1940, options on security futures, and persons effecting transactions in security futures and options thereon, and this Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty') and transactions involving, and may designate a board of trade as a contract market in, or register a derivatives transaction execution facility that trades or executes, a security futures product as defined in section 1a(32) of this Act: *Provided, however*, That, except as provided in clause (vi) of this subparagraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, any such contracts of sale for future delivery unless the board of trade and the applicable contract meet the following criteria:

"(I) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, any security underlying the security future, including each component security of a narrow-based security index, is registered pursuant to section 12 of the Securities Exchange Act of 1934.

"(II) If the security futures product is not cash settled, the board of trade on which the security futures product is traded has arrangements in place with a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934 for the payment and delivery of the securities underlying the security futures product.

"(III) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, the security future is based upon common stock and such other equity securities as the Commission and the Securities and Exchange Commission jointly determine appropriate.

"(IV) The security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on a designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

"(V) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators or associated persons subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 solicit, accept any order for, or otherwise deal in any transaction in or in connection with the security futures product.

"(VI) The security futures product is subject to a prohibition against dual trading in section 4j of this Act and the rules and regulations thereunder or the provisions of section 11(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, except to the extent otherwise permitted under the Securities Exchange Act of 1934 and the rules and regulations thereunder.

"(VII) Trading in the security futures product is not readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

"(VIII) The board of trade on which the security futures product is traded has procedures in place for coordinated surveillance among such board of trade, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has in place such procedures.

"(IX) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subclause (VIII), except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such audit trails.

"(X) The board of trade on which the security futures product is traded has in place procedures to coordinate trading halts between such board of trade and markets on which any security underlying the security futures product is traded and other markets on which any related security is traded, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such coordinated trading halts.

"(XI) The margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934, except that nothing in this subclause shall be construed to prevent a board of trade from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

"(ii) It shall be unlawful for any person to offer, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States, its territories or possessions, for the purpose of soliciting, or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a security futures product unless—

"(I) the transaction is conducted on or subject to the rules of a board of trade that—

"(aa) has been designated by the Commission as a contract market in such security futures product; or

"(bb) is a registered derivatives transaction execution facility for the security futures product that has provided a certification with respect to the security futures product pursuant to clause (vii);

"(II) the contract is executed or consummated by, through, or with a member of the contract market or registered derivatives transaction execution facility; and

"(III) the security futures product is evidenced by a record in writing which shows the date, the parties to such security futures product and their addresses, the property covered, and its price, and each contract market member or registered derivatives transaction execution facility member shall keep the record for a period of 3 years from the date of the transaction, or for a longer period if the Commission so directs, which record shall at all times be open to the inspection of any duly authorized representative of the Commission.

"(iii)(I) Except as provided in subclause (II) but notwithstanding any other provision of this Act, no person shall offer to enter into, enter into, or confirm the execution of any option on a security future.

"(II) After 3 years after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission may by order jointly determine to permit trading of options on any security future authorized to be traded under the provisions of this Act and the Securities Exchange Act of 1934.

"(iv)(I) All relevant records of a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f shall be subject to such reasonable periodic or special examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

"(II) The Commission shall notify the Securities and Exchange Commission of any examination conducted of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission any examination report and data supplied to the Commission in connection with the examination.

"(III) Before conducting an examination under subclause (I), the Commission shall use the reports of examinations, unless the information sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)).

"(IV) Any records required under this subsection for a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, shall be limited to records with respect to accounts, agreements, and transactions involving security futures products.

"(v)(I) The Commission and the Securities and Exchange Commission, by rule, regulation, or order, may jointly modify the criteria specified in subclause (I) or (III) of clause (i), including the trading of security futures based on securities other than equity securities, to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(II) The Commission and the Securities and Exchange Commission, by order, may jointly exempt any person from compliance with the criterion specified in clause (i)(IV) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(vi)(I) Notwithstanding clauses (i) and (vii), until the compliance date, a board of trade shall not be required to meet the criterion specified in clause (i)(IV).

"(II) The Commission and the Securities and Exchange Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

"(III) For purposes of this clause, the term 'compliance date' means the later of—

"(aa) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all designated contract markets and registered derivatives transaction execution facilities equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges registered pursuant to section 6(a) of the Securities Exchange Act of 1934 and any national securities associations registered pursuant to section 15A(a) of such Act; or

"(bb) 2 years after the date on which trading in any security futures product commences under this Act.

"(vii) It shall be unlawful for a board of trade to trade or execute a security futures product unless the board of trade has provided the Commission with a certification that the specific security futures product and the board of trade, as applicable, meet the criteria specified in subclauses (I) through (XI) of clause (i), except as otherwise provided in clause (vi).".

(b) MARGIN ON SECURITY FUTURES.—Section 2(a)(1)(C)(vi) of the Commodity Exchange Act (7 U.S.C. 2a(vi)) (as redesignated by section 124) is amended—

(1) by redesignating subclause (V) as subclause (VI); and

(2) by striking "(vi)(I)" and all that follows through subclause (IV) and inserting the following:

"(v)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) other than a security futures product, or any derivatives transaction execution facility on which such contract or option is traded, shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for such stock index futures contract (or option thereon) other than security futures products.

"(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon), other than for any security futures product, at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market or derivatives transaction execution facility fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon), other than security futures products, under this clause to the Commission.

"(IV) It shall be unlawful for any futures commission merchant to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on any security futures product unless such activities comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934.

"(V) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market or registered derivatives transaction execution facility, on finding an emergency to exist, to raise temporary margin levels on any futures contract, or option on the contract covered by this clause, or on any security futures product.".

(c) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended to read as follows:

"SEC. 4j. RESTRICTIONS ON DUAL TRADING IN SECURITY FUTURES PRODUCTS ON DESIGNATED CONTRACT MARKETS AND REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.

"(a) The Commission shall issue regulations to prohibit the privilege of dual trading in security futures products on each contract market and registered derivatives transaction execution facility. The regulations issued by the Commission under this section—

"(1) shall provide that the prohibition of dual trading thereunder shall take effect upon issuance of the regulations; and

"(2) shall provide exceptions, as the Commission determines appropriate, to ensure fairness and orderly trading in security futures product markets, including—

"(A) exceptions for spread transactions and the correction of trading errors;

"(B) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this section; and

"(C) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest consistent with the purposes of this section.

"(b) As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker during the same trading session in which the floor broker executes any trade in the same contract market or registered derivatives transaction execution facility for—

"(1) the account of such floor broker;

"(2) an account for which such floor broker has trading discretion; or

"(3) an account controlled by a person with whom such floor broker has a relationship through membership in a broker association.

"(c) As used in this section, the term 'broker association' shall include two or more contract market members or registered derivatives transaction execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

"(1) engage in floor brokerage activity on behalf of the same employer,

"(2) have an employer and employee relationship which relates to floor brokerage activity,

"(3) share profits and losses associated with their brokerage or trading activity, or

"(4) regularly share a deck of orders.".

(d) EXEMPTION FROM REGISTRATION FOR INVESTMENT ADVISERS.—Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended by adding at the end the following:

"(3) Subsection (1) of this section shall not apply to any commodity trading advisor that is registered with the Securities and Exchange Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in section 1a(6), and that does not act as a commodity trading advisor to any investment trust, syndicate, or similar form of enterprise that is engaged primarily in trading in any commodity for future delivery on or subject to the rules of any contract market or registered derivatives transaction execution facility.".

(e) EXEMPTION FROM INVESTIGATIONS OF MARKETS IN UNDERLYING SECURITIES.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by adding at the end the following:

"(e) This section shall not apply to investigations involving any security underlying a security futures product.".

(f) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting "(a)" before the first undesignated paragraph;

(2) by inserting "(b)" before the second undesignated paragraph; and

(3) by adding at the end the following:

"(c) Consistent with this Act, the Commission, in consultation with the Securities and Exchange Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act (except paragraph (11) thereof), involving the application of—

"(1) section 8, section 15(c)(3), and section 17 of the Securities Exchange Act of 1934 and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting or other financial responsibility rules (as defined in section 3(a)(40) of the Securities Exchange Act of 1934), involving security futures products; and

"(2) similar provisions of this Act and the rules and regulations thereunder involving security futures products.".

(g) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

"(r) Consistent with this Act, each futures association registered under this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities and Exchange Act of 1934 (except paragraph (11) thereof), with respect to the application of—

"(1) rules of such futures association of the type specified in section 4d(3) of this Act involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities and Exchange Act of 1934 involving security futures products.".

(h) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (as added by section 114) is amended by adding at the end the following new subsection:

"(f) Consistent with this Act, each designated contract market and registered derivatives transaction execution facility shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof) with respect to the application of—

"(1) rules of such designated contract market or registered derivatives transaction execution facility of the type specified in section 4d(3) of this Act involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and national securities exchanges registered pursuant to section 6(g) of such Act involving security futures products.".

(i) OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4)) is amended by adding at the end the following:

"(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the protection of investors and the maintenance of fair and orderly markets, the Commission and the Securities and Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

‘‘(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflects.’’.

(j) Security Futures Products Traded on Foreign Boards of Trade.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

‘‘(F)(i) Nothing in this Act is intended to prohibit a futures commission merchant from carrying security futures products traded on or subject to the rules of a foreign board of trade in the accounts of persons located outside of the United States.

‘‘(ii) Nothing in this Act is intended to prohibit any person located in the United States from purchasing or carrying securities futures products traded on or subject to the rules of a foreign board of trade, exchange, or market to the same extent such person may be authorized to purchase or carry other securities traded on a foreign board of trade, exchange, or market.’’.

SEC. 222. APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.

(a) Notice Designation of National Securities Exchanges and National Securities Associations.—The Commodity Exchange Act is amended by inserting after section 5e (7 U.S.C. 7b), as redesignated by section 111(1), the following:

‘‘SEC. 5f. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.

‘‘(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be a designated contract market in security futures products if—

‘‘(1) such national securities exchange, national securities association, or alternative trading system lists or trades no other contracts of sale for future delivery, except for security futures products;

‘‘(2) such national securities exchange, national securities association, or alternative trading system files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers; and

‘‘(3) the registration of such national securities exchange, national securities association, or alternative trading system is not suspended pursuant to an order by the Securities and Exchange Commission.

Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

‘‘(b)(1) A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

‘‘(A) Subsections (c), (e), and (g) of section 4c.

‘‘(B) Section 4j.

‘‘(C) Section 5.

‘‘(D) Section 5c.

‘‘(E) Section 6a.

‘‘(F) Section 8(d).

‘‘(G) Section 9(f).

‘‘(H) Section 16.

‘‘(2) An alternative trading system that is a designated contract market under this section shall be required to be a member of a futures association registered under section 17 and shall be exempt from any provision of this Act that would require such alternative trading system to—

‘‘(A) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on such alternative trading system; or

‘‘(B) discipline subscribers other than by exclusion from trading.

‘‘(3) To the extent that an alternative trading system is exempt from any provision of this Act pursuant to paragraph (2) of this subsection, the futures association registered under section 17 of which the alternative trading system is a member shall set rules governing the conduct of subscribers to the alternative trading system and discipline the subscribers.

‘‘(4)(A) Except as provided in subparagraph (B), but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any designated contract market in security futures subject to the designation requirement of this section from any provision of this Act or of any rule or regulation thereunder, to the extent such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

‘‘(B) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section is granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

‘‘(C) An alternative trading system shall not be deemed to be an exchange for any purpose as a result of the designation of such alternative trading system as a contract market under this section.’’.

(b) Notice Registration of Certain Securities Broker-Dealers; Exemption From Registration for Certain Securities Broker-Dealers.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(1) by inserting ‘‘(1)’’ after ‘‘(a)’’; and

(2) by adding at the end the following:

‘‘(2) Notwithstanding paragraph (1), and except as provided in paragraph (3), any broker or dealer that is registered with the Securities and Exchange Commission shall be registered as a futures commission merchant or introducing broker, as applicable, if—

‘‘(A) the broker or dealer limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products;

‘‘(B) the broker or dealer files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors;

‘‘(C) the registration of the broker or dealer is not suspended pursuant to an order of the Securities and Exchange Commission; and

‘‘(D) the broker or dealer is a member of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

The registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

‘‘(3) A floor broker or floor trader shall be exempt from the registration requirements of section 4e and paragraph (1) of this subsection if—

‘‘(A) the floor broker or floor trader is a broker or dealer registered with the Securities and Exchange Commission;

‘‘(B) the floor broker or floor trader limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market to security futures products; and

‘‘(C) the registration of the floor broker or floor trader is not suspended pursuant to an order of the Securities and Exchange Commission.’’.

(c) Exemption for Securities Broker-Dealers From Certain Provisions of the Commodity Exchange Act.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended by inserting after paragraph (3), as added by subsection (b), the following:

‘‘(4)(A) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2), or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be exempt from the following provisions of this Act and the rules thereunder:

‘‘(i) Subsections (b), (d), (e), and (g) of section 4c.

‘‘(ii) Sections 4d, 4e, and 4h.

‘‘(iii) Subsections (b) and (c) of this section.

‘‘(iv) Section 4j.

‘‘(v) Section 4k(1).

‘‘(vi) Section 4p.

‘‘(vii) Section 6d.

‘‘(viii) Subsections (d) and (g) of section 8.

‘‘(ix) Section 16.

‘‘(B)(i) Except as provided in clause (ii) of this subparagraph, but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any broker or dealer subject to the registration requirement of paragraph (2), or any broker or dealer exempt from registration pursuant to paragraph (3), from any provision of this Act or of any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

‘‘(ii) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

‘‘(C)(i) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall not be required to become a member of any futures association registered under section 17.

‘‘(ii) No futures association registered under section 17 shall limit its members from carrying an account, accepting an order, or transacting business with a broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3).".

(d) EXEMPTIONS FOR ASSOCIATED PERSONS OF SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k), is amended by inserting after paragraph (4), as added by subsection (c), the following:

"(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products, shall be exempt from the following provisions of this Act and the rules thereunder:

"(A) Subsections (b), (d), (e), and (g) of section 4c.

"(B) Sections 4d, 4e, and 4h.

"(C) Subsections (b) and (c) of section 4f.

"(D) Section 4j.

"(E) Paragraph (1) of this section.

"(F) Section 4p.

"(G) Section 6d.

"(H) Subsections (d) and (g) of section 8.

"(I) Section 16.".

SEC. 223. NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

(a) Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by adding at the end the following:

"(3) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended by adding at the end the following:

"(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission pursuant to subsections (c) and (d) of this section against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by adding at the end the following:

"(h) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa (Mr. LEACH) from the Committee on Banking and Financial Services have control of 5 minutes of my time and that he be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers a bill that addresses another of the contentious areas where capital and investment needs of American business intersect with the needs of managing economic risk in a global market.

Although the issues in this bill do not have the long history associated with Glass-Steagall reforms, the process that we hope to be culminating this afternoon actually began in 1989. Then it took the Congress 3 years to broker a solution on how to deal with over-the-counter financial instruments that had many of the economic characteristics of agricultural futures. While the Futures Trading Practices Act of 1992 proved temporary, we hope that today's legislation will be more lasting.

Let me emphasize at the outset of this bill it aligns itself closely with the recommendations of the President's Working Group on Financial Services. The Department of the Treasury, the Federal Reserve, the Securities and Exchange Commission and the Commodity Futures Trading Commission compromise the President's Working Group.

The PWG urged the Congress to steer clear of allowing over-the-counter financial instruments to be offered to unsuspecting individuals who could lose their life's savings by picking an unsuitable investment. These are the so-called "retail customers," and in all instances this bill has followed the PWG's advice.

Indeed, the three committees of jurisdiction here in the House have taken a cautious approach, while making the three remain reforms the centerpiece of this legislation.

First, we provide legal certainty to the vast multi-trillion dollar derivative markets, but we make certain that only highly sophisticated, deep-pocketed companies and individuals may participate in these markets.

Second, we provide the U.S. derivatives industry the ability to trade single stock futures, but only under the watchful eyes of Federal securities and futures regulators.

Third, we allow U.S. futures exchanges to set their own course in operating their derivatives markets under CFTC oversight, but without the burdens of a regulatory regime designed for the mid-20th century.

These accomplishments were realized even though three committees shared legislative jurisdiction over these matters. The Committee on Agriculture, whose jurisdiction grew from the 150-year-old agricultural futures markets, understands the urgency of giving legal certainty to a $90 trillion swaps market. The Committee on Commerce, with jurisdiction over the securities laws, knows that if U.S. financial firms are to compete in global markets, single stock futures must be allowed to trade here in this country. And the Committee on Banking and Financial Services accepts the nexus between traditional banking activities and the tools of risk management that are not of their making.

In conclusion, Mr. Speaker, I urge my colleagues to adopt this sound legislation. It rounds out many of the historic financial reforms passed by the 106th Congress. To fail to pass this legislation this year will put our financial services industry at a severe competitive disadvantage in the world market. That is why it is so important that the House get this bill to the other body now, where it may be considered and sent on to the President.

Finally, Mr. Speaker, I would simply say in recognition, the gentleman from Illinois (Mr. EWING), the chairman of the subcommittee with this jurisdiction, has not spent simply days, weeks or months on this bill, he has spent years on drafting this. We all regrettably know that the gentleman from Illinois (Mr. EWING) is finalizing his congressional career at the end of this term. This, I think, could be his legacy. There have been countless hours that he has put in on this work. I commend the gentleman very much for what it is that he has done.

I also want to thank the staff on all of the committees for the countless numbers of hours that they have put in over the past several weeks to try to get us to this point today.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. EWING) control the balance of the time that is allotted to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4541. It is an important piece of legislation and has a number of components that will improve the business environment for the derivatives portion of our

Nation's financial services industry. While I support the bill, I do have some reservations.

Mr. Speaker, in its early stages, this bill was built from agreements developed between regulators and the President's Working Group on Financial Markets; between the over-the-counter derivatives industry and our futures exchanges; between the Securities and Exchange Commission and the Commodity Futures Trading Commission; and between the three committees of jurisdiction.

Mr. Speaker, for a time, the bill's development was the focus of a bipartisan group of members from the three committees that conducted the committee markups; but in a bizarre twist, the leadership intervened and decided to substitute partisan negotiations in place of the bipartisan discussions that were already under way and that were yielding productive results.

Mr. Speaker, the leadership's partisan diversion in this matter was clearly unnecessary. In my view, it slowed the process of developing a consensus bill, and consequently it nearly cost us our opportunity to move this legislation forward. The process has also had the effect of detracting from confidence in the final product.

Nevertheless, Mr. Speaker, the bill tackles and accomplishes the three main tasks that the Committee on Agriculture set for itself at the beginning of this process: modernizing our Commodity Exchange Act regulatory system, providing legal certainty for our over-the-counter derivatives market, and repealing the outdated prohibition on the trading of single stock futures in the United States.

Mr. Speaker, I want to compliment the CFTC for their help. The commission deserves special credit for the design of the new futures market regulatory scheme.

The bill reforms futures trading regulation by freeing the CFTC from the task of prescribing the rules and procedures that exchanges must follow. With the bill's enactment, the CFTC's primary role will be to examine and enforce trading entities' compliance with core principles of self-regulatory responsibility. Exchanges will be able to design their businesses the best they can, by adopting practices that are in compliance with these principles.

The enforcement provisions of H.R. 4541, as reported by the Committee on Agriculture, caused the CFTC to be concerned that it would lack sufficient authority to bring enforcement action against a registered entity that fails to abide by core principles. I am pleased to say that since that time, the bill's provisions have been modified to meet the concerns of the CFTC. At the same time, provisions have been added to clarify that registered entities will have some flexibility in meeting core principles.

Mr. Speaker, the bill before the House repeals the outdated ban on single stock futures. We have never had a better opportunity to eliminate this barrier to progress. With all the things we do trade in this country today, not just corn, cotton, wheat, soybeans, interest rates, currencies, sugar, crude oil and milk futures, but futures on heating degree days, on catastrophic insurance and Iowa crop yields and many other commodities, the ban is particularly absurd.

Our Nation is the capital of financial innovation; but we ban futures trading on two things, just two things: onions and single stock futures. The agreements in this bill that will allow trading in single stock futures are an important development, and I am grateful for the work of the SEC and the CFTC in developing their agreement.

Mr. Speaker, sections 102 through 106 of the bill provide the legal certainty for over-the-counter derivatives recommended by the President's Working Group and sought by the over-the-counter industry. Section 107 is intended to further bolster that certainty with regard to swap transactions. The application of section 107 is limited to bilateral, individually negotiated transactions, not entered into on a transaction facility.

Mr. Speaker, as the Treasury Department said for the Committee on Agriculture's record earlier this year, "The changes resulting from technology, globalization and financial innovation have made it increasingly important that our regulatory and legal framework keeps pace with rapid progress in the marketplace."

Mr. Speaker, the place of our financial industry in worldwide competition depends on us. We should move this bill forward.

I would, however, be much more comfortable if we had been given the opportunity to analyze the bill and expose it to greater public scrutiny. Our work product would benefit, since the issues involved are complicated and very technical in nature. However, I have decided after listening to the regulators and the industry representatives involved that expediency is more important than a careful analytical process. I can easily understand how another decision could be reached on this legislation.

Mr. Speaker, despite my reservations, I do want to especially commend the leaders of the House committees who worked on this bill, and particularly recognize the gentleman from Texas (Chairman COMBEST) for his leadership. Special recognition must be reserved for our subcommittee chairman, the gentleman from Illinois (Mr. EWING). His leadership over a number of years has been key to laying the groundwork for and designing the architecture of the delicate agreements that hold H.R. 4541 together. He is a true consensus builder, and the bill before us is a tribute to his service.

Mr. Speaker, I urge my colleagues to pass this bill, and at this time I ask the gentleman from Illinois (Chairman EWING) if he will join me in a colloquy.

Mr. Speaker, the bill before us seeks to modernize regulation of futures markets by replacing rigid governmentally imposed restrictions with flexible, but comprehensive, core principles that registered entities must comply with in the conduct of administering trading.

Does the chairman of the subcommittee agree that the bill is meant to provide this flexibility while also maintaining the ability of the CFTC to compel compliance with their provisions?

Mr. EWING. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Speaker, as included in the bill before us, the core principles will be, by their nature, flexible standards. Accordingly, a regulated entity would have reasonable discretion in making determinations as to how it will meet these requirements. Regulated entities will be able to exercise reasonable discretion in interpreting the language of a core principle to the extent such language includes discretionary language. However, the commission retains its clear authority to issue interpretations by rule, regulation, or order.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the chairman for his answer, and for his work on the bill. I again encourage the support of this legislation.

Mr. Speaker, I include for the RECORD the statement of administration policy in support of the legislation before us.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4541—Commodity Futures Modernization Act of 2000

(Rep Ewing (R) Illinois and 3 cosponsors)

The Administration strongly supports the version of H.R. 4541, the Commodity Futures Modernization Act of 2000, that the Administration understands will be considered on the House floor. This legislation would reauthorize the Commodity Futures Trading Commission (CFTC) and modernize the Nation's legal and regulatory framework regarding over-the-counter (OTC) derivatives transactions and markets. In so doing, H.R. 4541 also would implement many of the unanimous recommendations regarding the treatment of OTC derivatives made by the President's Working Group on Financial Markets, which includes the Secretary of the Treasury and the Chairmen of the Federal Reserve Board of Governors, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

It is important that this legislation be enacted this year because of the meaningful steps it would take in helping to: promote innovation; enhance the transparency and efficiency of derivative markets; maintain the competitiveness of U.S. businesses and markets; and, potentially, reduce systemic risk.

H.R. 4541 would accomplish these goals while assuring adequate customer protection for small investors and protecting the integrity of the underlying securities and futures markets. A failure to modernize the Nation's framework for OTC derivatives during this legislative session would deprive American markets and businesses of these important benefits that could result in the movement of these markets to overseas locations with more updated regulatory regimes. The Administration looks forward to working with members of Congress to improve certain aspects of the bill as it continues through the legislative process.

Mr. Speaker, I reserve the balance of my time.

Mr. EWING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I truly appreciate all of the hard work from majority and minority members and staff of my committee, the Committee on Banking and Financial Services and the Committee on Commerce. I also must say that the Treasury Department, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the Federal Reserve have cooperated greatly in working through this process.

Mr. Speaker, the President's Working Group report on OTC derivatives was requested by the House and Senate Committee on Agriculture chairmen in September of 1998 and presented to the committee in November of 1999. This report laid the groundwork for many of the legal certainty provisions and other provisions included in H.R. 4541.

The President's Working Group report pointed out two issues apart from the legal certainty that also deserve congressional close attention. Regulatory relief for the domestic futures exchanges was of great importance to ensure the U.S. futures exchanges can compete globally.

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Chairman Greenspan said it most clearly in past testimony, "Already the largest futures exchange in the world is no longer in America's heartland; instead, it is now in the heart of Europe. To be sure, no U.S. exchange has yet to lose a major contract to a foreign competitor. But it would be a serious mistake for us to wait for such unmistakable evidence of a loss of international competitiveness before acting."

While the President's working group report did not give details on regulatory relief for futures exchanges, it did conclude that the Commodities Future Trading Commission should provide appropriate regulatory relief for the exchange-traded financial futures.

The CFTC took the initiative to develop a far-reaching staff proposal to provide regulatory relief for domestic futures exchanges. I am extremely impressed with the CFTC's commitment to work with the industry and with others and the President's working group members in creating its proposal. I particularly pay tribute to the chairman, Mr. Rainer, for his work.

H.R. 4541 incorporates much of the framework put forward by the CFTC.

The final aspect of the CEA modernization that I would like to address is the Shad/Johnson Accord. The President's working group members believed that the current prohibition on single stock futures could be repealed if issues about integrity of the underlying securities market and regulatory arbitrage are resolved.

The gentleman from Texas (Chairman COMBEST); the gentleman from Texas (Mr. STENHOLM), the ranking member; the gentleman from Virginia (Chairman BLILEY); and I all sent a letter to Chairman Levitt of the SEC and Chairman Rainer of the CFTC asking them to create and present a plan regarding the Shad/Johnson.

The agencies agreed that they would share jurisdiction on regulating these products; that dual trading would be banned; that margins would be set equivalent to the levels on option markets; and that the SEC would enforce the insider trading laws on these products.

The CFTC and the SEC's language is the basis for the current reform of the Shad/Johnson; however, a tax provision was added to ensure parity between the single stock futures and options trading and a section 31 fee currently assessed on securities will also be assessed on single stock futures.

Banking modernization was enacted last year. It is time for the financial industry to move onto CEA modernization.

I made it clear that I was interested in a comprehensive bill, and I believe this bill displays a substantial cooperative effort among the House Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce to substantially address the most important reforms for the U.S. financial industry. For the first time, members of the President's working group, many of the futures exchanges and many over-the-counter parties have agreed on a majority of the bill.

America's financial industry is involved in a global battle. If the U.S. futures exchange, the OTC industry are to compete with new electronic exchanges and other foreign competition, such as the EUREX, we need to send a clear message that the United States will have a fair and competitive regulatory system.

Finally, I would like to thank the gentleman from Texas (Chairman ARCHER) and the joint tax staff for all of their hard work in crafting the legislative language to address the tax treatment for security future products.

Mr. Speaker, I submit the following explanation from the gentleman from Texas (Mr. ARCHER) that describes the tax language that is contained in this bill for the RECORD:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
October 19, 2000.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Washington, DC.

DEAR LARRY: I understand that H.R. 4541, the "Commodities Futures Modernization Act of 2000," is scheduled for consideration by the House today. One of the issues raised by the bill has been the tax treatment of transactions involving security futures contracts. Time constrains have prevented the Committee on Ways and Means from formally considering this legislation. Nonetheless, I have been asked to provide you with statutory language that addresses the tax treatment of security futures contracts, and I understand that the language I provided has been included in the bill.

To provide assistance in interpreting the statutory language, I am attaching a technical explanation prepared by the staff of the Joint Committee on Taxation. I would appreciate your introducing this letter and explanation into the record during consideration of H.R. 4541. Thank you very much for your assistance in this regard.

With Best Personal Regards,
Sincerely,
BIL ARCHER,
Chairman.

TECHNICAL EXPLANATION OF THE TAX PROVISIONS OF H.R. 4541, THE "COMMODITY FUTURES MODERNIZATION ACT OF 2000"

PREPARED BY THE STAFF OF THE JOINT COMMITTEE ON TAXATION

I. INTRODUCTION

This document[1] prepared by the staff of the Joint Committee on Taxation provides a technical explanation of the tax provisions of H.R. 4541, the "Commodity Futures Modernization Act of 2000." The bill is scheduled for consideration by the House of Representatives on October 19, 2000. The non-tax portions of the bill provides for exchange trading a "securities futures contract", which will be a contract for future delivery of a single security or a narrow-based security index. The bill provides for the tax treatment of these instruments in a manner generally consistent with the present-law treatment of transactions in stock and stock options.

II. EXPLANATION OF THE TAX PROVISIONS OF THE BILL

TAX TREATMENT OF SECURITIES FUTURES CONTRACTS (SEC. 124(C) AND (D) OF H.R. 4541 AND SECS. 1234B AND 1256 OF THE CODE)

Present Law

In general

Generally, gain or loss from the sale of property, including stock, is recognized at the time of sale or other disposition of the property, unless there is a specific statutory provision for nonrecognition (sec. 1001).

Gains and losses from the sale or exchange of capital assets are subject to special rules. In the case of individuals, net capital gain is generally subject to a maximum tax rate of 20 percent (sec. 1(h)). Net capital gain is the excess of net long-term capital gains over net short-term capital losses. Also, capital losses are allowed only to the extent of capital gains plus, in the case of individuals,

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[1] This document may be cited as follows: Joint Committee on Taxation, "Technical Explanation of the Tax Provisions of H.R. 4541, the 'Commodity Futures Modernization Act of 2000'" (JCX-108-00), October 19, 2000.

$3,000 (sec. 1211). Capital losses of individuals may be carried forward indefinitely and capital losses of corporations may be carried back three years and forward five years (sec. 1212).

Generally, in order for gains or losses on a sale or exchange of a capital asset to be long-term capital gains or losses, the asset must be held for more than one year (sec. 1222).[2] A capital asset generally includes all property held by the taxpayer except certain enumerated types of property such as inventory (sec. 1221).

Section 1256 contracts

Special rules apply to "section 1256 contracts," which include regulated futures contracts, certain foreign currency contracts, nonequity options, and dealer equity options. Each section 1256 contract is treated as if it were sold (and repurchased) for its fair market value on the last business day of the year (i.e., "marked to market"). Any gain or loss with respect to a section 1256 contract which is subject to the mark-market rule is treated as if 40 percent of capital gain or loss. This results in a maximum rate of 27.84 percent on such gain for taxpayers other than corporations. The mark-to-market rule (and the special 60/40 capital treatment) is inapplicable to hedging transactions.

A "regulated futures contract" is a contract (1) which is traded on or subject to the rules of a national securities exchange registered with the Securities Exchange Commission, a domestic board of trade designated a contract market by the Commodities Futures Trading Commission, or similar exchange, board of trade, or market, and (2) with respect to which the amount required to be deposited and which may be withdrawn depends on a system of marking to market.

A "dealer equity option" means, with respect to an options dealer, an equity option purchased in the normal course of the activity of dealing in options and listed on the qualified board or exchange on which the options dealer is registered. An equity option is an option to buy or sell stock or an option the value of which is determined by reference to any stock, group or stocks, or stock index, other than an option on certain broad-based groups of stock or stock index.[3] An options dealer is any person who is registered with an appropriate national securities exchange as a market maker or specialist in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists.[4]

Mark to market accounting for dealers in securities

Under present law, a dealer in securities must compute its income from dealing in securities pursuant to the mark-to-market method of accounting (sec. 475). Gains and losses are treated as ordinary income and loss. Traders in securities, and dealers and traders in commodities may elect to use this method of accounting, including the ordinary income treatment. Section 1256 contracts are not treated as securities for purposes of section 475.[5]

Short sales

In case of a "short sale" (i.e., where the taxpayer sells borrowed property and later closes the sale by repaying the lender with substantially identical property), any gain or loss on the closing transaction is considered gain or loss from the sale or exchange of a capital asset if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (sec. 1233(a)).

The Internal Revenue Code (the "Code") also contains several rules intended to prevent the transformation of short-term capital gain into the long-term capital gain or long-term capital loss into short-term capital loss by simultaneously holding property and selling short substantially identical property (sec. 1233(b) and (d)). Under these rules, if a taxpayer holds property for less than the long-term holding period and sells short substantially identical property, any gain or loss upon the closing of the short sale is considered short-term capital gain, and the holding period of the substantially identical property is generally considered to begin on the date of the closing of the short-term sale. Also, if a taxpayer has held property for more than the long-term holding period and sells short substantially identical property, any loss on the closing of the short sale is considered a long-term capital loss.

For purposes of these short sale rules, property includes stock, securities, and commodity futures, but commodity futures are not considered substantially identical if they call for delivery in different months.

For purposes of the short-sale rules relating to short-term gains, the acquisition of an option to sell at a fixed price is treated as a short sale, and the exercise or failure to exercise the option is considered a closing of the short sale.[6]

The Code also treats a taxpayer as recognizing gain where the taxpayer holds appreciated property and enters into a short sale of the same or substantially identical property, or enters into a contract to sell the same or substantially identical property (sec. 1259).

Wash sales

The wash-sale rule (sec. 1091) disallows certain losses from the disposition of stock or securities if substantially identical stock or securities (or an option or contract to acquire such property) are acquired by the taxpayer during the period beginning 30 days before the date of sale and ending 30 days after such date of sale. Commodity futures are not treated as stock or securities for purposes of this rule. The basis of the substantially identical stock or securities is adjusted to include the disallowed loss.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

If a taxpayer realizes a loss with respect to a position in a straddle, the taxpayer may recognize that loss for the taxable year only to the extent that the loss exceeds the unrecognized gain (if any) with respect to offsetting positions in the straddle (sec. 1092). Disallowed losses are carried forward to the succeeding taxable year and are subject to the same limitation in that taxable year.

A "straddle" generally refers to offsetting positions with respect to actively traded personal property. Positions are offsetting if there is a substantial diminution of risk of loss from holding one position by reason of holding one or more other positions in personal property. A "position" in personal property is an interest (including a futures or forward contract or option) in personal property.

The straddle rules provide that the Secretary of the Treasury may issue regulations applying the short sale holding period rules to positions in a straddle. Temporary regulations have been issued setting forth the holding period rules applicable to positions in a straddle.[7] To the extent these rules apply to a position, the rules in section 1233(b) and (d) do not apply.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (1) an option with respect to stock or (2) a position with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.[8]

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-mark rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock

A corporation does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. Likewise, a corporation does not recognize gain or loss when it redeems its stock with cash, for less or more than it received when the stock was issued. In addition, a corporation does not recognize gain or loss on any lapse or acquisition of an option to buy or sell its stock (sec. 1032).

Explanation of the Tax Provisions of the Bill

In general

Except in the case of dealer securities futures contracts described below, securities futures contracts are not treated as section 1256 contracts. Thus, holders of these contracts are not subject to the mark-to-market rules of section 1256 and are not eligible for 60-percent long-term capital gain treatment under section 1256. Instead, gain or loss on these contracts will be recognized under the general rules relating to the disposition of property.[9]

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[2] The holding period for futures transactions in a commodity is 6 months. The 6-month holding period does not apply to futures which are subject to the mark-to-market rules of section 1256, discussed below.

[3] Rev. Rul. 94-63, 1994-2 C.B. 188, provides that the determination made by the Securities and Exchange Commission will determine whether or not an option is "broad based".

[4] A special rule provides that any gain or loss with respect to dealer equity options which are allocable to limited partners or limited entrepreneurs are treated as short-term capital gain or loss and do not qualify for the 60 percent long-term, 40 percent short-term capital gain or loss treatment of section 1256(a)(3).

[5] As discussed above, dealers in equity options are subject to mark-to-market accounting and the special capital gain rules of section 1256.

[6] An exception applies to an option to sell acquired on the same day as the property identified as intended to be used (and is so used) in exercising the option is acquired (sec. 1233(c)).

[7] Reg. sec. 1.1092(b)-2T.

[8] Prop. Reg. sec. 1.1092(d)-2(c).

[9] Any securities futures contract which is not a section 1256 contract will be treated a "security" for

A securities futures contract is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as added by the bill. In general, that definition provides that a securities futures contract means a contract of sale for future delivery of a single security or a narrow-based security index. A securities future contract will not be treated as a commodities futures contract for purposes of the Code.

Treatment of gains and losses

The bill provides that any gain or loss from the sale or exchange of a securities futures contract (other than a dealer securities futures contract) will be considered as gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has (or would have) in the hands of the taxpayer. Thus, if the underlying security would be a capital asset in the taxpayer's hands, then gain or loss from the sale or exchange of the securities futures contract would be capital gain or loss. The bill also provides that the termination of a securities futures which is a capital asset will be treated as a sale or exchange of the contract.

Capital gain treatment will not apply to contracts which themselves are not capital assets because of the exceptions of the definition of a capital asset relating to inventory (sec. 1221(a)(1)) or hedging (sec. 1221(a)(7)), or to any income derived in connection with a contract which would otherwise be treated as ordinary income.

Except as otherwise provided in regulations under section 1092(b) (which treats certain losses from a straddle as long-term capital losses) and section 1234B, as added by the bill, any capital gain or loss from the sale or exchange of a securities futures contract to sell property (i.e., the short side of a securities futures contract) will be short-term capital gain or loss. In other words, a securities futures contract to sell property is treated as equivalent to a short sale of the underlying property.

Wash sale rules

The bill clarifies that, under the wash sale rules, a contract or option to acquire or sell stock or securities shall include options and contracts that are (or may be) settled in cash or property other than the stock or securities to which the contract relates. Thus, for example, the acquisition, within the period set forth in section 1091, of a securities futures contract to acquire stock of a corporation could cause the taxpayer's loss on the sale of stock in that corporation to be disallowed, notwithstanding that the contract may be settled in cash.

Short sale rules

In applying the short sale rules, a securities futures contract to acquire property will be treated in manner similar to the property itself. Thus, for example, the holding of a securities futures contract to acquire property and the short sale of property which is substantially identical to the property under the contract will result in the application of the rules of section 1233(b).[10] In addition, as stated above, a securities futures contract to sell is treated in a manner similar to a short sale of the property.

Straddle rules

Stock which is part of a straddle at least one of the offsetting positions of which is a securities futures contract with respect to the stock or substantially identical stock will be subject to the straddle rules of section 1092. Treasury regulations under section 1092 applying the principles of the section 1233(b) and (d) short sale rules to positions in a straddle will also apply.

For example, assume a taxpayer holds a long-term position in actively traded stock (which is a capital asset in the taxpayer's hands) and enters into a securities futures contract to sell substantially identical stock (at a time when the position in the stock has not appreciated in value so that the constructive sale rules of section 1259 do not apply). The taxpayer has a straddle. Treasury regulations prescribed under section 1092(b) applying the principles of section 1233(d) will apply, so that any loss on closing the securities futures contract will be a long-term capital loss.

Section 1032

A corporation will not recognize gain or loss on transactions in securities futures contracts with respect to its own stock.

Holding period

If property is delivered in a satisfaction of a securities futures contract to acquire property (other than a contract to which section 1256 applies), the holding period for the property will include the period the taxpayer held the contract, provided that the contract was a capital asset in the hands of the taxpayer.

Regulations

The Secretary of the Treasury or his delegate has the authority to prescribe regulations to provide for the proper treatment of securities futures contracts under provisions of the Internal Revenue Code.

Dealers in securities futures contracts

In general, the bill provides that securities futures contracts and options on such contracts are not section 1256 contracts. The bill provides, however, that "dealer securities futures contracts" will be treated as section 1256 contracts.

The term "dealer securities futures contract" means a securities futures contract which is entered into by a dealer in the normal course of his or her trade or business activity of dealing in such contracts, and is traded on a qualified board of trade or exchange. The term also includes any option to enter into securities futures contracts purchased or granted by a dealer in the normal course of his or her trade or business activity of dealing in such options. The determination of who is to be treated as a dealer in securities futures contracts is to be made by the Secretary of the Treasury or his delegate not later than July 1, 2001. Accordingly, the bill authorizes the Secretary to treat a person as a dealer in securities futures contracts or options on such contracts if the Secretary determines that the person performs, with respect to such contracts or options, functions similar to an equity options dealer, as defined under present law.

The determination of who is a dealer in securities futures contracts is to be made in a manner that is appropriate to carry out the purpose of the provision, which generally is to provide comparable tax treatment between dealers in securities futures contracts, on the one hand, and dealers in equity options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to such market makers or specialists by providing market liquidity for securities futures contracts (and options) even in the absence of a legal obligation to do so. Accordingly, the absence of market-making obligations is not inconsistent with a determination that a class of traders are dealers in securities futures contracts (and options), if the relevant factors, including providing market liquidity for such contracts (and options), indicate that the market functions of the traders is comparable to that of equity options dealers.

As in the case of dealer equity options, gains and losses allocated to any limited partner or limited entrepreneur with respect to a dealer securities futures contract will be treated as short-term capital gain or loss.

Treatment of options under section 1256

The bill modifies the definition of "equity option" for purposes of section 1256 to take into account changes made by the non-tax provisions of the bill. Only options dealers are eligible for section 1256 with respect to equity options. The term "equity option" is modified to include an option to buy or sell stock, or an option the value of which is determined, directly or indirectly, by reference to any stock; or any "narrow-based security index," as defined in section 3(a)(55) of the Securities Exchange Act of 1934 (as modified by the bill). An equity option includes an option with respect to a group of stocks only if the group meets the requirements for a narrow-based security index.

As under present law, listed options that are not "equity options" are considered "nonequity options" to which section 1256 applies for all taxpayers. For example, options relating to broad-based groups of stocks and broad based stock indexes will continue to be treated as nonequity options under section 1256.

Definition of contract markets

The non-tax provisions of the bill designate certain new contract markets. The new contract markets will be contract markets for purposes of the Code, except to the extent provided in Treasury regulations.

Effective date

These provisions will take effect on the date of enactment of the bill.

Mr. EWING. Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Last year, after nearly 2 decades of work, the United States Congress passed the Financial Modernization Act to bring our Nation's banking and securities laws in line with the realities of the marketplace. In the few days left for legislation in this Congress, an analogous opportunity presents itself to modernize the Commodity Exchange Act that governs the trading of futures and options.

At issue is the question of whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear on the horizon.

Legislation of this nature involves different committees with different concerns and sometimes competitive jurisdictional interests. From the perspective of the Committee on Banking

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purposes of section 475. Thus, for example, traders in securities future contracts which are not section 1256 contracts could elect to have section 475 apply.

[10] Because securities futures contracts are not treated as futures contracts with respect to commodities, the rule providing that commodity futures are not substantially identical if they call for delivery in different months does not apply.

and Financial Services, I would like to express my respect for the initial Committee on Agriculture product. That Committee's product, led by the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. EWING), reflected a credible way of dealing with a number of concerns that have developed during much of the last of the decade as derivatives-related products have grown. Nonetheless, the Committee on Banking and Financial Services believes that some modifications to H.R. 4541 were in order; and in July, a number of clarifying approaches were adopted on a bipartisan manner.

The fact is that the CEA, or Commodity Exchange Act, is an awkward legislative vehicle designed in an era in which financial products have of a nature now in place were neither in existence nor much contemplated. Indeed, the Commodities Future Trading Commission was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Because of anachronistic constraints established under the Commodity Exchange Act, legal uncertainty exists for trillions of dollars of existing contractual obligations. This bill resolves this uncertainty for the benefit of customers of many of these products, but it does not fully resolve the certain issue for some kinds of future activities.

While I would have wished that more could have been achieved, it should be clear that no additional legal uncertainty is created under the bill and progressive strides have been made on the fundamental aspects of the legal certainty issue.

Mr. Speaker, at this point let me just conclude by thanking the staff of the committees of jurisdiction, the staffs frankly of the professional parts of the United States Government, the Treasury, the Fed, the SEC, that have put forth a great deal of effort and input into this legislative vehicle. Most of all, I think it has to be stressed that one Member of this body has contributed significantly to the embellishment of this institution, this legislative vehicle and I personally want to thank the gentleman from Texas (Mr. EWING) for everything he has done to bring this forth in such a responsible, decent and credible way.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I thank him for the excellent work that he has contributed to this product, along with the gentleman from Iowa (Mr. LEACH), the gentleman from Virginia (Mr. BLILEY) and all across the spectrum of the House and the Senate.

Mr. Speaker, I rise in reluctant support for this bill today, because of the fact that I still have some very serious concerns about both the process that has brought this bill to the floor and some of its provisions.

Mr. Speaker, to the extent to which the bill has been made minimally acceptable to those of us on the Committee on Commerce who work for it, the gentleman from Michigan (Mr. DINGELL) and I, the gentleman from New York (Mr. TOWNS) who has spent a lot of time on this bill, I want to thank especially Consuela Washington for her excellent work and Jeff Duncan, from my staff, and the staff of the gentleman from New York (Mr. TOWNS) for their excellent work in trying to improve this piece of legislation, as best as it could have been improved and still pass the House floor.

What we are doing in this bill is saying, okay, we are going to take OTC swaps between eligible contract participants out of the CEA. They are excluded from the act. Now, I do not have any problem with that. If the swap dealers feel more comfortable with a statutory exclusion for sophisticated counterparties instead of the CFTC exemptive authority and the Committee on Agriculture is willing to agree to an exclusion that makes sense, that is fine with me. However, I am not willing to allow legal certainty to become a guise for sweeping exemptions from the antifraud or market manipulation provisions of the securities laws. I do not think that is wise.

Mr. Speaker, while some earlier drafts of this bill would have done precisely that, the bill we are considering today does not, and that is a good thing. That is why I am willing to support the legal certainty language today. However, I do have some concern about how we have defined eligible contract participants, that is, the sophisticated institutions that will be allowed to play in the swaps market with little or no regulation, I might add.

The bill before us today lowers the threshold for who will be an eligible contract participant far below what the Committee on Commerce had allowed. By the way, we agreed upon that, Democrat and Republican, from the gentleman from Virginia (Mr. BLILEY) to the gentleman from Michigan (Mr. DINGELL), that was our standard. I feel that this will now create a regulatory gap for retail swap participants that ultimately must be addressed.

For example, under one part of this definition, an individual with total assets in excess of only $5 million who uses a swap to manage certain risks is an eligible contract participant for that swap. I think that threshold is simply too low.

I believe that the original Committee on Commerce investor protection provisions should have been fully restored. Moreover, the bill should clarify explicitly that counterparties who may enter into transactions with retail-eligible contract participants are subject for such transactions to the antifraud authority of their primary regulators.

Mr. Speaker, let me turn to the provisions of this bill that would allow the trading of stock futures. These new products that would trade on exchanges and compete directly with stocks and stock options.

Now, I have serious reservations about the impact of single stock futures on our securities markets, and in all likelihood these products are going to be used principally by day traders and other speculators. There is nothing inherently wrong with speculation. It can be an important source of liquidity in the financial markets, but one of the purposes of the Federal securities laws has traditionally been to control excessive speculation and excessive and artificial volatility in the markets and to limit the potential for markets to be manipulated or used to carry out insider trading or other fraudulent schemes.

Mr. Speaker, I support this bill. I hope it receives its support of the full House. It is much better than it had been, but there could have been greater consumer protections built in.

Mr. EWING. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as we considered H.R. 4541 in the Committee on Commerce, I had two priorities. First, that security-future products be traded in decimals with no government-mandated minimal increments. We have recently witnessed the beginning of decimal trading in the securities markets. When securities are priced in free market increments, spreads narrow and investors win. These efficiencies should accrue to the security futures market as well.

Second, electronic communications networks, ECNs, should have the ability to trade security future products. ECNs have provided increased competition and liquidity in the securities marketplace. Competition brings investors enhanced services and cheaper transactions. These benefits should certainly be extended to the market for security future products.

I am pleased these two provisions are in the bill we are considering today.

I thank my colleagues, the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crops; the gentleman from Iowa (Chairman LEACH); and the gentleman from Louisiana (Mr. BAKER), chairman of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises; as well as the gentleman from Ohio (Mr. OXLEY), my good friend, chairman of the Subcommittee on Finance and Hazardous Materials, for their fine work and constructive participation in this developing this legislation.

I support this bill, and I urge my colleagues to do the same.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me the time.

Mr. Speaker, I rise to hold my nose at and to support this legislation. It just barely meets the standards in which legislation may be considered acceptable.

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It does so only because the matter is going to go to the Senate, where I hope that the very visible and very obvious remaining defects are corrected.

There are a number of problems.

First of all, the bill almost died because of flawed procedure. Subject to action by the committees after just one bipartisan meeting, which from all counts was constructive, Democratic staff were booted out of the negotiations on this bill, at the direction of the Republican leadership.

This is not a surprise to me because it has happened on many other occasions. However, 2 weeks ago, the Committee on Agriculture majority staff started circulating drafts of legislation for Democratic review and comment. I salute them and thank them for that.

The development of these events and the willingness of the Committee on Agriculture to make significant changes in the bill in response to our comments have made it possible for me to support the bill at this point in the process. I want to commend and thank both the majority and the minority on the Committee on Agriculture for the remarkable consideration and courtesy which was shown.

This has gone from being an extraordinarily bad piece of legislation to being a bill which is worth moving to the next stage. It does not provide necessary investor protections, and it does not assure in the fullest that we will not have excessive speculation which will put the markets at risk in this country.

For reasons not adequately explained, greedy brokers and banks are arguably relieved of selected statutory and regulatory restraints on their behavior. These must be addressed before the bill becomes law. But I support passage of this bill at this time as a step forward, and as part of moving the process forward, as it should be.

But I want to make it very clear, I am still holding my nose. It will not be possible to support this bill if it is not significantly improved at the next stage of the process.

Mr. Speaker, I would like to address my principal concerns with this bill.

First, I support legal certainty under the Commodity Exchange Act (CEA) for swaps entered into between professional traders and similar sophisticated parties who have the means to protect themselves. However, the Republican negotiations have produced a bill that also excludes retail swaps from the CEA. Brokers can sell swaps to retail investors (in this market that means investors with $5 million in assets) without the antimanipulation and antifraud protections that otherwise would apply under that Act. The bill does not provide any substitute protections. This needs more work. I would like to clarify for the record that it is the intent of Congress in passing this legislation that counterparties who may enter into transactions with retail "eligible contract participants" are subject for such transactions to the antifraud authority of their primary regulator. This bill should not be interpreted as declaring open season on investors.

Second, Section 107 provides a redundant exclusion for a broad range of swap transactions. I would have preferred that this section be deleted and that we defer instead to the bill's carefully crafted exclusions for specific groups of products. However, as amended by the agreement we reached last night, I will support its inclusion. I want it clearly understood that the limitations on this exclusion are strict. To qualify for the Section 107 exclusion, each of the material economic terms of the swap must be individually negotiated, not passively accepted, by the parties. In contrast to the products for which the Section 107 exclusion is designed, exchange-traded products may have some terms that are standardized and some that can be negotiated on behalf of the purchaser or seller by an agent. Section 107 clarifies that exchange-traded products, such as security futures products, do not fall within the exclusion. Moreover, the Section 107 exclusion would not apply to an electronic system where a user passively could accept contract terms as opposed to actively negotiating every material economic term. Section 107 should not be construed to affect the applicability of other exclusions in the bill, such as the one found in Section 103 conditionally excluding certain transactions on electronic trading facilities from the CEA. Finally, Section 107 should not be construed to narrow or broaden the conditions that apply to such exclusions.

Third, H.R. 4541 establishes a comprehensive regulatory system for the regulation of security futures products. It rests on a system of joint regulation by the CFTC and SEC, both of whom are assigned specific tasks designed to maintain fair and orderly markets for single stock futures and futures or groups or indexes of securities. Under this system, it is clear that intermediaries that trade securities futures products must register with the SEC as broker-dealers, although it allows futures market intermediaries that are regulated by the CFTC to register with the SEC on a streamlined basis as notice registrants.

In the middle of the night, language was stripped from the bill with the result that banks would now be exempted from the rules that apply to everyone else. As a result a bank selling securities futures could register with the CFTC as a futures commission merchant but, unlike other entities, not have to notice register with the SEC. Effectively, half of the regulatory framework that we have negotiated over many months would disappear. There is no public interest to be served in eliminating SEC oversight over issues such as insider trading frauds, market manipulation, and customer sales practice rules just because a bank traded the security.

I want to make the following observations about this seeming travesty:

1. There are not many bank FCM's left.

2. I do not believe any responsible financial services lawyer will recommend that the bank FCM not file a broker-dealer notice registration with the SEC.

3. Given the clear findings of the Congress, which has expressly concluded that a security future is a security, the SEC would be on solid legal standing should it proceed by rule to require bank FCM's to register as broker-dealers through the streamlined notice process.

4. Similarly, the CFTC would be on solid legal standing should it bar bank FCM's from selling security futures unless they have notice registered with the SEC.

Fourth, also last night, language was added on page 227 of the bill that has the effect of creating a major competitive advantage for foreign futures exchanges trading single stock futures based on U.S. securities. That provision, a new Section 2(a)(1)(F)(ii) of the Commodity Exchange Act, permits any retail customer in the U.S. to purchase single stock futures on U.S. stocks sold by a foreign board of trade without regard to any of the regulatory constraints imposed on U.S. exchanges. Because of this change, U.S. exchanges will not face direct electronic competition on U.S. trading terminals from foreign exchanges that can cut margins, fees, and regulatory costs. This provision, for which no one will now claim responsibility, undoes much of the good work in this legislation to ensure fair competition and consistent market integrity and investor protections. This provision should be deleted from the bill.

With these serious reservations, I support passage of this legislation.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), the subcommittee chairman.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to associate myself with the remarks of the chairman of the Committee on Banking and Financial Services, with which I agree.

I do want to make a couple of statements here. What we are doing here today is very essential in terms of improving and clarifying the legal uncertainty under the Commodity Exchange Act. That has been pointed out.

We are also talking about a modernized economy, not only here in the United States but in the global economy. As has been mentioned, the derivatives and the swap agreements are growing throughout, and we need this clarification of legal certainty.

But as a member of the Committee on Banking and Financial Services, I also want to say that this legislation would ensure that derivatives engaged in by financial institutions would continue to be regulated by the appropriate bank regulatory agencies. I must stress that this law would in no way reduce the appropriate oversight of these products.

Mr. Speaker, I will work in the next Congress to revisit these issues as the market continues to grow, but this is an essential first step.

Mr. Speaker. I rise as a Member of the Banking Committee in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. This is an important piece of legislation that addresses a host of issues relating to products and transactions that form a critical part of our nation's economy. Today I want to focus on the regulatory treatment of one type of product: over-the-counter derivatives contracts that are currently traded among large financial institutions throughout the world. These derivatives, which include swap agreements, various options, and hybrid instruments, are used by large financial institutions to manage and control various risks—particularly interest rate risk. These instruments help maintain a safe and sound banking system.

However, there have been questions about the legal certainty of these derivatives because their status under the commodity Exchange Act is unclear. This uncertainty is a result of the law not keeping up with the marketplace. This bill would go a long way to address the question of legal certainty of these instruments traded among large institutions in the wholesale market by exempting these products from the Commodity Exchange Act. This legislation would ensure that these derivatives engaged in by financial institutions would continue to be regulated by the appropriate bank regulatory agencies. I must stress that this law would in no way reduce appropriate oversight of these products, but would ensure that our financial institutions would not be subject to a burdensome additional layer of regulation solely as a result of participating in this derivatives activity.

I want to note that I support the additional provisions that were passed out of the Banking Committee earlier this year that would have provided clarification for a broader market of products identified as "banking products." I will work in the next Congress to revisit these issues as the market continues to grow. This is an essential first step. But I want to thank the chairmen of the Agriculture Committee, the Commerce Committee, and the Banking Committee for working together to bring this bill to the floor and addressing the most critical component of the "legal certainty" issue. This bill would ensure the continued ability of large financial institutions to manage risks with derivatives, and I support its passage.

Mr. EWING. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from Illinois for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act, which provides for the deregulation and modernization of the U.S. futures industry.

It also reforms the antiquated Shad-Johnson accord to allow U.S. futures exchanges to trade single stock futures.

Finally, the bill provides legal certainty for the $90 trillion financial derivatives industry that really has become critical to the operation of American finance and industry.

This important legislation was negotiated between the Committee on Agriculture, the Committee on Banking and Financial Services, and the Committee on Commerce to provide real reform. It places our financial industry on solid ground for the highly competitive future. Without it, many of these important financial products will move overseas, threatening the growth of the American economy.

I especially want to compliment my good friend, the gentleman from Illinois (Mr. EWING), who worked tirelessly on this bill. The gentleman from Illinois is retiring this year, and his leadership on this issue will be sorely missed. I think this landmark legislation is a compliment to his years of service as a legislator.

I also want to congratulate all of the chairmen of the relevant committees, the three committees and subcommittees, and their ranking members for their efforts in bringing this bill together so it can be on the floor today.

The Commodity Futures Modernization Act is right for our economy and it is right for our financial industry. I am proud to lend my support to this important bill.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding time to me, and also for his leadership on the Committee on Agriculture, and for working to fashion the bipartisan measure that is before us today.

Also, I commend the gentleman from Illinois (Chairman EWING) for his leadership and support on the committee. Having been a member of the committee, to end up working on a bill like this, I am very proud of the part that I have played in that effort.

Mr. Speaker, I rise in support of the Commodity Futures Modernization Act. The legislation has been a product of a lot of hard work over several years, and the reforms are a long time in coming. But between now and when the committee dealt with it, it has been undergoing some changes, which is not really surprising. However, some of what I supported has been taken out. I hope we can continue working on this when we revisit one of those issues.

With respect to the definition of eligible contract participants, the CFTC has the broad authority to determine that other persons are eligible beyond those specifically listed. It is my understanding that the commodity trading advisors, with over $25 million in client assets under management, are among those other persons which the CFTC should determine to meet the requirements.

Mr. LEACH. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, over the last 20 years, American and international financial markets have changed dramatically. Opportunities for investors have expanded tremendously. New access to capital has empowered entrepreneurs. The ability to hedge financial and commodity price risk has stabilized earnings and encouraged investment.

This democratization of the capital markets has been driven largely by the development and application of derivative transactions, especially over-the-counter derivatives.

I worked in the derivative sector of the financial services industry for 7 years in the 1980s and 1990s. I marvel now at how widespread, sophisticated, and indispensable these products have become since then.

Today we are going to pass a Commodity Exchange Act that will eliminate most of the cloud of legal and regulatory uncertainty that has shadowed these products since their invention. For that reason, I urge my colleagues to vote yes on this bill.

It is not, however, a perfect bill. I hope the other body will eliminate the remaining legal uncertainty that will still shadow the use of these transactions by retail customers. I hope that they will allow greater flexibility in the electronic trading of the over-the-counter derivatives.

Today we do have a good bill. It will strengthen the ability of American financial institutions to compete in a vital sector of finance. I urge its passage.

Mr. STENHOLM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just close by encouraging all of my colleagues to support this bill, and again commend the gentleman from Illinois (Mr. EWING) for his tireless work in putting together a package that has brought three different committees together under a most strange situation, but one in which we do have the opportunity to pass legislation of some extreme importance.

Mr. EWING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me say that this has been a great experience. I have had wonderful cooperation from both sides of the aisle, from chairmen and subcommittee chairmen and ranking members on those committees.

I think it is important today to recognize that we are here at a time and a place when this legislation, so badly needed by our financial industry, can pass through this House and be considered in the other body.

When we realize how long it takes us sometimes to move complicated pieces of legislation, such as the Banking Reform Act of last year, we should recognize that now is the time to move this legislation before we have a new administration, before we have new chairmen, before we have whoever may be in control of this Congress after the next election.

We have come together. We have grappled with the issues. We have reached a good conclusion and devised a good bill for our financial industry. I thank everyone again, and I ask for a positive vote on this bill.

Mr. OXLEY. Mr. Speaker, during this Congress, we have made historic progress in enacting legislation to modernize and improve our financial markets. We enacted Gramm-Leach-Bliley, and finally repealed the outdated restrictions against affiliations among banks, securities firms, and insurance firms, paving the way for new efficiencies and innovations in our marketplace.

We enacted E-SIGN, facilitating the growth of electronic commerce in not only the financial marketplace, but indeed the entire U.S. marketplace.

And today we are taking a step toward further improving the competitiveness of U.S. markets in the financial arena. H.R. 4541 serves three important functions. It promotes regulatory efficiency, enhances legal certainly in the derivatives market, and stimulates competition.

This bill enhances regulatory efficiency in the futures market by streamlining the regulations of the CFTC. I support this prudent approach to deregulation.

It enhances legal certainty in the derivatives market by explicitly carving out derivatives transactions from CFTC regulation. I welcome the resulting legal certainty, which is vital to the continued growth of an industry that is so fundamentally important to the financial health of U.S. companies, and, indeed, the global financial marketplace.

The legislation also promotes competition both domestically and internationally by lifting a ban on a type of financial product that could serve important functions in our markets and abroad. While current law bans the trading of futures on individual securities and on narrow-based indices in the U.S. overseas markets for these security futures products are rapidly developing. It is important for our markets to be able to compete for this business, because I strongly believe that in a fair competitive environment, our markets will always win.

This legislation authorizes the trading of securities futures products on futures exchanges, options exchanges, equity exchanges and, importantly, Alternative Trading Systems. The broad spectrum of competition that this legislation will foster will serve the market well.

I would like to thank my colleagues for their good work on this legislation. In particular I thank Chairman BLILEY, CHAIRMAN COMBEST, Chairman LEACH, Chairman EWING and Chairman BAKER for the leadership they have displayed in moving this bill forward. The bill certainly reflects the hard work these gentlemen have put into it. This is good policy and I urge each of you to support it.

Mr. BAKER. Mr. Speaker, Commodity Exchange Act reform is long overdue.

The CEA has become an obstacle to the competitiveness of the US futures industry. It prohibits US futures exchanges from offering single stock futures while the same products are being created in London for international investors. It burdens futures exchanges with regulation that amounts to micromanagement, and that increases the cost of managing risk for American companies and financial institutions.

Even worse, some at the CFTC have tried to apply CFTC regulations—which don't even work well for the futures business—to banking activities, including bank deposits and swaps. Banks don't need a second regulator, not for their deposits and not for their swap business. CFTC regulation for swaps is so inappropriate that, if swaps were ever found to be futures contracts regulated by the CFTC, many of them would be illegal and unenforceable under CFTC rules. Swaps aren't futures and swaps aren't securities, and we must make that clear in federal law.

The House Banking Committee, under the able leadership of Chairman LEACH at our July 27 mark-up of this bill, added provisions to the House Agriculture Committee version that dealt with many of these problems. Our approach wasn't the most clear and straightforward, and I'll be the first to admit it. I would have preferred—and I still prefer—to simply add a definition of futures contracts to the Commodity Exchange Act so the questions of legal certainty for swaps would be completely resolved. But the Banking Committee approach was still effective, and it was included in the compromise version of this bill that was agreed to by Committee Chairmen from the House and Senate last week.

In the bill going to the floor today, those protections for swaps are gone. This bill does not create legal certainty for all swap participants. It does not protect banks from duplicate regulation by the CFTC and SEC. It is not good enough to become law.

Furthermore, the CFTC, an agency in search of a mission, will become an unwanted and unneeded regulator of e-commerce, particularly in the realm of financial services. The Bill contains a definition of electronic trading facility, and while it rules out CFTC regulation of some electronic trading, it opens the door to CFTC regulation of other electronic facilities. I wonder whether the e-commerce community is even aware of how this legislation might constrain the growth of electronic finance. We should not build a regulatory structure before it even exists, especially whether other countries are promoting unrestricted growth of such financial e-commerce platforms. We should not build a regulatory structure for e-commerce before we even know what it looks like.

It is evident that these problems will not be solved on the House side. They must be tackled by the House working together with the Senate, and in particular with Senate Banking Committee Chairman PHIL GRAMM. I look forward to productive discussions with the Senator that will enable the Congress to adopt responsible guidelines for financial products.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H.R. 4541, the Commodity Futures Modernization Act of 2000. I represent the 7th Congressional District of Illinois, which is home to the Chicago Mercantile Exchange and the Chicago Board of Trade—two of this country's premier derivatives exchanges. While I have the honor of representing them in Congress, they and the rest of the U.S. markets represent us all over the world. I believe that it is in this nation's best economic interests for U.S. financial markets to grow and prosper and once again lead the world.

This legislation helps us to do that. This much-needed legislation would provide regulatory reform to U.S. futures exchanges, provide legal certainty to the U.S. derivatives market, and finally lift the 19-year ban on single stock futures, allowing U.S. investors access to these products and expanding our markets.

The threat to U.S. markets has increased in just the last month. The London International Financial Futures Exchange announced that it would begin trading single stock futures on U.S. based company stocks in January 2001. In just three months, futures on the stock of AT&T, Citigroup, Cisco, Systems, Exxon Mobil, and Merck will be traded in London. If H.R. 4541 does not pass, U.S. markets will continue to be prohibited from offering these products—handcuffed from competing with foreign exchanges for a U.S. market that should be traded here at home.

Let me be clear, this is not just an Illinois issue. Futures exchanges are a huge part of what makes the entire U.S. economy robust and vibrant. If we fail to lift the ban on single stock futures, if we fail to provide regulatory reform, and if we fail to provide legal certainty to U.S. derivatives markets, then the consequences could be devastating. For example, U.S. exchanges will be rendered completely unable to compete. Without this legislation, single stock futures, which are based on assets developed and produced in the United States, may never be traded in this country.

We all need to ensure that the U.S. financial services industry remain competitive in the global marketplace. Therefore, I urge you to join with me in passing this important legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in support of H.R. 4541, the Commodity Futures Modernization Act of 2000. I commend Chairman EWING and his staff for their hard work and leadership as we debate this legislation.

The House Agriculture Committee has worked together with the Banking and Financial Services and Commerce Committees to draft a bill that will discourage fraud and manipulation, but encourage technology, competition and a sound business environment. Our farmers and ranchers are now more dependent on a sound futures market than ever before. I am pleased that this legislation will allow our agriculture producers access to a risk management tool as we move into the 21st century.

Mr. Speaker, this legislation will provide our financial institutions with the tools needed to conduct trading practices in a friendly manner. This bill also brings our U.S. exchanges onto a level playing field with foreign exchanges. American agriculture producers are becoming more involved in futures markets. It is important that we establish regulations that are fair and will allow our farmers to use the futures market as intended.

In my home state of Nebraska, I try to encourage the use of the futures market to provide procedures with yet another valuable risk tool. When Congress approves this legislation, the Commodity Exchange Act reauthorization will be complete. I then fully expect the Commodity Futures Trading Commission (CFTC) to regulate the U.S. futures and related markets and protect the interests of those who use the markets.

The Commodity Futures Modernization Act of 2000 accomplishes three main goals. First, this bill establishes legal certainty for over-the-counter derivatives. Second, this legislation provides regulatory relief to futures exchanges and their customers. This relief will transform the CFTC from a frontline regulatory role to more of an oversight role. Third, this act will reform the Shad-Johnson Jurisdictional Accord to make clear rules of regulation between agencies.

Mr. Speaker, I urge my colleagues to support the Commodity Futures Modernization Act and allow our American farmers and ranchers to make use of the commodity futures market.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. EWING) that the House suspend the rules and pass the bill, H.R. 4541, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EWING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 377, nays 4, not voting 51, as follows:

[Roll No. 540]

YEAS—377

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

DeFazio
Paul
Smith (MI)
Taylor (MS)

NOT VOTING—51

Ackerman
Baker
Bilirakis
Boucher
Brady (PA)
Campbell
Chenoweth-Hage
Clay
Conyers
Cooksey
Davis (IL)
Davis (VA)
DeLay
DeMint
Diaz-Balart
Everett
Filner
Forbes
Franks (NJ)
Gephardt
Green (TX)
Hansen
Jackson-Lee (TX)
Jones (OH)
Klink
Lazio
Lewis (CA)
Lipinski
McCollum
McInnis
McIntosh
Metcalf
Miller (FL)
Oberstar
Owens
Oxley
Pascrell
Rodriguez
Rogan
Rush
Sanchez
Shaw
Shays
Shuster
Sisisky
Spratt
Talent
Thompson (MS)
Turner
Weygand
Wise

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART. Mr. Speaker, on rollcall vote 540, H.R. 4541, the Commodity Futures Modernization Act of 2000, I was in my district on official business. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 540, I had to return to my Congressional District on official business and missed this vote. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 540 on H.R. 4541 I was unavoidably detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. EWING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4541, the bill just considered.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4811), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. PELOSI moves that the managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the bill H.R. 4811, making appropriations for Foreign Operations, Export Financing, and related programs for the year ending September 30, 2001 be instructed to insist on the highest possible funding level for Debt Restructuring, and on provisions authorizing a United States contribution to the Highly Indebted Poor Countries Trust Fund without unnecessary legislative restrictions.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) will be recognized for 30 minutes and the gentleman from Alabama (Mr. CALLAHAN) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

I offer this motion to emphasize that it is imperative that the conference agreement on the fiscal year 2001 Foreign Operations bill provide both the highest possible funding level for debt restructuring, and for the authorization for a United States contribution to the Highly Indebted Poor Countries Trust Fund, HIPC, without unnecessary legislative restrictions.

Just a few weeks ago, Mr. Speaker, this House had a passionate debate about debt relief and a historic vote in favor of funding this much-needed relief. As a result, the House bill now contains full funding for the amount requested in fiscal year 2001 for a U.S. contribution to the HIPC Trust Fund. However, the bill is still short of the full pending request for debt restructuring by some $238 million. The Senate bill contains even less than the House bill.

In addition, both the House and Senate appropriations bills contain unnecessary legislative restrictions on U.S. participation in the HIPC Trust Fund, such as a moratorium on new lending and other eligibility restrictions. Just yesterday, the chairman of the Senate Committee on Foreign Relations, Senator HELMS, and the chairman of the Senate Committee on Banking, Senator GRAMM, sent a letter to Secretary Summers outlining 17 specific conditions for debt relief that must be met prior to U.S. participation in the Trust Fund. The conditions outlined in their letter would require the IMF to completely revamp their lending procedures, and would also eliminate 36 of the 41 of the countries currently eligible for debt relief.

The House sent a strong signal of support for debt relief earlier this year. If we are serious about providing real debt relief, it is essential that the conference agreement on the bill fully fund debt relief and authorize a U.S. contribution to the HIPC Trust Fund without unnecessary restrictions. My motion instructs conferees to insist on these items.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

I think, Mr. Speaker, that the authorizing committee, the Committee on Banking and Financial Services, has some minor objections to a provision contained therein, but I do not have, and I think that we can certainly work with that committee to work out the differences and, therefore, I will accept the motion.

Mr. Speaker, I yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS), a leader on this issue from the authorizing committee.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and again I rise to commend the gentlewoman from California (Ms. PELOSI) for the wonderful work that she has done on this very important issue.

It is extremely important for our conferees to be instructed to do everything that can be done to honor the full request of the President. This has been described as one of those issues that has brought us all together, and I am very pleased and proud that I have received many calls of compliments from other countries, and of course a lot of religious organizations under Jubilee 2000, as well as nongovernment organizations, commending us all for the debate that we had on this issue, commending us all for rising above petty differences and coming together around one of the most important issues of our time.

Because of the work that we are doing, we are going to be able to get some of these countries out from under this debt that is drowning them, and I am very appreciative for the opportunity to support this motion to instruct our conferees.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

In closing, I just want to commend the gentlewoman from California (Ms. WATERS) for her leadership. It was her amendment which increased the funding in the original bill when it was on the floor. I also want to thank the chairman of the committee for accepting this motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CALLAHAN, PORTER, WOLF, PACKARD, KNOLLENBERG, KINGSTON, LEWIS of California, WICKER, YOUNG of Florida, Ms. PELOSI, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO, and Mr. OBEY.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I would like to inquire of the distinguished gentleman from Texas (Mr. BONILLA) of the schedule for the rest of today and the remainder of the week.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will not be in session tomorrow. The House will next meet on Monday, October 23, at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, there will be no votes in the House. Any requests for recorded votes on Monday will be rolled until Tuesday after 2 p.m.

On Tuesday and the balance of the week the House will consider the following measures:

H.R. 4656, the Lake Tahoe Basin School Site Land Conveyance Act;

H.R. 4577, the Departments of Labor, Health and Human Services, and Education Appropriations Conference Report;

H.R. 4942, the District of Columbia Appropriations Conference Report;

H.R. 2614, the Certified Development Company Program Improvements Act of 2000 Conference Report;

And the Foreign Operations Appropriations Conference Report.

Mr. Speaker, the House will also consider any other conference reports that may become available throughout the week.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I could inquire of the gentleman from Texas, are there any other bills on next Tuesday that the gentleman expects to bring to the floor other than the suspension bills?

Mr. BONILLA. If the gentleman will continue to yield, the Foreign Ops bill is expected to be filed Monday evening. In terms of additional suspensions, is that specifically what the gentleman is inquiring about?

Mr. BONIOR. Other bills besides the suspension bills.

Mr. BONILLA. The Committee on Rules is meeting on Monday night, and we hope to have the Foreign Ops bill ready for Tuesday.

Mr. BONIOR. So we expect to have the Foreign Ops bill on the floor on Tuesday?

Mr. BONILLA. That is correct.

Mr. BONIOR. Are there any votes besides the suspensions that are going to occur before 6 p.m.?

Mr. BONILLA. Yes, we do expect votes at 2 p.m. on Tuesday.

Mr. BONIOR. But beyond suspension bills, does the gentleman expect votes on other bills before 6?

Mr. BONILLA. It is possible that nonsuspension bills will be held as of 2 p.m. on Tuesday.

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Mr. BONIOR. Mr. Speaker, could the gentleman tell me when we expect to adjourn sine die?

Mr. BONILLA. I wish I could. At this point, the remainder of the schedule has not been determined.

Mr. BONIOR. May I ask the distinguished gentleman from Texas when we expect to vote on the minimum wage bill?

Mr. BONILLA. At this point that has not been determined.

Mr. BONIOR. How about the prescription drug bill?

Mr. BONILLA. At this point that has not been determined.

Mr. BONIOR. How about the HMO bill?

Mr. BONILLA. Same answer.

Mr. BONIOR. How about the education program that we talked about in the debate a little earlier this afternoon?

Mr. BONILLA. Same answer.

Mr. BONIOR. Well, Mr. Speaker, I just want to say, and I will end with this comment, we are here 19 days into the fiscal year, the President has received and signed three appropriations bills out of 13, and the work of the country is not done. The work on key issues like minimum wage, HMO reform, prescription drugs, hate crimes, and the list goes on, is not done. We are taking a 5-day period before we vote. We will not come back until next Tuesday.

I just want to make it very clear this evening so no one misunderstands that these CR's will not be tolerated by us or by the President of the United States beyond Wednesday. We are going to do them in 24-hour increments, and we are going to get the work of the country done.

I just want to tell my friend from Texas and his colleagues and my colleagues here on this side of the aisle, we will not yield and we will not leave here until we get some of these major issues done.

We want the minimum wage done. I am not going to limit myself to what we want done, but I will tell you we will not leave here certainly if the educational pieces are not done; and that includes 100,000 teachers, the construction for modernization of our schools, as well as the after-school program and teacher certification. Those are key pieces to what we think we should be able to accomplish as a Congress.

And so, anyway, my colleagues are forewarned of our concern, and we hope that we can do this in an expeditious manner to take care of the needs of the country and so we can get back to our home districts and do not expect a CR to run beyond 24 hours if in fact the business of the House is not done.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would like to take this opportunity to give the House a status report on what is probably the major bill that still remains before we get out of here on the appropriations front. We had yet another meeting of the Labor-HHS conference, the seventh meeting we have had, I believe. And at the beginning of the meeting, we were told by the Senate Chair of the conference that he would not sign a conference report one dime above the level contained in the conference report for Labor, Health, and Education.

At that point, frankly, I asked if I could be pointed in the direction of whatever room or whatever person would be in a position to negotiate so that we could reach an agreement on that bill. And at that point the White House and those of us on our side of the aisle, myself and the Senator representing the Senate caucus, laid a compromise on the table which was in essence a 20 percent reduction in the amount of funding that we have been asking but insisting that we still meet the needs on school construction, on class size reduction, on teacher training, on after-school programs, on Pell, and on IDEA.

We presented the offer, which is a 20 percent movement on our part, and we asked him to please be prepared to sit down at 10 o'clock Monday morning to deal with this issue so that we can get some movement. And it is my earnest hope that we do not have to wait until Wednesday or Thursday or Friday to begin serious negotiations on this. We have moved. And as far as I am concerned, we need to see movement on the other side.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for their comments.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I did not have a chance to listen to all of the discussion on the schedule, but I just have a question either for you or Mr. OBEY. We are trying our darnedest to have the Labor-HHS bill filed by Monday night. That would require the presence of the principals here tomorrow and possibly Saturday.

I wonder if that would be possible for the minority principals to be here?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. As the gentleman well knows, we have stayed here for three weekends waiting to find someone to negotiate with. And as the gentleman also well knows, no one with the power to make decisions on the issues has been here.

I do not have any intention of sitting around for another weekend waiting for the persons who have the authority to make the decisions to come around.

It is obvious that the chairman from the other body is not prepared to make any movement whatsoever in negotiations. It is also obvious that it is the leadership of both caucuses that is making the decision about what the contents are in these bills.

And so far as I know, they are going to be roaming around the country again, which is their right, performing their duties on behalf of candidates running for reelection. But I am not about to again not go to my own district waiting for meetings that will not happen.

We asked that people be prepared to meet at 10 o'clock Monday morning. We laid an offer on the table. We are giving their side and both the Senate and the House Chambers an opportunity to respond to it, and we have asked and Senator STEVENS has indicated that he would like to meet on Monday to discuss this.

My question would be, when will the Speaker and the majority leader and the majority whip in this House and the majority leader on the Senate side and the majority whip on the Senate side be available next week so that we can in fact get these decisions made?

You and I know that if we could work out a deal between the two of us we would have it done in an hour. We know that. But every time we try to get a decision out of the Committee on Appropriations, we get vetoed by somebody on your side.

The House made an offer to us of several billion dollars earlier in the week. That was taken off the table tonight by the Senate chairman of the subcommittee. That is not a way to negotiate. I do not think the gentleman from Florida would negotiate that way, and we did not appreciate being stiffed on it this evening.

So we will be prepared to meet anytime that your leadership is in town in both Chambers so that when we get stiffed again, we can go to someone else who has the authority to provide some movement. I hope it is by Monday, but I frankly would be surprised if even then we get movement from them.

Mr. YOUNG of Florida. If the gentleman would yield further, the principals that are necessary to conclude this agreement on the Labor, Health and Human Services bill will be available tomorrow or Saturday.

Mr. OBEY. Would you name them, please.

Mr. YOUNG Of Florida. I'm sorry, I didn't hear you. Could you say that again?

Mr. OBEY. Would you name who would be available tomorrow?

Mr. YOUNG of Florida. The gentleman knows who the principals are that need to be here.

Mr. OBEY. We just met with the principals and got stiffed. We were just told by the principal from your party on the Senate side I would not move one dollar. And we were asked by the Senate chairman of the Committee on Appropriations to sit down and meet Monday. I expect and I hope that we will find him more reasonable than we have found the principals that we have been dealing with.

We had seven meetings with the principals and we have gotten the same thing out of them every time, no movement. That is not the way we are going to end this session.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield further, I want to respond to my friend from Wisconsin that he knows who the principals are. He also knows who the one big principal is at the White House. And I think he also knows that we finally, just this evening, got the offer from the White House that we have been waiting for for quite some time.

It is essential, if we are going to negotiate, we need an offer and a response.

Mr. OBEY. You got the offer. We are waiting for your response. We were told that we would get it on Monday. And I am relying on Senator STEVENS, he is a man of good faith, and I am relying on you to be ready Monday to deal with it. But I have been here for a month.

The Speaker has gone to his district; he has gone all over the country campaigning for people. The majority leader has. The majority whip has. I have been stuck here like a fugitive on a chain gang waiting for somebody in the leadership on your side of the aisle with the power to negotiate to actually engage in negotiations. And, as you know, all we get is no, no, no.

We have moved 20 percent off our position. But we are not going to leave here, as the distinguished minority whip says, until we get a Labor-HHS bill that provides an additional ability to reduce class size, to train more teachers in a better fashion, to provide for after-school centers, to provide for the same level of Pell Grant funding that you yourself said you wanted in May, and to provide additional funding for the disabled.

That is what we are asking for, along with the school construction. And we moved 20 percent from our position today. The only answer we got from your side is no movement. And so there is no point in meeting with the same four people all around because we get no new results.

So what we are hoping is that we will get different results by moving it to a different level, and that is what we have been told would take place on Monday.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would further yield, after sifting through everything that I have heard from my dear friend from Wisconsin, I think the answer to my question is, no. He would not be available tomorrow or Saturday or Sunday, but he would be available Monday. And if that is the best we can do, that is the best we can do.

Mr. OBEY. The gentleman knows that I said on this floor and I said to you that I would be prepared to be here any day, Saturday, Sunday or Monday, if your leadership was prepared to be here. Because it is obvious they are the people making the decisions and they have stripped you of all ability to make decisions without checking with them and then they vetoed virtually every decision that you made.

Mr. YOUNG of Florida. We are in a position now that we are dealing with the White House. And we finally, just a few minutes ago, got an offer from the White House. The gentleman can stand there and raise his voice all he wants. We just got the offer from the White House.

Now, we would like to have an hour or two to look at it. We would like to meet tomorrow to try to give a response. Hopefully, we can agree to it.

Mr. OBEY. Are we supposed to meet with Senator SPECTER again who says there is no give? We were told we should meet with people at a higher level on Monday. That is what we are doing.

As you well know, your leadership has kept you on a tight leash, and every time we try to negotiate something with the Committee on Appropriations, we are told it is vetoed by your leadership.

If the gentleman from Illinois (Mr. HASTERT) will be in town, if the gentleman from Texas (Mr. ARMEY) will be in town, if the gentleman from Texas (Mr. DELAY) will be in town so the people with the real power over there can make some decisions, you bet I will be in town. But absent their participation in that room, I am not going to waste my time again waiting for a call that has not come. I have waited for three weeks, and I am tired of it.

Mr. YOUNG of Florida. Well, as the gentleman knows, the names that he mentioned are not members of the Committee on Appropriations.

Mr. OBEY. But they do make the choices, do they not? Do you deny that?

Mr. YOUNG of Florida. They are leaders. They have the right, and they have the power to make certain decisions, of course, the same as your leadership does. It is a two-sided coin.

Mr. OBEY. The difference is our leadership has given us the power to negotiate.

Mr. YOUNG of Florida. The gentleman is not available. That is the answer. The gentleman is not available.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Michigan (Mr. BONIOR) controls the time.

Mr. BONIOR. Since you mentioned our leadership, I would like to, if I could, register a polite complaint, as well.

Since I am the author of the minimum wage bill, I have not been asked to participate in any meetings on this bill that has been languishing now for months and months and months. I am waiting for an opportunity to participate in trying to resolve that. And in waiting for that, we are denying the people who are working so hard in our country for $5.15 an hour, there is about 10 million of them out there that have been denied about $2,000, which is a huge percent of their disposable income while we wait and we wait.

We think that there ought to be some movement here. We are willing to be here and meet on that. I have been willing to meet on that for months now. We have not had a meeting on the minimum wage. We have not had a meeting on prescription drugs. We have not had a meeting on some of these other issues that are important to us, like hate crimes and other things. And we certainly have not been able to do the things we need to do on education.

So we are ready to go, and we have been ready to go. I hope we made our point very clear today that this is unacceptable, that three out of 13 bills is unacceptable 3 weeks into the new fiscal year and these other major issues that you guys and you women are campaigning on all over the country with ads you refuse to take up. They are basic issues of justice and equity for poor people, whether they are an HMO bill or a prescription drug bill or a minimum wage bill or basic education issues. We want to do them.

□ 1930

We hope that you do, too.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I just want to make it clear I will be happy to cancel my plane in 5 minutes if the Republican leadership of this House will be here tomorrow so that every time we get a, well-we-have-to-check-with-upstairs response from the gentleman, we can get that response from the boys upstairs. We keep being told those issues are being kicked upstairs into different rooms, but we cannot find who is in those rooms.

ADJOURNMENT TO MONDAY, OCTOBER 23, 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, OCTOBER 24, 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, October 23, 2000, it adjourn to meet at 10:30 a.m. on Tuesday, October 24, 2000, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

KRISTEN'S ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults.

The Clerk read as follows:

H.R. 2780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Kristen's Act".

SEC. 2. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) IN GENERAL.—The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) REGULATIONS.—The Attorney General may make such rules and regulations as may be necessary to carry out this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000 each year for fiscal years 2001 through 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2780, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2780, Kristen's Act, which was introduced by the gentlewoman from North Carolina (Mrs. MYRICK). Each year about 1 million people are reported missing in the United States and about 42 percent of those are adults. The many Federal, State and local law enforcement agencies across the country dutifully enter these missing person reports in the FBI's national missing persons database and most of them are quickly found within a day or two. Still, many children and adults are not found right away and that is one reason Congress acted to create the Center for Missing and Exploited Children.

The Center acts as a clearinghouse for missing child cases and provides much needed support to families whose children are missing. The Center has helped locate thousands of missing children and reunited them with their families. Unfortunately, there is no such clearinghouse for missing adults. Once the names of these missing adults are entered into the FBI's National Crime Information Center computer, there is little else the families can do but wait and hope that their loved ones will be found.

Kristen's Act would establish the first national clearinghouse for missing adults. It would authorize grants to States to, one, assist law enforcement and families in locating missing adults; two, create a national database for the purpose of tracking missing adults who are determined by law enforcement to be in danger due to age, mental capacity or the circumstances of their disappearance; three, maintain statistics on missing adults; four, provide informational resources and referrals to families of missing adults; and five, assist in public notification and victim advocacy on this issue.

Congress can and should do more to help families locate their missing adult relatives. Kristen's Act would provide an infrastructure that will supplement the existing FBI missing persons database and help State and local law enforcement agencies work with families to help to locate their loved ones.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for her outstanding leadership on this issue and I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2780, also known as Kristen's Act. H.R. 2780 authorizes the Attorney General to make grants to public agencies or nonprofit private organizations to maintain a national database for tracking missing adults determined to be in danger due to age, diminished mental capacity, when foul play may be involved or when the circumstances of the disappearance are unknown.

It also authorizes grants to assist law enforcement and families in locating missing adults; provide informational resources to families of missing adults and for other related purposes. The bill authorizes $1 million each year for fiscal years 2001 through 2004 to carry out the purposes of this legislation. The bill is named after Kristen Moderfferi of Charlotte, North Carolina, who at age 18 disappeared after leaving her job one day. Sadly, because she was just 18 her family could not benefit from the great work of the National Center for Missing and Exploited Children.

H.R. 2780 is designed to assist law enforcement and families of missing persons for those over the age of 17 in a manner similar to that provided by the National Center for Missing and Exploited Children. Although we have not had hearings on this bill and I generally do not support consideration of legislation without hearings, I am familiar with the valuable services provided by the National Center for Missing and Exploited Children for which we have had hearings and support similar efforts for missing adults who are in danger due to age, diminished capacity or foul play. Accordingly, I urge my colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the sponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I would like to thank the chairman, the gentleman from Florida (Mr. CANADY), for bringing this bill forward as well.

Mr. Speaker, I too rise in support of Kristen's Act. I introduced it because Kristen Moderfferi, who was a constituent of ours in Charlotte, North Carolina, disappeared in 1997. She was a very bright, hard-working young lady and attended North Carolina State University. She had just finished her freshman year; and like so many other college students, she decided she wanted to go to another city to spend the summer and work and have a new experience. So she moved to San Francisco. She enrolled in photography class at Berkeley and got a job at a local coffee shop. She began settling in and making new friends.

However, on Monday, June 23, which was just a mere 3 weeks after her 18th birthday, she left her job at the coffee shop and headed to the beach for the afternoon. She has not been seen since.

When her panicked parents called the National Center for Missing and Exploited Children, they heard the unbelievable words, I am sorry we cannot help you. They were shocked to discover that because Kristen was 18 the Center could not place her picture and story into its national database, or offer any assistance whatsoever. In fact, there is no national agency in the United States to help locate missing adults.

Unfortunately, the Moderfferis are not alone. The families of thousands of missing adults have found that law enforcement and other agencies respond very differently when the person who has disappeared is not a child. So that is why I introduced Kristen's Act. It will provide funding to establish a national clearinghouse for missing adults whose disappearance is determined by law enforcement to be foul play. As with the National Center for Missing and Exploited Children, this bill will provide assistance to law enforcement and families in missing persons cases of those over the age of 17. It is simply unfair that people must cope with a missing family member, which is so traumatic, and I know personally what the Moderfferis have gone through, and have to conduct the search on their own without skills or resources.

I will say that the Moderfferis literally went to the ends of the Earth to just exhaust every opportunity they could to try and find their daughter, and were completely frustrated at most every turn.

Kristen's Act does send a message to these families that they deserve help to locate endangered and involuntarily missing loved ones.

Endangered missing adults, regardless of their age, should receive not only the benefit of a search effort by the local law enforcement but also the help of an experienced national organization.

By passing this bill today, families will never again have to hear they cannot be assisted because their loved one is too old.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who is the chairman and founder of the Congressional Caucus for Missing and Exploited Children and a leading supporter of the National Center for Missing and Exploited Children.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), for yielding me this time, and I also want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for all the good work she has done on this bill, and others as well.

Mr. Speaker, as a cosponsor of this bill, I rise in support of Kristen's Act, a bill to authorize the Attorney General to make grants to public agencies or nonprofit private organizations to assist law enforcement and families in locating missing adults and to maintain a national interconnected database tracking missing adults who are determined by law enforcement to be in danger due to age, diminished mental capacity or the circumstances of disappearance when foul play might be suspected. This bill will also maintain statistical information of adults reported as missing; assist in public notification and victim advocacy related to missing adults, and establish and maintain a national clearinghouse for missing adults.

As the gentleman from Virginia (Mr. SCOTT) said, I am the chairman and founder of the Congressional Caucus on Missing and Exploited Children and I work very closely with the National Center for Missing and Exploited Children. I do realize, however, that specialized services to locate and recover missing adults are few and far between. While adults have a legal right to disappear without notifying friends and family, this does not lessen the frustration others face when determining whether foul play is involved.

I met with Kristen Moderfferi's parents in 1999, and what they have lived through is tragic. Their daughter disappeared 3 weeks after her 18th birthday and while the National Center for Missing and Exploited Children was able to refer them to other assisting organizations, the center was unable to work directly on the case as its mandate is for children under the age of 18. A congressionally authorized clearinghouse for missing adults is necessary to assist people like Kristen's parents. I do not want to look into the faces of any more parents whose grown-up children are missing or some place where they should not be. The tragedy is too difficult to live with.

Mr. Speaker, I strongly encourage all of my colleagues to support Kristen's Act.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership on this issue and also the gentleman from Texas (Mr. LAMPSON) for his leadership.

I would also like to take the opportunity to say a word about the gentleman from Florida (Mr. CANADY), with whom I served as ranking member of the Subcommittee on the Constitution for 2 years. We considered a lot of very contentious and controversial issues. And we did not agree very often, but as we disagreed we were able to do that, I think, in a constructive and conscientious way of being able to disagree without being disagreeable.

I know the gentleman from Florida (Mr. CANADY) is not seeking reelection, and I wanted to wish him well in the future.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for his very gracious remarks and express to him my gratitude for the good working relationship we have had as members of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I rise in support of H.R. 2780—"Kristen's Act"—which was introduced by the Gentlelady from North Carolina, SUE MYRICK. Today, there are approximately 100,000 people who have been reported as missing to the FBI's National Crime Information Center. About 42,000 of them are adults. The families of missing children can—and often do—turn to the Center for Missing and Exploited Children, the very successful national clearinghouse for missing child cases. The Center has helped locate thousands of missing children and provides much needed support to the bereaved families who are searching for them.

Kristen's Act would establish the first national clearinghouse for missing adults. It would authorize grants to states to (1) assist law enforcement and families in locating missing adults; (2) create a national database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, mental capacity, or the circumstances of their disappearance; (3) maintain statistics on missing adults; (4) provide informational resources and referrals to families of missing adults; and (5) assist in public notification and victim advocacy of this issue.

The need for this legislation was brought home to me by the case of Brian Welzien, a 21-year-old student at Northern Illinois University, who disappeared without a trace after celebrating at a restaurant in Chicago last New year's Eve. His disappearance was inexplicable. He was a good student and good son. He was immediately reported missing by his family, but they had nowhere to turn for help and support beyond reporting that he was missing. Tragically, his body washed ashore three-and-half months later on a Lake Michigan beach near Gary, Ind. Had there been a national center for missing adults, perhaps more could have been done to find him before he died.

Congress can and should do more to help families locate their missing husbands, wives, brothers and sisters. Kristen's Act will go a long way in providing the infrastructure to help locate them before tragedy happens.

Mr. Speaker, I thank Mrs. MYRICK for her leadership on this issue, and I urge all my colleagues to support this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 2780.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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EXPRESSING SUPPORT OF CONGRESS FOR ACTIVITIES REGARDING MULTIPLE SCLEROSIS

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

The Clerk read as follows:

H. CON. RES. 271

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2 million over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9 billion;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded;

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 271.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H. Con. Res. 271, which expresses the support of Congress for activities to increase public awareness of multiple sclerosis. I salute the gentleman from Rhode Island (Mr. WEYGAND), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from New Jersey (Mr. SMITH) for their work in bringing this resolution to the floor today.

Multiple sclerosis is a chronic, often disabling, disease of the central nervous system. Symptoms may be mild, such as numbness in the limbs, or they can be terribly severe, like paralysis or loss of vision.

Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional threats can be lifelong. The progress, severity, and specific symptoms of MS for any person cannot yet be predicted; but advances in research and treatment are giving hope to those who have been afflicted by the disease.

Thanks to the dedication of Congress over the last 6 years in doubling the budget of the NIH, many advances have been made in the war against MS. Over the last decade, for instance, our knowledge of the immune system has grown at an amazing rate. Major gains have been made in recognizing and defining the role of the system in the development of MS lesions, giving scientists the ability to devise ways to alter the immune response.

New imaging tools, such as Magnetic Resonance Imaging, have redefined the natural history and are proving invaluable in monitoring the disease activity. Scientists are now able, for example, to visualize and follow the development of MS lesions in the brain and spinal cord using MRIs, and this ability is a tremendous aid in the assessment of new therapies and can speed the process of evaluating new treatments.

With all the important contributions made by bioimaging and bioengineering in the field of MS diagnostics, we would be remiss at this time if we did not make reference to the House-passed National Institute of Biomedical Imaging and Engineering Establishment Act, H.R. 1795, which was sponsored by my colleague on the Committee on Commerce, the gentleman from North Carolina (Mr. BURR). Magnetic resonance imaging and computed tomography have revolutionized the practice of medicine in the past quarter century; yet there is still not a center at NIH that brings imaging and engineering into focus.

Mr. Speaker, I encourage Members to communicate with those in the other body concerning the importance of enacting H.R. 1795, and ask that we all join together in voting for this concurrent resolution, H. Con. Res. 271, to express our strong support for increasing public awareness of multiple sclerosis and hopefully an end to the dreaded disease through proper treatment, diagnosis, and, eventually one day, prevention.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the resolution introduced by the gentleman from Rhode Island (Mr.

WEYGAND), which focuses our attention on a serious chronic illness that currently affects as many as one-third of a million individuals in this country, mostly women.

Multiple sclerosis is an autoimmune disorder that alters the lives of those afflicted by it in profound and tragically unpredictable ways. It is notoriously difficult to diagnose because its constellation of symptoms vary from patient to patient and often mimic other illnesses.

Once it is diagnosed, it is impossible to predict the severity or the course of the illness. The range of symptoms patients may experience is broad: extreme fatigue, impaired vision, loss of balance and muscle coordination, slurred speech, tremors, stiffness, difficulty walking, short-term memory loss, mood swings, and, in severe cases, partial or complete paralysis.

Again, Mr. Speaker, individuals have no way of knowing whether or when they may experience these symptoms. The uncertainty around MS obviously heightens the trauma for patients and their families, and it creates unique challenges for providers and researchers alike.

There is no cure for MS, yet; but there have been significant advances in treating and understanding this illness. The Nation owes a debt of gratitude to the National Multiple Sclerosis Society, which not only funds groundbreaking research into the causes and treatment of MS, but raises public awareness and advocates for more public sector involvement to combat this disease.

The resolution offered by the gentleman from Rhode Island (Mr. WEYGAND) affirms that we are listening to the MS Society, to women and men with MS and their families, and to the researchers, including researchers at the National Institutes of Health funded by taxpayers working hard to beat this illness.

While I believe, Mr. Speaker, that the Weygand resolution is important, we should be doing so much more on health care in this Chamber. We should be passing a prescription drug benefit for Medicare beneficiaries and do something about high prescription drug prices. That is the best thing we could do for people that are victims of multiple sclerosis. We should be passing a Patients' Bill of Rights. That is the second best thing we should do for people afflicted with multiple sclerosis.

This resolution helps, but this Congress should get back to town, get back to work, pass the Patients' Bill of Rights, pass the prescription drug legislation, and pass this concurrent resolution, H. Con. Res. 271.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank my friend from Louisiana for yielding me time.

Mr. Speaker, as a cosponsor of this resolution, I rise in support of it and of the goals that it puts before Congress and the country. MS affects my family, and over the last few years, I have learned a lot about the disease and about the efforts under way to fight it.

I would like to make just three brief points on this resolution.

First, there are some truly heroic efforts going on every day all around the country to battle this disease. MS Societies in community after community help raise funds for research, help increase awareness, and help MS patients and their families to deal with the challenges that this disease brings.

At the National Institutes of Health and other institutions, some of the country's best minds and most caring people are working hard every day to find answers to the many questions which remain about this disease. I think it is appropriate for us to recognize and honor those efforts.

Secondly, this Congress is on track to double over 5 years' medical research funding at NIH. Much of the medical research is conducted by private companies and researchers; but the Federal Government has an important role to play, and we have got to pull our weight if we are to find answers to diseases such as MS. I am proud this Congress has set doubling the funding for NIH as a goal, and we are on our way at achieving it.

Third, there are some unnecessary impediments to providing MS patients with the best possible treatments, and we have to commit to removing those impediments as soon as possible. There are drugs, for example, that have shown very promising results in Canada and Europe, but are unavailable to patients in the United States because of FDA's interpretation of the Orphan Drug Act, which, in my view, is misguided and certainly contrary to the intentions of Congress when it originally passed the Orphan Drug Act.

I have introduced legislation on this matter and the Committee on Commerce has begun to look into it, but for those of us concerned about fighting MS and a host of other diseases, correcting this problem with the Orphan Drug Act must be a priority in the next Congress.

I certainly look forward to working with my friend from Louisiana and all of my colleagues to making sure that very soon MS is a disease of the past.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who strongly supports the Patients' Bill of Rights and prescription drug legislation and worked on this issue also.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman in charge of this resolution on the other side, as well as the gentleman from Ohio (Mr. BROWN) on this side.

Mr. Speaker, I do rise in support of this concurrent resolution. I had several friends who were stricken by this disease in their early to late twenties, so it has become second nature to me in trying to fight to ensure that we get the type of support and the type of funding for such a disease.

Mr. Speaker, we recognize that multiple sclerosis is twice as common in women as in men, and while we tend to recognize the importance of fighting this disease for everyone, it is clearly one that poses a problem with women who have been stricken with this disease. My friend, who had three children, once she received word that she had this, her husband left her and she was there with this disease with the three children. So it is very devastating to know that I speak from a personal standpoint, in a sense, that young women who had finished school with me were stricken with this.

We also recognize, Mr. Speaker, that an estimated 250,000 to 350,000 individuals suffer with multiple sclerosis nationwide, and this is why there is a critical need for the Patients' Bill of Rights and for prescription drugs, because it is tremendously expensive to have the medicine to treat this type of disease. Oft times death comes.

So I come today to just simply say I too support this resolution, and suggest that we must do everything we can to provide the funding and the support for those who have been stricken with this very deadly disease.

Mr. TAUZIN. Mr. Speaker, I am now very pleased to yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), whose district includes the National Institutes of Health, whose husband serves on the board of the Children's Inn at NIH with my own wife Cecile, and who does such a great job in representing and promoting the interests of our great National Institutes of Health in Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time and for his very laudatory introduction. I appreciate that very much, and appreciate his handling this bill on the floor and his support of it. I also want to thank the gentleman from Ohio (Mr. BROWN) for his work on health, which has been extraordinary.

As a cosponsor of H. Con. Res. 271, I am delighted to be here to express my very strong support of it. It expresses the support of Congress for activities to increase public awareness of multiple sclerosis, and it calls on Congress to increase funding for the National Institutes of Health. In fact, we have been doing that, and I must commend this House of Representatives for embarking on that 5-year plan to double the budget by 2003 for the National Institutes of Health.

I represent the National Institutes of Health, as the gentleman from Louisiana (Mr. TAUZIN) has mentioned, and have been a lead in getting a letter out to our colleagues, which over 100 have signed, to the gentleman from Illinois (Mr. PORTER), who chairs an appropriations subcommittee, asking for continuation of that plan.

As I mentioned, we have been on the right road to success, and I urge our conference committee on the appropriations of the Labor-HHS bill to continue the commitment and fund NIH $20.5 billion, which is a full 15 percent increase, an increase of $2.7 billion.

I am pleased to note that the National Institute of Neurological Disorders and Stroke, which funds the research on MS, has seen corresponding increases of 15.1 percent, bringing the fiscal year 2000 budget to $1.35 billion.

But let us look at the real cost of neurological disorders, which number more than 600. They strike an estimated 50 million Americans each year. They exact an incalculable personal toll and an annual economic cost of hundreds of billions of dollars in medical expenses and lost productivity. In fact, MS costs an individual an average of $34,000 annually for therapy and treatment, and impacts as many as 350,000 Americans.

With passage of this resolution, we will speed up the race to find a cure for MS. Passage of this resolution is vital because we also need to increase public awareness of MS.

MS is an autoimmune disease in which the symptoms are believed to occur when the immune system turns against itself. MS is a life-long, unpredictable disease that randomly attacks the central nervous system, brain and spinal cord, and more than twice as many women as men have MS.

Passage of H. Con. Res. 271 will leverage H.R. 4665, the Children's Health Act of 2000, which was recently passed by this House.

Title XIX of this bill, NIH Initiative on Autoimmune Diseases, requires the director of NIH to expand, intensify and coordinate the activities of NIH with respect to autoimmune diseases. This includes forming an Autoimmune Diseases Coordinating Committee and Advisory Council that will develop a plan for NIH activities related to autoimmune diseases and to require different institutes within NIH to provide a detailed report to Congress specifying how funds were spent on autoimmune diseases.

□ 2000

Mr. Speaker, H. Con. Res. 271 is a good bill. We must not forget that virtually every hour someone is newly diagnosed with MS.

I would also like to take a moment and salute the National Multiple Sclerosis Society for the work they have done over the past 50 years to find a cure for MS and to improve the quality of life for people with MS and their families.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 271 to support the health of our Nation's citizens, and I particularly want to thank the gentleman from Louisiana (Mr. TAUZIN) for affording me this time at this hour for this important resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the House to support H. Con. Res. 271, a resolution sponsored by the gentleman from Rhode Island (Mr. WEYGAND). This resolution brings attention to a very particularly serious disease, multiple sclerosis, that hits one third of a million Americans, especially women.

It is important that this body encourage more research from whether it is a Multiple Sclerosis Society or the National Institutes of Health. It is also important, Mr. Speaker, that this Congress complete its work before it goes home, before it adjourns sine die, that it complete its work on prescription drug legislation and complete its work on a patients' bill of rights.

Those two pieces of legislation will do more for patients suffering from multiple sclerosis than anything else we can do. It will do more for patients suffering from a whole host of very serious diseases. This Congress has passed resolutions addressing in the last month, but the Congress has failed to do the real work that we are here for, and that is to provide prescription drugs for, and under Medicare for, senior citizens to deal with the high costs of prescription drugs and to pass a patients' bill of rights, which will turn the authority of medical decisions to doctors and nurses and to patients and to take that authority and take the decision-making away from insurance company bureaucrats.

While I ask Congress to pass H. Con. Res. 271, I also ask this body to pass a prescription drug bill and the patients' bill of rights.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me first commend my friend, the gentleman from Ohio (Mr. BROWN) for his attention to this resolution and for his help in supporting and getting this adopted by the House tonight. This is indeed an important statement by the House of Representatives about our interests and the Nation's interests in finding better cures, therapies and, hopefully, preventive techniques for this awful disease.

I also want to say that it is our extreme hope that we could agree on a prescription drug proposal this year before we leave, too. I know those negotiations are going on. I would hope we could complete them before we leave, and I certainly hope, as we all do, we could agree on HMO reform before we leave.

I can assure the gentleman that if, for obvious reasons, we are incapable of reaching final accord with the White House and the Members of the other body on these two important issues, they are going to rank high on our committee's agenda next year, and we are going to address those concerns as rapidly as we can next year.

But I want to again commend the gentleman and my friends on both sides of the aisle tonight for their support of this important concurrent resolution. I particularly again want to congratulate Tony Morella and his wife, the gentlewoman from Maryland, (Mrs. MORELLA) who represents NIH for their extraordinary dedication to that facility. That facility daily finds cures and therapies and saves lives, and it is incredible for its work, particularly with children stricken with awful diseases. I want to again thank that incredible couple, CONNIE and TONY MORELLA, for their excellent representation of that facility here in this Chamber.

Mr. Speaker, NIH always enjoys great bipartisan support, and it will continue to do so as we struggle to find answers to these terrible diseases that ravage our population. Mr. Speaker, I urge adoption of the resolution.

Mr. WEYGAND. Mr. Speaker, there are many individuals to thank today who have fought for the arrival of this Resolution on the House floor this evening.

On this side of the Capitol, the Democratic Whip DAVID BONIOR and his staff helped move this bill to the floor today. Also, my friend and colleague, Chief Deputy Whip for the Majority, ROY BLUNT, and his staff—Trevor Blackann in particular, also helped us immensely.

Many other members of congress and their staff have played a crucial role here, and I especially want to thank Ranking Member SHERROD BROWN and Chairman BILIRAKIS for moving this bill from the Commerce Committee's Subcommittee on health and Environment.

Karl Moeller of my staff deserves a great deal of recognition for all of his efforts as well.

In the other body, Senator JACK REED introduced our Resolution and worked to pass this measure with bipartisan support. I would like to praise his work on behalf of MS patients everywhere.

Most importantly, however, is the effort put forward by the Rhode Island chapter of the National Multiple Sclerosis Society and their members in Rhode Island.

This Resolution is the culmination of a grass-roots effort, and a clear example of bipartisanship and democracy at work.

While I was passing through the metal detectors in the Rhode Island Airport, I met a security guard, Walter Shepherd, whose daughter lived with MS and whose very close friend still suffers from this illness. Mr. Shepherd asked me and JACK REED what we were doing to help.

For Walter, and the hundreds of thousands of others who are impacted by this illness, this resolution is on the floor today as a sign that Congress knows of the battle they fight and win each day.

There is a great deal of uncertainty for someone facing the early stages of a chronic illness.

MS patients may first call their doctor because of some difficulty with their coordination.

Or perhaps they see an eye doctor because of a problem with their vision—only to learn that these are signs of a much more serious disease.

350,000 Americans have felt that uncertainty first hand, and now live every day of their life with MS.

In Rhode Island, 3,000 people fight this illness. And for each, there are friends and family who fight by their side.

As MS patients know, the nerve fibers in the body's central nervous system are coated with a fatty sheath that protects our nerves from damage. Multiple Sclerosis attacks the protective sheath around the nervous system, and this results in endless complications for MS patients.

Muscles, vital organs, and normal body functions are the primary targets of this illness. But just as harmful are the by-products of its progressive attack—pain, paralysis, blindness, an inability to walk, and even the loss of independence.

Health insurance costs, medical bills, the need for physical therapy and costly medications—all of these concerns come into play when a patient is faced with a disease that has an annual cost per patient of some $34,000.

But there is hope. Our federal commitment to finding treatments for such illnesses should remain paramount as we finalize legislation in these final days of this session of Congress.

The good news is that with each day that passes, MS is brought closer to extinction.

This illness, once treated with herbs and X-rays, is now able to be stabilized by modern medications.

Because of modern medical treatments and therapies, patients with MS are able to live full and productive lives, and have seen their life expectancy increase with each new technology.

And while there isn't a cure today, I believe that day is coming quickly.

To reach this goal, I have joined with many others in Congress to double the budget of the National Institutes of Health.

Many members and I, in both the House and in the other body, see this increase as an investment against human suffering.

NIH researchers, working primarily in hospitals, research laboratories and teaching facilities across the nation, are looking for cures to thousands upon thousands of illnesses.

While research on MS at the NIH is ongoing, I want to commend the National Multiple Sclerosis Society and its members for realizing that NIH research on any number of neurological illnesses might find the cure for MS.

Our federal commitment to all medical research at the NIH must be supported. We have seen time and again that it is far less costly, in terms of dollars and suffering, to research and prevent an illness than to treat the symptoms.

And finally, as the House sponsor of this legislation, I encourage medical professionals in our communities to learn more about this illness, and to support efforts that will bring an end to this disease.

Mr. SHIMKUS. Mr. Speaker, I rise in support of this resolution which draws attention to the chronic and often crippling disease of multiple sclerosis.

This issue is very personal to me, as I have known two people who suffered from this illness. The sister of one of my staffers, Mary Uram, ailed with MS for over a decade before she passed away. Another friend of mine died at an early age due to this debilitating disease.

Generally, people are diagnosed with MS between the ages of 20 and 40, but the physical and emotional effects can be lifelong. MS is devastating—not only to their medical well-being but also to the personal and financial stability of the individual and those caring for them. Often, this ailment can result in loss of employment and isolation from a community.

It is fortunate that advances in research and treatment are giving hope to those affected by the disease. This resolution will help to increase awareness and demonstrate Congressional support for research into the causes and possible treatments for MS. It will also recognize the significant contributions of national and community organizations in this effort.

I would like to end by commending Representative BOB WEYGAND and his staffer, Karl, on their hard work in brining this bipartisan bill to the floor.

Mr. DINGELL. Mr. Speaker, I rise in support of H. Con. Res. 271: "Expressing the Sense of the Congress for Activities to Increase Public Awareness of Multiple Sclerosis." This resolution, introduced by Mr. WEYGAND, addresses a disease that can strike any American.

Multiple sclerosis is an often debilitating, chronic disease of the central nervous system, which strikes individuals in their third, fourth and fifth decades of life. Its onset can be elusive, and the course of the disease unpredictable; symptoms come and go, and can range in severity from mild numbness in the limbs to paralysis. However, the toll of multiple sclerosis on America's public health is real.

H. Con. Res. 271 identifies the need for varied approaches to fighting this still somewhat mysterious disease. It highlights the need for an increase in Federally-funded research into causes and treatments of multiple sclerosis, including identification of genetic factors and development of more effective therapies. The bill also recognizes the importance of getting the most up-to-date medical information to health professionals and the American public. These initiatives may enhance the quality of patient care, which is the third part of the equation. H. Con. Res. 271 promotes increased and equal access to quality health care for all individuals diagnosed with multiple sclerosis. This is something I endorse for our entire nation, and setting up model programs around diseases as ravaging as multiple sclerosis is an excellent place to start.

I support this resolution, and hope my colleagues will do so as well.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 271.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING CONSUMER PRODUCTS SAFETY ACT TO INCLUDE REGULATION OF LOW-SPEED ELECTRIC BICYCLES

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2592) to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act, as amended.

The Clerk read as follows:

H.R. 2593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSUMER PRODUCT SAFETY ACT.

The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"LOW-SPEED ELECTRIC BICYCLES

"SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of 16 C.F.R.

"(b) For the purpose of this section, the term 'low-speed electric bicycle' means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

"(c) To further protect the safety of consumers who ride low-speed electric bicycles, the Commission may promulgate new or amended requirements applicable to such vehicles as necessary and appropriate.

"(d) This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a).".

SEC. 2. MOTOR VEHICLE SAFETY STANDARDS.

For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2592, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2592, a bill introduced by the gentleman from California (Mr. ROGAN), to remove unnecessary regulation of electric bicycles. The bill has benefitted from a full dose of regular order and enjoys a support of my colleagues on both sides of the aisle.

Electric bicycles are a great means of transportation and recreation. In particular, older and disabled riders who do not have the physical strength to ride a bicycle uphills without motorized assistance will benefit from these low-speed electric bicycles. These bikes are also used by law enforcement agencies to increase their patrol range while doing community policing.

Electric bikes help commuters who cannot afford automobile transportation or who work in traffic congested areas. Electric bikes are good for the environment. They are good for reducing traffic and they are good for recreation.

Unfortunately, low-speed electric-powered bicycles are currently regulated by the National Highway Traffic Safety Administration as motor vehicles instead of as bicycles. NHTSA does not want to focus on this. In fact, NHTSA does agree it does not make any sense to regulate these bicycles as motor vehicles, but it is required to by current law.

If NHTSA were to strictly enforce its regulations for electric bicycles, the bikes would be required to meet all sorts of standards that are designed for cars, but do not make sense for bicycles.

Since low-powered electric bicycles are used in the same manner as human-powered bicycles and travel at the same maximum speed, it is just plain common sense they should be regulated like human-powered bicycles.

In our committee hearings, there was bipartisan consensus that regulation of electric bikes should be transferred from NHTSA to the Consumer Products Safety Commission. The CPSC can then regulate them in the same way it regulates regular bicycles, or they can develop any regulations in addition that they might find necessary.

Mr. Speaker, it is a short bill. It is simple, but it is effective. It will make it easier for people to own and to use these electric bicycles.

Mr. Speaker, I want to add that I tried one of these out. Now, I am not, thankfully, yet so old or so out of shape that I think I should have one like this, but let me tell my colleagues, it is an excellent piece of equipment. With just a switch, a little switch that bicycle will add a little extra power to the peddles going up a hill. It feels like you are on a regular flat surface.

It will literally help a great many people in our society who need that little extra help in using a bicycle as recreation or use them to get around town or to work or, indeed, in some cases for the kinds of exercise they need to keep themselves healthy.

I am telling my colleagues when I am ready for it, I am going to get one. It is a really neat little device.

The gentleman from California (Mr. ROGAN) has done a good job in bringing this bill forward so that we can properly put this bicycle under the Consumer Products Safety Commission where it belongs, where it can be regulated as a human-powered bicycle. We urge support for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as the gentleman from Louisiana (Mr. TAUZIN), my friend, did in support of H.R. 2592. This legislation transfers responsibility for regulating low-speed electric bicycles to the Consumer Products Safety Commission. Currently, the National Highway Safety Administration, NHTSA, has jurisdiction over these bicycles, which are designed to operate at speeds of less than 20 miles per hour, approximately the same speed as human-powered bicycles.

The CPSC, the Consumer Products Safety Commission, and NHTSA support this common sense proposal. NHTSA has never attempted to issue a safety standard for these bikes and, I would say, for good reason. If NHTSA were to establish an electric bicycle standard, they would be subject to motor vehicle requirements that would significantly drive up the costs of these bicycles.

Mr. Speaker, the CPSC, which currently regulates human-powered bicycles, is the appropriate agency to regulate electric bikes that operate at comparable speeds. These are bicycles not motor vehicles and, therefore, they should be regulated by the agency with responsibility for bicycles.

Mr. Speaker, this legislation has bipartisan support. Our colleague, the gentlewoman from California (Mrs. CAPPS) who is on the Committee on Commerce, has worked hard for this bill. It is also cosponsored by the gentleman from Michigan (Mr. DINGELL); the gentleman from Texas (Mr. HALL), also on our committee; the gentlewoman from California (Ms. WOOLSEY); the gentleman from Connecticut (Mr. MALONEY); the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from California (Mr. BERMAN).

Mr. Speaker, I urge my colleagues to support H.R. 2592.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just briefly want to say this is not obviously the most important bill that will come before Congress, but it is a good example of how the law is just wrong and common sense requires the law to be changed. So we change it tonight, and hopefully with the small change, we will make a consumer product that is going to be extremely helpful to many citizens of this country available to them and affordable for them. And just this small act by Congress, I think, is going to mean an awful lot to a lot of people, and I urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2592, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 3062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN AMENDMENTS ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of Senate bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. MILLENDER-McDONALD. Mr. Speaker, reserving the right to object, but I do not plan to object. I take this time to engage the gentleman from California (Mr. HORN) in a colloquy for a brief explanation of his unanimous consent request.

Mr. HORN. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from California.

Mr. HORN. Mr. Speaker, I rise in support of S. 3062, the District of Columbia Performance Accountability Plan

Amendments Act of 2000. This bill contains technical amendments to the District of Columbia's performance plan requirements, which will allow the city to reform its management system more effectively.

Mr. Speaker, just as the Government Performance and Results Act of 1993 redesigned the management practices and accountability at Federal agencies, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 requires that the city submit performance accountability plans to Congress preceding each fiscal year.

These plans set objective and measurable goals for the District's agencies and the departments, and establish a system of accountability in the city's daily operations.

Mr. Speaker, it also requires that after each fiscal year, the city must submit to Congress a performance accountability report evaluating its ability to meet the performance goals of the prior fiscal year.

This act has provided the city with the means to establish a system of performance budgeting. However, the Mayor of the District of Columbia requested that Congress make some minor changes to the law to improve the efficiency of this process. Therefore, S. 3062 changes the submission deadline for the annual performance accountability plan from March 1 of each year to be concurrent with the submission of the District's budget to Congress.

This change will tie the District of Columbia's budget to its performance accountability measures. This bill also streamlines the performance goal submission requirements set out in the act so that there is one set of measurable and ambitious goals.

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This is critical to ensuring that the managers of the District of Columbia government have a clear understanding of the goals which they are expected to meet.

Furthermore, this bill will impose no additional regulatory burdens on the District, and will eventually reduce the paperwork burden by creating a single integrated document as a result of the performance budgeting process.

I urge all of my colleagues to join me in voting in support of this legislation to help the District of Columbia move closer to an effective budgeting process.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, S. 3062 was introduced on September 18, 2000, by Senators VOINIVICH and DURBIN. Together, these two Senators worked with the Mayor's Office to draft the technical changes to the performance plan submission requirements, and bipartisan support appears to exist in both houses for this legislation.

The legislative changes include, one, changing the deadline for submission from March 1 of each year to be concurrent with the submission of the D.C. budget to Congress each year; and two, getting rid of the multiple performance goals for each measure in exchange for one ambitious goal per performance measure.

With this, Mr. Speaker, I do urge the House to adopt this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "Not later than March 1 of each year (beginning with 1998)" and inserting "Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)"; and

(B) in paragraph (2)(A) by striking "that describe an acceptable level of performance by the government and a superior level of performance by the government"; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "1999" and inserting "2001"; and

(B) in paragraph (2)(A) by striking "for an acceptable level of performance by the government and a superior level of performance by the government".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREEDMEN'S BUREAU RECORDS PRESERVATION ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5157) to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. MILLENDER-McDONALD. Mr. Speaker, reserving the right to object, I do not by any means plan to object, but I yield to the gentleman from California (Mr. HORN) for a brief explanation of the bill.

Mr. HORN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, H.R. 5157, the Freedmen's Bureau Records Preservation Act of 2000, represents a bipartisan effort to safeguard important links to the past. These records document how the 38th Congress responded to the enormous social and economic upheaval in the aftermath of the Civil War.

The Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this bill on October 18, 2000. The subcommittee heard testimony from a number of very distinguished scholars and witnesses, including the President of Howard University, H. Patrick Swygert.

President Swygert testified about the importance of safeguarding these uniquely valuable records, which are deteriorating due to the passage of time.

From 1865 to 1872, the Freedmen's Bureau helped better the lives of former slaves and others who had been impoverished by the war. These Bureau records are in many instances the only link many Americans have with their past and our past, especially those who are descended from former slaves.

H.R. 5157 would require the Archivist of the United States to preserve these irreplaceable documents. The bill would also require the Archivist of the United States to develop partnerships with educational institutions such as Howard University and others to index the records so they may be more readily accessible to anyone who is interested in this important period of the Nation's history.

I congratulate the authors of this legislation, my colleague, the gentlewoman from California (Ms. MILLENDER-McDONALD), and the gentleman from Oklahoma (Mr. WATTS), chairman of the House Republican Conference, for bringing this important issue to the forefront.

I urge my colleagues to support this bill. It is an important first step toward ensuring that a momentous part of America's history will be protected, preserved, and never forgotten.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I would like to simply thank the gentleman from California (Mr. HORN), and tonight I introduce H.R. 5157, introduced along with my dear friend and colleague, the gentleman from Oklahoma (Mr. WATTS).

This bill is known as the Freedmen's Bureau Preservation Act of 2000. The Bureau of Refugees, Freedmen, and Abandoned Lands, properly called the Freedmen's Bureau, was established in the War Department by an act of this government on March 3, 1865.

This act was the culmination of several years of efforts as the U.S. Government, embroiled in Civil War, sought to settle "the slave problem" for the United States.

From 1619 to 1800, more than 660,000 African men, women, and children were torn from their homelands in West Africa, herded onto ships, and brought to North America as slaves. While the southern economy was flourishing from slave labor, the country simultaneously was building a new democracy based on the principles of liberty and individual freedom.

As the democracy debate clarified issues of government and citizenship, grave contradictions were drawn between slavery and our Nation's first principle of individual freedom. As President Lincoln said, the government could not endure permanently half slave and half free.

On July 4 of 1861, President Lincoln, in a speech to Congress, said that the war was "* * * a people's contest * * * a struggle for maintaining in the world, that form and substance of government, whose leading object is to elevate the condition of men. * * *" And this war between the States was, among other things, a war about the condition of the slaves.

This very body was engaged in the overwhelming challenge of moving millions of slaves from bondage to freedom. In March of 1864, the House passed a bill by a slender majority of two that established a Bureau of Freedmen in the War Department.

The Senate reported a substitute bill to the House too late for action attaching the Bureau to the Treasury Department. After the 1864 elections, the House and Senate conferred and proposed a bureau independent of either War or Treasury.

In the political machinations between these elected representatives, the Senate could not agree with the House. A new conference committee was appointed which finally in 1865 established in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands. Thus, the War Department set about the enormous task of documenting, supervising, and managing the transition of slaves from bondage to freedom.

The Bureau deployed field offices in Alabama, Arkansas, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Delaware, Mississippi, Missouri, North and South Carolina, Tennessee, Texas, and Virginia.

These offices were responsible for all relief and educational activities relating to refugees and freedmen, including issuing rations, clothing, and medicine. The Bureau also assumed custody of confiscated lands or property in the former Confederate States, border States, the District of Columbia, and Indian territory.

The Bureau records that were created and maintained became the documented history of the greatest social undertaking in this country's history. During this tumultuous period of transformation between 1865 and 1872, the Freedmen's Bureau recorded the movements of slaves from community to community and States to States. For historians and genealogists, these records provided the critical link between the Civil War and the 1870 census, the first one to list African-Americans by name.

Former slaves, recognized formally in government records only by sex, age, and color, were named in the Bureau records as individuals in marriage, government ration lists, lists of colored persons, labor contracts, indentured contracts for minors, medical records, and as victims of violence.

Many historical and genealogical associations like the African-American Historical and Genealogical Society, the African-American Research Project, the Association for the Study of African-American Life and History, the Internet-based Afrigeneas, and annual gatherings like the family reunions have popularized African-American genealogy and historical research.

African-Americans, like many other Americans, look to official records for their ancestors. As ship manifests are the vital link between European-Americans and their European ancestors, the Freedmen's Bureau records are the link for African-Americans to their slave and African ancestors.

The original Freedmen's Bureau records presently are preserved at the National Archives and Records Administration here in Washington. Greater access to these records is a high priority for millions of Americans interested in Civil War and post-Civil War history, and millions of African-Americans interested in their family genealogy. There are many historians, genealogists, and family researchers interested in exploring the vast contents of these records.

Therefore, Mr. Speaker, H.R. 5157 calls on the Archivist to microfilm the Freedmen's Bureau records, create a surname index, and put the index online. Innovative imaging and indexing technologies can make these records easily accessible to the public, including historians, genealogists, novice genealogy enthusiasts, and students.

With that, Mr. Speaker, as a Member of the House of Representatives, a descendent of slaves, and a genealogy enthusiast, I urge the passage of this legislation so that the period in our history can become known even further to American citizens interested in our past.

Let me thank the gentleman from California (Mr. HORN), my colleague and friend, for his sensitivity and support of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedmen's Bureau Records Preservation Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) From 1619 to 1800 more than 660,000 African men, women, and children were torn from their homelands in west Africa and herded onto ships for transport to North America as slaves.

(2) Between 10 and 15 percent of these Africans died during the journey across the Atlantic Ocean.

(3) The institution of slavery robbed Africans of their natural rights and divided this Nation over the meaning of freedom, the principle upon which this Nation was founded.

(4) Paraphrasing President Abraham Lincoln, the Government could not endure permanently half slave and half free.

(5) The United States waged the Civil War to free the Nation's slaves, preserve the Nation, and embrace all people as citizens regardless of race in a system of inclusive freedom for all.

(6) On January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which declared that individuals held as slaves within the rebellious States "are, and henceforward shall be free".

(7) On April 9, 1865, General Robert E. Lee surrendered the Confederate Army to General Ulysses S. Grant, thereby ending the Civil War.

(8) In 1865, the Congress established in the War Department the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the "Freedmen's Bureau", to supervise and manage all matters relating to refugees and freedmen, and to supervise abandoned and confiscated property.

(9) The records of the Freedmen's Bureau are a vital source of information for historians and genealogists.

(10) These records contain a wide range of data about the African-American experience during slavery and freedom, including in marriage records, labor contracts, Government rations and back pay records, and indentured contracts for minors.

(11) These records are maintained in Alabama, Arkansas, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Delaware, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

(12) All of these records are originals and, because they are deteriorating, require immediate attention.

(13) These records are an important link for African-Americans to their slave and African ancestors.

(14) Preserving the records of the Freedmen's Bureau is a high priority for millions of Americans interested in Civil War and post-Civil War era history.

SEC. 3. PRESERVATION OF FREEDMEN'S BUREAU RECORDS.

(a) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following:

"§ 2910. Preservation of Freedmen's Bureau Records

"The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the 'Freedmen's Bureau', by using—

"(1) available technology for restoration of the documents comprising these records so that they can be maintained for future generations; and

"(2) innovative imaging and indexing technologies to make these records easily accessible to the public, including historians, genealogists, novice genealogy enthusiasts, and students.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding at the end the following new item:

"2910. Preservation of freedmen's bureau records.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HORN

Mr. HORN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HORN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedmen's Bureau Records Preservation Act of 2000".

SEC. 2. PRESERVATION OF FREEDMEN'S BUREAU RECORDS.

(a) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following:

"§2910. Preservation of Freedmen's Bureau records

"The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the 'Freedmen's Bureau', by using—

"(1) microfilm technology for preservation of the documents comprising these records so that they can be maintained for future generations; and

"(2) the results of the pilot project with the University of Florida to create future partnerships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding at the end the following new item:

"2910. Preservation of Freedmen's Bureau records.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2910 of title 44, United States Code (as added by section 2), a total of $3,000,000 for fiscal years 2001 through 2005.

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. HORN).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-303)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the Untied States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2000.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 19, 2000.*

DEPARTMENT OF TRANSPORTATION 1998 REPORTS ON ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1998 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 18, 2000.*

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VICE PRESIDENT JEOPARDIZES NATIONAL SECURITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am deeply troubled today to learn that Vice President GORE may have broken the law and jeopardized United States national security.

Mr. Speaker, U.S. weapons proliferation law requires that the Congress be notified of the terms of the letter of agreement which Mr. GORE signed with Russian Prime Minister Chernomyrdin regarding Russia's nuclear cooperation with Iran, a known terrorist nation.

What is worse is that, as a direct result of the secret agreement between Mr. GORE and the Prime Minister of Russia, Russia evaded U.S. sanctions against weapons proliferation.

Even the Secretary of State admitted that without this signed agreement, "Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

Mr. Speaker, it is appalling to me and to the American people that this type of deception and deceit has become so commonplace in this administration.

The flagrant deceit and illegal agreement made by the Vice President may have put our national security in deep jeopardy.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARMENIAN GENOCIDE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my intense disappointment with the decision by the Republican leadership today to pull the Armenian genocide resolution from consideration by the House of Representatives for the remainder of this session of Congress.

The Speaker promised to bring this resolution to the floor. His stated reason for not doing so is a request by

President Clinton that it not be considered. Mr. Speaker, the State Department and President Clinton have opposed recognition of the Armenian genocide from day one. We all know that the State Department repeatedly uses national security as the reason to oppose most things Armenian.

What is really going on here is that the Speaker and the President and, therefore, the government of these United States, both Executive and Legislative, have succumbed to the threat of the Turkish government, threats by that government against American soldiers and American lives.

Mr. Speaker, this is shameful. Turkey is a bully. We have America, the most powerful country in the world, being told by the Republic of Turkey what we can talk about and what we can think, not only with regard to human rights violations, but with regard to the most heinous crime against humanity, genocide.

I would like to know what kind of ally threatens American lives if it does not get its way. With friends like that, as the saying goes, who needs enemies. It is not as if Turkey's membership in NATO and assistance as part of the NATO alliance only helps the United States. Turkey allows NATO to use its bases against Iraq because of Iraq's threats to Turkey, not Iraq's threats to the United States. Turkey allows NATO to use its bases out of its own self-interest.

If Turkey is going to abrogate all of its bilateral and multilateral agreements over the Armenian genocide resolution, well I do not think that is going to happen. I think not. These agreements exist because they are in Turkey's self-interest.

Mr. Speaker, what happened today on the House floor I think sets a terrible precedent. It means that Turkey can threaten us in other areas. For example, they can threaten not to negotiate a settlement on Cyprus and continue to occupy that nation. They can threaten the European Union if that organization does not allow them to become a member despite continued human rights violations against the Kurds and other minorities.

Mr. Speaker, we have heard these same Turkish threats before. In 1996, for example, this body voted overwhelmingly, 268 to 153, to adopt an amendment to reduce U.S. assistance to Turkey until it recognized the Armenian genocide.

The doomsday scenarios that the opponents of the resolution predicted in 1996 did not occur. I do not believe they would have occurred today if we had passed the Armenian genocide resolution.

The relationship between the United States and Turkey is mutually beneficial. It is simply not in Turkey's national interest to sever relations with the United States over a House Resolution.

This brings me back, Mr. Speaker, to the Armenian genocide resolution and the importance I believe it plays in our overall foreign policy. If America is going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the Armenian catastrophe for what it was, the systemic elimination of a people.

The fact of the Armenian genocide is not in dispute. The fact that the American record on the U.S. response to the Armenian genocide is not in dispute and House Resolution 596 affirms these facts. The only step left is to reject the deniers of the genocide.

As Members of Congress, we should not ignore our Nation's history at the insistence of an ally out of geopolitical convenience. Congress should not be forced by a foreign government to deny or ignore the U.S. record and response to the events that took place in the Ottoman Empire from 1915 to 1923.

If the House of Representatives cannot speak to our historical experience because of threats from a foreign government, then what message do we send to our friends and our enemies alike?

Therefore, Mr. Speaker, I urge the gentleman from Illinois (Mr. HASTERT), Speaker of the House, to basically reconsider his decision and to allow House Resolution 596 to come to the floor. I assure the Speaker that it will pass overwhelmingly. The votes were there today if the Speaker had only let the resolution come to the floor.

To do anything else would establish a dangerous precedent for how history will be recorded with regard to current and future actions of Congress and the administration in response to man's inhumanity to man.

The bottom line, Mr. Speaker, is, if we do not recognize the Armenia genocide, other genocides will occur. The fact of the matter is that those who forget history are condemned to repeat it.

CONGRATULATING CALIFORNIA STATE UNIVERSITY DOMINGUEZ HILLS ON 40TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, today I rise to congratulate one of the premier universities within the California State University system, Cal State Dominguez Hills, located in my district, on 40 years of exemplary higher learning.

In its 40th-year celebration, we reflect back on the many who have passed through her doors. California State University has produced over 29,000 graduates with baccalaureate degrees, 12,000 graduates with master's degrees, and 12,000 elementary and secondary school credentialed teachers.

Cal State Dominguez Hills is known throughout the State of California as the highest producer of credentialed teachers of any university in the State of California.

The student body of Cal State Dominguez Hills is the most diverse in the State and possibly in the country, reflecting the richness of a multicultural society.

The University is celebrating its 40th anniversary under the leadership of a newly appointed president, Dr. James E. Lyons, Sr. Dr. Lyons brings 16 years of presidential experience to the campus. He has served as president of Jackson State University in Mississippi and Bowie State University in Maryland.

An integral part of Dr. Lyon's vision for Dominguez Hills is building a model communiversity. The communiversity places emphasis on building partnerships that benefit the community and its people, focusing not only on their educational and cultural needs, but also serving as a major research institution for community and economic development.

In an effort to extend its services and resources into the community it serves, Cal State Dominguez Hills was the first in the Nation to develop a distance learning program. Forbes Magazine named Cal State Dominguez Hills one of the top 20 "cyber" universities in the country.

The distance learning program offers timely degree and certificate programs and individual courses via cutting-edge technologies to working professionals, busy adults, and high school students.

Over the past 5 years, approximately 7,500 students have enrolled in the Dominguez Hills distance learning program. More than 3,000 of these students come from outside of California, and more than 400 of these students come from outside the United States.

The university's Young Scholars Program enables high school students who have limited access to advanced placement courses to earn college and advanced placement credits through the university.

In addition, Mr. Speaker, we have the California Math and Science Academy, a premier program where they take the top 10 percent of the students in the middle school and enroll them to complete their secondary education with 90 percent of them going on to the top Ivy League and other universities.

I, again, congratulate Cal State University Dominguez Hills on its 40th anniversary, the appointment of a new impressive president, Dr. Lyons, and the outstanding accomplishments of the Distance Learning Program and CAMS, California Academy of Math and Science.

These milestones add significantly to the university and the surrounding communities as they forge ahead with a mission to be a communiversity dedicated to preparing students for the opportunities to be successful in a world of unprecedented challenges and change.

IN MEMORY OF RONALD SCOTT OWENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, today I rise to salute Petty Officer Third Class Ronald Scott Owens, one of the 17 crewmen who gave his life last week in the defense of our Nation. Petty officer Owens' life was lost when terrorists attacked the U.S.S. *Cole*. On August 8 of this year Petty Officer Owens left for a 6-month tour of duty aboard the U.S.S. *Cole*, serving on board as an electronics warfare technician.

We as a Nation honor the life of this young Vero Beach resident and all those who were lost.

Scott was born on October 31, 1975, and died serving and defending his fellow countrymen on October 11.

This tragic event makes this the worst terrorist attack on the American military since the terrorist attack on a U.S. Air Force housing complex near Dhahran, Saudi Arabia in 1996. That event killed 19 troops, including several airmen from Florida.

Scott is remembered by his crew mates as an inspiration and one that was always there to help support his fellow crewmen.

He was known as a happy-go-lucky guy who knew how to make everyone feel special. He is also remembered for his volunteer work with the fire and rescue squad. He served his community both in uniform and out of uniform.

I cannot begin to state how profoundly saddened I was to learn of Scott's untimely death. My prayers and condolences go out to his wife, Jaime, his 4-year-old daughter, Isabella, his entire family and the community of Vero Beach that is dealing with the shock of this tragic news.

FUTURE JUSTICES OF THE SUPREME COURT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. PELOSI) is recognized for 60 minutes as the designee of the minority leader.

Ms. PELOSI. Mr. Speaker, in just a few short weeks, we will be electing a new President of the United States on Tuesday, November 7. This is the centerpiece of our democracy, the election of a President.

The President has his own powers according to the Constitution, but also the power of appointment of the third branch of government, the Supreme Court. So a great deal is at stake in this election: the presidency and the President's appointments to the court.

If the next President appoints just one or two more justices to the court, and they do not support some of our basic fundamental rights, fundamental rights could be abolished or curtailed. The Supreme Court's decisions affect all aspect of our lives including basic civil rights and day-to-day pursuit of life, liberty, and happiness.

□ 2045

It is significant to note, I think, that no Supreme Court justice has retired in 6 years, the longest interval without a new appointment in 177 years. In the last 50 years, every President except one has appointed at least one justice, and 8 of the last 10 Presidents have appointed 2 justices. Court watchers expect several justices to retire soon, and, thus, the next President is likely to appoint several justices to fill these vacancies.

I mention this, Mr. Speaker, because many have asked, well, how do these elections affect young people in our country? Well, the election of the President affects them very directly in the decisions that that President will make but also very directly in terms of his power of appointment of the court, the Supreme Court, and indeed many, many scores of Federal Court justices.

As I have said, the Supreme Court makes many decisions that fundamentally affect and change our lives, and so young people should be very interested in these judges, this President, and the decisions that this court will make because it will have an impact for generations to come.

Soon the court will be deciding cases governing civil rights, workers' rights, reproductive freedom, voting rights, and campaign finance reform. The court will decide Congress' authority to apply Federal laws protecting individuals and our environment to the States, including the Americans with Disabilities Act. The court will address electoral redistricting and minority voting rights, free speech, criminal cases involving unreasonable search and seizure, and the scope of Federal regulations, really protections and safeguards, for all Americans.

How do the courts' decisions on these issues affect our lives? For women, the court has an impact on reproductive freedom. For workers, the court affects the ability to sue employers who violate employees' civil rights. Again, for women, the court affects access to family planning clinics and access to safe and appropriate medical care. For gay and lesbian Americans, the court affects civil rights protections and equal opportunity. For people with disabilities, the court affects protections in the Americans with Disabilities Act.

I asked one volunteer in a political campaign why she was volunteering, and she said I have looked around, studied the issues, and I realize that people in politics make decisions about the air I breathe and the water I drink. The same applies to the Supreme Court, Mr. Speaker. The court affects the air we breathe and the water we drink by determining the legality of the Clean Air and Clean Water Act. This volunteer went on to say, so I guess I should be interested in politics, at least for as long as I drink water and I breathe air.

Young people should be, and we should all be interested in the court and the person who will name justices to that court for at least as long as we breathe air and drink water.

The two issues that I would like to just focus on, in the interest of time, because I know the hour is late, are a woman's right to choose and the issue of the protection of our environment and how those issues will be affected by the court. The next President will likely appoint two, perhaps three Supreme Court justices, enough to overturn Roe v. Wade and allow States to enact severe and sweeping restrictions on women's reproductive rights. If the anti-choice majority maintains its control over the Senate, the Supreme Court nominations of an anti-choice President are likely to be quickly confirmed.

Governor George Bush is an anti-choice governor with a record to prove it. In 1999 alone, Governor Bush, along with Michigan's Governor Engler signed more anti-choice provisions into law than any other governor in the U.S. Governor Bush has said he believes Roe v. Wade went too far and has characterized the 1973 ruling as a reach. Governor Bush has also said that Justice Antonin Scalia, arguably the most ardent opponent of abortion on the Supreme Court, would be his model justice.

Governor Bush wants to end legal reproductive freedom in the U.S. AL GORE would protect a woman's right to choose. The choice is clear: Pro-choice Americans must understand that Governor Bush will use the power of the Presidency to end legal reproductive choice and take away a woman's right to choose.

In terms of the environment, moving on to that because I know that is an issue that young people are interested in as well, I mentioned that Governor Bush has said that his model justice was Justice Scalia. Sadly, Justice Scalia's environmental philosophy is just as dismal as some of the other issues that I mentioned here. Legal scholars who have studied the Supreme Court have found that Justice Scalia sided against the environment more than any other person in the history of the court.

How bad is his record? Eighty-seven percent of the time an environmental

The biggest risk I really think is doing nothing at all. Social Security, as I mentioned, has a total unfunded liability of over $9 trillion. The Social Security trust funds contain nothing but IOUs. There is a box down in Maryland where every time there is more money coming in than what is needed to pay out benefits, the Government writes an IOU and puts it in this steel box. And here again their IOUs, their bills, their notes from the U.S. Treasury I think they are going to be covered somehow. But the question is how do you cover them?

The economists say that if we were to borrow that $120 trillion from the public over the next 75 years, it would almost totally disrupt this economy with Government borrowing that much money. Some have suggested, well, we could cut down on some of the other spending.

I am sure, Mr. Speaker, people that have observed how spending is going up and the propensity of Congress to spend doubt whether we are going to take the whole Federal budget and do nothing with it except use it for Social Security.

That is why we have got to start investing this money and that is why the magic of compound interest can help us get out of the problem we are in. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. And I say that is a no. We cannot do that. We are already increasing the taxes way too much on the American workers.

We have heard a lot of talk about the Social Security lockbox. It may be a little gimmicky, but it has accomplished a lot for us. When Republicans took the majority in 1995, we got together and here was a group of Republicans that had not been in the majority for almost 40 years in the House and we decided one thing we were going to do is work to balance the budget and part of that was not using the Social Security trust fund surplus for other Government spending.

The problem with this chamber, of course, once you start spending more money, if you spend it on a particular program for maybe 2 years, those recipients start hiring lobbyists to say, boy, this program is really important. We have got to continue this spending. So even the emergency spending has become routine spending and we continue to expand spending.

So one of the important things that it seems to me that we have got to do is have the discipline, have the intestinal fortitude to hold back on the growth of Government because it leaves that much more obligation to our kids and to our grandkids on top of the Social Security problem.

Vice President GORE has talked about the lockbox, but I would simply say that this chamber has passed the lockbox legislation. It is over in the Senate and right now there is, as I understand it, a problem, a filibuster. If Vice President GORE would urge his Senate colleagues on his side of the aisle to pass the lockbox, there is no question in my mind that it would pass through the Senate and we would send it to the President and I think the President would sign it.

Let me talk about the diminishing returns of your Social Security investment. On average, the average retiree today receives back a real return of 1.9 percent on the taxes that they and their employer put in, or if they are self-employed, all their taxes that they have put in.

This is what the middle light purple shows is the average of 1.9 percent. You see, some do not even break even. Some have a negative return. That is minorities. A young black worker, for example, on average is going to live 62½ years. That means they can work all their life but they die before they are eligible for benefits and they get nothing but a burial expense of something like $250.

□ 2115

So it is especially unfair to those particular groups that have a shorter lifespan right now.

The market for the last 100 years has been almost a return of 7 percent real return, and we will get into those figures a little bit. My grandson, well, I will wait until I get to the picture of my grandson, but it is the future generation at risk.

If we do not do something, I can see a generational warfare where the young workers of this country, if they are asked to pay 47 percent payroll tax without any changes, without adding prescription drugs or any extra benefits to Social Security, and the vice president also adds increased benefits on Social Security, but with doing no more adding of benefits the prediction is that to cover Medicare, medicaid and Social Security within the next 35 years we are going to have to have a payroll tax that is about 47 percent of what you make. Right now the payroll tax is 15 percent.

Under the current Social Security program, this is how many years you are going to have to live after retirement to break even with what you and your employer put into Social Security taxes, and this does not include that part of the Social Security tax that goes for insurance, goes for disability insurance. So that is taken out of the calculation. Nobody is touching that. Nobody is suggesting we do anything with that portion, that you are really buying insurance in case you become disabled or something. That stays in place and that is never touched as far as anything but an absolute insurance policy for disability.

If you were lucky enough to retire in 1940, it took 2 months to get everything back that you and your employer put in. Two years, 1960; 4 years 1980. If you retired in 1995, you are going to have to live 16 years after you retire to get everything back. If you retire in 2005, you are going to have to live 23 years. If you retire in 2015, 26 years.

Now our medical technology is doing great things. We have the nano technology. We have the new gene cataloging. Maybe it is possible to develop the kind of medical techniques that is going to allow you to live long enough after you retire to break even and get back everything you and your employer put in, but I will guarantee everybody, Mr. Speaker, that they also better do some extra saving now to account for the other two legs of that three-legged stool if they want to live in any kind of decent conditions if they are going to live that long.

Anyway, my point here is that it is a bad investment. It is a bad investment on Social Security and we are going to get into that.

These are my grandkids getting ready for Halloween. Bonnie and I have nine grandkids now so there are a few missing here, and I blew this picture up. I have the picture on my wall as I go out my door to make votes. Let me sort of, I think, brag a little bit. I have never taken any special interest PAC money because I sort of always have wanted the independence. So I make my decision looking at this picture and deciding what is going to be best for these kids and your kids, your grandkids 20, 30, 40 years from now. Sometimes you cannot tell for sure but at least you put that as sort of a criteria and you try to say, look, is this decision going to make America stronger; is it going to keep our economy going?

Well, that is Selena and James and Henry and George, he is a tiger, Emily, Clair, Francis and my grandson Nick Smith. My name is NICK SMITH so it is sort of maybe that is my immortality, but even Nick at 13 years old is going to have to live that 26, 28 years after retirement to break even. That is under the existing program and that is assuming that somehow we are going to come up with the money, but if we do not get a better return on the investment of some of the money going in, then he may very well be asked to go up to 47 percent of what he makes on a payroll tax to cover medicaid and Social Security and Medicare. If he does that, then he is probably going to have to live 60 years after he retires.

Anyway, I put the picture up just to make every grandparent think that as they look at the possibility of somebody that might promise them more benefits, every grandparent has to also think, what is going to be the implication on their grandkids, and it is going to be huge if we continue to increase benefits, and that starts, of course, when the baby-boomers start retiring in 2008, 2009. This is what we have done on tax increases.

Just look at this a minute, Mr. Speaker. In 1940, we had a 2 percent rate. The employee paid 1 percent. The employer paid 1 percent. The base was on the first $3,000 so $30 for the employee, $30 for the employer for not more than $60 a year. 1960 upped it to 6 percent, the base was $4,800. The base was also raised. That meant $288 a year combined employer/employee; 1980, 10.16 percent, raised the base again to $25,900. That means employee/employer together paid $2,631 and today, of course, it is 12.4 percent of the first $76,200. That is a total of $9,449. A huge challenge of what I think happens down here at the bottom of this chart, if we continue to go like we have been, with politicians seeking rewards and getting on the front pages of the papers, they take home pork barrel projects and make promises of more benefits, but it all comes from somebody and the somebody is the American people that are paying taxes. So, again, I just urge our presidential candidates to move ahead.

Vice President GORE was at several meetings I was at at the White House and I thought we were close a couple of years ago to moving ahead with the Social Security problem, but you can understand that it is easy to demagog. With all the seniors that get Social Security and so many that are so dependent on Social Security, it is easy to scare people. The tendency somehow in this political bickering is to try to put the other person down somewhat.

This pie chart, back to how high taxes have gone, right now 78 percent of families pay more in payroll taxes than they pay in income taxes. Seventy-eight percent of American workers pay more in the Social Security tax than they do in the income tax, and I think that is a huge problem that should reinforce our determination not to yet again increase taxes.

Here are Governor Bush's six principles. They also happen to be my six principles. They also happen to be the principles of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM). They also happen to be Senator ROD GRAMS' principles from Minnesota. I borrowed some of the Senator's charts here. Protect the current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off. Let me stop here a minute. On the personal investments, several suggestions. One suggestion, the way it worked out was that for every $3 you made in your private investments and they have to be safe investments, most of the bills, and my bill, call for indexed investments, and it is arranged that for every $3 you make on the stock market you would lose $2 of fixed Social Security benefits but still everybody would have a choice whether to go into the personal savings retirement program, where they own that particular retirement fund. It would become optional. But the point is, is that whether you lose $4 of Social Security benefits for every $5 you make in your investments or, in my case, you would lose Social Security with an assumption that you could make at least 4-point-some percent return on your investments. So almost in every case of every projection, individuals are better off and we will get to that with actual figures on some of the counties in America that had the option of going in to personal retirement accounts rather than going into the government's Social Security. No tax increases is pretty much an absolute what we have developed into all of these programs.

Personal retirement accounts, they do not come out of Social Security. So I have heard the vice president say, well, Governor Bush is taking the money out of Social Security but it sort of substitutes for Social Security. It stays within the Social Security system. It can only be used for retirement and it is limited to safe investments. Most of those, what I do is index stocks, index bonds and index global funds and other safe investments as determined by the Secretary of the Treasury would be the option, sort of like a 401(k), sort of like if you work in government the thrift savings accounts.

They become part of your Social Security retirement benefits. You own them. I think it is good to mention here that the Supreme Court on two occasions now has ruled that there is no entitlement, there is no connection between the Social Security taxes you pay in and your right to have any benefits. One is strictly a tax and the other is a benefit that is determined by Congress and the President. Likewise, if you happen to die before you reach retirement age, if it is money in your own account it goes into your estate, to your kids and your grandkids. It is limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

I made this big because on my stump it has been used against me in my campaigns; well, the Congressman just wants to take away benefits or he wants to increase taxes, but all of these plans, no tax increases, no benefit cuts for retirees or near-term retirees. So it would be the younger worker that would have the option of the personal retirement investment accounts.

Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments in a PRSA, a personal retirement account, of $6,514 from his personal retirement account as opposed to $1,280 from Social Security. This is just trying to demonstrate the magic of compound interest.

Choosing personal accounts, Galveston County, Texas, when we did the program in 1935 counties had the option of whether or not they wanted to put it into their personal retirement accounts or whether they wanted to put it into Social Security. Listen to this. Death benefits in Galveston, $75,000 death benefits under their personal investment accounts; Social Security $253. Disability benefits per month, Social Security $1,280; the Galveston plan, $2,749. Social Security $1,280, the same as the disability; but the retirement is $4,790 a month.

This is a statement by a young lady whose husband died, and she said thank God that some wise men privatized Social Security here. If I had regular Social Security, I would be broke. And after her husband died, Wendy Colehill used her death benefit check of $126,000 to pay for his funeral and enter college. Under Social Security she would have received a mere $255.

San Diego has the personal retirement accounts as opposed to Social Security and a 30-year-old employee who earns a salary of $30,000 for 35 years, $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement and that compares to $1,077 in Social Security. The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference between ownership and dependence on a bunch of politicians sometime to maybe make a decision like they did in 1977 and 1983 to cut benefits again.

□ 2130

I got this from Senator ROD GRAMS. This is a letter from Senator BOXER, BARBARA BOXER, Senator FEINSTEIN and Senator TED KENNEDY to President Clinton on April 22, 1999, in support of allowing San Diego to keep with their PRA system rather than go into Social Security.

They said in this letter, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security." They are going to do better. So even these people have said, look, that private investment is better. Let San Diego keep their system.

The United States trails many other countries in the world in terms of making this change. In the 18 years since Chile offered PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year.

Among others, I visited Australia, Britain and Switzerland. They offer workers PRAs. I represented the United States in an international meeting where we all talked about our public pension retirement systems, and

I was so impressed with what these other countries had done. Europe, for example, ended up with a 10 percent return on their second tier investments, and two out of three British workers enrolled in the second tier social security system chose to enroll in PRAs.

Here we have a socialist country, but they are saying, look, allow us at least in part to invest some of our money in our own accounts, in personal retirement accounts. British workers have enjoyed a 10 percent return on their pension investment over the past few years. The pool of PRAs in Britain exceeds nearly $1.4 trillion, and it is larger than their entire economy and larger than the private pensions of all other European countries combined. Very successful.

I sort of stuck this little chart on, and I do not know, Mr. Speaker, if the camera picks this up, but based on the family income of $58,475, the return on a PRA is even better. So without looking at this for a minute, if it is in there, the light blue is 2 percent of your income, and I will call it a pinkish-purple is if you invested 6 percent, and the dark purple is if you invested 10 percent of your income.

If you leave it in for 40 years, then 10 percent of the $58,000 a year would end up in 40 years worth $1,389,000. That means with 5 percent interest on that, you would not even have to touch the principal; you could get almost $70,000 a year just from interest at 5 percent.

Okay, if we can look at this little chart, and I will sort of explain it as we finish off here, the question is, what about a downturn in the stock market? You can invest in the stock market, but what if you have a crash? What if you have a crash like we did in 1917 or 1929 or 1978? What if the stock market really goes down?

This shows what has happened over the last 100 years in stock investments in the United States. You see a few dips, but it has never gone down below 3 percent. So at the very worse, over any 30-year average, any 30 years on average, it has never gone down to what the 1.9 percent return is on Social Security right now.

The average, if you take any 30-year period, and likewise, a 20-year period, you have never lost money, even putting that 20 years around the worst times in this country. If you put the 20 years or the 30 years any place around the Great Depression, you still have a positive return on that investment. The average return for any 30-year period for the last 120 years has been a return of 6.7 percent.

So, sometimes we get nervous and take our money out of the stock market, but the key to these kind of PRAs is it only can be used for retirement, so it tends to be long range.

Individuals would have the choice. So Governor Bush is saying, look, leave some choice for individuals, such as our thrift savings account. Do you want it a little more in stocks and a little less in bonds, or vice versa, and where do you want to put some of that money as an individual? So some people will end up better off than others.

I will finish up on my last chart by putting up a bunch of kids getting ready for Halloween. Their future is in our hands, Mr. Speaker, and I would hope that all of us would give some conviction.

We have done a fairly good job the last several years reducing spending. In 1993 we saw the largest tax increase in history. We decided 2 years later when the Republicans took the majority not to spend that tax increase and to hold government spending down. That has ended up in a surplus, along with just this tremendous system that we have got in this country, where those that work and save and try and invest end up better off than those that do not.

Like I say, we have used maybe some suggestions like the lockbox that kept us from spending the Social Security surplus. What we did last month as a Republican Conference is we decided, look, our line in the sand this year is going to take 90 percent of the surplus and use that to pay down the debt held by the public, and take the other 10 percent, and that is what we have been arguing about for the last month, what to do with that other 10 percent. But I think we have the President convinced now, because the public supports it, is using 90 percent of the surplus to pay down the public debt, and we have come a long ways.

That is what we are doing. But for my grandkids, for your kids and your grandkids and your great grandkids, please help us move ahead in dealing with Social Security and not continuing to put it off.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that it is not in order in debate to characterize the legislative positions of the Senate or of individual Senators.

CONCERNING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I want to applaud the gentleman from Michigan (Mr. SMITH) for his presentation, his visual aids, and the opportunity to see his grandchildren and to recognize that is why we are all here. We are here for the future.

This evening, Mr. Speaker, my special order is on a different matter. The House was scheduled to consider House Resolution 596 this evening, and I regret that it will not do so. That resolution calls upon the President to ensure that the foreign policy of the United States reflects understanding and sensitivity concerning issues related to human rights, ethnic cleansing and genocide documented in the United States record relating to the Armenian genocide.

More than 80 years ago the rulers of the Ottoman Empire made a decision to attempt to eliminate the Armenian people living under their rule. Between 1915 and 1923, nearly 1.5 million Armenian people died and another 500,000 were deported.

The resolution that we are not considering, that we would have, serves a dual purpose. First and foremost, it is to show respect and remembrance to those Armenian people and their families who suffered during those 8 years at the beginning of that century.

Secondly, it exemplifies that if we are ever to witness a universal respect for human rights, we have to begin by acknowledging the truth, and the truth is that governments still continue to commit atrocities against their own citizens while escaping the consequences of their actions, internally by means of repression, and externally, for reasons of political expediency.

The events that took place under the rule of the Ottoman Empire were real. Real people died, and the results were and still are shocking. If we in the Congress continue to react with silence regarding these events and are unwilling to stand up and publicly condemn these horrible occurrences, we effectively give our approval to abuses of power such as the Armenian genocide. We must let the truth about these events be known and continue to speak out against all instances of man's and woman's inhumanity to man- and womankind.

I regret that rather than deal honestly and objectively with the truth, the government of Turkey continues to deny the genocide for which its predecessor state bears responsibility. I regret that it is not politically convenient to affirm the genocide. I regret that this administration prefers political expediency to principle.

Today, nearly 1 million Armenian people live in the United States. They are a proud people, who spent 70 years fighting Stalinist domination, and, finally in the last decade, they have achieved freedom. But even that freedom will never allow them to forget the hardships suffered by their friends and family nearly a century ago, nor will they ever stop forcing us to recognize that these, and similar acts, must continue to be condemned by nations and people who hold the highest respect for human rights. The United States should do so.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 6:30 p.m. on account of official business.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for today after 5:15 p.m. on account of official business.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 5:30 p.m. on account of official business.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today after 12:00 p.m. and the balance of the week on account of attending his brother's funeral.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today after 4:00 p.m. on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, October 24.

Mrs. BIGGERT, for 5 minutes, October 24.

Mrs. ROUKEMA, for 5 minutes, October 24.

Mr. WELDON of Florida, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. HILL of Montana, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, October 24.

Mr. CANADY of Florida, for 5 minutes, October 24.

Mr. HORN, for 5 minutes, October 24.

Mr. GIBBONS and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 146. Concurrent Resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3244. An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4850. An act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5212. An act to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers system.

S. 1402. An act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 18, 2000:

H.R. 4516. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

On October 19, 2000:

H.R. 707. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1715. To extend and reauthorize the Defense Production Act of 1950.

H.R. 2389. To restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

H.R. 34. To direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. To amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 1654. To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 2842. To amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2883. To amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

H.R. 2879. To provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

H.R. 2984. To direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. To improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours.

H.R. 3236. To authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. To provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. To direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3577. To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3767. To amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

H.R. 3986. To provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 3995. To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4002. To amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4205. To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4259. To require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4386. To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Co Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4389. To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4681. To provide for the adjustment of status of certain Syrian nationals.

H.R. 4828. To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5417. To rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act".

H.R. 5107. To make certain corrections in copyright law.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 23, 2000, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Collin Peterson	7/29/00	7/31/00	Venezuela	....	222.50	....	(3)	....	....	....	222.50
	7/31/00	8/1/00	Colombia	....	193.00	....	(3)	....	....	....	193.00
	8/1/00	8/2/00	Nicaragua	....	284.00	....	(3)	....	....	....	284.00
	8/22/00	8/25/00	Ireland	....	843.00	....	(3)	....	....	....	843.00
	8/25/00	8/28/00	Russia	....	1,029.00	....	(3)	....	....	....	1,029.00
	8/28/00	8/30/00	Estonia	....	434.00	....	(3)	....	....	....	434.00
	8/30/00	8/31/00	Netherlands	....	492.00	....	(3)	....	....	....	492.00
	8/31/00	8/31/00	United Kingdom	....	622.00	....	(3)	....	....	....	622.00
Committee total	....	....	....	....	4,119.50	....	....	....	....	....	4,119.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

LARRY COMBEST, Chairman, Oct. 6, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES:

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ROTH, Chairman, Oct. 13, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10637. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Citrus Canker; Payments for Commercial Citrus Tree Replacement [Docket No. 00–037–1] (RIN: 0579–AB15) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10638. A communication from the President of the United States, transmitting a request to make available previously appropriated emergency funds for the Department of Defense pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 106—302); to the Committee on Appropriations and ordered to be printed.

10639. A letter from the Multimedia Systems Manager, Department of the Air Force, Department of Defense, transmitting the Department's final rule--Release, Dissemination, and Sale of Visual Information Materials (RIN: 0701–AA–62) received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10640. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Depositaries and Financial Agents of the Government (RIN: 1510–AA75) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10641. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects [Docket No. FR–4532–F–01] (RIN: 2502–AH46) received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10642. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Multiple Award Contracts (MAC); Governmentwide Agency Contracts (GWAC); and, Federal Supply Schedules (FSS)—received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10643. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Mail Services User's Manual—received October 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10644. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—National Environmental Policy Act; Food Contact Substance Notification System; Confirmation of Effective Date [Docket No. 00N–0085] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10645. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Dental Products Devices; Reclassification of Endosseous Dental Implant Accessories [Docket No. 98N–0753] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10646. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium Stearoyl Lactylate [Docket No. 99F–3087] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10647. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Water Heaters, Small Boilers, and Process Heaters; Agreed Orders; Major Stationary Sources of Nitrogen Oxides in the Beaumont/Port Arthur Ozone Nonattainment Area [TX–119–1–7448a; FRL–6886–1] received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10648. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Reguarding Energy Consumption And Water Use Of Certain Home Appliances And Other Products Required Under The Energy Policy And Conservation Act ("Appliance Labeling Rule")—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10649. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in August 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

10650. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Proposed Additions to and Deletions from Procurement List—received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10651. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report on the Annual Inventory of Commercial Activities; to the Committee on Government Reform.

10652. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the National Transportation Safety Board's Strategic Plan for September 2000; to the Committee on Government Reform.

10653. A letter from the Director, Office of Management and Budget, transmitting a copy of the report, "Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995," pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

10654. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Managing Senior Executive Performance (RIN: 3206–AI57) received October 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10655. A letter from the President, Republic of the Marshall Islands, transmitting a report Presented to the Congress of the United States of America Regarding Changed Circumstances Arising from the U.S. Nuclear Testing in the Marshall Islands, pursuant to 16 U.S.C. 3233(b); to the Committee on Resources.

10656. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the annual Report of Royalty Management and Delinquent Account Collection Activities FY 1999, pursuant to 30 U.S.C. 237; to the Committee on Resources.

10657. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Acceptance of Bonds Secured by Government Obligations in Lieu of BONDS with Sureties (RIN: 1510–AA77) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10658. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Collateral Acceptability and Valuation (RIN: 1535–AA00) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10659. A letter from the Director, United States Global Change Research Program, transmitting a copy of "Our Changing Planet: the FY 2001 U.S. Global Change Research Program"; to the Committee on Science.

10660. A letter from the Commissioner, Social Security Administration, transmitting the report of Continuing Disability Reviews for the FY 1999, pursuant to Public Law 104—121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

10661. A letter from the Deputy Chief Counsel, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510–AA76) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10662. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled the "Supplemental Subsistence Benefit for Certian Members of the Armed Forces"; jointly to the

Committees on Armed Services, Ways and Means, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes (Rept. 106–711, Pt. 4).

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills refereed as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4725. A bill to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe, with amendments; referred to the Committee on Education and the Workforce for a period ending not later than October 23, 2000, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 106–993, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOORE (for himself, Mr. Jones of North Carolina, Mrs. Morella, Mr. Etheridge, Mr. Clement, Mr. LaFalce, and Mr. Snyder):

H.R. 5499. A bill to reduce the impacts of hurricanes, tornadoes, and other windstorms through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. Weiner, and Mr. Bentsen):

H.R. 5500. A bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of international terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. Spence, Mr. Spratt, Mr. Clyburn, Mr. Sanford, and Mr. Graham):

H.R. 5501. A bill to amend title XVIII of the Social Security Act to preserve and provide for uniform coverage of drugs and biologicals under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5502. A bill to amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; to the Committee on Veterans' Affairs.

By Mr. FOSSELLA:

H.R. 5503. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Staten Island, New York, metropolitian area; to the Committee on Veterans' Affairs.

By Mr. HOLT (for himself and Mrs. Morella):

H.R. 5504. A bill to improve the quality and scope of science and mathematics education; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mrs. Maloney of New York):

H.R. 5505. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of diplomas, medals, and amounts received as part of international awards recognizing individual achievement for physics, chemistry, medicine, literature, economics, and peace; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 5506. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. KASICH:

H.R. 5507. A bill to amend the Federal Election Campaign Act of 1971 to promote the disclosure of information on the financing of campaigns for Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILPATRICK:

H.R. 5508. A bill to amend the Public Health Service Act to establish a demonstration program to provide technical assistance to school-based health centers in order to assist such centers in developing and operating comprehensive computerized systems to maintain data on the patient populations served by the centers; to the Committee on Commerce.

By Mr. MALONEY of Connecticut:

H.R. 5509. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $2,000 per child; to the Committee on Ways and Means.

By Mr. METCALF (for himself, Ms. Waters, and Mr. Traficant):

H.R. 5510. A bill to convert from a convoluted and costly system for issuing circulating currency that requires an enormous amount of debt and annual interest to a more logical system that does not involve debt or interest in connection with the issuance of circulating currency, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MINGE (for himself, Mrs. Emerson, Ms. Kaptur, Mr. Boehlert, Mr. Oberstar, Mr. Thune, Mr. Condit, Mr. Cooksey, Mr. Peterson of Minnesota, Mr. Gutknecht, Mrs. Clayton, Mr. Bereuter, Mr. Pomeroy, Mr. Bishop, Mr. Baldacci, Mr. Berry, Mr. Boswell, Mr. Phelps, Mr. Hill of Indiana, Mr. Kind, Mr. Edwards, Mr. Sawyer, Mr. Hinchey, Mr. Wynn, and Ms. Hooley of Oregon):

H.R. 5511. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture.

By Mrs. MORELLA (for herself and Mr. Gilman):

H.R. 5512. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections; to provide certain authority for the Special Counsel, and for other purposes; to the Committee on Government Reform.

By Mr. OXLEY:

H.R. 5513. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 5514. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to establish a tolerance for the presence of methyl mercury in seafood, and for other purposes; to the Committee on Commerce.

By Mr. PASCRELL (for himself, Mr. Andrews, Mrs. Clayton, Mr. Franks of New Jersey, Mr. Frelinghuysen, Mr. Holt, and Mr. Rothman):

H.R. 5515. A bill to limit the use of eminent domain under the Natural Gas Act to acquire certain State-owned property; to the Committee on Commerce.

By Mr. SENSENBRENNER (for himself, Ms. Jackson-Lee of Texas, and Mrs. Morella):

H.R. 5516. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistelblower protection laws, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. Blagojevich, Mr. Hoeffel, Mrs. Kelly, Mrs. Myrick, Mr. Kind, Mr. Tanner, Mr. Mascara, Mrs. Christensen, Mr. Skelton, Mr. Faleomavaega, Mr. Etheridge, Ms. Slaughter, Ms. Eshoo, Mr. McGovern, Ms. Kilpatrick, and Mr. Inslee):

H.R. 5517. A bill to provide for the return of escheated property consisting of military medals to the military department which issued them, to authorize the military departments to donate such medals to appropriate museums and resource centers, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. Burton of Indiana, Mr. Roemer, Ms. Carson, Mr. McIntosh, Mr. Hill of Indiana, and Mr. Hostettler):

H.R. 5518. A bill to authorize the Hoosier Automobile & Truck National Heritage Trail Area; to the Committee on Resources.

By Mr. STUPAK:

H.R. 5519. A bill to name the Department of Veterans Affairs outpatient clinic located in Menominee, Michigan, as the "Fred W. Matz Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 5520. A bill to name the Department of Veterans Affairs medical facility located in Iron Mountain, Michigan, as the "Oscar G. JOHNSON Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. TOOMEY:

H.R. 5521. A bill to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements; to the Committee on Government Reform.

By Mr. WEINER (for himself, Mr. SALMON, Mr. DEUTSCH, Mr. ROGAN, Mr. CROWLEY, Mr. REYNOLDS, Mr. MCNULTY, Mr. FRANKS of New Jersey, Ms. BERKLEY, Mr. TANCREDO, Mr. HOEFFEL, Mr. DIAZ-BALART, Mr. WEXLER, Mr. KINGSTON, Mr. TRAFICANT, Mr. BENTSEN, Mr. BERMAN, Mr. TIAHRT, Mr. WAXMAN, Mrs. LOWEY, Mr. TURNER, Mr. WU, and Mr. TALENT):

H.R. 5522. A bill to prohibit United States assistance for the Palestinain Authority and for programs, projects, and activities in the West Bank and Gaza; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania:

H.R. 5523. A bill to repeal the Indian racial preference laws of the United States; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H. Con. Res. 430. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. DELAHUNT (for himself, Mr. GEJDENSON, Mr. SAXTON, Mr. PALLONE, Ms. CARSON, Ms. LEE, Mr. FRANK of Massachusetts, Mr. DEFAZIO, Mr. FARR of California, Mr. HILLIARD, Mr. HINCHEY, Mr. BLUMENAUER, Mr. KUCINICH, Mr. WU, Mr. SMITH of Washington, Mr. BROWN of Ohio, Mr. UDALL of Colorado, and Ms. BALDWIN):

H. Con. Res. 431. Concurrent resolution expressing the sense of the Congress that the President should oppose a permanent seat on the United Nations Security Council for the Government of Japan until Japan's whaling activities comply with the requirements of the International Whaling Commission and Japan ends the commercialization of whale meat; to the Committee on International Relations.

By Mr. DREIER (for himself and Mr. BEREUTER):

H. Con. Res. 432. Concurrent resolution recognizing the founding of the Alliance for Reform and Democracy in Asia, and for other purposes; to the Committee on International Relations.

By Mr. LUTHER (for himself, Mr. BILBRAY, Mr. PICKERING, Mr. FROST, Mr. GREEN of Texas, Mr. LARGENT, Mr. SHIMKUS, and Mr. OXLEY):

H. Res. 643. A resolution expressing the sense of the House of Representatives with regard to Sam Boyden, who admirably notified transportation safety officials of a serious threat to American consumers; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 234: Mr. COX.

H.R. 353: Mr. CARSON.

H.R. 363: Mr. GEJDENSON and Mr. BACA.

H.R. 443: Mr. LATOURETTE and Mr. SAXTON.

H.R. 531: Mr. GREEN of Texas, Mr. EVERETT, Mr. PASCRELL, Mr. LEWIS of California, Mr. RILEY, and Mr. ANDREWS.

H.R. 699: Mr. LEE.

H.R. 804: Mr. PHELPS.

H.R. 860: Mr. GEKAS.

H.R. 1228: Mr. TRAFICANT, Ms. STABENOW, Mrs. MORELLA, Ms. RIVERS, and Mr. WATT of North Carolina.

H.R. 1366: Mr. FORD and Mr. BERRY.

H.R. 1657: Mr. KLECZKA, and Mr. HOEFFEL, and Mr. LOBIONDO.

H.R. 1824: Mr. TIAHRT and Ms. GRANGER.

H.R. 2166: Mr. DEAL of Georgia, Mr. SANDLIN, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. CONYERS.

H.R. 2268: Mr. BACA.

H.R. 2308: Mr. WELLER.

H.R. 2344: Mr. CARDIN, Mr. CUMMINGS, and Mr. ALLEN.

H.R. 2362: Mr. BILBRAY and Mr. SPENCE.

H.R. 2364: Mr. COX.

H.R. 2620: Mr. SESSIONS.

H.R. 2899: Ms. ROYBAL-ALLARD.

H.R. 2900: Mrs. CLAYTON and Ms. LOFGREN.

H.R. 2907: Mr. PAYNE.

H.R. 3305: Mr. LATOURETTE.

H.R. 3465: Mr. COX.

H.R. 3650: Ms. ROYBAL-ALLARD.

H.R. 3674: Mr. COX.

H.R. 3698: Mr. YOUNG of Alaska, Mr. UDALL of New Mexico, Mr. BALLENGER, and Mr. GOODLATTE.

H.R. 3825: Mr. UDALL of Colorado.

H.R. 3911: Mr. INSLEE.

H.R. 4029: Mr. MALONEY of Connecticut.

H.R. 4046: Mr. OLVER.

H.R. 4167: Ms. MCCARTHY of Missouri.

H.R. 4207: Mr. PALLONE.

H.R. 4253: Mr. MOLLOHAN.

H.R. 4301: Mr. BOYD, Mr. KLINK, Mr. BACHUS, Mr. SANDLIN, Mr. DEAL of Georgia, Mr. SHIMKUS, and Mrs. ROUKEMA.

H.R. 4310: Mr. SAXTON and Mr. WEXLER.

H.R. 4398: Mr. LAMPSON.

H.R. 4415: Mr. UDALL of Colorado, Ms. LOFGREN, and Mr. WAXMAN.

H.R. 4506: Mrs. FOWLER.

H.R. 4511: Mr. BARTLETT of Maryland.

H.R. 4536: Mr. UPTON.

H.R. 4543: Mr. FARR of California and Mr. BOEHNER.

H.R. 4654: Mr. FOLEY, Mrs. NORTHUP, Mr. TALENT, and Mr. HANSEN.

H.R. 4707: Mr. OLVER, Mr. WEINER, Mr. ORTIZ, Mr. KING, Mr. CUMMINGS, Mr. BACA, and Mr. MCNULTY.

H.R. 4728: Mr. GORDON and Mr. SESSIONS.

H.R. 4747: Mr. SCHAFFER and Mr. TANCREDO.

H.R. 4821: Mr. GUTIERREZ.

H.R. 4874: Mr. SPENCE and Mr. SANFORD.

H.R. 4951: Mr. WELDON of Pennsylvania.

H.R. 4961: Mr. FROST, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. BENTSEN, Mrs. THURMAN, Mr. BACA, Mr. SABO, Mr. TURNER, Mr. FILNER, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mr. BAIRD, Mr. MENENDEZ, Ms. DELAURO, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. PASTOR, Ms. MCCARTHY of Missouri, and Mr. MCGOVERN.

H.R. 5009: Mr. EVANS.

H.R. 5027: Mr. STEARNS.

H.R. 5045: Mr. WAMP.

H.R. 5055: Mr. JOHN.

H.R. 5132: Mrs. CHRISTENSEN and Mr. BAIRD.

H.R. 5153: Mr. SANDERS.

H.R. 5155: Mr. REYES.

H.R. 5157: Mr. DAVIS of Virginia, Mr. HORN, and Mr. BURTON of Indiana.

H.R. 5185: Ms. PELOSI.

H.R. 5231: Mr. RAHALL and Ms. DANNER.

H.R. 5248: Mr. KNOLLENBERG.

H.R. 5265: Mr. LATHAM.

H.R. 5268: Mr. FROST, Mr. KING, Mr. SNYDER, Mr. TOWNS, Mr. KLINK, Mrs. JONES of Ohio, Ms. SANCHEZ, Mr. RAHALL, Mr. PASTOR, Ms. LOFGREN, and Mr. ROMERO-BARCELO.

H.R. 5306: Mr. LATHAM, Mr. BARR of Georgia, and Mr. COX.

H.R. 5309: Mrs. THURMAN.

H.R. 5315: Mr. MOORE, Mr. SANDLIN, Mrs. CLAYTON, Mr. MALONEY of Connecticut, Mr. WAXMAN, Ms. MCCARTHY of Missouri, Mr. ETHERIDGE, Mr. WYNN, Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, Mr. FORD, Mr. JEFFERSON, Mr. MCINTYRE, Mr. POMEROY, Mr. BOSWELL, Mr. LAMPSON, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. EDWARDS, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BAIRD, Mr. UDALL of New Mexico, Mr. HOEFFEL, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON, Mr. KIND, Mrs. LOWEY, Mr. WU, Mr. UDALL of Colorado, Mr. SAWYER, Mr. GORDON, Mrs. THURMAN, Mr. LIPINSKI, Mr. PHELPS, Ms. SANCHEZ, Mr. COSTELLO, Mr. BARCIA, Mr. CONDIT, Ms. BERKLEY, Mr. INSLEE, Mr. FORBES, Mr. MOLLOHAN, Mr. PASCRELL, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. BACA, Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Mr. FARR of California, Mr. BALDACCI, Ms. WOOLSEY, Mr. BENTSEN, Mr. CLEMENT, Mr. KLINK, Mr. BOUCHER, Mr. DEUTSCH, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. REYES, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. Andrews, Mr. ORTIZ, Mr. WEINER, Mr. HOYER, Mr. WISE, and Ms. STABENOW.

H.R. 5350: Mr. BARR of Georgia.

H.R. 5485: Mr. BOUCHER.

H.R. 5492: Mr. BROWN of Ohio.

H.R. 5495: Mr. SWEENEY.

H.J. Res. 91: Mr. DUNCAN.

H. Con. Res. 62: Mr. BOSWELL.

H. Con. Res. 337: Mr. COYNE, Ms. WOOLSEY, and Mr. MASCARA.

H. Con. Res. 355: Mr. SMITH of New Jersey.

H. Con. Res. 416: Ms. CARSON and Mr. BARR of Georgia.

H. Con. Res. 421: Mr. WAMP.

H. Con. Res. 426: Mr. BILIRAKIS, Ms. ESHOO, Mr. LARSON, Mr. GARY MILLER of California, Mr. KENNEDY of Rhode Island, Mr. BARR of Georgia, Mr. EVANS, Mr. TIAHRT, and Mr. BAIRD.

H. Res. 107: Mr. BONIOR, Mr. FATTAH, and Mr. JACKSON of Illinois.

H. Res. 146: Ms. MCCARTHY of Missouri and Mrs. TAUSCHER.

H. Res. 461: Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. SCHAFFER, Mr. MASCARA, Mr. RADANOVICH, Mr. JACKSON of Illinois, Mr. SHAYS, Mr. HOEFFEL, and Mr. CUMMINGS.

H. Res. 602: Mr. KUCINICH and Mr. WALSH.

H. Res. 635: Mr. WELLER, Mr. GONZALEZ, Mr. KENNEDY of Rhode Island, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. FROST, Mr. COOK, Mr. METCALF, Mr. ALLEN, Mr. DEUTSCH, Mr. ROTHMAN, and Mr. SHERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 398: Mr. PASCRELL.

EXTENSIONS OF REMARKS

TRIBUTE TO BO SHAFER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DUNCAN. Mr. Speaker, today I want to recognize Mr. Bo Shafer, who recently became the International President of the Kiwanis Club.

He is one of the finest men I know.

All who know Bo Shafer agree that he is a compassionate leader who serves our Country well. His dedication and commitment to community service and involvement are an example to everyone.

He has served for 33 years on the Salvation Army Board, raised millions of dollars for the Center of Hope and other organizations, and served as an elder and Sunday school teacher at the Second Presbyterian Church, just to name a few.

In 1995 he was named Community Leader of the Year by the Religious Heritage of America. Bo Shafer also served as United Way chairman in 1983 and co-chairman with his wife, Mary, in 1994.

Bo's devotion to community service can only be outdone by his commitment to family. Bo and Mary have been married for 33 years. They have a beautiful family, including the recent addition of their first grandchild, Christopher.

This Country would be a better place if we had more men like Bo Shafer.

I want to say thank you to a great Tennessean, a great American, my friend, Bo Shafer. I have included a copy of an article written in Kiwanis Magazine honoring Bo Shafer that I would like to call to the attention of my colleagues and other readers of the RECORD.

[From Kiwanis Magazine, Oct. 2000]

AT THE HEART OF BO SHAFER

(By Chuck Jonak)

At Cain Seed Hollow, Bo and Mary Shafer's family finds a Tennessean slice of paradise. Norris Lake laps lightly at its banks some 100 feet below the cottage's second-story deck. Leaves rustle, Hummingbirds flit about in zigzag flight. Vixen lazes away her dog's life, napping between the two rocking chairs where Bo and Mary watch the sun set over the river lake's distant horizon. The quite's so loud, you can hear yourself think.

Soaking up the serenity, Bo reflects on the countless good times centered on this rustic retreat he carved into a plot of sloping woods: a fireplace crackling on a winter's night with his beloved wife snuggling close; churning up homemade ice cream while his young daughter, Heidi, stands wide-eyed by his side; the scent of the forest as he cuts fallen trees with his teenage son, Andy; the inner-tube train filled with his kids' friends bouncing and laughing behind a slow-moving speedboat's wake. Soon, a grandchild (or two or three) will create new memories, gleefully playing below on his kids' swings—now still.

Bo counts his blessings. A life rich with love and joy, he's always strived to share it with as many people as possible, and he will be afforded a global opportunity to expand upon a lifelong devotion to community service as Kiwanis' 2000–01 International President—while spreading his homespun "Boverbs":

"JOY COMES FROM GIVING; PLEASURE COMES FROM TAKING"

"I don't think people are born with a servant heart; I think we're born selfish," Bo theorizes. "And if you don't have spiritual help, you really don't have the right heart to do things for other people and expect nothing in return. When I ask people why they help others, the answer I usually get is that it makes them feel good. That's fine, but if you do it for that reason, that's not altruistic service."

Bo knows. His civic involvement, particularly in the fund-raising arena, in which he's raised millions of dollars, is as deep as his roots to his hometown of Knoxville, Tennessee. He always has devoted about 50 percent of his waking hours to community service of some form.

Consider a sampling: 33 years on the Salvation Army Board, including $5 million raised for the Center of Hope as campaign co-chairman (with good friend and Knoxville Rotarian Dale Keasling); United Way chairman in 1983 and co-chairman (with Mary) in 1994, including $1.6 million raised for McNabb Children and Youth Center as campaign co-chairman (again with Keasling); Second Presbyterian Church elder and Sunday school teacher for 31 years; and 1995 Community Leader of the Year by the Religious Heritage of America.

"WE ARE BLESSED TO BE A BLESSING TO OTHERS"

"With United Way, I'd visit agencies and learn more and more about how many people need help," President Bo says, "I really learned

Bo's servant heart was nurtured by his parents. His mother, Evelyn, age 93, with whom he lunches nearly every Wednesday, has a master's degree in child development. She taught school for a while but then stayed home to raise Bo, his twin sister, and his brother and other sister.

His father, Alex, who died in 1967, was the son of a West Virginia railroad machinist, an insurance agent, and a Knoxville Kiwanian. In 1965 alone, he was the Kentucky-Tennessee Kiwanis District governor, the Knoxville Elk Club exalted leader, and a local school board member. Still, Bo's dad—and his mother—always were involved in their children's activities.

"DON'T WORRY THAT YOUR CHILDREN AREN'T LISTENING TO YOU; WORRY THAT THEY'RE WATCHING YOU"

"I had a very supportive family. My parents were the biggest influence on me by far, and my daddy influenced me most on community service," Bo recalls. "He had a good heart; he always was helping people."

Born February 1, 1937, Bo had an active childhood, especially in sports. He was on the high school basketball and track teams, and he excelled at football, earning all-state honors and a scholarship to the University of Tennessee (UT) in Knoxville.

Notably, he was a charter member of the West High School Key Club, and then he became a charter member of the UT Circle K club. Years later when Bo was the Circle K club's Kiwanis sponsor, he helped it form a Big Brothers chapter.

In college, football—which is taken very seriously at UT—occupied much of his time. A six-foot-two-inch, 220-pound "average" tackle who played iron-man football (offense and defense) for the Volunteers, he saw a lot of action as a junior and was a first-stringer his senior year. (The Vols went to the 1956 Sugar Bowl with tailback Johnny Majors and to the 1957 Gator Bowl.)

Bo was more than just a jock, though: His senior year, he was elected student government president. He graduated in 1959 with a bachelor's degree in business.

Then it was off to the United States Army for 18 months with his Reserve Officers' Training Corps commission. He was a first lieutenant in the military police with a logistical command unit stationed in Metz, France, for more than a year. He credits that experience (as well as seven years in the US Army Reserve) for enhancing his leadership skills.

Returning home, Bo began the pursuit of his career aspirations and soon opened the Shafer Insurance Agency with his father in 1963. (Today, the agency has 17 employees, including his son, who also is a UT business grad.)

"NOTHING WORTHWHILE IS EASY"

"I wrote a paper in the ninth grade about being an insurance agent; that's what I wanted to be," Bo says. "My daddy never came home and complained about the business; he just talked about it positively. I never had another thing that I ever wanted to do except to follow in his footsteps."

Well, almost nothing. By 1966, Bo was active in the Kiwanis Club of Knoxville (having joined in 1962 with his father's gentle persuasion) as the club's sponsor for the UT Circle K'ers, and, in Mary's words, was "the most eligible bachelor in town." Now, it seems that Mary, who was a UT education major, a former Miss

"THE REASON GUYS DON'T ASK OUT GIRLS IS BECAUSE WE'RE HUGE CHICKENS"

In September 1966, Mary was helping to organize a benefit fashion show. Knowing that Bo was in the military, she phoned him to ask if he would model in his uniform. He declined but said, "You sure sound pretty; I'm going to come downtown and see you," which he did. (What a line!)

Though Mary had a boyfriend at the time, Bo was persistent, and they eventually began dating. She recalls that on their first date, they went to his office, and some little boys stopped by with their report cards. He had a practice of rewarding these disadvantaged kids with a dollar for good grades, which he did, and then he sent the boys on their way, reminding them to brush their teeth.

"I just thought he was the nicest, most others-centered person I had ever met,"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mary recalls. "He has a real heart for other people. He never gets mad. He doesn't talk about others. He doesn't get upset with people, always giving them the benefit of the doubt. I mean, He's just a good person."

Bo had an equally positive impression of Mary: "I had dated lots of girls, but I never had the inclination to ask one of them to marry me," he says. "I knew within three weeks that Mary was the one. She is such a good-hearted person. I was ready to marry her right away."

They waited until the following September. "We've had as near a perfect marriage as possible; never had an argument in 33 years," Bo says. "I'm a lucky man."

So are their daughter and son. Mary worked as a substitute teacher briefly, but then she stayed home, because she and Bo believe children need a devoted mother's care and comfort.

"MOTHERS ARE THE MOST IMPORTANT PEOPLE IN THE WORLD, AREN'T THEY? YOU EVER SEE AN ATHLETE SAY 'HI, DADDY,' ON TELEVISION?"

"When you think about it, mothers are critical to society, because they're raising the next generation," Mary says. "We put our futures in mothers' hands."

Responsible fatherhood counts a lot too, of course, and Bo always stressed the importance of good character and trust. "It takes 20 years to build a reputation, but it only takes one minute to ruin it," he says. "I told my kids there's a difference between reputation and character: Reputation is what people think about you, and character is what you really are. Your character is determined by what you do when nobody's looking."

Mary and Bo clearly succeeded at parenting. Heidi, 29, taught third grade before giving birth to Christopher this past March and deciding to stay home with her newborn. "You hear about families whose parents never spent any time with them and never told them they love them, and that's just the opposite of ours," says Heidi, who fondly remembers her weekly before-school breakfasts with her dad. "You never doubted that they were there for you, and that they loved you."

"'I LOVE YOU' IS THE HARDEST THING IN THE WORLD TO GET OUT. HOW DUMB IS THAT?"

Andy, 27, continues in his father's footsteps in Kiwanis and other civic groups. "We always have been a family of example," he notes. "Heidi and I both saw how much our parents helped other people, so it was natural for me to become a Kiwanian."

Though it's not a "Boverb," it is true that into every life some rain must fall. The past year has rained two traumatic events on the Shafer family: Mary's recurrence of cancer (which now is in remission) and an automobile accident that killed Bo's 28-year-old nephew. Still, they keep a positive attitude.

"PROBLEMS CAN MAKE YOU BETTER OR BITTER"

"You realize how important it is to do what you need to do now, instead of waiting to get to it later, because later may not be here," Bo says "(The cancer) really has made us a better couple, love each other better, and love life more. It can make you a better person."

Mary echoes his sentiments: "When you are threatened with a terminal illness, it makes you realize how precious life is. You look at leaves and see that they're absolutely gorgeous. And it helps you realize what's really important."

"QUIT COMPLAINING, AND START APPRECIATING LIFE"

Bo claims he altered his perspective on life and quit complaining in 1983 when he was the United Way chairman: "I held a crack baby in my arms, and I looked at this little girl and said, 'What did she do to deserve this?' The answer was 'nothing.' And I asked, 'What did I do to deserve not to be there?' And the answer was 'nothing.'

"We're blessed beyond most of the world's wildest dreams. We don't even know what a problem is; we have to make them up. The problems we complain about, most people would love to have: 'The transmission is out in my third car. My steak wasn't tender enough. The ride's too long in the airplane.' I tell them to look out the window and think about crossing the ocean on the Niña, Pinta, and Santa Maria and shut your mouth!" he concludes with a laugh.

Bo is well aware of the real problems in the world. He recounts an experience in the Philippines where he saw 4,000 families squashed together in houses the size of a car—with no water, no sewers, no electricity, "When I was leaving," he notes, "I noticed five little girls practicing Kiwanis' second Object (the Golden Rule)—picking lice out of each other's hair."

Not surprisingly, Bo has a theory about humankind's woes. He calls it "10–80–10": 10 percent of people do something about problems; 80 percent of people don't notice problems; and 10 percent of people cause problems.

"HAVE YOU GOT 'A ROUND TUIT'"

Bo recalls another apropos anecdote: "I went to a funeral years ago, and I asked a guy who was a friend of the guy who died, 'Who's going to take his place?' He looked down at the ground, kicked a rock, and said, 'He didn't leave a vacancy.' And that's what happens when somebody doesn't do anything for anybody but themselves. If you don't love other people, who's going to miss you? Most people don't ever get around to helping others. You need something that helps you get around to it, and Kiwanis is a catalyst."

It certainly has been for Bo. He is the epitome of an active Kiwanian: 38 years in the Knoxville club with 32 years of perfect attendance; 1975–76 club president; chairman of numerous club committees; 10 years as Key Club sponsor, and another five as Circle K sponsor; 1982–83 lieutenant governor; chairman of numerous district committees; 1988–89 Kentucky-Tennessee District governor (distinguished); a member of the International Board since 1994; and so on and so on.

"A FISH GETS CAUGHT BECAUSE IT DOESN'T KEEP ITS MOUTH SHUT"

By his own admission, though, Bo never had a driving ambition to reach district and International leadership positions. He had to be talked into running for district governor and International Trustee. Lexington, Kentucky, Kiwanian John Gorrell, the district's 1989–90 governor, was one of the individuals encouraging Bo, and Past International President Aubrey Irby was another.

"I was a lieutenant governor when Aubrey made his official visit to our district," Bo explains, "and he told me: 'Bo, you ought to go further, but don't run for any job. If the door opens, just go through it. If that one doesn't open, another one will.' Well, the doors opened, I went through them, and here I am.

"Now, it's an unbelievable honor and privilege to be President—to be able to say I represent Kiwanians. I'm always amazed when I visit Kiwanians at the dedication they have. There are so many people who are really dedicated Kiwanians."

Count President Bo among them, and watch for him to be a true motivator, building enthusiasm wherever he goes. And foremost among his goals is growth—but as a way to a means. "Growth isn't my real goal; helping more people is," he clarifies.

When it comes to enthusiasm about Kiwanis and the need for more service through growth—stand back and listen to Bo go:

"People aren't joining Kiwanis because we're not asking. We've talked ourselves into thinking that nobody wants to join Kiwanis, and that is not right. Surveys show that young adults want to do more (service work), but no one asks them. That's exactly what we need to start doing. As soon as we start asking, our organization is going to grow."

"IDEAS ARE EASY: EXECUTION IS WHAT'S HARD"

"What you have to do is when you're around someone, you should be a Kiwanian and start talking about Kiwanis. And you don't say, 'Do you want to join the Kiwanis club?' What I always say is how lucky we are to be able to help other people and talk about a Kiwanis project. Tell people what Kiwanis does, and ask, 'Would you be interested in helping us help other people, especially children?'

"I talk about what a privilege it is to be able to help others. It's not a duty; it's a privilege. I think in everybody's heart they want to help people, and we need to appeal to that side of it. Hardly anybody can say no when you talk in that context. And the people who say no, well, we don't want them in Kiwanis anyway.

"We need to show people what it's like to be a good Kiwanian. If we show them—be happy, have the right attitude, have a smile on your face—they'll be more inclined to join. It's important to be positive, not negative. People just have to look at the pluses instead of the minuses.

"In my opinion, if a club is not willing to grow, we need to form another one in the same town with young people. I was up at the lake a few years ago, and I saw this great big, strong-looking oak tree. I looked at it and said, 'Man, that thing's been there a long time.' I came back the next week, and that oak tree was down. But I looked around and noticed all these little oak saplings growing around it. And I said, 'The woods are OK,' and then I thought of Kiwanis."

"NOTHING GOOD HAPPENS UNLESS YOU MAKE IT HAPPEN"

"All we need to do is get a passion to grow. There is about one Kiwanian per 20,000 people in the world, and about 50 percent of the world needs help. We have so much to do, and that's why we need to grow. Getting other people to help us help others is an easy project, if we make that a passion.

"If we can get the leadership—starting from the very top—to start talking positively about how lucky we are and change that attitude, shoot, we can grow like gangbusters. If we talk about Kiwanis in a positive manner, then people will want to join."

"The more people we ask, the more new members we'll have and more people will stay who are going to be the right kind of members—active members."

Get the message? You will. President Bo plans on making it crystal-clear during his time in Kiwanis' highest office. And while he's at it, he'll be stressing a few other points as well.

Among them will be Kiwanis' sponsored programs—from K-Kids to Circle K. He believes Kiwanians need to pay more attention to these young volunteers.

"Our biggest problem is Kiwanians not going to their meetings and not being personally involved," Bo says. "We need to teach youngster about giving. Teaching them that is one of the most important things we can do, because they're in their formative years, and if they learn to help others, well, that changes the world."

Which leads to another focal point for Bo: the Worldwide Service Project and its successful completion. "I used to say, 'We can't change the world, but each one of us can change a life,'" he says. "But now I realize we literally are changing the world by virtually eliminating IDD (iodine deficiency disorders)."

You also can expect Bo to dig into his pockets and pass out an endless supply of his trademark Super Bubble gum. (For the record, he buys about 20,000 pieces annually from Hackney Cash and Carry on Dale Avenue in Knoxville.) He began the tradition with a United Way fund-raising campaign slogan in 1982: "Don't gum up the works by not doing your part."

When he's completed his year as Kiwanis' impassioned ambassador, Bo will return to his hometown and his home club with more stories and more sayings. If you go looking for him, though, you might need to drive over to Cain Seed Hollow, because that's where he and Mary love to be.

You'll probably find him cutting wood, building, and adding touches to the 28-foot by 70-foot "cabin" he's constructed over the past 25 years with its rough-cut-oak exterior and wall-to-wall wooden interior. ("I didn't plan for it to be this big when I first had it in mind," Bo says. "I just love to build.")

You might arrive as he's sawing two-by-fours for another new deck while listening to a UT football game on the radio ("I guarantee I won't be sitting around watching television," he says), whistling away, happy as can be.

Or maybe you'll catch Mary and Bo on those rocking chairs, waiting for another gorgeous sunset, quietly thanking God for another beautiful day.

AUTHORIZING AN INTERPRETIVE CENTER NEAR DIAMOND VALLEY LAKE, CALIFORNIA

SPEECH OF

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mrs. BONO. Madam Speaker, I join my colleagues, Representatives Ken Calvert, Jerry Lewis, Duncan Hunter, Grace Napolitano, Ron Packard, Garry Miller, and Joe Baca in support of H.R. 4187, which provides funding and other assistance for the creation of the Western Archeology and Paleontology Center in southern California's Riverside County, in close proximity to the Diamond Valley Lake Reservoir.

This facility will serve as both an interpretive center and museum to ensure the protection and preservation of the many prehistoric archaeological and paleontological findings uncovering during the lake's construction. These discoveries included rock paintings and carvings, bone and stone tools, pottery, a partial mammoth skeleton, mastodon tusks, and much more. A system of trails will be designed around the perimeter of the lake for use by pedestrians and non-motorized vehicles.

From the initial stages of discussion, this center has benefited from the guidance provided by the University of California at Riverside and a consortium of local individuals and organizations. The House report language directs the Secretary of the Interior to work with the University, the Metropolitan Water District (MWD), and local stakeholders in establishing and operating the center.

The State of California has already contributed $6 million dollars to the establishment of the Western Center, and more than $10 million dollars has been included in this year's state budget for the construction and maintenance of the center.

Diamond Valley Lade is the largest manmade lake in southern California. It was constructed at a cost of $2.1 billion dollars, over a period of ten years. This project, located near the communities of Hemet, San Jacinto and Temecula in California's 44th congressional district, will provide an essential emergency water supply for the residents of the Los Angeles basin and the surrounding communities.

While Diamond Valley Lake will fulfill a critical water need for southern California, the unexpected benefit of this project was the discovery of a significant scientific treasure trove—the largest repository of prehistoric fossils in southern California. The establishment of a center and museum that will preserve these unique resources for future generations will benefit not only the people of California, but, the entire nation.

Mr. Speaker, I want to also extend my appreciation to Chairman Young and Hansen for their efforts on behalf of this bill, and urge my colleagues to pass this important legislation.

IN TRIBUTE TO WALTER BRENNAN AND JOEL McCREA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to two stars from my home in Ventura County, California, who made their mark on the world as screen legends and in Ventura County as good neighbors.

The duo will be honored this weekend with a statue in Old Town in Camarillo.

My best screen memories of Walter Brennan are probably the same as many—that of the shuffling, wizened and crotchety patriarch Grandpa Amos in The Real McCoys. The Real McCoys was "a moral show . . . about the love of a family," in the words of Kathleen "Kate McCoy" Nolan. We could use more of that fare on television today.

No brag, just fact.

Walter Brennan became Amos McCoy after a successful career on the big screen. Walter Brennan died in Oxnard, California, in 1974 at the age of 80, but his film career—which began in 1927—didn't end until a year later when his last film, Smoke in the Wind, was released.

In all, Walter Brennan acted in 186 films and three television series, not to count the singular TV shows in which he appeared. Mr. Brennan was the first actor to win the Best Supporting Oscar and the first to win three Oscars.

But to his neighbors in Moorpark, where he lived for some 20 years, the film and television star was just Mr. Brennan. It's fitting that a statute to Walter Brennan will grace Old Town Camarillo. Walter Brennan twice served as the city's grand marshal and his son lives in the city. A daughter still makes Moorpark her home.

Joel McCrea made his home in Moorpark Road at the foot of the Norwegian Grade, where his grandson still lives.

Joel McCrea began his career as a movie stuntman and landed his first starring role in The Silver Horde. He starred in dozens of more films throughout the 1930s and '40s. In the '50s, he starred as Ranger Jase Pearson in the television series Tales of the Texas Rangers.

Cry Blood, Apache, which was released in 1970, was a family affair. Joel McCrea and his son, Jody, starred in the film, and Jody McCrea also produced it.

Much of the McCrea Ranch now serves the public as parkland.

Mr. Speaker, Walter Brennan and Joel McCrea enriched our lives in many ways. I know my colleagues will join me in paying tribute to their memories.

TRIBUTE TO MS. LAURA J. CLARK OF DOTHAN, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CRAMER. Mr. Speaker, I rise today to thank Ms. Laura J. Clark and her mother for sharing their extraordinary talent with the Children's Advocacy Centers. These ladies have gone to great lengths to fight child abuse. They have turned the misery and shame of child abuse into a beautiful song. Through music, they are reaching out to abused children and adults who were abused as children.

Ms. Clark and her mother are donating the profits of the compact disc and tape sales to the Southeast Alabama Child Advocacy Center.

Mr. Speaker, I enter into the Congressional Record the lyrics to "For the Children" so that others might have the opportunity read these words and find comfort in the song's message.

For the Children (Music and Lyrics by Jo Johnson, Arranged by Buddy Skipper)

I need a safety blanket, I need a secret place to hide
I need someone to listen to me when I tell them I hurt inside
I have nightmares in the daytime then I cry myself to sleep
Where's an angle to watch over me when I pray "my soul to keep"?
I know you can't believe it, our stories break your heart in two
I know you can never see it but it's happening yes it's happening believe us it's true
We've got to make it right for the children
Got to give them hope and heal their broken hearts
We've got to make it right for the children

Let them learn of love instead of hate and ask them to forgive us because we're so late
We've got to take despair from the children
Got to let them know how much we care
We've got to make it right for the children
And with God's help we'll do the right thing we'll open up our arms
Yes with God's help we'll do the right thing and make sure that the children will come to no more harm
We've got to make it right for the children
Got to give them hope and heal their broken hearts
We've got to make it right for the children
For the children
We will make it right.

IN HONOR OF MARCUS STEELE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Mr. Marcus Steele, a sophomore at Cleveland Central Catholic High School who died tragically on October 13, 2000 during a football game against Trinity.

It is always devastating to hear stories about the untimely deaths of young people, but it is even more difficult when the tragedy strikes close to home. There is a void in the hearts of many in the city of Cleveland today, as we say good-bye to this loved and respected young man. Marcus didn't knowingly put himself into harms way; he was simply playing the game that he loved. We cannot explain why he was taken from us at such a young age, but we must do our best to reflect upon the positive ways in which Marcus touched our lives.

Marcus was a warm, caring individual who was genuinely admired by all those around him. His classmates and teammates describe him as open, motivated, jovial and popular. Marcus will be remembered most for his catching smile and his dedication to and appreciation for his family and friends. Also, as a linebacker and running back on the football team and as a key member of the basketball team, Marcus's wealth of athletic talent will certainly be missed on the playing fields at Cleveland Central Catholic. In characterizing him as an athlete, football coach Paul Cunningham said, "Marcus never held anything back in practice, and he played the game that way too. He was a hard-nosed kid with a real future in this sport. You don't replace him. Marcus was one of a kind."

Mr. Speaker, it is with a heavy heart that I ask my fellow colleagues in the House of Representatives to join me today in remembering Marcus Steele. He was a fine young man who will surely be missed by all who knew him. I also wish to take this opportunity to extend my sincere condolences and sympathy to his family and friends and the staff, classmates, coaches and teammates of Marcus Steele at Cleveland Central Catholic High School. May you find the faith and strength to carry you through this difficult time.

TRIBUTE TO FORMER CONGRESSMAN ROMAN PUCINSKI

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HYDE. Mr. Speaker, despite the Vice President's claim to have invented the Internet, a strong case can be made that former Congressman Roman Pucinski (D-Chicago) had a lot to do with this development. A Chicago Sun-Times article from the Casual Friday Column of Friday, October 29, 1999, referred to this interesting fact, and I am pleased to share it with my colleagues.

"POOCH" MAY BE THE FATHER OF NET

On October 20, 1969, history was made when the first e-mail was sent on ARPANET, the predecessor of today's Internet.

So if you think presidential hopeful Al Gore "invented" the Internet, you're sadly mistaken.

Another pol can lay claim to inventing the Net. None other than Chicago's own Roman C. Pucinski, 80, the retired Democratic congressman, one-time Chicago alderman and longtime Chicago Sun-Times reporter.

Roman's daughter, Aurelia, Cook County Circuit Court clerk, let us know the other day that the elder Pucinski was the real father of the Internet. She shared old press releases and speeches on the subject with Casual Friday. We even saw "Pooch's" original notes.

On Jan. 17, 1963, Pucinski proposed a national scientific computer network. He chaired the House Education and Labor Committee, which voted a sum "not to exceed $7,000" to begin studies on the computer network. Proud daughter Aurelia suggests that Roman proposed National Information System ultimately evolved into today's Internet. Maybe it did.

In a speech in 1965, Pucinski said he foresaw scientists having pocket-size TVs that tied in with the world. Shades of Palm Pilots.

"In a matter of seconds, a scientist will be able to communicate and interrogate the world's storehouse of information and reproduce instantly any article or portion he may need," Pucinski said.

Sounds like Yahoo! And other Web directories and search engines!

Back in the days when computer punch cards were symbols of high tech, Pucinski predicted that the computer industry someday would "stand beside steel, transportation, auto production and building construction as one of this nation's basic industries—holding out great hope for employment not only among the young but also among the old." What a master of understatement.

Footnote: Chicago booster Pucinski wanted the university-based data center to be based here. If it has unfolded that way, maybe Silicon Prairie would have put the Silicon Valley in its shadow, maybe it still will. Let's win one for the Pooch.

HONORING THE 119TH AIR CONTROL SQUADRON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DUNCAN. Mr. Speaker, after 50 years as a mobile, tactical radar unit, the 119th Air Control Squadron, commanded by Lt. Col. John F. White at McGhee Tyson Air Base in the Second District of Tennessee, is observing its half-century of service this month.

This is also a unique and interesting time for the squadron, as it will be the oldest Air National Guard unit in East Tennessee to move to the United States Space Command.

The Space Command was looking for a unit that had a depth of experience in command and control, running an operations center for a general office, controlling forces, movement of forces, the operations of forces, and responding to other tasks. The 119th Air Control Squadron matched these qualifications and demands perfectly.

The unit was federally recognized 50 years ago on October 6, 1950, while located on Sutherland Avenue at the former site of McGhee Tyson Airport in west Knoxville. It was called to active duty in 1952 to Otis Air Force Base in Massachusetts. It has been at its present location at McGhee Tyson Air Base since 1956.

Over the past decade, the unit has completed seven major Air Force command inspections. The last one was in 1996 at White Sands Missile Range in New Mexico when the unit received the highest rating ever given an air squadron during an Operational Readiness Inspection.

The 119th Squadron has been awarded six Air Force Outstanding Unit Awards, two Joint Meritorious Service Awards, two National Guard Meritorious Service Awards, and two Air Guard Outstanding Mission Support Squadron Awards.

Mr. Speaker, I know that I join with the citizens of the 2nd District in congratulating Lt. Col. John F. White and the 119th Squadron for their service and devotion to the people of East Tennessee and the world. I want to wish them all the luck in the future on their new missions and endeavors. I ask my fellow colleagues and other readers of the RECORD to join me in thanking the 119th Squadron for their many years of service and contributions to East Tennessee and the United States. Our Nation is certainly a better place because of people like those who serve in the beloved 119th Air Control Squadron.

RECOGNIZING JOSEPH PHELPS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Joseph Phelps for his outstanding leadership role in making health care accessible to all members of our community. Mr. Phelps will be honored by the St. Helena Hospital Foundation for being a key supporter of many important health, cultural and educational organizations in Napa Valley.

Upon graduation from college, where he studied engineering and construction management, Joseph Phelps spent three years as a naval officer in the Pacific during the Korean War. After returning from duty, he presided over the expansion of a small local firm into a nationally prominent construction organization.

In 1972, Mr. Phelps developed the Joseph Phelps Vineyards, located in Spring Valley near St. Helena, CA. The vineyards stretch across a 600-acre ranch that is characterized by rolling hills, California native oaks, and 160 acres of tended vines.

Over the years, Mr. Phelps has not only established one of the most respected benchmarks of California wine quality, but has contributed to numerous health care benefits in the community, including the establishment of the health resource library at The Women's Center of St. Helena Hospital.

Additionally, Mr. Phelps is a major supporter of the annual Napa Valley Wine Auction, which has become the nation's largest and most successful charity wine auction. The auction has raised over $20 million for such critical programs as Napa Women's Emergency Services, Hospice of Napa Valley, Planned Parenthood, and Healthy Moms and Babies.

Mr. Phelps will be honored for these and many other contributions at the St. Helena Hospital Foundation's annual gala in November, of which the proceeds will support seminars, support groups, community outreach and diagnostic testing at The Women's Center of St. Helena Hospital.

Mr. Speaker, it is appropriate at this time that we acknowledge and honor Mr. Joseph Phelps for his continued support and tremendous contributions to the communities of Napa Valley.

PHYSICAL SECURITY OF NATIONAL DEFENSE INFORMATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. RILEY. Mr. Speaker, I enter into the RECORD the following letter associated with my remarks of October 17 contained on page E1808 of the CONGRESSIONAL RECORD.

ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE,
Washington, DC, September 29, 2000.

Hon. BOB RILEY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RILEY: This is in response to your letter to Secretary Cohen concerning the $10 million that Congress appropriated in the Department of Defense Appropriations Act, 2000 (Public Law 106-79) to be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors. Secretary Cohen has asked me to respond since this is a matter under my direct purview. Thank you for your letter.

As you may be aware, the Joint Security Commission II, led by retired General Welch, addressed this issue in the Commission's report dated August 24, 1999. The Commission found that a program calling for industry to convert to the electronic lock would be potentially expensive with little commensurate benefit in terms of improved security. The Commission estimated that the cost of such a program for only 5 of the many Defense Contractors would exceed $100 million. The Commission further recommended that these funds would be better spent to augment the Defense Security Service's National Industrial Security Program and to provide at least some of the wherewithal for expediting the personnel security process for industry. The threats we face are not from people breaking into locked containers, but rather from computer network attacks, signal intercepts, and security cleared insiders who compromise national security.

After careful consideration, Secretary Cohen earlier this year concluded that "retrofitting industry locks would impose a large expense on taxpayers without a commensurate security benefit," and so advised Congress in his letter of January 18, 2000.

We understand and share your desire to improve the physical security of national defense information and will continue to work toward that goal.

Sincerely,

—— ——.

(For Arthur L. Money).

WEST PAPUA, INDONESIA; THE NEXT EAST TIMOR TRAGEDY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, I come before our colleagues and our great Nation tonight to discuss a disturbing matter I have raised before—the bloody struggle for freedom and democracy that is being waged halfway around the world in the Pacific by the courageous people of West Papua, a province subjugated by Indonesia and renamed Irian Jaya.

Although many of our colleagues are familiar with Indonesia's atrocious and despicable record of human rights violations in East Timor and West Timor—the world has neglected to address the parallel tragedy that is being played out as we speak in West Papua.

Indonesian President Abdurrahman Wahid, to his credit, has attempted to engage the people of West Papua, in a national dialogue to defuse the incredible tensions arising from four decades of military repression and violence perpetrated against the Papuan people. As part of his peace initiative, President Wahid expressly authorized Papuans to raise their Morning Star flags, a deeply emotional symbol of the Papuan people's desire for justice and self-determination.

In recent weeks, however, armed Indonesian security forces have violated President Wahid's order, perhaps based upon a conflicting directive from Vice President Megawati Sukarnoputri, and forcibly taken down Morning Star flags in the mountainside town of Wamena. This touched off a massive riot resulting in upwards of 58 deaths and dozens of injured citizens.

On Monday (October 9, 2000), Amnesty International reported that, "Indonesian security forces opened fire during attempts to forcibly remove Papuan flags flying in several locations in Wamena town." With hundreds of people taken into custody, Amnesty International stated that, "some of those released told local human rights monitors that they witnessed other detainees being tortured by the police. The police reportedly beat, kicked and used razor blades to torture those who refused to renounce support for Papuan independence." Amnesty International, in particular, took note that 15 individuals have been denied total access to their attorneys and families, raising fears that these Papuans are being tortured or subject to extrajudicial execution.

Mr. Speaker, these recent developments in Indonesia's campaign of violence against the Papuan people are shocking and reprehensible. However, I am not surprised by this ugly show of brutality, for it is nothing new. It is part and parcel of a long history of Jakarta's oppression of the native people of West Papua.

The first chapter in this tragic story began in 1961, when the people of West Papua, with the assistance of the Netherlands and Australia, prepared to declare independence from the Dutch, their former colonial master. This enraged Indonesia, which invaded West Papua and urged war against Holland. Skillfully playing the Communist card against the United States, Indonesia simultaneously threatened to become a Soviet ally, prompting the United States to take Jakarta's side in the West Papua issue. Once the Dutch were advised by President Kennedy's administration that they could not count on United States backing in a conflict with Indonesia, the Netherlands ceased support for West Papua's independence and deserted the Papuan people. Indonesia was thus given a green light to ravage West Papua in 1963, destroying the Papuan people's dreams of freedom and self-determination.

In 1969, the second chapter unfolded, when the United Nations supervised a fraudulent referendum called the "Act of Free Choice", which, upon review, was clearly designed to give cover and official sanctioning of Indonesia's forced occupation of West Papua. West Papuans derisively refer to it as the "Act of No Choice", since only 1,025 delegates hand-picked by Jakarta were allowed to vote, with bribery and death threats used to coerce them. The rest of the 800,000 citizens of West Papua had absolutely no say in the rigged plebiscite. Despite calling for a "one person-one vote" referendum, the United Nations shamefully acquiesced and recognized the defective vote—a vote which, not surprisingly, was unanimous for West Papua to remain with Indonesia.

Since Indonesia and its military subjugated West Papua, the Papuan people have suffered under one of the most repressive and violent systems of colonial occupation in the twentieth century. Incredible as it may seem, Mr. Speaker, as the world witnessed in East Timor, the estimate of West Papuans who have been killed or who have simply vanished from the face of the earth during the Indonesian occupation numbers in the hundreds of thousands. Papuans project that between 200,000 to 300,000 of their people have disappeared at the hands of the Indonesians.

Mr. Speaker, in recent years our Nation has rightfully intervened to stop ethnic cleansing and genocide, such as in Kosovo, yet for decades in West Papua the Indonesians have been allowed to commit outrageous human rights abuses of the highest magnitude.

Mr. Speaker, the depth and intensity of this conflict spanning four decades underscores the fact that the people of West Papua do not desire and will never accept being part of Indonesia. In all ways, manner and fashion, they are a people and culture dramatically distinct and apart from the rest of Indonesia.

In an attempt to overwhelm the Papuan people, the Indonesian Government has chosen a policy of mass transmigration, not unlike what China is doing in Tibet. The West Papuan people have been inundated with an annual influx of over 10,000 families from the rest of Indonesia. Already, the migrants threaten to outnumber the West Papuans, reducing the indigenous natives to a minority in their own homeland.

Mr. Speaker, the tragic situation in West Papua greatly concerns me. With Jakarta's renewed thirst for blood, I would ask that all of our colleagues join in urging the Indonesian Government to exercise restraint and immediately stop the killings and human rights violations in West Papua.

To that effect, Mr. Speaker, earlier this year, our colleagues—Representatives JOHN LEWIS, CYNTHIA MCKINNEY, LANE EVANS, DONALD PAYNE, ROBERT WEXLER, ALCEE HASTINGS and GREGORY MEEKS—joined me in a letter to President Clinton strongly expressing our deep concerns with Indonesia's repression in West Papua and requesting that the "U.S. ensure that the Indonesian military and police refrain from any violent response" to the Papuan people's advocacy for independence. Our letter further requested the Administration to work with United Nations Secretary General Kofi Annan in undertaking a thorough and complete review of the 1969 U.N. "Act of Free Choice".

I commend President Clinton for his forthright response and gracious letter, in which the President stated, "The U.S. response to events in West Papua is aimed at minimizing the likelihood of violence and promoting reconciliation between Papua and the Indonesian government." The President further stated "* * * we have strongly urged Indonesia to uphold justice, human rights, and the rule of law in Papua and to refrain from using tactics of repression similar to those that were condemned by the world community in East Timor. We will continue to impress on Indonesia's leaders the high costs associated with any attempt to use military-backed militias to incite violence or to intimidate the people of Papua."

I thank the President for his stated commitment to stop Indonesia's practices of brutality in West Papua and look forward to concrete, timely action from the Administration in response to the recent troubling developments in West Papua.

Mr. Speaker, as the leader of the free world and protector of the oppressed, our great Nation cannot in good conscience continue to look away as another nightmare like East Timor raises its ugly head. I ask our colleagues to hear the urgent pleas for help of the people of West Papua and take steps now with the Administration to prevent another East Timor massacre from taking place.

Thank you, Mr. Speaker, and I submit the aforementioned letters regarding West Papua from our colleagues and President Clinton for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 2000.
Hon. WILLIAM J. CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are deeply concerned with recent developments in Papua, also known as West Papua or Irian Jaya, the eastern-most part of Indonesia. The Second Papuan People's Congress ended the first week of June with a declaration of independence from Indonesia, to which the Indonesian government responded by declaring it would take all action necessary to maintain the state's territorial integrity.

This independence declaration—dated retroactively to December 1, 1961, when Papuan leaders first declared Papua a sovereign nation separate from its Dutch colonial rulers—follows years of economic exploitation and human rights violations by the Indonesian government and military regime. The decisions of the Papuan Congress, attended by five hundred delegated representatives, more than two thousand others inside the hall and some twenty thousand supporters outside, reflect views held widely throughout the territory. While it is premature for the U.S. government to take a stand in favor or against the declaration adopted by the Papuan Congress, we feel that the State Department should at least demonstrate an understanding of the underlying reasons for the decision taken by the Papuan representatives.

The independence declaration of the Second Papuan People's Conference reflects over thirty years of grievance resulting from a fraudulent Act of Free Choice held in 1969. A brutally repressive military regime organized the Act, refusing universal suffrage and convening an assembly of only 1,025 hand-picked men. They met under extreme duress and at gunpoint, resulting in an "unanimous" decision to remain with Indonesia. To its detriment, the United Nations, which was supposed to supervise the Act but was marginalized throughout the process, endorsed the results and has done virtually nothing to protect the rights and freedoms of the Papuan people since then.

The U.S. government must take responsibility for the diplomatic moves leading to the U.N.'s betrayal of the Papuans. U.S. administrations were instrumental in negotiating talks between Indonesia and the Netherlands about Paupua, resulting in the New York Agreement in 1962 and the eventual Act of Free Choice. The talks, over which a U.S. diplomat preside, took place without any Papuan representation and were followed by six years of extreme repression capped by the denial of the right to a genuine act of self-determination. Having brokered an agreement providing for the Act of Free Choice, the U.S. government had a responsibility to ensure its fair implementation. Yet despite egregious human rights violations perpetrated against the Papuan people, the U.S. voted in favor of U.N. General Assembly Resolution 2504 of December 19 in 1969, recognizing the official inclusion of Papua in the Indonesian state.

Given the involvement of the U.S. in the aforementioned agreements, we request that the Administration call upon the U.N. Secretary General to undertake a thorough review of the 1969 Act of Free Choice. We remain deeply concerned about escalating activities in Papua of pro-Indonesia militia groups, similar to those that operated in East Timor, many of whom are linked to the Indonesian Armed Forces. We further request that the U.S. ensure that the Indonesian military and police refrain from any violent response to the declaration of independence, as has already been suggested by some in the Indonesian security forces and government. We will continue to diligently monitor the situation in Papua, particularly in the context of severe military repression throughout the Indonesian archipelago.

We thank you for your serious consideration of our requests and look forward to your response.

Sincerely,

Eni F.H. Faleomavaega, Donald M. Payne, Robert Wexler, Alcee L. Hastings, Cynthia A. McKinney, Lane Evans, John Lewis, Gregory W. Meeks.

THE WHITE HOUSE,
Washington, DC, July 9, 2000.
Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives, Washington, DC.

DEAR ENI: Thank you for your letter regarding recent developments in West Papua, Indonesia.

The U.S. response to events in West Papua is aimed at minimizing the likelihood of violence and promoting reconciliation between Papua and the Indonesian government. Our policy is based on three principles.

First, we have reiterated our support for the territorial integrity of Indonesia. We continue to believe that a stable, democratic and united Indonesia is the key to continued stability in the region.

Second, we have publicly called for the Government of Indonesia to address the legitimate concerns of the residents of Papua within the context of a unified Indonesia. We strongly support a meaningful dialogue between the Government of Indonesia and Papuan political representatives as the best and most appropriate means to address the underlying problems that have led to calls for independence. Such a dialogue is the appropriate form to discuss any potential review of the UN-sanctioned process that resulted in West Papua's inclusion into Indonesia.

Third, we have strongly urged Indonesia to uphold justice, human rights, and the rule of law in Papua and to refrain from using tactics of repression similar to those that were condemned by the world community in East Timor. We will continue to impress on Indonesia's leaders the high costs associated with any attempt to use military-backed militias to incite violence or to intimidate the people of Papua.

I appreciate your interest in Papua and look forward to continuing to work with you to ensure the peaceful resolution of the situation.

Sincerely,

BILL.

AIR FORCE SCIENCE AND TECHNOLOGY FOR THE 21ST CENTURY ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HALL of Ohio. Mr. Speaker, today I am introducing the Air Force Science and Technology for the 21st Century Act, a bill to strengthen the Science and Technology (S&T) program of the U.S. Air Force.

Today, the Air Force S&T program is a shadow of what it once was. Spending has been slashed from its high water mark a decade ago. Research focus has shifted from long-term topics with the potential for revolutionary advances to projects that have only short-term, incremental payoff. Morale among scientists in the Air Force Research Laboratory is down as a result of layoffs, budget cuts, and an uncertain future for the S&T program. In recent years, we've seen a pattern where research programs are funded, then cut by the Air Force, then restored by Congress. This roller coaster trend results in inefficiency and loss of continuity.

The decline has begun to set off alarm bells outside the Air Force. Earlier this year, the Air Force Association—one of the Air Force's strongest allies—issued a blistering report, concluding that by not treating research and development as a high priority, the Air Force has "shortchanged the nation's future military-technological edge" which "could cost the nation dearly on future battlefields." Last month, a coalition representing one million scientists and engineers warned that the "chronic decline in Federal funding going to aeronautics research," including Pentagon spending, could result in a "catastrophic loss."

Prodding by Congress apparently has failed to move scientific research to a higher Air Force priority. In 1998, Congress passed a resolution urging an increase in the science and technology budget of the Defense Department by 2 percent (adjusted for inflation). When the Air Force refused to comply, I offered legislation the following year repeating the request, singling out the Air Force for jeopardizing the stability of the defense science and technology base. Though the legislation was enacted into law, the Air Force still failed to meet the standard in this year's budget request (using last year's appropriated level for S&T funding as the baseline).

Even guidance within the Defense Department hasn't shaken the Air Force's determination to siphon off scientific research funds for other purposes. The Director of Defense Research and Engineering (DDR&E) issued guidelines for supporting S&T funding which the Air Force did not follow. The Air Force also ignored Defense Science Board recommendations to maintain a viable science and technology program by halting cuts and stabilizing the annual budgets.

What this means is that in a world of increasingly uncertain threats, the Air Force weapons systems of the future may not give us the technological edge that the tomorrow's warfighter will need. Many of the Air Force technologies that have played starring roles in recent conflicts are the result of science and technology investments made 20 or more years ago. A few of these technologies include stealth aircraft, the Global Positioning System (GPS), night vision devices, and guided munitions (smart bombs). If the Air Force of the 1960s and 1970s had followed the same direction as today's Air Force, some of these technologies would not be available today.

The Air Force was established by leaders who recognized that a long-term commitment to science and technology was the key to maintaining air supremacy in warfare. While technology is important to all the services, it is uniquely critical to the Air Force's mission. The Army and the Navy strategies for winning a war rely on mass and troop numbers. The Air Force strategy, as shown in recent conflicts, relies on massing warfighting effects by exploiting technological advantage. However, beginning in the late 1980s, organizational changes within the Department of Defense and the Air Force had the inadvertent effect of reducing the influence of scientists and their advocates in shaping Air Force policy.

In 1986, Congress passed the Goldwater-Nichols Department of Defense Reorganization Act, which mandated sweeping and impressive improvements in the planning, organization and responsiveness of the military services. In response to the requirements of the Act, the Air Force—unlike the other services—relegated key science positions to lower levels within the organization.

Prior to Goldwater-Nichols, the top advocate for science under the Secretary of the Air Force was the Assistant Secretary for Research, Development, and Logistics. Subsequently, the equivalent slot became the Deputy Assistant Secretary for Science, Technology, and Engineering, buried deeper in the bureaucracy. Prior to Goldwater-Nichols, a Deputy Chief of Staff for Development, Research, and Acquisition—with the rank of Lieutenant General (3-star)—reported to the Chief of Staff. That position was eliminated after Goldwater-Nichols.

Another major organizational change occurred when Air Force Systems Command (AFSC) was abolished in 1992 and its functions were merged with Air Force Logistics Command (AFLC). AFSC, headed by a general officer (4-star), had been responsible for supporting science, technology, research, and development. The new merged organization, Air Force Materiel Command (AFMC), had far more duties. Since then, the AFMC commanders have not been as forceful advocates for science and acquisition issues as the AFSC commanders had been.

As a result of these changes, when high level Air Force decisions are made there is no one at the table who has an intimate knowledge of scientific research and whose principal mission includes defending science and technology. As the Air Force Association reported, "The focus of the major commands, and that of Air Force headquarters, is apparently now on near-term payoff and relevance to the existing mission. There is no countervailing Air Force entity arguing for long-term investment and long-term payoff."

The most observable consequence of these organizational changes is plummeting science and technology funding as the advocates of other Air Force needs divide up the budget pie first. In 1989, the Air Force spent almost $2.7 billion on science and technology (in fiscal year 2000 constant dollars). In fiscal year 2001, the Air Force proposed spending under $1.3 billion, a drop of 55 percent. Though some decline in science and technology might be expected due to the defense draw down of recent years, this does not justify the dramatic drop in Air force S&T funding. During that same period, the Army cut its science and technology budget by only 20 percent, and the Navy actually made a substantial increase.

These numbers do not tell the full story of the Air Force's efforts to divert S&T dollars for higher priorities. In the late 1990s, internal Air Force budget planning documents proposed much deeper reductions. However, DDR&E forced the Air Force to submit higher numbers and Congress increased the funding levels even more.

There are other more subtle effects of a reduced Air Force priority on science and technology that do not show up in the S&T budget figures. More and more, the Air Force Research Laboratory devotes resources to short-term engineering projects tied to enhancing current weapons systems instead of long-term science topics with the potential for dramatic results. For example, last year the Air Force tried to eliminate the hypersonics (high-speed aircraft) program because it had no direct weapon system application even though it had significant military application in the future. Congress overruled the Air Force and restored the funding.

Other signs of a lower priority for science and technology include fewer advanced technical degrees among officers and civilians, layoffs in the Air Force Research Laboratory, and reduced support for the Air Force's graduate school of engineering, the Air Force Institute of Technology (which the Air Force tried to abolish a few years ago). A 1999 Air Force report titled "Science and Technology Workforce for the 21st Century" noted, "There is a problem with the [Air Force Research Laboratory] being underappreciated in what it accomplishes and has provided to the force" and that this is "particularly true at the highest levels of Air Force leadership."

The consequence of a lower priority on science and technology will not show up for many years, but it will certainly have a devastating effect on the future capabilities of the Air Force. With an ever smaller force and a desire by Americans to keep their military personnel out of direct danger, a reliance on technological superiority is a requirement that will only grow in importance.

Merely restoring a robust funding level to science and technology is not enough without a commitment by the Air Force to maintain stable support for the programs. In the last two years, Congress restored many of the Air Force's S&T cuts. However, the action was completed late in the budget process after already disrupting programs, delaying contracts, and reducing morale. Also, by that time, the Air Force was well into the process for the following budget year with new damaging cuts, and the cycle was repeated.

Further, accounting gimmicks can be used to mask real cuts while maintaining the fiction of stable funding. For example, in the fiscal year 2000 budget request, the Air Force cut about $90 million in applied research. Because of a controversial budget scoring decision the overall top line of the S&T account showed only a slight decline.

Institutional support for S&T is required to deal with the hiring and retention issues that are particularly challenging to the technical workforce within the laboratory. An understanding of the need for long-term science is critical to targeting research areas that will ultimately result in the strongest national defense. For all of these reasons, maintaining or even increasing the S&T top line without increasing the commitment to the S&T program from the Air Force leadership would be a hollow victory.

As a result of outside pressure, the Air Force submitted an S&T budget for fiscal year 2001 that reflected a modest gain over the slim proposal it submitted the year before (though significantly below the level appropriated by Congress the year before). Still, the projected budget for the next five years shows a continued downward drift in funding levels (adjusted for inflation).

Congress, unfortunately, cannot mandate a change in the corporate culture of the Air Force. As I have explained, we cannot fix the basic problem through the annual funding process. Since the problem has its roots in legislative and administrative organizational action, I am proposing a series of organizational changes to correct it.

The bill I am introducing, the Air Force Science and Technology for the 21st Century Act, establishes an Office of Air Force Research within the office of the Secretary of the Air Force. This will give a clear line of responsibility for the development and implementation of Air Force science policy and ensure that the S&T program has visibility at the level of the Secretary of the Air Force. Also, it requires that the program be managed by a major general (2-star). The current head of the Air Force Research Laboratory is a brigadier general (1-star).

The bill also establishes the Air Force Science and Technology Policy Council chaired by the Vice Chief of Staff of the Air Force. The purpose of the Council is to aid the Air Force in prioritizing research needs against operational and acquisition needs and provide the senior level endorsement of the Science and Technology program that is so desperately needed to maintain the program as an Air Force priority. By adding scientific duties to the job of the Vice Chief of Staff, who is a general officer (4-star), the Air Force will be guaranteed a powerful science and technology advocate.

Finally, the bill provides statutory authority to the Air Force Scientific Advisory Board, a panel of 15 civilians. This provision is intended to strengthen the board's independence and tie it directly to the Air Force Secretary and the Director of Air Force Research.

My proposal is intended to create an organizational structure that will permit excellence and not stifle it. The legislation is based on the best ideas and thoughtful recommendations of current and former Air Force and Department of Defense military and civilian technologies and industry specialists. All three of the recommended changes are similar to the successful model instituted by the Navy for science and technology.

We cannot go back to the days before the Goldwater-Nichols Act and the era of AFSC. However, the modest changes I am proposing might re-create some of the earlier features of Air Force organization that made the Air Force the technological powerhouse that it once was.

Near the close of World War II, General Henry H. "Hap" Arnold, the "father" of the Air Force, remarked, "For twenty years the Air Force was built around pilots and more pilots. The next Air Force will be built around scientists." The vision of General Arnold and the founders of the modern Air Force has been proven in battle time and time again. Unless we can restore that vision to the Air Force of the future, we will lose the technological magic that so much sets our fighting forces above all others. That is a vision we cannot afford to lose.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Force Science and Technology for the 21st Century Act".

SEC. 2. OFFICE OF AIR FORCE RESEARCH.

(a) IN GENERAL.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 8023. Office of Air Force Research

"(a)(1) There is in the Office of the Secretary of the Air Force an Office of Air Force Research, at the head of which is a Director of Air Force Research.

"(2) Subject to the authority, direction, and control of the Secretary of the Air Force, the Director of Air Force Research serves as—

"(A) the principal advisor to the Secretary of the Air Force on all research matters;

"(B) the principal advisor to the Chief of Staff of the Air Force on all research matters; and

"(C) the principal Air Force representative on research matters to other Government, academic, scientific, and corporate agencies.

"(3) Unless appointed to higher grade under another provision of law, an officer, while serving as Director of Air Force Research, has the grade of major general.

"(b)(1) There is a Deputy Director of Air Force Research, who shall be an employee in the Senior Executive Service and shall be located at and assigned to a major laboratory or field installation.

"(2) Subject to the authority, direction, and control of the Director of Air Force Research, the Deputy Director of Air Force Research is—

"(A) responsible for the execution of the Air Force Research Laboratory technical program; and

"(B) responsible for operational aspects of the Air Force Research Laboratory.

"(c) The Office of Air Force Research shall perform such duties as the Secretary of the Air Force prescribes relating to—

"(1) the encouragement, promotion, planning, initiation, and coordination of Air Force research;

"(2) the conduct of Air Force research in augmentation of and in conjunction with the research and development conducted by the bureaus and other agencies and offices of the Department of the Air Force; and

"(3) the supervision, administration, and control of activities within or for the Department relating to patents, inventions, trademarks, copyrights, and royalty payments, and matters connected therewith.

"(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Director of Air Force Research shall ensure that the management and conduct of the science and technology programs of the Air Force are carried out in a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

"(e) Sufficient information relative to estimates of appropriations for research by the several bureaus and offices shall be furnished to the Office of Air Force Research to assist it in coordinating Air Force research and carrying out its other duties.

"(f) The Office of Air Force Research shall perform its duties under the authority of the Secretary, and its orders are considered as coming from the Secretary.

"§ 8024. Air Force Science and Technology Policy Council

"(a) There is in the Department of the Air Force a Science and Technology Policy Council consisting of—

"(1) the Vice Chief of Staff of the Air Force, as chairman, with the power of decision;

"(2) the Assistant Secretary of the Air Force with responsibilities for acquisition;

"(3) the Director of Air Force Research;

"(4) the commander of the Air Force Materiel Command; and

"(5) The Deputy Chief of Staff of the Air Force with responsibilities for installations.

"(b) The responsibilities of the Council include the following:

"(1) To advise the Secretary of the Air Force and the Chief of Staff of the Air Force on matters of broad policy and budget relating to the Air Force science and technology program.

"(2) To identify, set priorities among, and endorse future Air Force technological capabilities.

"(3) To oversee and review major science and technology programs as they relate to meeting capabilities identified pursuant to paragraph (2).

"(4) To determine the appropriate balance between programs for the purpose of meeting requirements and programs for the purpose of pursuing long-term technologies.

"(5) To identify, set priorities among, and endorse planning and budgeting for the transition of science and technology to higher levels of research, development, test, and evaluation.

"(c) Subject to the approval of the Secretary of the Air Force, the Council shall appoint, from among personnel of the Department of the Air Force, a staff to assist the Council in carrying out its responsibilities.

"§ 8025. Air Force Scientific Advisory Board

"(a) The Secretary of the Air Force may appoint an Air Force Scientific Advisory Board consisting of not more than 15 civilians preeminent in the fields of science, research, and development work. Each member serves for such term as the Secretary specifies.

"(b) The Board shall meet at such times as the Secretary specifies to consult with and advise the Chief of Staff of the Air Force and the Director of Air Force Research.

"(c) No law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United

States applies to members of the Board solely by reason of their membership on the Board.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"8023. Office of Air Force Research.
"8024. Air Force Science and Technology Policy Council.
"8025. Air Force Scientific Advisory Board.".

(b) CONFORMING AMENDMENT.—Section 8014(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) The Director of Air Force Research.".

CONTINUED PARTICIPATION OF RUSSIA IN THE GROUP OF EIGHT (G 8) MUST BE CONDITIONED ON RUSSIA'S ADHERENCE TO THE NORMS AND STANDARDS OF DEMOCRACY—H. CON. RES. 425

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. LANTOS. Mr. Speaker, last Thursday with some of our distinguished Republican and Democratic colleagues, I introduced House Concurrent Resolution 425 which expresses the sense of the Congress that continued participation by the Russian Federation in the Group of Eight (G 8) must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy. Let me give some background on this resolution, indicate the need for it, and discuss our hope about what it will achieve.

In 1991, Mr. Speaker, after the collapse of the Soviet Union, the Group of Seven (G 7)—the key democratic industrialized nations of this world, which are the United States, the United Kingdom, Germany, France, Italy, Canada and Japan—invited the president of the new Russia, Boris Yeltsin, to attend meetings with the leaders of the G 7, the President of the United States and his counterparts. This invitation for President Yeltsin to meet with the G 7 following the formal conclusion of the meeting, was a down payment on our expectation that Russia would develop in a democratic way.

After several years of informal Russian participation at meetings following the formal meetings of the G 7, in 1998 Russia was officially invited to become a member of the expanded G 7, which was renamed the G 8. So for the last few years, the seven leading industrial democracies of the world opened up their very exclusive club to Russia in anticipation that democratic tendencies and developments will grow in Russia, and that Russia will take what we hope will be its rightful place as one of the great industrial democracies of the world.

We realized, of course Mr. Speaker, that economically it will take a long time for Russia to become a significant power. At present Russian gross domestic product (GDP) is about the same as that of Belgium. It certainly cannot be argued that the economic state of Russia qualifies it for membership in the G 8, but our hope for democratic developments in Russia gave us the justification for continued membership by Russia in the G 8.

Mr. Speaker, recent very disturbing trends in Russia with respect to press freedom and a number of other issues, such as the war in Chechnya, have raised very severe doubts concerning democratic development in that country. The handling of the submarine tragedy, where the Russian Government reverted to the worst practices of the former Soviet Union, and the handling of the fire at the television tower, where, incredibly, it took President Putin's approval to cut power to the television tower as the fire was raging, raised some very serious questions with respect to the democratic direction that the new Russian Government is taking.

Our resolution—which is cosponsored by the Chairman of the Helsinki Commission, our Republican colleague Mr. CHRIS SMITH of New Jersey; the Chairman of the House International Relations Committee, Mr. GILMAN of New York; a senior Democratic member of the International Relations Committee, Mr. BERMAN of California—is designed to hoist the flag of caution to Mr. Putin's government. Our resolution indicates that while we are anxious and eager to build good and cooperative relations with Russia along the full spectrum of issues, we simply cannot countenance continued Russian participation as a member of the G 8 as long as there are blatant attacks on press freedom and other actions that undermine democracy.

Mr. Speaker, it will take a long time to build democracy in Russia, but one of the very few encouraging signs of the last decade in Russia was the presence of a free press. Political leaders clearly do not like to be criticized and Mr. Putin does not like to be criticized, but if the Russian President wishes to be the head of a democratic country, not a newly totalitarian Russia, he will have to get accustomed to the fact that criticism is part and parcel of political leadership in democratic societies.

Mr. Speaker, we are hoping that Mr. Putin's regime will put an end to the persecution and harassment of whatever is left of the free media in Russia. If that happens, we will be pleased to see continued Russian participation in the G 8. But if the Russian government's onslaught on the free media continues, I am certain that the vast majority of my colleagues, will join us in saying that Russia should no longer belong to the G 8.

It is my understanding that some of the leaders on the Senate Foreign Relations Committee are contemplating the introduction of parallel legislation. We are very pleased to see this because the Congress of the United States will speak with a unified voice on this issue.

Mr. Speaker, I ask that the full text of House Concurrent Resolution 425 be placed in The RECORD, and I urge my colleagues to join as cosponsors of this legislation.

H. Con. Res. 425

Expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy.

Whereas in 1991 and subsequent years the leaders of the Group of Seven ("G 7"), the forum of the heads of state or heads of government of the major free-market economies of the world which meet annually in a summit meeting, invited Russia to a post-summit dialogue, and in 1998 the leaders of the Group of Seven formally invited Russia to participate in an annual gathering that thereafter became known as the Group of Eight ('G 8'), although the Group of Seven have continued to hold informal summit meetings and ministerial meetings that do not include Russia;

Whereas the invitation to President Yeltsin of Russia to participate in these annual summits was in recognition of his commitment to democratization and economic liberalization, despite the fact that the Russian economy has been weak and its commitment to democratic principles has been uncertain;

Whereas those countries which are members of the Group of Seven are pluralistic democratic societies with democratic political institutions and practices, and they have committed themselves to the observance of universally recognized standards of human rights, respect for individual liberties and democratic political practices;

Whereas a free news media and freedom of speech are fundamental to the functioning of a democratic society and essential for the protection of individual liberties, and such freedoms can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law;

Whereas the Russian Federation has engaged in a series of government actions that are hostile and threatening to privately-owned, independently operated media enterprises, particularly those new outlets that have been critical of government policies and government actions; and

Whereas the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy;

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the participation of the Russian Federation in the Group of Eight must be linked to the Russian Federation's adherence to the norms and standards of democracy, including:

(1) the existence of a free, unfettered press that fosters the development of an independent media and the free exchange of ideas and views, including opportunities for private ownership of media enterprises, the right of people to receive news without government interference and harassment, and the freedom of journalists to publish opinions and news reports without fear of censorship or punishment;

(2) the freedom of all religious groups freely to practice their faith in Russia, without undue government interference on the rights and the peaceful activities of such religious organizations;

(3) equal treatment and respect for the human rights and the right to own private

property of all citizens of the Russian Federation;

(4) initiation of genuine negotiations for a just and peaceful resolution of the conflict in Chechnya, including a full investigation of the conflict and bringing to justice those individuals, civilian or military, who in a court of law are found to be guilty of violating human rights;

(5) respect for the rule of law and improvement of civil and legal institutions to implement and defend these rights; and

(6) reform of the judicial system to prevent the arbitrary detention of citizens and provide for a speedy trial and equal access to the judicial system.

The President and the Secretary of State are requested to convey to appropriate officials of the Government of the Russian Federation, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

HONORING BROWARD COUNTY FIRE RESCUE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the efforts of Broward County Fire Rescue, of Broward County, Florida. The State of Florida Department of Health, Bureau of Emergency Medical Services (EMS) recently selected Broward County Fire Rescue as the 2000 State of Florida EMS Injury Prevention Agency of the Year. Indeed, Broward County Fire Rescue exemplifies the Emergency Medical Service's injury prevention efforts throughout the State of Florida.

Each year, the State of Florida Department of Health's Bureau of Emergency Medical Services names one of the state's 250 EMS providers as the best injury prevention unit in the state. The award encourages EMS providers throughout the state to become more active in injury prevention efforts.

Broward County fire rescue had many great accomplishments this year. It was the first agency in the county to give a heart attack clotting drug, Retavase, to patients en route to the hospital. The agency received a $100,000 grant to enhance their heart attack prevention plan by placing automatic external defibrillators in public buildings. These defibrillators have proved life-saving in cases of dire heart attack emergencies. Prioritizing quality of care for patients, Broward County Fire Rescuers make an extra effort to transport heart attack victims to the county hospitals best equipped to care for victims rather than the nearest hospital. Also, the agency has increased fire prevention awareness by airing fire-safety announcements before films at local movie theaters.

Mr. Speaker, I extend a hearty congratulations to Broward County Fire Rescue for their leadership in medical and rescue excellence. They go above and beyond what is demanded of them and perform their heroic services with professionalism and success.

HONORING GARY McPHERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I take this moment to celebrate the life of Colorado State Representative Gary McPherson. Gary tragically passed away at age 37. For the past six years, Gary served the State of Colorado with great distinction as a Member of the Colorado State House of Representatives. As family, friends, and colleagues mourn this sudden and terrible loss, I would like to pay tribute to this statesman and friend.

Gary was born in Auburn, Washington, but attended school at Platte Valley Academy in Nebraska, graduating in 1981. He went on to Union College where his thirst for knowledge earned him a degree in business administration, as well as minors in history, psychology, social science and sociology. Gary then went on to earn his law degree at the University of Nebraska in 1988.

After law school, Gary moved on to what would become a highly successful career. His time as a lawyer saw him practicing for a number of different law firms, including Hall & Evans, Elrod, Katz, Preco & Look P.C., Fortune & Lawritson P.C., and most recently Kissinger & Fellman P.C.

In addition to his many accomplishments as a lawyer, Gary also served in the Colorado Legislature with great distinction. As a legislator, Representative McPherson fought hard on a range of issues important to Colorado's future. During his tenure in the legislature, Gary served as member of the Appropriations and Judicial committees as well as Chairman of the House Finance Committee.

Before serving in the Colorado State Legislature, Representative McPherson was a member of numerous organizations promoting the health and vitality of his community and all of Colorado. He served as president and board member of Jackson Farms Homeowners Association, director of the Attorney/Physician Suspension Alternative Project, chairman of the ABA Prelaw Couseling Committee, board member and legislative liaison for the Colorado Bar Association Military Law Commission, and vice chairman and board member of Arapahoe County Park and Recreation District.

Giving back to his community was a priority for Representative McPherson and his hard work and determination earned him a number of awards. His honors include Colorado Bar Association's Outstanding Young Lawyer, Aurora Public Schools Superintendent's Award, International Academy of Trial Lawyer's Award, and CACI Legislator of the Year 1995.

Gary was an incredible human being, a loving and devoted father, husband, and friend. His compassion for others and commitment to his community will not soon be forgotten. Gary served his community, State, and Nation admirably. This statesman, family man, and friend will be greatly missed.

PUTIN'S POTEMKIN DEMOCRACY IN RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. LANTOS. Mr. Speaker, recent very disturbing trends in Russia with respect to press freedom have raised serious doubts about democratic development in that country. The current effort by Russian President Vladimir Putin to eliminate the independent news media in Russia is a serious threat to Russia's democratic future.

It will take a long time to build democracy in Russia, Mr. Speaker, but one of the very few encouraging signs of the last decade in Russia was the presence of a free press. Unfortunately, Mr. Speaker, I am using the past tense—it was an encouraging sign.

I sincerely hope that Mr. Putin's administration puts an end to the persecution and harassment of whatever is left of the free media in Russia. But the attack against the independent media is serious and systematic, and it is deadly earnest.

Mr. Speaker, the Washington Post (October 2, 2000) published an excellent editorial expressing serious concern about freedom of the press in Russia. I ask that the text of this editorial be placed in the RECORD. I urge my colleagues to read this important editorial.

IMAGE AND REALITY IN RUSSIA

[The Washington Post, Oct. 2, 2000]

Russian President Vladimir Putin tends to his international image with skill. He dines with American media heavyweights in new York City and professes his commitment to a free press. He lunches with former dissident Nathan Sharansky in the Kremlin and insists on his love of human rights. For a pathetically small price—a bit of attention—he co-opts Mikhail Gorbachev, who in turn says nice things about the young Russian president to foreign media. All this impresses Western leaders. Meanwhile, Mr. Putin is in the process of destroying the independent media in Russia. If he succeeds, democratization will be severely set back.

On a small scale, you can see Mr. Putin at work in the case of Andrei Babitsky, who is scheduled to go on trial in southern Russia today. Mr. Babistsky is a reporter for Radio Free Europe/Radio Liberty who reported honestly on brutal Russian behavior in Chechnya. Russian security forces arrested him for this affront and then arranged for him to be kidnapped by Chechen criminals. President Putin pretended to know nothing about this until international pressure became a liability, at which point Mr. Babitsky was freed. But the bullying did not stop. Mr. Putin's administration is prosecuting the reporter for carrying false documents—documents forced on him by his kidnappers.

Mr. Putin's assault on Media-Most is potentially more serious. The company owns NTV, the only Russian television network not controlled by the government. It also owns a radio station and publishes a daily newspaper and, in partnership with The Washington Post Co.'s Newsweek, a weekly magazine. Its survival now is threatened by a commercial dispute with the giant natural gas company, Gazprom, that lent it money.

As in the Babitsky case, Mr. Putin pretends not to be involved in this dispute. But the Kremlin owns a large piece of Gazprom and effectively controls the firm. Mr. Putin's administration set the stage for the dispute by throwing Media-Most's owner into prison for three days. After this KGB-style intimidation, the owner, Vladimir Gusinsky, was pressured—by a member of Mr. Putin's cabinet acting in close consultation with the Kremlin—to sign an unfavorable contract. Mr. Gusinsky was promised in return his freedom, which President Putin apparently feels is a commodity to be bargained, not a fundamental right. Now, despite Mr. Putin's protest of noninvolvement in a commercial dispute, his prosecutor-general has opened a criminal fraud case against Mr. Gusinsky.

The West has little leverage over Russia. Oil prices are high, meaning that Russia, an oil-producing country, no longer needs Western loans. But as his image campaign suggests, Mr. Putin does crave acceptance in the West. Western leaders should welcome him as long as he respects democracy at home. If he does not—if he persists in undermining Russia's independent media—the G-8 group of leading industrialized nations should return to being a G 7. A Potempkin democrat does not belong in the club of democracies.

RESOLUTION HONORING NOBEL LAUREATES DR. ERIC R. KANDEL AND DR. PAUL GREENGARD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce a resolution to honor the American winners of the Nobel Prize in Physiology or Medicine for 2000, Drs. Eric R. Kandel and Paul Greengard. These two distinguished scientists will share this year's award with a third winner, Dr. Arvid Carlsson of Sweden.

The scientists were recognized by the Nobel Assembly at Karolinska Institute for their important contributions to understanding how brain cells interact with each other at the molecular level to create moods and memories in individuals. Their separate but related pursuits, which began in the 1950s, have provided the basis for today's understanding of mental illness and neurological disorders, including schizophrenia, depression, bipolar disorder, Alzheimer's disease, and Parkinson's disease. This understanding has been essential for the drugs and treatments that have been already developed for these afflictions and provide the foundation for even more promising research in these areas.

Last year, the Office of the Surgeon General published Mental Health: A Report of the Surgeon General, which noted that although the United States leads the world in understanding the importance of mental health to the overall health of its people, the nation still has many challenges to meet. Today, one in five people in the United States are afflicted with some form of mental disorder. Furthermore, mental disorder is one of the key contributors to a leading cause of preventable deaths—suicide. The federal government, particularly the National Institutes of Health (NIH) has provided strong support toward research efforts in the mental health area. Indeed, NIH contributed to the discoveries made by Drs. Kandel and Greengard through grants and research support for over 30 years. As we celebrate the honor bestowed by the Nobel Assembly upon Drs. Kandel and Greengard, we should also look forward to the challenges ahead, which include not only continued scientific research but also improving the delivery of mental health services and helping society to overcome ingrained fears and misconceptions concerning mental illness.

GEORGE E. BROWN, JR. UNITED STATES COURTHOUSE

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I want to take this opportunity to add a few words to those of my colleagues in support of this bill to designate the U.S. Courthouse on 12th Street in Riverside, California, as the "George E. Brown, Jr., United States Courthouse." I think this is a worthy honor for a man who brought so much to his constituents in California, to colleagues in Congress, and to the citizens of this country.

The death of George Brown, Jr. last year deprived this Congress and this country of a great champion of science and technology. While I worked with him for only a brief time, I felt as though I had known him for years because he had been a colleague and friend of my father and because his reputation was so well known.

George Brown was a man of courage and vision and ideological consistency. In his 34 years of distinguished service in the House, he worked to advance energy and resource conservation, sustainable agriculture, advanced technology development, space exploration, international scientific cooperation, and the integration of technology in education.

With or without a Courthouse in his name, George Brown will be remembered. But I'm sure if he were with us here today, George would appreciate this gesture on the part of his colleagues and the country to ensure his legacy lasts beyond our own lifetimes.

HONORING ABDUL CONTEH

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HALL of Ohio. Mr. Speaker, on Sunday Major League Soccer honored Abdul Conteh, a star of the San Jose Earthquakes, by presenting the inaugural New York Life Humanitarian of the Year Award to him.

I want to add my voice to those honoring Mr. Conteh, and I want to commend Major League Soccer and New York Life for drawing attention to the world's humanitarian crises and to those working to do something to ease suffering.

Abdul Conteh was born in Freetown, the capital of Sierra Leone. His family moved to the United States when he was a teenager, but he has not forgotten his people and his country and he is using his hard-won fame to champion their needs. In conjunction with the Santa Clara Valley chapter of the American Red Cross, Mr. Conteh recently launched an initiative to raise funds to alleviate the suffering of a people who have experienced gruesome atrocities, death, and destruction during nine years of war.

His hope is to fund a school and other projects that can help his people reclaim their lives. As he works toward this goal he is doing something else too: he is raising the awareness of soccer fans and others who otherwise wouldn't think about Sierra Leone—Americans who can do something to help the people of a nation founded by former slaves, people who have been trapped by fighting over the lucrative diamond trade for nine long years.

Rebel forces—funded by stealing Sierra Leone's diamonds and assisted by Liberia's president, Charles Taylor—have brutalized innocent men, women and children throughout Sierra Leone. They have driven hundreds of thousands from their homes and killed tens of thousands more. Some 20,000 of these suffered forced amputations of their hands, ears, or legs by machete; most of these victims died. Untold numbers of girls and women have been raped, many of them left infected with AIDS as a result. The country, which should be one of the richest in Africa, consistently ranks as the poorest in the world and the most miserable by every measure.

I have been to Sierra Leone and I have seen first-hand the results of these rebels. Last December, Congressman FRANK WOLF and I visited camps for the survivors of the rebels' attacks. We met thousands of people who are lucky to be alive, who did not bleed to death as they struggled to flee the rebels who had just cut off their arms, legs, or ears. Few were spared rebels' grotesque and evil acts. Infants' arms and legs were cut off. Young men in the prime of their life suddenly had half of a leg, or no hands. Women were raped by rebels and then had their arms amputated—only to give birth several months later as a result of the rape they suffered.

Mr. Conteh knows first-hand what I have just described; more than 20 of his family members have been killed in the bloodshed. The horrible images we all have seen and the stories we have heard about the atrocities in Sierra Leone touch Mr. Conteh and others personally. It is the survivors who are left with the empty beds, the missing generations, and the questions from the children as to why their friends, uncles, cousins, siblings, or parents are no longer here.

Through his initiative, Mr. Conteh will make a difference in people's lives in Sierra Leone. I commend Mr. Conteh for his efforts on behalf of the people of Sierra Leone, I congratulate him for receiving this prestigious humanitarian award, and I wish him and others doing lifesaving work in Sierra Leone all the best.

BLASTING STERLING PRIVATE FEE-FOR-SERVICE M+C PLAN FOR RISK AVOIDANCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. STARK. Mr. Speaker, I am outraged that the Sterling Life Insurance Company, which operates the only approved private fee-for-service Medicare+Choice (M+C) plan, has established a benefit package for 2001 that is designed to enroll healthier patients and avoid sicker patients. For 2001, Sterling will require 50 percent copayments for home health services and durable medical equipment.

What Sterling is doing is an unconscionable rip-off of sicker beneficiaries and the Medicare program itself. Home health and DME are services that are associated with sicker patients, who are also more costly, so Sterling is deliberately avoiding sicker, more costly patients.

Under the Medicare law, M+C plans must provide all standard Medicare benefits, but are permitted to modify the cost sharing amounts for those services as long as the total actuarial value of the cost sharing does not exceed the total actuarial amount of the cost sharing in the traditional Medicare program. The Health Care Financing Administration (HCFA) must approve the actuarial value of the cost sharing, but has no authority under the statute to prevent M+C plans from tailoring their cost sharing amounts as they choose.

I will introduce legislation to require HCFA to approve all cost sharing amounts of M+C plans and prohibit M+C plans from manipulating cost sharing amounts to avoid sicker patients. Sterling is saying that they are trying to avoid fraud, but clearly, they are deliberately seeking to enroll only healthier, more profitable patients, while avoiding sicker, more costly patients. Since the Republicans have slowed the implementation of risk-adjustment of payments to M+C plans, Sterling will be overpaid for the patients that it enrolls. This practice is an obscene rip off of Medicare and the taxpayers, and I will try to stop it. When the new Congress convenes in January, I will introduce legislation to give HCFA authority to approve all cost sharing amounts to prevent such blatant risk avoidance.

REGARDING H.R. 4838

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. SANCHEZ. Mr. Speaker, I'd like to take this opportunity to commend the House of Representatives for the successful passage of H.R. 4838, which waives the oath of allegiance requirement for people with disabilities that seek citizenship in our great nation.

The need for such a bill is best exemplified in the case of Vijai Rajan of Anaheim, California. Twenty-five-year-old Vijai was born in India and has been residing in the U.S. since she was four months old. Ms. Rajan has several disabilities including cerebral palsy, muscular dystrophy, and Crohn's disease which prevents her from raising her hand or memorizing and understanding the oath. Doctors say her comprehension is that of a baby or toddler.

This piece of legislation is significant in expressing our nation's view of acceptance and welcoming of new citizens. These people cannot be denied citizenship when they have played by all the rules and have waited for so long.

Her parents' four year battle with the INS is nearly over and Vijai as well as the other 1,100 disabilities waiver applicants are closer to becoming citizens of the United States. I am certain that these family members enjoy peace of mind and inner satisfaction knowing that their loved ones are part of America.

AUTHORIZING FUNDS FOR ILLINOIS/MICHIGAN CANAL COMMISSION

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WELLER. Mr. Speaker, I rise today to support H.R. 3926, bipartisan legislation I introduced with Representatives LIPINSKI, BIGGERT, and GUTIERREZ. H.R. 3926 will increase the authorization cap of the Illinois and Michigan Canal Heritage Corridor from $250,000 to $1,000,000.

The Illinois and Michigan Canal Heritage Corridor was the first park of its kind, established by Congress in 1984. Created for the historical and cultural importance of the Illinois and Michigan Canal, it was a "partnership park" which involved local decision making and input combined with federal designation and support. The corridor is special for many reasons; it includes valuable natural resources, state and local parks, transportation networks, cities and towns, rural and industrial uses, wildlife preserves and nature activities such as hiking, fishing, canoeing and camping. The heritage corridor has been critical to preserving historic sites that played a critical role in the history of Illinois and the nation.

The I&M Canal was the first of the manmade waterways that established the corridor as a nationally significant transportation network. Much of the canal still exists along with the towns and cities and farms surrounding it. In fact, the canal encompasses five counties stretching from Chicago to LaSalle-Peru.

Among the first visionaries of the Canal was Louis Joliet who conceptualized a system for bringing together the Great Lakes and the Mississippi as early as 1673. Plans and funding were developed in 1827 and the route of the canal was settled upon. Twenty-one years later, the canal was opened for traffic for the first time—but this was only a beginning. The canal would grow substantially over the coming decades as it was influenced by enormous economic growth. In turn, the canal spurred its own economic growth and became the economic center of the region. The 97-mile canal was dug by hand, largely from immigrant Irish labor out of rock and was a minimum of 6 feet deep and 60 feet wide.

The Canal helped to build Chicago and was the center of not only industrial growth but also agricultural growth. Mining industries grew along the canal and plants to process farm products were built. The canal also fostered the growth of the wallpaper and watch industry. Towns developed around the rapidly growing canal area and tolls on products shipped on the canal generated $1 million for the state.

Shipping on the Canal peaked in 1882 then began a gradual decline due to rail and other forms of traffic. The I&M Canal closed in 1933 after the development of the Illinois Waterway, but in that same year the Civilian Conservation Corps began work that created many of the parks and trails that line the canal today. In 1974, the 60 mile section from Joliet to LaSalle was designated the Illinois & Michigan Canal State Trial under the stewardship of the Illinois Department of Conservation.

Now as the Illinois and Michigan Canal National Heritage Corridor, the canal continues to provide unparalleled cultural and recreational opportunities for residents and visitors. A partnership exists between The Illinois and Michigan Canal National Heritage Corridor Commission, the Canal Corridor Association, the Heritage Corridor Convention and Visitors Bureau and the Illinois Department of Natural Resources which ensures the continuing development of the canal and its resources.

The I&M Canal needs to be able to access additional funds for many worthwhile projects including heritage tourism projects, heritage education, and preservation and conservation. An increase in the authorization cap will allow the possibility of increased funding, providing the development and improvement of parks and museums across the canal. Teachers will be able to be trained and student resources will be developed and enhanced. Vital historic resources such as the I&M Canal, architecture, landscapes and Native American archaeological sites will be preserved and revitalized.

Mr. Speaker, 16 heritage corridors have been created since the Illinois and Michigan Canal Heritage Corridor, and all but three have received $1,000,000 authorization caps. It is time to bring the Illinois and Michigan Canal in line with these other heritage areas and provide it the opportunity for additional funding. I thank Chairmen YOUNG and HANSEN for allowing this bill to come to the floor today and I thank all cosponsors of this legislation and urge its passage.

LAKE BARCROFT: PAYING TRIBUTE TO A COMMUNITY CELEBRATING 50 YEARS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today I rise to pay honor to the community of Lake Barcroft, in Falls Church, Virginia, which will be celebrating its 50th anniversary this coming Wednesday, October 18, 2000, Driving or walking through the community, the natural beauty of Lake Barcroft may be taken for granted. It is easy to overlook the obvious and never think to question why or how the present evolved. Trees and bushes planted 35 years ago turned mud flats into gardens. Street signs unique to Lake Barcroft grace the landscape. Curbs and gutters prevent flooding and erosion, and the lake itself is a glittering gem.

The Barcroft community was named in memory of Dr. John Barcroft, who built both a home and a mill on a tract of land that came to be known as Barcroft Hill. The surrounding land, known as Munson Hill Farm, was a large tract of land between what is now Bailey's Crossroads and Seven Corners. During the Civil War, both Munson Hill Farm and Bailey's Crossroads were scenes of military action. Dr. Barcroft's home and mill were overrun by the retreating Union Army after the Battle of Bull Run. Bailey's Crossroads became a Union encampment while the Confederates occupied positions in both Annandale and Fairfax County. Later, the Federals constructed Fort Buffalo at the present site of Seven Corners. Fort Buffalo become one of the ring of forts protecting the District of Columbia during the war.

Almost 90 years later, on February 23, 1954, the residents of Lake Barcroft officially launched the Lake Barcroft Community Association (LABARCA). The residents had come together informally over the prior 18 months to build a new life in a new community and, most importantly, to save the lake. Like most Washingtonians, they came from other places. This created a common bond and a reliance on each other. Their varied backgrounds and individual talents resolved numerous problems from water sedimentation to litigation. Much was accomplished by the few people who first formed the community association.

In the summer of 1952, almost two years after the start of development, 15 families had completed homes in Lake Barcroft. Of these, eleven families present at the first meeting of the homeowners association formed the Executive Committee. The Committee took a strong stand against mass, speculative housing development in the area. Other civic actions provided voter information concerning registration and local elections. The association coordinated mail delivery to roadside mailboxes with the U.S. Post Office. Unique, wooden road signs were designed and installed. Landscaping and a sign with lighting enhanced "Entrance One." Beautification and the installation of storm drains at the beach commenced.

Lake Barcroft achieved up-scale status at the beginning of the sixties. Over just a few years, the number of families living at Lake Barcroft increased substantially: from 368 in 1956, to 650 in 1958, 783 in 1960. By mid-1960, Lake Barcroft Community Association membership reached a record high; of the 783 families in Lake Barcroft, 78 percent were members.

The first competitive race for president in LABARCA history took place in late 1959. The election featured two candidates, each highly qualified and dedicated to the community. Ralph Spencer, an official at the Department of Agriculture, had been asked to run in recognition of his work as Chairman of the Planning Committee. Ralph promoted the community center despite pessimistic arguments against a "dance hall" on the lake.

A faction in favor of dredging the lake convinced Stuart Finley to enter the election based on his knowledge of sediment and erosion; he had produced a fifty-part television series, Our Beautiful Potomac. Funding for slit removal had been approved by Fairfax County, so association pressure mounted to resolve a festering sore, the gradual decay of the lake. Stuart won the low-key and friendly election. Ralph Spencer pitched right in and volunteered to take on the task of procuring and maintaining street signs, a responsibility he has held to this day.

Mr. Speaker, today Lake Barcroft is a thriving community of approximately 1,025 homes. The families of Lake Barcroft have formed a tight-knit community featuring annual civic affairs meetings, beach parties, Easter egg hunts, annual Labor Day games, and golf outings. I am proud to represent this tremendous group of citizens, and I am honored today to recognize their rich and storied history.

IN HONOR OF KENNETH DEACON JONES

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. ETHERIDGE. Mr. Speaker, today I celebrate and honor the life of Mr. Kenneth "Deacon" Jones of Smithfield, NC. Mr. Jones is a talented business leader, a respected community figure, and a dedicated family man. As a member of the Johnston County Board of Education, Mr. Jones is known for placing a strong emphasis on the value of education and for his extensive service and leadership in the community. Through his commitment to goodness and generosity, Mr. Jones is truly a driving force for excellence in education in the Johnston County School System.

Bobby Kenneth Jones was born to the late Reverend Clyde W. Jones and Mrs. Mary Brooks Jones. He graduated from Princeton High School in 1958, after having played on the baseball and basketball teams, including the basketball team that achieved a 32–1 record and was runner up in the Eastern North Carolina Championship in 1958. It was during his high school years that "Deacon" became his nickname. The other kids, in fun, called him "Deacon" because his father was a minister. The name has remained with him to this day.

Mr. Jones married Faye Woodall in 1961, and today they are the proud parents of three children and three grandchildren. In 1970, Mr. Jones ventured out into the business world and became co-owner of D&D Motor Company, selling used cars. Only 3 years later, he established Princeton Auto Sales, and today he owns several dealerships, employing more than 150 people. A fair and compassionate employer, his favorite slogan for business, as well as for life is, "Treat people the way you want to be treated."

Mr. Jones' generosity and fairness may also be seen through his unfaltering dedication to service and leadership throughout the community. He has served as a member on countless boards, including the Board of Directors at Lee and Mount Olive Colleges, the North Carolina Economic Development Board, and the Johnston County Board of Education. He is a member and past president of the Princeton Lions Club, the Princeton PTO, and the Princeton Boosters Club. He has financially sponsored many school projects, including the Academic Super Bowl, the Battle of the Books, the Special Olympics, and more. His Alma Mater, Princeton High, has greatly benefited from his support of the Future Farmers of America, the Band and Chorus, athletic groups, and other school organizations.

Mr. Kenneth "Deacon" Jones has served as a role model and an inspiration for all those around him. He has exemplified the principles of service and generosity through his numerous contributions and strong commitment to the community. Deacon Jones embodies the North Carolina values my constituents hold dear, and I want to take this opportunity to share with my colleagues in the U.S. House of Representatives the outstanding contributions of this fine American.

DEDICATION OF NEW SANCTUARY FOR THE POTTER'S HOUSE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate Bishop and Mrs. Thomas D. Jakes, Sr., and the 26,000 registered members of the Potter's House in Dallas. Already one of the largest churches in the United States, the parishioners are preparing to officially dedicate their new sanctuary on October 22, 2000. More than 8,000 church leaders and pastors from all over the world are expected to attend this momentous event.

The Potter's House is now officially Texas' largest church and has over 48 separate programs focused on service to the community and the congregation. With outreach efforts all over the globe, the church is an incubator for ideas and activities that have changed countless lives for the better. I am proud of the significant impact the church and its multi-cultural membership continue to make in Dallas-Fort Worth and around the world.

Bishop T.D. Jakes and his wife Serita Ann lead the Potter's House. Bishop Jakes was named as "one of the five most often mentioned successors to Rev. Billy Graham's position as national evangelist" by The New York Times and was declared by The Economist to have the "potential impact of a Martin Luther King." With a studied message, an acute business acumen, and tireless devotion, he has helped focus his followers on personal responsibility and community cooperation.

Mr. Speaker, on the occasion of this milestone for the Potter's House, I am proud to recognize this congregation as a national testament to the power of empowerment.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act conference report. This report is the product of over 2 years of hard work on the part of the Committee on Science, the Senate Commerce Committee, the Senate Judiciary Committee, and the Administration.

Developing a version of the legislation that is acceptable to all these parties has been no small feat in the realm of patent policy, and I want to thank Chairman SENSENBRENNER, Ranking Democratic Member GEORGE BROWN, Subcommittee Chairwoman MORELLA, and Subcommittee Ranking Democrat BARCIA for their hard work.

H.R. 209 is the result of the first comprehensive review of federal patent policy in 15 years. The 1980 Bayh-Dole Act, which it amends, has made a major difference in the commercialization of federal inventions. Before Bayh-Dole passed, it was relatively rare for inventions resulting from federal research to reach their market potential. As many as 20,000 federal inventions were patented but not licensed. Only two or three inventions at that point had achieved royalties as high as $1,000,000, and the total royalty stream for the entire Federal Government at that time was less than the royalties received by a midsized research university today.

Bayh-Dole has opened major opportunities to research universities like the University of Colorado. It has been a major contributor to the outreach activities of contractor-operated laboratories like the National Renewable Energy Laboratory. It has led to benefits for federally employed inventors and their laboratories at the Department of Commerce and throughout the government.

Over the nearly 20 years since enactment of the Bayh-Dole Act, we've learned of the need for some improvements. The bill before us takes advantage of the lessons learned and is intended to make the law more user-friendly. It also updates the act to reflect the new ways that industry now gets and shares information.

I am also pleased that the bill includes an amendment promoted by some of my Democratic colleagues on the Science Committee that requires each DOE laboratory to have an ombudsman and to report quarterly on its operations to DOE. This provision addresses problems that citizens around the country have experienced in getting their issues with DOE weapons laboratories addressed in a timely fashion. Small businesses now will have a place to turn within the laboratories to have their concerns addressed, and there will be quarterly reporting of the progress being made by the ombudsmen to all of the pertinent officials within the Department of Energy.

I urge passage of the bill.

RANGEMASTER JOSEPH BOYD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. SANCHEZ. Ms. Speaker, today I have the opportunity to remember and pay tribute to a great man from my community. Joseph Samuel Boyd, the Santa Ana Police Department's Rangemaster, played an integral role in helping to make the streets of Santa Ana safer for all its citizens.

Rangemaster Boyd was dedicated to a life of public service. After serving 24 years in the Marine Corps, including time in Vietnam, and rising in rank from boot recruit to the Officer rank of "Major", Rangemaster Boyd entered a life of law enforcement. After his retirement from the Marine Corps, Rangemaster Boyd became the firearms instructor for the Orange County Sheriff's Department until he was hired by the Santa Ana Police Department in 1993.

During his tenure with the Santa Ana Police Department, Rangemaster Boyd developed a comprehensive training curriculum in firearm proficiency and safety for the Department's 400 officers. The system he developed, "Advanced Firearms Simulator Training" is a state-of-the-art system which simulates real life situations police officers encounter daily. It puts them in real-life situations and requires them to rapidly evaluate and assess a "shoot/don't shoot" scenario. This is now a widely-used training method at law enforcement agencies throughout the country.

In 1995, Rangemaster Boyd played a pivotal role in obtaining a Bureau of Justice Assistance grant for the Santa Ana Police Department's Firearms Trafficking Program. This program allies the Department's Weapons Interdiction Team with the FBI and ATF in combating illegal firearms trafficking.

The program proved to be an unqualified success and Rangemaster Boyd was an integral part of the team effectiveness, as he examined and tested firearms for ballistics evidence.

It was, however, in this capacity that Rangemaster Boyd lost his life. On January 28, 1998, Officer Boyd was testing an outlawed, nine millimeter "MAC 11" machine pistol for ballistics evidence. During the testing, the gun jammed. In an attempt to un-jam the gun, it tragically misfired, killing Rangemaster Boyd.

A devoted family man, Rangemaster Boyd is survived by his wife of 34 years, Marion, two adult children, and two grandchildren.

The loss of Rangemaster Boyd left a void that still resonates today. Unfortunately, this is just the beginning of this tragic story.

Since Rangemaster Boyd was not a "sworn" law enforcement officer, his family was not entitled to the Department of Justice's Public Safety Officers Benefits. Rangemaster Boyd was a "civilian" working in a law enforcement capacity.

These Department of Justice's Public Safety Officers Benefits provide financial relief to family members of law enforcement officers who've lost their lives in the line of duty. Rangemaster Boyd gave his life in the line of duty, in a law enforcement capacity, and his family deserved these benefits.

For the past three years, I have worked to correct this wrong. I introduced legislation, H.R. 513 in the House of Representatives which would have clarified that Rangemaster Boyd was a public safety officer who died as a direct result of an injury sustained in the line of duty. I worked with the Department of Justice to clarify this situation, and get Rangemaster Boyd's widow and family the benefits they deserved.

I am pleased that on July 21, 2000 the work of myself, and so many others in the community, paid off when the Department of Justice decided to release the funding to Rangemaster Boyd's family.

The benefit package is just a small expense to the Justice Department, only $100,000, but it has been a large relief to the Boyd family. I am glad the Federal Government looked beyond this "technicality" and realized what impact these benefits would make.

INTRODUCTION OF THE NATIONAL DEFENSE FEATURES IMPROVEMENT BILL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, as my colleagues know, Congress created the national defense features program in response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. This shortage of shipping space for heavy military vehicles and other cargo was best cured by a program such as the NDF program that would be the most cost-effective way to augment the substantial investment that was being made in new sealift ships by the Navy.

Within the last several years, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Most recently, at my request and as a result of the leadership of our colleague from Pennsylvania, Mr. WELDON, Congress included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program.

Since the NDF program was launched, Congress expected that our allies, particularly Japan, would find mutual defense benefits in promoting the program on their trade routes with the United States. Under one project that has received attention, ten commercial vessels would be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers.

Notwithstanding expressions of support by very senior officials in our government, this expectation has not been realized. The Government of Japan continues to take the position that the decision to employ NDF ships is strictly a matter for the commercial judgment of Japanese vehicle manufacturing and shipping companies. The vehicle manufacturers, which operate under closely inter-locking relationships with the Japanese vehicle carriers, continue to insist that the NDF program is a matter between the two respective governments since it addresses defense.

In view of the US role in providing security for our Far East allies, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response. Our government's repeated representations to the Japanese government have fallen on deaf ears as if the NDF program was without military value, a position that is contradicted by two US Navy reports on the NDF program. Taking note of the extensive military collaboration of our two governments, which it is safe to say has conferred material benefits on Japan, this is not the position that Congress should have expected.

The position that this matter is purely commercial in nature rather than governmental in character is not defensible. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest. This is not the mark of a purely private industry operating under purely commercial conditions.

The real reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. It is not price, but rather the interwoven industrial and financial structure that closes this market like so many other sectors of the Japanese economy against international competition. The situation, then, is that a fleet of US built and operated ships, commercially competitive and having significant defense value to both nations, has apparently no chance to break through the economic fence encircling the Japanese vehicle trade.

Notwithstanding this state of affairs, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately see the merit of supporting the NDF program, especially given the longstanding support of the Department of Defense. Recently, the Secretary of Defense and the Director General of the Japanese Self-Defense Agency agreed to establish a regular consultative mechanism to ensure closer cooperation in improving our mutual defense capabilities. I understand the Secretary of Defense suggested that this might be an appropriate mechanism to move the NDF program forward. I agree.

Given past experience, however, we may nonetheless not see the type of action that is by now long overdue. Therefore, along with my colleague from Pennsylvania, I am introducing a bill today that we intend to push later next year if we do not see any movement on the part of the Government of Japan. The bill is very straightforward. It says: If the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

I trust it will not be necessary to enact legislation to encourage support for a program so self-evidently in the mutual security interests of our two nations and that as a result of the new consultative mechanism the NDF program can begin the much needed recapitalization of our aging Ready Reserve Force.

ATROCITIES IN SIERRA LEONE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. MEEHAN. Mr. Speaker, I rise to join many of my colleagues in expressing our outrage with the continuing atrocities in Sierra Leone.

Two weeks ago, seven Sierra Leoneans testified before the House International Relations Committee's Subcommittee on Africa. They told chilling and horrifying tales that I will not soon forget.

Thousands of Sierra Leoneans—men, women, children, and even infants—have had their limbs amputated as part of a campaign of terror by rebels. As the democratically elected government and the rebels battle over control of the nation's lucrative diamond mines, the citizens of Sierra Leone live lives of fear and tragedy. Meanwhile, the international diamond industry continues to purchase enormous quantities of diamonds from Sierra Leone. It does not matter who controls the mines, the rebels or the government, as long as the industry continues to receive its precious commodity.

I want to commend brave Sierra Leoneans who have risked their lives to tell the world about the atrocities in their country. I also want to commend organizations such as the Friends of Sierra Leone. The Friends of Sierra Leone is a non-profit organization made up of Sierra Leone émigrés, former Peace Corps volunteers, and other human rights activists. Without the hard work of the Friends of Sierra Leone and similar organizations, these atrocities would not be receiving the attention of the media and Congress.

One volunteer in particular who educated me on this issue is Massachusetts State Senator David Magnani of Framingham. Senator Magnani spent two years in Sierra Leone and another year in Kenya as a Peace Corps volunteer in the late 1960's. Since then, he has closely followed events both in Sierra Leone and throughout Africa. I appreciate his efforts on this important issue.

Consequently, I am a cosponsor of H.R. 5147, The Carat Act, introduced by Representative TONY HALL. This bill imposes an embargo on diamonds from Sierra Leone and Angola that have not been certified by their governments. Furthermore, it prohibits the shipment of diamonds from known smuggling centers. This legislation would assure that diamonds imported from unknown sources, like those that come from the mines controlled by Sierra Leone's rebels, would be embargoed from importation into the United States.

Legislation like this lets the diamond industry and Sierra Leone's rebels know that we are very serious about not importing diamonds that have come at the cost of innocent lives. It is the responsibility of Congress to take this stand, and I urge your support for this bill.

TRIBUTE TO MRS. NORINE S. GILSTRAP

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mrs. THURMAN. Mr. Speaker, I rise today to pay tribute to an extraordinary woman and a dear friend—The Honorable Norine S. Gilstrap, Tax Collector from Citrus County, Florida. Mrs. Gilstrap is a very revered and respected tax collector who I'm sorry to say is retiring this year after 26 years of dedicated service to the people of Citrus County.

Mrs. Gilstrap is well known for being a compassionate and dynamic leader.

Even while growing up in Dunnellon during her high school years, Mrs. Gilstrap was an athlete, an artist, an enthusiast and a devoted church goer. She was active in such activities as the girls' basketball team, the theater department, in the girls' cheerleading team and in the Methodist Church Community in Dunnellon.

Ms. Gilstrap maintained high grades while holding a part time job throughout high school. She valued a college degree so much that she worked every day after school and on Saturdays as a cashier at a local food store in order to save for her education. Her work and determination to get an education certainly shows a tremendous commitment and determination.

On October 8, 1950, Norine married Robert N. Gilstrap. It wasn't long before the couple decided to start a family. As a devoted wife and mother of three children, she chose in the early years to focus much of her time to raising her family and community service. But she still longed to further her education by attending college. In 1964, she pursued her goal and enrolled at Central Florida Community College where she studied business. There she received the training that would soon prove extremely valuable to the people of Citrus County.

On December 11, 1974, her beloved husband who was then the Citrus County Tax Collector passed away. Governor Ruben Askew appointed Mrs. Gilstrap to fulfill the final two years of her husband's term. Since then, the people of Citrus County have elected her to serve more than 25 years of service as tax collector of Citrus County.

Mrs. Gilstrap has always worked toward the betterment of our community. Throughout her life, she has participated in and held leadership roles in Altrusa, Beta Sigma Phi, Citrus County Chamber of Commerce, Leadership Citrus and the Heart Ball Committee.

Her service has been rewarded with such prestigious honors as the First Annual Ten Most Admired Women in Citrus County. She was also one of the first five women inducted into Rotary. Her commitment to our community is well illustrated by her impressive list of prestigious accomplishments.

Sharon Tenbroeck, Mrs. Gilstrap's assistant of 23 years at the Citrus County Tax Collector's office noted Ms. Gilstrap's perseverance and willingness to go the extra mile. "Her high ethics and morals will be hard to replace. Because of her compassion to serving the public in the many capacities which she does, she is considered a treasure to all that are fortunate enough to meet her," Ms. Tenbroeck said. "Her kindness and compassion have caused all of her employees to consider her family and she will be missed terribly."

Mrs. Gilstrap has touched so many lives during her lifetime of service. One such person is Alida Langley, who views Mrs. Gilstrap as a role model. "From the time the Governor appointed Ms. Gilstrap to office, she has been professional, respected and appreciated by all," Mrs. Langley said. "She is the ideal woman." Norine Gilstrap is the epitome of grace and goodness.

Mr. Speaker, please join me in paying tribute to Norine S. Gilstrap, a woman who stands for excellence, integrity and honor. We are all so grateful for her devoted service to Citrus County.

REMEMBERING BROTHER JAMES L. ROMOND

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SWEENEY. Mr. Speaker, I wish to remember Brother James L. Romond, who passed away at the age of 56 on October 9, 2000. Brother James dedicated his entire life to educating and guiding America's youth. He served as Principal at La Salle Institute in Upstate New York since 1982.

Brother James was born on September 9, 1944 in Queens, New York and graduated from St. Joseph's Juniorate High School in Barrytown, New York in 1962. He entered the Brothers of the Christian Schools in 1963 and began a life long career of helping others. Brother James earned a bachelors degree in education from Catholic University of America in Washington, D.C. in 1967. He received his masters degree from Manhattan College in Riverdale, New York in 1971 and Certification in School Administration and Supervision from Fordham University in 1973.

Brother James believed that every child could achieve and provided the spark required to ignite their creativity, imagination and interest. He was known for teaching his students the value of community service, especially for the poor and needy. Annually from 1991–98, under the leadership of Brother James, La Salle's students contributed more food to an Upstate New York food drive than any other local school. Additionally, he brought the La Salle students together during Christmas for the annual Toy Drive in which they donated over 500 toys each year for the past 15 years. Brother James cared deeply for the disadvantaged and took steps to help them whenever he could.

Brother James was a friend and role model to thousands of youngsters. His presence will be missed in the halls, at the bus stop, and at the school's sporting events. You see, Mr. Speaker, Brother James made it a point to go out to the buses at the end of each school day to give students a few encouraging words and ensure they were safely on their way home. He cheered his students' accomplishments at every sporting event held at the campus. He arrived in his office by 6:00 am each day—ready to guide students through the days activities. Most importantly, he always made himself available to his students—twenty-four hours a day, seven days a week. He created a friendly, kind, and compassionate atmosphere in which students could learn and grow.

La Salle Institute in Troy, New York was twice selected as a National School of Excellence by the United States Department of Education during his tenure as principal for grades 6 through 12. Brother James previously served in several capacities at the Good Shepherd School in New York City. He taught grades 6 through 8, served as assistant principal, and fulfilled the role of principal for grades 5 through 8. He was an extraordinary educator who touched his student's hearts and minds and allowed them to believe in themselves.

Brother James was also a major force in the planning and development of several major construction projects at La Salle. His innovative planning made it possible for the school to add on a new wing of classrooms, a state-of-the-art library and fully equipped computer room. He also laid the groundwork for construction of a new gymnasium, cafeteria, and modem kitchen facility. Brother James was particularly excited about the plans for the kitchen. He enjoyed cooking very much, and prepared meals at all the senior picnics and faculty and staff occasions. I am sure his students will fondly remember his skills in the kitchen whenever they dine in the new facility.

Mr. Speaker, please join me in remembering the significant contributions of Brother James L. Romond. Brother James' dedication to religion and education were admirable, as was his desire to see his students succeed. He was a confidante to many young people and will be remembered as an educational icon whose life mission was to instill moral values and a sense of faith in students.

HONORING THE LATE DR. ALICE SMOTHERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a daughter of Texas, Dr. Alice Smothers. She passed away on Saturday, October 14, 2000, at the age of 104.

The state of Texas, the nation and the world have lost not only a good friend for those in need, but also an outstanding educator and leader. Dr. Smothers, a well-known pioneer to many, provided a place in this world for orphaned Black children. Alongside her husband, the late J.W. Smothers, she founded St. Paul Industrial Training School. Like Dr. Smothers, the school served countless young Texans in providing training in the agricultural, industrial and technical arts for over 60 years throughout the Henderson County community. Dr. Smothers' vision and leadership allowed the St. Paul Industrial Training School to become an entity that awarded educational scholarships to needy college-bound students. To this day, the scholarship program of the St. Paul Industrial Training School has assisted over 530 students to help them realize their dreams of pursuing a college education.

I am deeply saddened that Texas, the nation and the world have lost such an exceptional and tireless trailblazer of the educational community like Dr. Smothers. I ask the House to join me in remembrance of Dr. Alice Smothers—a true champion for men, women and children everywhere.

FISH AND WILDLIFE PROGRAMS IMPROVEMENT AND NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. UDALL of Colorado. Mr. Speaker, I supported this bill when the House first considered it, but I did have some concerns about it.

Now, as it comes back to us from the Senate, it is considerably improved and I will support it without the same reservations.

The bill was prompted by the Resources Committee's oversight of the implementation of several important programs under which the federal government assists the state wildlife agencies.

As a result of our committee's review, it became clear that we should revisit the underlying statutes. At the same time, though, it's clear that some of the charges about the actions of the current Administration were exaggerated and that some of the people making those charges failed to point out similar actions that occurred during prior Administrations.

The programs of assistance to state wildlife agencies addressed by this bill are very valuable for Colorado and many other states. And I certainly agree with the bill's sponsors that it would be good to tighten the current law that allows the Interior Department an unusually large degree of discretion in the administration of these programs. However, as originally passed by the House, I was concerned that the bill went overboard in responding to the ways the Interior Department has used that discretion.

I certainly understand the purpose of limiting the amount of money that can be spent on administration, because obviously what's spent that way won't be available for the substantive purposes of the programs. But we need to recognize that administration is necessary, and adequate administration is essential to avoid the risk of misuse of taxpayer funds, either by the Department of the Interior or by other parties.

The Senate amendments would authorize more realistic funding levels for administration, and would allow some additional flexibility for unexpected administrative costs. I think those are definite improvements, and so are some other changes that reduce the extent to which the bill imposes micro-management requirements. Accountability is essential, but excessive paperwork for its own sake can eat up resources that could be put to more productive purposes.

Also, as it comes before us today the bill includes a reauthorization for the National Fish and Wildlife Foundation, so that it can continue its very important work in support of conservation and sound management. And it also includes legislation to commemorate the centennial of the National Wildlife Refuge System that is similar to H.R. 4442, a bill that I cosponsored and that the House passed earlier this year.

So, Mr. Speaker, I urge the House to concur in the Senate amendments and send the bill to the President for signing into law.

SENSE OF CONGRESS ON NEED FOR WORLD WAR II MEMORIAL ON THE MALL

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. KAPTUR. Madam Speaker, I rise to express my strong support for this legislation, S. Con. Res. 145, that expresses the sense of Congress that the construction of the National World War II Memorial should be constructed expeditiously and that the appropriate site for the Memorial is on our National Mall at the Rainbow Pool. I want to thank Senator WARNER, Chairman STUMP, and all the other Members of Congress who worked to bring this legislation before us today.

As we enter the new century, it is appropriate that we reflect on the turning point of the past century. The World War II Memorial will commemorate that period between 1939 and 1945 that so profoundly reconfigured the modern world. So long as there is an America, this hallowed ground will pay homage to the superlative devotion that elevated duty, honor, and country to sacred proportion.

The location of the World War II memorial between the Washington Monument and the Lincoln Memorial is not only appropriate, but also historically coherent. Those two memorials commemorate the defining national events of the 18th and 19th centuries: our Nation's founding in the Revolutionary War and our unification during the Civil War. It is only fitting that the event that reshaped the modern world in the 20th century and marked our Nation's emergence from the chrysalis of isolationism as the leader of the free world be commemorated on this site.

As we all know, the site and the form of the memorial have been the subject of ongoing qualification and even some controversy. This is how public dialogue should ensue in our country. I believe that the site and respectful style of the memorial are most appropriate. The refined design is a beautiful tribute to a generation of Americans who sacrificed their lives in service to our country with unparalleled valor and distinction. This design enhances the Mall's representation of American history. It retains open vistas—north and south as well as east and west. And it adds trees, plantings, and waterfalls while also capturing for visitors and all Americans the significance of this most historic event of the 20th Century.

More importantly, we must acknowledge that the open, expansive process by which decisions have been made about this site and this design. The democratic process these brave Americans fought to defend has been pursued. The congressional deliberations—extensive hearings, floor action, and two separate bills—that led to the authorization of the memorial were long, frustratingly long, but they were thorough. As one sage commented, "It has taken longer to build the memorial than it did to fight the war." I can now say it has taken us twice as long to build the Memorial as to fight the war—over 13 years.

Our first bill authorizing the memorial was filed in 1987, and the final bill was passed in 1993. The Administrations of two presidents, five Congresses, and a decade of administrative reviews have elapsed.

After authorization, the procedures of the American Battle Monuments Commission and the other bodies responsible for approving the memorial have been open and fair. There have been 17 open, public meetings held on the proposed Memorial since 1993. Questions have been raised and suggestions offered by Members of Congress, the general public, and interest groups about the site and style of the memorial. With that deliberative process, the concept has been refined and become more elegant and appropriate for this hallowed site.

The concept of a World War II Memorial in Washington sprang from a dogged Army veteran, my constituent, Roger Durbin of Berkey, Ohio, who fought with the 101st Armored Division in the Battle of the Bulge. It was Roger's question to me about why there was no memorial to World War II in Washington to which he could take his grandchildren that inspired the historic project that is before us today.

The thought of Roger reminds me of that auspicious day, Veterans Day, 1995, when the memorial site was consecrated with soil from American battlefield cemeteries around the world. Roger Durbin participated in that dedication, accompanied by his wife Marian. He wrote about it as follows:

> I stood on the site of the Memorial, November 10, 1995, watching the activity thereon. Touch football, stickball, Frisbee, picnicking, etc. as people enjoyed a sunny day as they would have in an ordinary public park. The next day I stood with President Clinton at the end of the glorious site dedication ceremony and scattered sacred soil gathered from 16 military cemeteries from around the world and Arlington upon the sparse and worn grass. That is when it became the most sacred, revered, beautiful spot in America.

Sadly, Roger passed away earlier this year. Roger was deeply wounded that he would not be able to see his idea come to fruition. The architectural rendition of the Memorial was framed above his fireplace, and he has assembled a copious note and scrapbook about the legislation and administrative proceedings for the record.

For thousands of other veterans, the same is true. Since the site dedication in 1995, perhaps a third of the World War II veterans then living have left us. There are fewer than 6 million World War II veterans living today, and we are losing them at a rate of 1,000 a day! I feel a great urgency to complete this project on schedule. As many as possible of the brave Americans who served during that conflict, abroad and on the home front, should bear witness to this memorial in its final form. Is this too much to ask?

Of course, all veterans' organizations and students of history recognize what this generation achieved in the triumph of freedom over tyranny. As Americans in future generations visit our Nation's Capital, they will have an opportunity to stop along the Mall to reflect on a time when America went to war to defend our fundamental political values. Millions of visitors every year traverse this site already as they wend their way between the various memorials, parks, roads, and special events that give our National Mall its public character. They will be able to reflect on the level of commitment that engaged millions of Americans and our allies in combat during World War II.

The World War II memorial will thus serve as a symbol of our legacy to the future centuries: a determination to defend democracy at any cost. The world's political landscape was reshaped for all time as a result of the Allied victory. I urge the Commission to approve the architectural and landscape design as presented today. Let us move expeditiously toward the groundbreaking this coming Veterans Day in the first year of a new century and the advent of the new millennium.

Again, Madam Speaker, I fully support S. Con. Res. 145 and urge its passage.

IN RECOGNITION OF PALADIN DATA SYSTEMS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. INSLEE. Mr. Speaker, I rise today in order to publicly praise a tremendous high-tech company in my district, Paladin Data Systems. Paladin, based in Poulsbo, Washington, was recently ranked number 59 among the 500 fastest growing private companies in the nation by Inc. Magazine.

Paladin specializes in implementing both Oracle and Microsoft based solutions, Oracle database development, consulting and remote administration, technology training. Founded in 1994, Paladin was voted one of the "Best Places to Work" by Washington CEO Magazine in 1998, 1999, and 2000. The Puget Sound Business Journal placed Paladin at number 69 on their list of the 100 fastest growing private companies in Washington. It is clear that Paladin, now with over 70 employees, is indeed fueling the engine of our new economy.

Paladin also recognizes that the students of today must receive a comprehensive high-tech education so that they are able to secure jobs in the high-tech corridors of Puget Sound. To that end, Paladin has partnered with the Bremerton, Central Kitsap, North Kitsap, South Kitsap, North Mason, and Peninsula School Districts to form the West Sound School-to-Career consortium to train faculty members to teach the most recent information technology to our young people. Moreover, Paladin received a $100,000 Information Technology Education Grant from Washington State and contributed $50,000 of its own funds for this exciting partnership.

Paladin is just one of the many high-tech, bio-tech, and information technology businesses that are stimulating economic growth and creating new jobs in our country. Like many other Members of Congress, I value the contributions of our dynamic high-tech industry and want to make sure that the government continues to take appropriate action to help stimulate and develop this industry. I invite other Members of Congress to join me in congratulating Paladin Data Systems for their amazing success and wishing them nothing but the best in years to come.

TRIBUTE TO THOMAS J. SWEENEY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a patriotic American and a distinguished leader in the labor movement, Thomas J. Sweeney.

A native and lifelong resident of Oakland, California, Tom Sweeney was the devoted husband of Ann-Marie Sweeney for 51 years, the father of Susan Eldridge and the proud grandfather of four, including Teo and Michelle Eldridge. He served ably as Local 595's Business Manager, as an officer of IBEW's International Executive Council, as a Commissioner of the Port of Oakland and as President of the Building Trades Council.

When Tom Sweeney's life ended on August 11, 2000, at the age of 78, he had raised his family, served his community, succeeded at providing countless opportunities for generations of working Americans and made his beloved nation a much better place.

It is an honor for me to pay tribute to this good man and I ask Mr. Speaker, that my colleagues join me in offering our condolences to the family of Tom Sweeney and pay tribute to a life lived so well.

IN CELEBRATION OF THE DEDICATION OF THE RONALD V. DELLUMS FEDERAL BUILDING, OAKLAND, CA

HON. IKE SKELTON

OF MISSOURI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SKELTON. Mr. Speaker, it is with great honor that my colleague, Ms. LEE and I rise in recognition of one of our greatest statesmen, Congressman Ronald V. Dellums, and in celebration of the dedication of the Ronald V. Dellums Federal Building in Oakland, California.

The Dellums Federal Building is considered the "Gateway to the East Bay" and has enhanced the Oakland city skyline. The distinct twin towers of this $200 million project has played a pivotal role in the revitalization of the downtown area. Additionally, this building was built by a local and diverse workforce.

Mr. Dellums was first elected to the U.S. House of Representatives in 1970, serving until his retirement in 1998, Mr. Dellums was a distinguished and respected leader in the Congress and throughout the world and remains a tireless leader on behalf of peace and justice.

His diverse accomplishments include his leadership and vision as the Chair of the Congressional Black Caucus, Chair of the House Armed Services and District of Columbia Committees; his challenge against the Vietnam War; his belief and advocacy of "Coalition Politics" as a way to truly evoke change in the political arena; his leadership and vision laid to the foundation for base conversion and ultimately the job creation and business development of these former military installations; his legislation to expand the Port of Oakland and estuary dredging; his tireless commitment to youth; and his National Heath Service Act, which has long been considered the most comprehensive and progressive health care proposal since it was first introduced in 1977.

The true leadership of Mr. Dellums, and quite possibly the most rewarding moment in his career, was his vision to have the U.S. end its support of the racist apartheid regime of South Africa. Mr. Dellums was among the first in Congress to lead the international Anti-Apartheid movement. For years, until Nelson Mandela was released from prison, he faithfully introduced a bill and lobbied his colleagues for support of having Congress impose sanctions against the South African government.

Since his retirement from Congress, Mr. Dellums has served as the President of Healthcare International Management Company focusing on global health issues, most notably the AIDS pandemic. He serves as the Chair of President Clinton's Advisory Committee on HIV/AIDS. He has also recently written his memoirs, "Lying Down with the Lions: A Public Life from the Streets of Oakland to the Halls of Power."

It is with great pride that we offer recognition of some of the monumental contributions made by Ron Dellums to better our community, country and world. There is no other leader more deserving of having a Federal building named in his or her honor. Thank you Ron.

RECOGNIZING THAT GREATER SPENDING DOES NOT GUARANTEE QUALITY HEALTH CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. STARK. Mr. Speaker, in these waning days of the 106th Congress, we are considering a bill that will give back nearly $30 billion to managed care organizations, hospitals, and health care providers. These groups argue that without spending increases, quality of health care will suffer. The assumption: more money means better care. Of course adequate funding is necessary to effectively run hospitals, health plans, and clinics—but is that all it takes to ensure quality?

In fact, greater spending does not always guarantee better quality.

I would like to call my colleagues' attention to a recent report published in the Journal of the American Medical Association (JAMA) entitled, "Quality of Medical Care Delivered to Medicare Beneficiaries: A Profile at State and National Levels." This report, compiled by researchers at the Health Care Financing Administration, ranks states according to percentage of Medicare Free-for-Service beneficiaries receiving appropriate care. The researchers looked at a range of health problems, including strokes, heart failure, diabetes, pneumonia, heart attacks, and breast cancer. There is remarkable consensus in the medical community about what constitute appropriate care for these conditions. For example, health professionals agree that conducting mammograms at least every 2 years can save countless lives in the fight against breast cancer. They also agree that heart attack victims should be given aspirin within 24 hours of being admitted to a hospital.

If the claims of the managed care, hospital, and provider groups are accurate, states receiving the most Medicare spending should implement more of these scientifically validated practices. So I compared state performance rankings with Medicare payment estimates (per beneficiary). The results do not support this view. In fact, the 10 best performing states received 17 percent less in Medicare payments per enrollee than the 10 worst performers. Clearly, more money does not automatically translate into better health care nor does less money mean poor health care.

Furthermore, according to this JAMA report, all states could do a better job of implementing quality care. On average, only 69 percent of patients received appropriate care in the typical state. This figure dropped as low as 11 percent for certain practices, such as immunization screenings for pneumonia patients prior to discharge. A clear trend also emerged—less populous states and those in the Northeast performed better than more populous states and those in the Southeast.

What accounts for these differences in performance? JAMA authors suggested that, "system changes are more effective than either provider or patient education in improving provision of services." Perhaps this is why states that have instituted health care reform, such as Vermont and Oregon, demonstrated relatively high levels of performance at lower cost.

Authors of the JAMA article further suggested that it is necessary to hold all stakeholders accountable, not just health care providers and health plans. This includes, "purchasers, whether Medicare or Medicaid, . . . because they are making continual and important decisions that potentially balance quality against expenditures."

I call upon my colleagues to recognize that we too are accountable. Medical experts agree on best practices. So we must do more than just authorize spending, we must recognize what constitutes quality care and expect providers, hospitals, and health plans to deliver. Medicare beneficiaries across the United States deserve the best care available and this cannot be achieved through greater spending alone. We are fooling ourselves if we believe that more money will automatically translate to better care.

COMMENDING WOODROW WILSON ELEMENTARY SCHOOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CALVERT. Mr. Speaker, today I highlight the Woodrow Wilson Elementary School, in my hometown of Corona, as a model of cooperation between local governments and private home builders—a partnership which will become more important as California will need more than 2,000 new schools in the next 20 years.

As a former active realtor, I was pleased to dedicate, on September 29, this first permanent, developer-built school in California. Thanks go to: Lt. Governor Cruz Bustamante; President Jose Lakas and the Corona-Norco School Board Members; Mayor Jeff Bennett and the City Council; and, finally, my good friend, Jim Previti for helping to make this school possible.

The Census Bureau reports that state and local governments spent $40 billion in 1999 on construction, modernization, and renovation of public education facilities in the United States—up 54 percent from 1995. In addition, elementary schools typically take 30 to 48 months to complete. However, Turn Key Schools of America and Forecast Homes, who designed and constructed this school, along with the Corona-Norco Unified School District, raised the bar. They were able to complete this school in just 13 months and well below the average construction cost of an elementary school thereby saving taxpayers millions of dollars. This partnership demonstrates what local communities and private businesses can accomplish when they work together.

Our 28th President, Woodrow Wilson was a lawyer, author, educator, administrator, Governor, and President. Education played an important role in his life. Prior to the Presidency, Woodrow Wilson's progressive programs and innovations were fostered as President of Princeton University. Finding new and better ways to meet the educational needs of our children, which is what was accomplished with the construction of this school, is an idea that would have fit nicely with Woodrow Wilson's school of thought.

Mr. Speaker, I am committed to making sure that every education dollar is well spent. This means allowing local school districts, principals and teachers to decide where and how education dollars can best be used, which includes ensuring that schools are built in a timely and cost-effective manner. I am also committed to allowing greater flexibility for the states and local governments to enter into such partnerships which allow the design of child-centered facilities and programs run by caring teachers and principals who know the names of each child.

I want every child to have the opportunity to fulfill their dreams—that could mean becoming a nurse, a teacher, an Olympic athlete, or becoming the President of the United States. All of those dreams can start becoming a reality sooner at Woodrow Wilson Elementary School because of the innovative thinking behind its construction.

Woodrow Wilson once stated, "This is the country which has lifted, to the admiration of the world, its ideals of absolutely free opportunity—where no man is supposed to be under any limitation except the limitations of his character and of his mind; where there is supposed to be no distinction of class, no distinction of blood, no distinction of social status, but where men win or lose on their merits." Our goal is to ensure that all schools afford all children the opportunity to pursue their dreams. For the students at Woodrow Wilson Elementary School, those dreams take shape in the halls and classroom.

The partnership which made this school a reality is a win-win situation for everybody—it cuts the bureaucratic redtape for the local school district, it relieves the over-crowded schools in the area, and it saves taxpayers million of dollars. However, the most important winners at Woodrow Wilson Elementary are the students who now have a brandnew, state-of-the-art school where they can begin their educational journey and realize their hopes and dreams.

I applaud all of those who had a hand in this innovation. Our community is proud of you and grateful for your vision.

DIGITAL POSTPRODUCTION TAX CREDIT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WELLER. Mr. Speaker, today, I am introducing legislation, along with my colleagues Representatives FOLEY, BECERRA, MATSUI, RAMSTAD, ROGAN, SENSENBRENNER, ENGLISH, JOHN LEWIS, COYNE, CONDIT, BERMAN, WAXMAN, SESSIONS, MALONEY, and TUBBS-JONES, to provide for a small business tax credit for digital postproduction. These small businesses standardize film, television, music and technology products for mass consumption by electronically enhancing the master copy. Postproduction companies need help dealing with a government mandate which, without our assistance, may put many of these small, technology related businesses out of business.

On December 24, 1996, the FCC mandated a new terrestrial Digital Television standard, replacing the one that existed for 50 years. While adopting an Advanced Television Systems Committee (ATSC) standard, the FCC did not designate a single transmission format. As a result, the postproduction industry has already invested in millions of dollars worth of equipment to be used in creating High Definition (HD) Broadcasting. Without HD broadcasting, the U.S. will be surrendering the advanced research and technological position which has sustained the preeminence of the American entertainment and information industry.

The FCC specifically chose not to mandate a single digital display format. I agree that diversity in formats is a logical way to proceed by allowing the marketplace to decide on the best format(s). However, for the postproduction process the complexities created by the requirement to support these new standards has exponentially increased the cost and complexity of their transition to digital television in the short run.

The legislation will help to keep the domestic digital postproduction industry strong. The proposed tax credit would provide for a 20 percent credit for current capital expenses incurred for digital postproduction machinery and equipment less a floor equal to their average annual gross receipts from digital postproduction services for the prior four years. The taxpayer would reduce the depreciable basis of the equipment by the credit claimed. Additionally, the credit would sunset at the effective date of the FCC mandate.

Mr. Speaker, I ask my colleagues to join me in cosponsoring this important legislation.

PRESERVING OUR HERITAGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. FARR of California. Mr. Speaker, today, I would like to commend and congratulate the Porter family from my district for preserving the California heritage that is threatened daily by the pressures of urban sprawl.

According to the California Department of Conservation nearly 70,000 acres of open space was devoured by development in my state between 1996 and 1998.

Soaring land values and the incessant demand for new homes and stores often make it hard for rural families to say no when developers want to buy their land.

But the Porters already have their minds made up. Bernice H. Porter's estate recently bequeathed the family's 684-acre Circle P Ranch in the Pajaro Valley to the Land Trust of Santa Cruz County. The family's perpetual agricultural conservation easement is a major coup for the land trust, a small local non-profit group. It is the land trust's largest easement of this kind, ever.

Under the terms of the easement, the ranch can only be used for grazing and irrigated agriculture. It cannot be subdivided or developed now or by any future owner.

The parcel stretches for miles east of the city of Watsonville, with farming and ranching operations side by side. The rolling hills at the base of the Santa Cruz Mountains are green or gold depending on the season.

Bernice's daughter Diane Porter Cooley said recently that the hills help to define the local climate and "form the scenic and historic backdrop for the valley." They should be preserved, she added, not only for the sake of agriculture, not only for the rare habitats they contain, but also because they are simply beautiful to behold.

There are deer, coyotes, bobcats and a wide variety of birds. For decades, the Porter family has invited school and church groups, history buffs and birding enthusiasts to tour the ranch.

The Porters and others who bequeath their land in a conservation easement often receive some tax incentives. With today's soaring land values in California, estate taxes can often be a real burden, and conservation easements can provide some relief.

But the Porters' decision went far beyond good business sense. Increasingly in California, we are dependent upon farmers and ranchers to act as stewards for our rapidly vanishing farm land and open space.

And the Porters have clearly risen to the occasion. This family embodies what is best about our California heritage—deep reverence for our shared past and great concern for our destiny.

These actions should serve as a model for land owners in California. Land assets should be used to preserve the heritage of our great state and our families, for the benefit of all who ever live among us. I encourage others to follow the Porters' example.

IN RECOGNITION OF MR. PAUL H. KRALMAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of my district's leaders in veterans affairs, Mr. Paul H. Kralman. A lifelong resident of Effingham, IL, Mr. Kralman first served his country in World War II. Since that time he has been a member of the Effingham American Legion Post No. 120, and he has held many offices within the post including Department Vice-Commander of the Fifth Division of Illinois. Mr. Kralman also served as the Veterans Service Officer with the state of Illinois for many years. His most recent efforts have been with the Effingham County Veterans Assistance Commission where he resides as superintendent. At the end of this year Mr. Kralman will retire at the age of 82.

Mr. Kralman has helped numerous veterans in my district receive their benefits. He was awarded the site for a Veterans Affairs Outpatient Clinic which has helped numerous veterans receive medical help close to home. Through his dedication and hard work, the Veterans Affairs Outpatient Clinic is a great success.

It is with this, Mr. Speaker, that I say congratulations to Mr. Paul Kralman on his excellent accomplishment. Due to his dedication to his fellow veterans, it is clear that Mr. Kralman is an asset to our country and the people who fought for it.

EMMANUEL EPISCOPAL CHURCH ACHIEVES NATIONAL HISTORIC LANDMARK STATUS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. COYNE. Mr. Speaker, today I inform my colleagues that Emmanuel Episcopal Church in Pittsburgh, PA, was recently designated a National Historic Landmark.

In order to be designated at National Historic Landmark, a structure must be determined to be "historically, architecturally, or technologically important to the nation as a whole." Emmanuel Episcopal Church certainly meets this standard.

Emmanuel Episcopal Church is the last church designated by the famous American architect, Richard Henry Hobson Richardson. It is an enduring example of his widely acclaimed "Richardson Romanesque" style. Emmanuel Episcopal Church is the only Richardson-designed church in Pennsylvania, and it is one of three striking buildings in Pittsburgh that Mr. Richardson designed. Emmanuel Episcopal Church is often referred to as Richardson's "small masterpiece" because it was built on a lot measuring only 50 feet by 100 feet in size. Since Emmanuel Episcopal Church was the last church that Mr. Richardson designed, it can legitimately claim to be one of the most advanced examples of this distinguished architect's singular vision. Mr. Richardson himself claimed that his Pittsburgh buildings—Emmanuel Episcopal Church, the Allegheny Courthouse, and the Allegheny County Jail—were his best work.

The church was dedicated in 1886 and cost only $12,000 to build, but it is characterized by intricate brickwork, a steep slate roof, well-proportioned windows and doors, and a plain rounded apse. All of the buildings' original features—with the exception of its wrought iron gas chandeliers, which have been replaced with electric lights—have been faithfully preserved.

I should note that this important accomplishment was primarily the result of the efforts of one long-term Pittsburgh resident, Mary Ellen Leigh, with the support of Emmanuel's Vicar, the Reverend Don C. Youse, Jr., and the church's congregation. I commend her for all of her hard work and her dedication to this important project.

I am pleased that Emmanuel Episcopal Church has been designated a National Historic Landmark. It is my hope that this designation will help in efforts to preserve this important architectural treasure and help to promote the cause of historic preservation in Allegheny County and across the country.

HONORING THE ATHLETES OF SANTA CLARITA VALLEY AND THE SAN FERNANDO VALLEY

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. McKEON. Mr. Speaker, I want to commend the athletes from the Santa Clarita Valley and the greater San Fernando Valley for their outstanding performance in the games of the XXVIIth Olympiad, which began on September 15, 2000 in Sydney Australia. The majority of the San Fernando Valley lies within the 25th Congressional District. If the Greater San Fernando Valley was its own country, it would rank 14th in the gold medal count, just behind Hungary.

The Olympians exemplify all that is right with America. To become a member of the United States Olympic Team, the athletes needed tremendous discipline to maintain grueling training schedules. They made personal sacrifices in order to reach their goals and have continually displayed outstanding sportsmanship. They are truly a credit to our country.

Olympians who call the 25th Congressional District home include Adam Setliff, who placed fifth in the men's discus throw; Crystl Bustos, member of the women's softball team which won the gold medal; Anthony Ervin, winner of a gold medal in the men's 50-meter freestyle and a silver medalist in the men's freestyle relay; Mark Crear, winner of a bronze medal in the men's 110-meter hurdles; and Maurice Greene, who won a gold medal in the men's 100-meter race as well as a gold medal in the men's 100-meter relay.

The efforts of these athletes are reflected not only in their collective medals but in the respect of every American. I would like to thank the Olympians for their tireless effort, dedication and contribution to America.

THE GRAND OPENING OF THE MICHAEL A. GRANT BOYS AND GIRLS CLUB IN AUSTELL, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BARR of Georgia. Mr. Speaker, today I recognize the Boys and Girls Club of Cobb County, Georgia for its hard work, and congratulate this organization, and the many men and women who constitute its work force, on the grand opening of the Michael A. Grant Boys and Girls Club located in Austell, Georgia.

The Boys and Girls Clubs of America is an outstanding organization which provides children, particularly disadvantaged children, with programs and services that promote and enhance the development of boys and girls by installing a sense of competence, usefulness, belonging and influence.

In 1956, the Boys Clubs of America celebrated it 50th anniversary and received a U.S. Congressional Charter. In 1990, the national organization's name was changed to the Boys and Girls Clubs of America. Accordingly, Congress amended and renewed the charter.

I commend the Boys and Girls Club for its dedication and commitment too positively influencing the lives of boys and girls every day, and for its outstanding leadership throughout our community and the country.

NATIONAL CHEMISTRY WEEK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BORSKI. Mr. Speaker, I rise today to honor the week of November 5th to November

11th in Pennsylvania as "National Chemistry Week". During this week the American Chemical Society volunteers should be commemorated for their efforts to increase public awareness about the crucial role chemistry plays in everyday life. It is vital to recognize that this science gives us the power to understand and to use the elemental building blocks of all material things.

The American Chemical Society is the largest organization of its type in the United States. The Philadelphia branch of the organization is not only the largest section in Pennsylvania, but also one of the most active in the entire nation. This is quite an accomplishment for our state, as there are nearly 200 sections across the United States.

During National Chemistry Week, many local companies and universities in the Philadelphia area will be involved and volunteer their time to celebrate and make an impact among the community about the benefits and necessity of chemistry. Their commitment to spreading the values of chemistry is of great importance, as the science of chemistry provides the fundamental understanding required to deal with many of society's needs, including several that determine our quality of life and economic strength.

People involved in the chemistry field use the science and their knowledge to help feed the world's population, tap new energy sources, clothe and house humanity, provide renewable substitutes for dwindling or scarce materials, improve health, conquer disease, strengthen our national security, and monitor and protect our environment.

Mr. Speaker, National Chemistry Week should be honored for directing our attention to the myriad contributions of their science to the service of all humanity. I congratulate all who participate in this field and who dedicate themselves to creating a week for the entire nation to learn from and enjoy.

CENTRAL NEW JERSEY RECOGNIZES THE NEW JERSEY SHADE TREE FEDERATION FOR 75 YEARS OF SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the New Jersey Shade-Tree Federation and its on-going dedication to preserving our communities. I applaud the work of the Federation in striving towards a delicate balance between our community's desires to expand, and our environment's need for smart, sustainable growth.

The roots of the Shade Tree Federation can be traced back to September 27, 1910. For it was on this date that the State Forester, with the approval of the Forest Commission, called on the executives of 124 municipalities. Some 30 delegates from 24 cities, towns and boroughs gathered to discuss ways to advance and protect the interests of shade trees throughout New Jersey. At the conclusion of this conference, the attendees unanimously voted to form a permanent association to protect and foster the interests of Shade Trees.

In 1924 the State promoted future growth of the Federation by passing the County Shade-Tree Act. Then, in 1925, the Department initiated the movement for closer collaboration among the shade-tree commissions in the State and organized the "New Jersey Federation of Shade-Tree Commissions."

Since its inception, the Federation has gathered to discuss the important issues of the times, ranging from the advent of chainsaws and bucket trucks to the devastation of Dutch Elm disease and Gypsy Moth outbreaks. One common thread has remained evident throughout the Federation's existence: trees are an important part of people's lives.

Once again, I applaud the efforts of the New Jersey Shade-Tree Federation and ask all my colleagues to join me in recognizing their steadfast commitment to preserving true assets of our communities for future generations.

TRIBUTE TO MARY RAINWATER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WAXMAN. Mr. Speaker, it's a great pleasure for me to pay tribute to Mary Rainwater, the executive director of the Los Angeles Free Clinic, for her tireless service to the Los Angeles community. Mary oversees the delivery of vital health services, including free medical and dental care, HIV education, counseling and testing, and prenatal care to tens of thousands of people each year. Her agency also provides job placement and training, low-cost legal assistance, and psychological counseling to support some of the most vulnerable members of our community.

Before coming to the LA Free Clinic, Mary served as an adult literacy tutor, a guidance counselor for inner city youth, and a psychiatric social worker for homeless mentally ill individuals.

In nearly eleven years as executive director, Mary's guidance has helped the LA Free Clinic double its budget and increase fourfold the number of patient visits its professionals provide. Without the LA Free Clinic, many of these patients would not have access to the cancer screening, family planning, and mental health services they need. The U.S. Department of Health and Human services has recognized the Hollywood Center, which opened under Mary's watch, as a "Model That Works" to provide comprehensive services to at-risk youth.

In addition to her work with the LA Free Clinic, Mary serves the community through her memberships of the Hollywood Chamber of Commerce Board of Directors, the Board of Directors of the Community Clinic Association of Los Angeles County, Free Clinics of the Western Region, and the California Primary Care Association's Executive Committee.

The people of Los Angeles and our entire nation owe Mary a debt of gratitude for her tireless work and tremendous record of achievement.

RECOGNIZING INTERCONTINENTAL TERMINALS COMPANY AS THE DEER PARK CHAMBER OF COMMERCE 2000 INDUSTRY OF THE YEAR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BENTSEN. Mr. Speaker, I rise to congratulate International Terminals Company for being honored as the Deer Park Chamber of Commerce 2000 Industry of the Year. The Intercontinental Terminals Company's commitment to building a better future for the Deer Park community has made it an example that all industry can follow.

Since 1974, the Intercontinental Terminals Company (ITC) and its employees have been responsible members of the Deer Park area, in my district. Originally formed as a grassroots chemical and petrochemical storage and distribution terminal, ITC has grown to a capacity of over 7 million barrels. Today, ITC owns and operates on a world-scale, for-hire bulk liquid terminal. The company will store and distribute approximately seventy different chemicals, petrochemical, and petroleum products for over 100 customers including Deer Park manufacturers such as Rohm and Haas, Dow, Shell, all connected to the ITC via pipeline.

ITC is responsible for transporting over 2 billion gallons of various products safety, efficiency, and in an environmentally sound manner. Last year, they successfully loaded and unloaded over 600 deep water tankers, 2900 barge tows, 8900 rail cars, and 14,000 tank trucks.

Employing over 140 people, ITC is dedicated to worker safety and environmental performance. As a member of the East Harris County Manufacturers Association, ITC supports its initiatives to foster and maintain a productive relationship between industry and the community. They participate in the Responsible Care Programs and the Local Emergency Planning Committee, and the Deer Park Fire Department annual Toys for Tots campaign. In addition, ITC actively participates in the Deer Park Independent School District Annual Industry Awards Banquet and has financially supported several Deer Park baseball and soccer leagues.

Mr. Speaker, I congratulate Intercontinental Terminals Company, on being named the Deer Park 2000 Industry of the Year. This is a well-deserved honor for their hard work and dedication in expanding business, instituting initiatives to protect the environment, and a commitment to strengthening the community.

STATEMENT OF U.S. REPRESENTATIVE JERRY COSTELLO HONORING THE 100TH ANNIVERSARY OF CARPENTERS LOCAL 480

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Carpenters Local 480.

Carpenters Local 480 had its charter issued to them on February 13, 1900. That year they listed John Dippel, John Hexter, Joseph Hester, Harry Merrick, Carl Ross, William Schaeffer, Jacob Scheid, Louis Scheid, William Scheid, Edward Schiek, Henry Schiek and Henry Wilhelm as their first charter officers. The first elected officer of Local No. 480 was H. Geiger who was elected the Financial Secretary and was charged with the responsibility of collecting dues and assessments.

By 1907, Local 480's rolls increased to 16 members, which held until 1940. At that time, Local 480-Freeburg merged with Local 1559-New Athens, bringing the membership an additional 25 members. Dues at that time were set at $1.25 a month for all inactive and pensioned members. Arthur Och was named the Business Representative for Freeburg, Illinois and Ed Knopp was named the Representative for New Athens.

In 1947, membership increased to 35 members. In 1966, with membership hovering around 38 members, the International Union had pressed all locals to hire full-time representatives to ensure jurisdictional issues were considered. Louis Geiger was named as the first full-time Business Representative. At that time, there were only 14 local unions in the Tri-Counties Illinois District Council of Carpenters, with only two that were large enough to hire full-time representatives. Remaining smaller locals were then merged into four. Local 480-Freeburg, Local 1361-Chester, Local 1997-Columbia and Local 1675-Breese.

Further consolidations of the locals occurred in the 70's. Many changes occurred after the consolidations, bringing with it new challenges and new opportunities. A full-time Financial Secretary position was created at this time to handle the growth in the membership and to handle the responsibilities of caring for the members well-being. Further growth in membership and an expansion of Local 480's area, necessitated the need for the creation of Field Stewart positions in each of the communities in the local.

With the phenomenal growth of the local and the expansion of their responsibilities, in 1975 the local opened their headquarters building in Freeburg. Since then, the members of Local 480 have contributed to the growth and development of the metro-east. Evidence of their handiwork is everywhere, from new schools, shopping and commercial centers, public buildings and fine residential homes.

I am proud of the history and accomplishments of Local 480 and I look forward to the future with the confidence that the facilities we work, visit and live in are the direct results of hard work of the members of Local 480.

Mr. Speaker, I ask my colleagues to join me in honoring Carpenters Local 480 on the 100th anniversary of their founding and to recognize the members of the local, both past and present, for the quality service that they have been providing to the people of our area for the past 100 years.

NATIONAL CHILDREN'S MEMORIAL DAY

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. KNOLLENBERG. Madam Speaker, I rise today to voice my strong support for the families, friends and loved ones of the many, many children who pass away every year. Regardless of the cause of death, regardless of the location, regardless of the age, a horrendous void is created in the lives of those left behind. When a child dies, the effect is simply devastating to the family. For those of us who have not suffered this pain, it is incomprehensible and different for each person—a pain that may dampen in time, but which never fully goes away.

However, there is one thing that the families and loved one of the departed have to help them in their time of need—the support of others who have suffered a similar loss. Those in the healing process report that one of the most effective measures is simply to have a strong network of support and encouragement. And this is why I have sponsored, along with Mr. OSE of California and Mr. MCINTOSH of Indiana, this resolution recognizing the purposes and goals of a National Children's Memorial Day.

Such is the goal of the Compassionate Friends Organization—a national non-profit group that offers friendship and understanding to families grieving the death of a child at any stage of development and from any cause. As one example, Compassionate Friends offers comfort and assistance to families who suffer from the tragedy of stillbirth, miscarriage, and Sudden Infant Death Syndrome (S.I.D.S.). Their web site identifies symptoms of grief, notes impacts on marriage, discusses subsequent pregnancy, and has remarks about coping with family and friends and lays out some helpful suggestions.

Compassionate Friends originated in England in 1969. Their first U.S. chapter was founded in 1972. They now have chapters in 24 countries and in every state in the nation—nearly 600 altogether. Their mission is simply to provide a supportive environment with no religious affiliation, no membership dues or fees, and services open to all bereaved family members. Compassionate Friends is the impetus for this resolution.

I would like to salute in particular their Executive Director, Mrs. Pat Loder, a resident of Michigan's Eleventh Congressional District, my district. She has been a driving force behind National Children's Memorial Day, this year and in years past. I encourage you to visit the Compassionate Friends website at www.compassionatefriends.org and learn more about their organization.

On December 10, Compassionate Friends will hold their fourth annual worldwide candle lighting event. Starting in New Zealand, candles will be lit for one hour beginning at 7 pm local time, creating a 24-hour observance around the globe. This simple act goes a long way to offer peace of mind and soul and goes a long way to help those who have lost a child, a grandchild, a sibling or a friend, particularly during the December holiday season, when the loss is often the most difficult to bear.

For the past two years, the Senate has recognized the second Sunday in December as National Children's Memorial Day. And last year the House passed a resolution similar to what we are considering here today. This concurrent resolution expresses the sense of Congress that a National Children's Memorial Day should be established and asks the President to issue a proclamation calling on Americans everywhere to observe ceremonies and activities which serve to remember these dearly departed souls and the grieving families and friends.

I can assure you, to those families who have lost loved ones, the support that we show here, this simple and easy resolution will go a long way in helping them cope with their loss. It is important for families who have suffered such a loss to know that they are not alone. Please help me in passing this joint resolution and express your support for this worthy and noble cause.

We carry the responsibility to honor and remember those who have died before their time. And as compassionate, concerned citizens, one of the best actions we can take is to honor the souls of the dearly departed and to support those who are left behind.

I encourage all of my colleagues to join me in passing this measure. Please show your support to bereaved parents across America.

A SPECIAL TRIBUTE TO LTC THOMAS J. LEE, ARMY NATIONAL GUARD, FOR HIS DEDICATED SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding officer in the Army National Guard. Lieutenant Colonel Thomas J. Lee recently transferred from his position as the Plans and Action Support Officer in the National Guard Bureau's Counterdrug Program.

Tom Lee began his service to country when he enlisted in the United States Air Force in 1968 as a weather observer. After tours at Anderson Air Force Base, Guam, and Offutt Air Force Base, Nebraska, he entered Officer Candidate School in the New York Army National Guard as a field artillery officer in 1982.

Tom Lee first became active in the counterdrug effort when he left his assignment as Chief of the National Guard Protocol Branch to become the National Guard Counter Narcotics Liaison with the Headquarters of the Sixth Army at the Presidio in San Francisco, California in May, 1994. He then served as the Operations Officer for the Southwest Region, and as Chief of the Southeast Region Branch in the National Guard Bureau's Counterdrug Program before assuming his position as Plans, Action Officer in October, 1997.

Mr. Speaker, in each of these counterdrug positions, Lieutenant Colonel Lee has made a personal impact in an ongoing struggle that, as a nation, we have yet to win. He has labored passionately to educate Members of Congress and their staff members on the unique abilities of the Army and Air National Guard in stemming the plague of illegal drugs from our neighborhoods. Our nation is stronger today because his sound counsel, his practical knowledge and his tireless pursuit of the possible.

Lieutenant Colonel Lee has received numerous, well-deserved, military awards and decorations for his service to the nation. No award is more appropriate, nor more fulfilling for him, than the knowledge that his efforts give America's youth a better chance at a drug-free future.

Mr. Speaker, I am confident that Lieutenant Colonel Thomas J. Lee will demonstrate the same dedication and high competence in his new instructional position at Fort Leavenworth, Kansas that has been his trademark with the National Guard Bureau. I would ask my colleagues of the 106th Congress to join me in paying special tribute to this citizen-soldier and patriot. We thank him, and wish him the very best in his continued service as an officer in the Army National Guard.

INTRODUCTION OF THE NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT OF 2000

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to join my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing the National Defense Features Program Enhancement Act of 2000, a bill we intend to push to enactment next year if the Government of Japan, the Japanese vehicle manufactures, and the Japanese carriers continue to undermine our efforts to breathe life into the National Defense Features program.

We created the NDF program because we believed it would be the most cost-effective way to augment the substantial investment that is being made in new ships by the Navy. Having seen one very attractive proposal by which vessels would be built to carry cars from Japan to the United States and refrigerated products on the return leg, we authorized and appropriated funds in the mid-1990s to jump start the program. Since then, we have continued to look for ways to make the program as attractive as possible to companies to build ships in the United States for operation in the United States-Japan and other trades. In just the past week, for example, Congress approved as part of the National Defense Authorization Bill for FY 2001 a provision that would expand the Secretary of Defense's authority to finance appropriate projects under the NDF program.

In authorizing this program, we had hoped that the Government of Japan in particular would find mutual defense benefits in promoting it. We have written the Prime Minister, we have met with the Ambassador, we have received expressions of support from the Vice President of the United States and our Secretary of Defense, and yet nothing seems to have come of our efforts so far.

Unfortunately, we have regularly heard the same response. The Government of Japan insists that the decision to employ NDF tonnage is strictly a matter for the vehicle manufacturers and shipping companies to make since it involves a commercial matter. They in turn have argued that, since the program focuses on mutual defense, the Government should take the lead. As so often happens, no one has been willing to step forward to take the initiative.

As our colleagues can no doubt appreciate, our patience is beginning to wear thin. I understand our able Secretary of Defense has recently indicated the importance of the NDF program in discussions with his Japanese counterpart. Perhaps we will finally see some movement. If not, the time to legislate will have arrived.

Our bill is designed to create the necessary incentives for the Government of Japan and the vehicle and shipping interests to promote the NDF program. If the Federal Maritime Commission finds that vessels that would be built in the United States under the NDF program are not employed in the particular sector of a trade route in the foreign commerce of the United States for which they are designed to operate and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

We trust all concerned appreciate our determination to bring the NDF program to life.

COMMENDING THE RIVERSIDE NATIONAL CEMETERY SUPPORT COMMITTEE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. CALVERT. Mr. Speaker, today I commend the "all volunteer" Riverside National Cemetery Support Committee. President Dwight D. Eisenhower once remarked that, "Whatever America hopes to bring to pass in the world must first come to pass in the heart of America." The volunteerism shown by the Cemetery Support Committee, for the past 22 years, is a prime model of President Eisenhower's belief.

The Cemetery Support Committee was established in 1978 with a simple mission, but one with heart behind it, to preserve and enhance the Riverside National Cemetery as a National Shrine. What has come to pass is no less than amazing.

The Riverside National Cemetery is currently the second largest resting place in our national cemetery system, with 125,000 men and women of our armed forces standing silent vigil with us today. Ten short years into the new millennium, it is expected to be the largest cemetery in the national system. And in six decades it will have more than 1.4 million honored veterans. That will make Riverside National Cemetery larger than the Arlington National Cemetery—the most widely recognized, which is already at capacity with a quarter of a million veterans.

The Cemetery Support Committee's work has made Riverside National Cemetery much more than the facts stated above—they have created a solemn historical place where Americans today and tomorrow can go to reflect upon the memory and sacrifices of past and present generations who fought for America, democracy and freedom. Four to five thousand people each Memorial Day and Veterans Day attend ceremonies organized by the Committee and held at the Riverside National Cemetery. They have raised private funds to purchase numerous items for the beautification of the cemetery, such as flower cones used at the Veterans' grave-sites by family and loved ones. Fund-raising has also been undertaken for the procurement and site construction of memorials to be placed in the cemetery—the most recent being the Veterans Memorial dedicated on May 27, 2000; and future ones being POW/MIA, Chapliancy Corp. and Medics & Corpsmen memorials.

Those who have worked so selflessly to create a place that is, as the Cemetery Support Committee likes to say, "inspiring and stimulating our youth to become worthy citizens of this great country," have devoted their hearts to making the Riverside National Cemetery the National Shrine that it is today and well into tomorrow. I would like to take a moment to specifically recognize the current Board Members of the Cemetery Support Committee. They are: Jewel Beck, 1995; Paul Adkins, Chairman, 1998; Tom Hohmann, Secretary, 1992; Alta Marlin, Vice Chairwoman, 1989; Gery Porter, Treasurer, 1995; Walt Schiller, 1978; Judith Stemberg, 1989; Mike Warren, 1992; John Campbell, 1982; Guenther Griebau, 1999; Carolyn Jaeggli, 1986; Audrey Peterson, 1994; Elsie Porter, 1985; Pat Smith, 1998; and James Valdez, 1978.

Therefore, Mr. Speaker, I will close by asking that each American awake each day dedicated to giving back to our families, friends, communities and nation as the Riverside National Cemetery Support Committee has done. As a people we must "never forget" those who have died and fought to make America great. God bless you and God bless America.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. PAUL. Madam Speaker, I am pleased to support HR 3218, the Social Security Number Confidentiality Act. This bill takes a step toward protecting the integrity and security of the Social Security number by ensuring that window envelopes used by the Federal Government do not display an individual's Social

Security number. HR 3218 will help protect millions of Americans from the devastating crime of identity theft, which is a growing problem in my district and throughout the country.

This bill will be partially helpful to senior citizens who rely on Social Security. These seniors could lose a lifetime's worth of savings if a criminal obtained their Social Security number. We owe it to America's senior citizens to make sure that they are not exposed to the risk of identity theft as a price of receiving their Social Security benefits.

While this bill does represent a good step toward protecting privacy, I would remind my colleagues that much more needs to be done to ensure the Social Security number is not used as means of facilitating identity crimes. The increasing prevalence of identity theft is directly related to the use of the Social Security number as a uniform identifier.

For all intents and purposes, the Social Security number is already a national identification number. Today, in the majority of states, no American can get a job, open a bank account, get a drivers' license, or receive a birth certificate for one's child without presenting their Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

Unscrupulous people have found ways to exploit this system and steal another's identity—the ubiquity of the Social Security number paved the way for these very predictable abuses and crimes. Congress must undo the tremendous injury done to the people's privacy and security by the federal government's various mandates which transformed the Social Security number into a universal identifier.

In order to stop the disturbing trend toward the use of the Social Security number as a uniform ID I have introduced the Freedom and Privacy Restoration Act (HR 220), which forbids the use of the Social Security number for purposes not related to Social Security. The Freedom and Privacy Restoration Act also contains a blanket prohibition on the use of identifiers to "investigate, monitor, oversee, or otherwise regulate" American citizens. Mr. Speaker, prohibiting the Federal Government from using standard identifiers will help protect Americans from both private and public sector criminals.

While much of the discussion of identity theft and related threats to privacy has concerned private sector criminals, the major threat to privacy lies in the power uniform identifiers give to government officials. I am sure I need not remind my colleagues of the sad history of government officials of both parties using personal information contained in IRS or FBI files against their political enemies, or of the cases of government officials rummaging through the confidential files of celebrities and/or their personal acquaintances, or of the Medicare clerk who sold confidential data about Medicare patients to a Health Maintenance Organization. After considering these cases, one cannot help but shudder at the potential for abuse if an unscrupulous government official is able to access one's complete medical, credit, and employment history by simply typing the citizens' "uniform identifier" into a database.

In conclusion, Madam Speaker, I enthusiastically join in supporting HR 3218 which will help protect millions of senior citizens and other Americans from identity theft by strengthening the confidentiality of the Social Security number. I also urge my colleagues to protect all Americans from the threat of national identifiers by supporting my Freedom and Privacy Restoration Act.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I was unable to vote earlier this evening on measures before the House because I was in transit to Washington from Wisconsin. Had I been present, I would have voted "aye" on rollcall No. 531, concerning a resolution (H. Res. 631) honoring the members of the crew of the guided missile destroyer U.S.S. *Cole.* I would have voted "aye" on Rollcall No. 532, concerning a resolution (H. Con. Res. 415) expressing the sense of the Congress that there should be established a National Children's Memorial Day. I would have voted "aye" on rollcall No. 533, concerning the Social Security Number Confidentiality Act (H.R. 3218).

HONORING MS. RHONDA GERSON, EXECUTIVE DIRECTOR OF AID TO VICTIMS OF DOMESTIC ABUSE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I recognize and pay tribute to Rhonda Gerson, Executive Director of Aid to Victims of Domestic Abuse, for her service on behalf of domestic violence victims.

A 1998 report by the U.S. Department of Justice indicates that the rate of domestic violence in many categories has been declining over the past decade. I believe the downward trend is directly attributable to the outreach efforts by such individuals as Rhonda Gerson.

Ms. Gerson has been the Executive Director of Aid to Victims of Domestic Abuse since 1981. For the first five years, she served in this capacity without ever receiving a paycheck. During her time with the agency, Ms. Gerson has advocated for the safety of battered women on a local, state and national level.

In the early 1980s, Ms. Gerson served on a Houston Police Department (HPD) task force to review its domestic violence policy, and, in the late 1980s, she served on a second task force, which resulted in the creation of the HPD Family Violence Unit. In 1984, Ms. Gerson co-chaired a pilot project at the Harris County District Attorney's Office that ultimately developed into the Family Criminal Law Division. In 1987, the National Council of Jewish Women—Greater Houston Section awarded her the Hannah G. Solomon Award as a result of her leadership and action for social change in the area of domestic violence victims/survivors.

Ms. Gerson was actively involved with the Texas Council on Family Violence (TCFV), and from 1989 to 1994, she was the chair of the Board of Directors. Under her leadership, TCFV grew to be the largest state coalition in the country due to it stepping up to the plate and re-opening the National Domestic Violence Hotline when its closure stunned the domestic violence community.

According to Deborah Tucker, current Executive Director of the National Training Center on Domestic and Sexual Violence and former Executive Director of TCFV, Ms. Gerson was an integral part of the Public Policy Committee for TCFV and made an incredible contribution to the laws and policies designed to better protect battered women and to hold offenders accountable. When asked to describe Ms. Gerson's accomplishments, Ms. Tucker said, "I think she is a person who is capable of both seeing the big picture and of noticing the impact that public policy initiatives and programs might have on one individual. Her sensitivity and native intelligence are among the most developed of any persons I have known. She stands out in a quiet and deliberate way, through hard work and thoughtful consideration of the complexities involved in human behavior."

In 1993, Ms. Gerson was appointed by Supreme Court Justice Tom Phillips as a member of the Texas team to attend the National Council of Juvenile and Family Court Judges Conference on confronting violence in the family. She was a leader in the effort to create the Harris County Domestic Violence Coordinating Council, for which she has served as Treasurer of the Board since 1997.

In 1998, Ms. Gerson helped found the National Training Center on Domestic Violence and Sexual Violence, and she currently serves as the Chair of the Board of Directors. In only two years, she has helped the agency to grow to six staff members and an operating budget of over $600,000.

Mr. Speaker, many victims of domestic violence have been touched by Rhonda Gerson's compassionate spirit. I ask my colleagues to join with me in commending Ms. Gerson for a lifetime of dedication and commitment to the Houston community and to all victims of domestic violence.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. BURTON of Indiana. Madam Speaker, I submit the following exchange of letters between myself and Chairman ARCHER regarding H.R. 3218:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 17, 2000.
Hon. DAN BURTON,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have requested that H.R. 3218, the "Social Security Number Confidentiality Act of 1999," be scheduled for consideration on the House floor under suspension of the Rules. H.R. 3218 would ensure that Social Security numbers (SSNs) do not appear on or through the unopened mailings of Treasury checks. The bill as introduced was referred to the Committee on Government Reform.

As you know, the Committee on Ways and Means has jurisdiction over "National Social Security." The use of the SSN within the government sector falls within that subject matter jurisdiction, and the Committee has legislated in the past on the issue of the use of the SSN and its display. In fact a provision related to H.R. 3218 is found in section 101 of H.R. 4857, the Social Security Privacy and Identity Protection Act of 2000, which was ordered favorably reported by the Committee on Ways and Means on September 29, 2000. Accordingly, I have confirmed the Committee on Ways and Means has a valid claim on H.R. 3218.

Notwithstanding this determination, and in order to expedite consideration of this important time-sensitive legislation, I have no objection to its consideration by the House at this time. This is being done with the understanding that the Committee on Ways and Means will be treated without prejudice with respect to its jurisdictional rights during future consideration of this or similar legislation in the future.

I would further request that you include a copy of this letter in the RECORD, as well as your written response. With warm personal regards, I am

Sincerely,

BILL ARCHER,
CHAIRMAN.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 17, 2000.
Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 17, in which you stated that your Committee would not be asserting jurisdiction over H.R. 3218, the Social Security Number Confidentiality Act.

As you know, your decision not to assert jurisdiction over this matter will help expedite consideration of this important legislation. I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
CHAIRMAN.

INDIAN GOVERNMENT SHOULD STOP ITS STATE TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. TOWNS. Mr. Speaker, on September 27, a letter from the Council of Khalistan was published in the Washington Times. It details the propaganda spread by the Indian government to discredit its opponents.

That propaganda is necessary for the Indian government to cover up the atrocities and state terrorism against Christians, Sikhs, and other minorities. Former Indian cabinet minister R.L. Bhatia admitted in 1995 that the Indian government is spending "large sums of money" to spread this propaganda and influence affairs in the United States.

Earlier this month, militant Hindu fundamentalists attacked the home of a priest. They beat him and his neighbor. The neighbor was beaten so badly that he died. Unfortunately, this kind of thing is not unusual. It is just the latest in a series of atrocities carried out by organizations under the umbrella of the Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP. While Prime Minister Vajpayee was in New York during his recent visit to the U.S., he said, "I will always be a Swayamsewak."

Last week, former Prime Minister Chandra Shekhar said that there is no difference between the ruling BJP and the supposedly secular Congress Party. Unfortunately, from the point of view of the minorities in India, it is true. There is no difference. Whoever is in power, the repression continues. India has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalit "untouchables" and other minorities. Thousands of Sikhs and other minorities are in illegal detention without charge or trial simply because they are opposed to the government, or because they are members of a minority.

Mr. Speaker, it is time for India to stop its state terrorism against the minorities within its borders. We must stop American aid to India and declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and the other nations seeking their freedom, in the form of a free and fair democratic plebiscite. These measures are the only ones we can take that will help to bring real freedom and democracy to the people of South Asia.

I would like to submit the Council of Khalistan's letter into the RECORD for the information of my colleagues.

[From The Washington Times, Wed. Sept. 27, 2000]

NO MILITANTS IN THE COUNCIL OF KHALISTAN

Manpreet Singh Nibber's Sept. 16 letter, "India human rights criticism from unreliable source?" is so full of disinformation that he must be fronting for the Indian Embassy in its effort to confuse the American people.

Mr. Nibber, who is a member of the Punjab Welfare Council of the USA, does not address any of the facts we brought up in our last letter. Instead, he spreads Indian disinformation about the Council of Khalistan and its origins. He knows there are no "militants" involved in the council. We consistently support the liberation of Khalistan, the Sikh homeland that declared its independence from India on Oct. 7, 1987, by democratic, nonviolent means through the Sikh tradition of "Shantmai morcha," or peaceful agitation.

The Indian Embassy has interfered in American elections, calling for the re-election of former Sen. Larry Pressler and attempting to damage the re-election campaign of Sen. Robert Torricelli. A few years ago, the Indian Embassy was caught giving illegal campaign donations to members of Congress through an immigration lawyer named Lalit Gadhia, who pleaded guilty to the scheme in federal court.

There are many other Gadhias throughout this country. Former Indian cabinet minister R.L. Bhatia admitted in a 1995 news conference that the Indian government is spending "large sums of money" through the embassy to influence American politics. But what is that money defending?

On Sept. 8, militant Hindus attacked the home of a priest and beat the priest and his servant. The servant was so severely beaten that he died of the injuries. On Aug. 25, news stories reported that militant Hindu nationalists kidnapped and tortured a priest in Gujarat, then paraded him naked through town. This attack was part of a wave of terror against Christians since Christmas 1998.

Incidents have included the murder of priests, the rape of nuns and the burning to death of a missionary and his two sons in their van by members of the Rashtriya Swayamsevak Sangh (RSS), the parent organization of the ruling Bharatiya Janata Party. Schools and prayer halls have been attacked and destroyed. The individuals who raped the nuns were described by the Vishwa Hindu Parishad, a militant organization within the RSS, as "patriotic youth." The RSS was founded in support of fascism.

In March, 35 Sikhs were murdered in the village of Chithi Singhpora in Kashmir. Two extensive independent investigations, one conducted by the Movement Against State Repression and the Punjab Human Rights Organization and another conducted by the Ludhiana-based International Human Rights Organization, proved that the Indian government was responsible for this massacre.

The Indian government has murdered more than 250,000 Sikhs since 1984, according to figures published in Inderjit Signh Jaijee's "The Politics of Genocide." India also has killed more than 200,000 Christians in Nagaland since 1947, more than 70,000 Kashmiri Muslims since 1988 and tens of thousands of other minorities. Amnesty International reports that thousands of political prisoners are being held without charge or trial in "the world's largest democracy."

India is hostile to the United States. It votes against America at the United Nations more often than any country except Cuba.

In May 1999, the Indian Express reported that Indian Defense Minister George Fernandes led a meeting with Cuba, China, Iraq, Serbia, Russia and Libya to construct a security alliance "to stop the U.S."

India openly supported the Soviet Union's invasion of Afghanistan. Its nuclear weapons test started the nuclear arms race in South Asia. It refuses to allow the Sikhs, Kashmiris, Christians and other minority nations seeking their freedom to decide their political future in a free and fair vote, the democratic way.

America must not accept this kind of brutality and tyranny from a government that claims to be democratic. We must cut off aid and trade to India and support a free and fair plebiscite to ensure human rights and self-determination for Khalistan, Christian Nagalim, Kashmir and all the minority nations and peoples living under Indian rule.

TRIBUTE TO DOCTOR JACK KILBY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. ARMEY. Mr. Speaker, today I rise to honor a distinguished American and someone who I am proud to say resides in the 26th District of the great state of Texas, Dr. Jack Kilby. Just a few days ago Dr. Kilby was awarded the Nobel Prize in Physics for his part in the invention and development of the integrated circuit.

Dr. Kilby's invention of the monolithic integrated circuit—the microchip—some 30 years ago laid the conceptual and technical foundation for the entire field of modern microelectronics. It was this breakthrough that made possible the sophisticated high-speed computers and large-capacity semiconductor memories of today's information age.

Dr. Kilby grew up in Great Bend, Kansas. In 1958, he joined Texas Instruments in Dallas. During the summer of that year working with borrowed and improvised equipment, he conceived and built the first electronic circuit in which all of the components were fabricated in a single piece of semiconductor material half the size of a paper clip. The successful laboratory demonstration of that first simple microchip on September 12, 1958, made history.

Jack Kilby went on to pioneer military, industrial, and commercial applications of microchip technology. He is the recipient of two of the nation's most prestigious honors in science and engineering; in 1970 he received the National Medal of Science, and in 1982 he was inducted into the National Inventors Hall of Fame, taking his place alongside Henry Ford, Thomas Edison, and the Wright Brothers in the annals of American innovation.

Mr. Speaker, the microchip is one of the most important inventions of the Information Age—indeed, it's one of the most important inventions in mankind's long history. Jack Kilby deserves our recognition and our thanks.

WINGS OF KINDNESS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I have waited almost a year to place this story in the CONGRESSIONAL RECORD. Let's call it an early Christmas story—about the simple but powerful gift of kindness, in this case bestowed by two pilots on a young boy on Christmas Eve. Art Hendon of Terrell, TX, shared this with me in December of last year, and I am honored to share it with my colleagues today.

Sometimes the most important gifts are given unwittingly. I set about checking the instruments in preparation for my last flight of the day, a short hop from Atlanta to Macon, GA. It was 7:30 P.M. Christmas Eve, but instead of forking into Mom's turkey dinner, I was busy getting other people home to their families.

Above the low buzz of talking passengers, I heard a rustle behind me. I looked over my shoulder. Just outside the cockpit doorway was a fresh-faced boy of about nine gazing intently at the flight deck. At my glance he started to turn away.

"Hold up," I called. "Come on in here." I had been about his age when I first saw a flight panel lit up like a Christmas tree and I could hardly wait to get my pilot's wings. But now that I was 24 and first officer at a commuter airline, I wondered if I'd made the right choice. Here I was spending my first Christmas Eve away from home, and what was I accomplishing? How was I making my mark in the world, let alone doing God's work, just hauling people from city to city?

The boy stepped cautiously into the cockpit. "My name's Chad," I said, sticking out my hand. With a shy smile he put his hand in mine. "I'm Sam." He turned to the empty seat beside me. "Is that for the captain?"

"It sure is and that's where Captain Jim sits." I patted the worn fabric. "Would you like to try it out?"

Sam blinked at me from under this ball cap. "I don't know . . . I mean . . . well, sure if it's okay." I lowered the seat so he could slide into it.

The captain loved to give demonstrations of the plane's gadgets to kids, but what would he think about one sitting in his seat? Well, it's Christmas, I thought.

I glanced out at the luggage carts being wheeled toward the plane, thinking of the gifts I wouldn't be able to give in person to my parents and friends the next day. Sam told me he and his family had flown in from Memphis.

I checked my watch. The captain would be in any minute, but Sam looked so thrilled, I didn't want to cut short his fun. I gave the instrument panel another once-over, telling Sam what each button and lever did.

Finally Captain Jim clambered aboard, "Howdy, partner." He gave Sam a broad grin. "You know, son," he drawled, "I don't mind you staying with us for a while if you'll switch with me." Sam let the captain take his place and I made introductions.

We began previewing the startup checklist. I kept thinking the captain would send Sam away, but the boy was still peering over my shoulder when the ramp agent radioed to ask if we were ready to turn on the first engine in start sequence, number four. I relayed the question to the captain, who was studying the weather reports.

"I'm still going over these," he said. "You guys go ahead and start it."

"Okay, starting . . ." I said, positioning the switches. Then I did a double take. 'Did you say you guys'?"

"Yeah, go ahead."

I looked over at the captain, and back at the fight panel. "Right." I flicked on the plane's flashing red beacon to signal the start. Then I turned to my new assistant.

"You ever start an airplane before, Sam?"

Eyes wide, he shook his head. Following my instructions, Sam carefully turned a knob on the overhead console that switched on the igniters. then he pressed a button as big as his hand to start the engine. Finally, with both hands he slid forward a lever to introduce the fuel. The engine hummed to life.

Sam slowly let go of the lever and stepped back, awestruck. He'd gotten to start an airplane, an honest-to-goodness airliner. I'm not sure if I'd have believed it myself at his age. I thanked Sam for helping us out.

"No, thank you, sir," Sam said. "This was really great!"

As he backed out of the doorway into the cabin, the plane resonated with the sound of the engine he'd started. "You have a merry Christmas, son, you hear?" the captain said.

Sam looked like he was about to cry with happiness. "I will, sir, I will. Thank you!" With one last look at the flight deck he turned and walked down the aisle. We started up the other engines, took off, and arrived in Macon about 40 minutes later. Early Christmas morning, as we settled into the cockpit for the trip back to Atlanta, one of the gate agents ducked in. "Hey, guys, some kid's mother came by this morning. She wanted to make sure I thanked you for showing her son around last night. Said he couldn't stop talking about the cockpit. She left this for you."

The gate agent set a red tin on the center console.

"Well, I'll be," the captain said. He bit into one of the chocolate chip cookies from the tin. Then he unfolded the note taped to its cover and read it silently. He sighed deeply and turned to me, "Boy's got cancer," he said, and read the note aloud:

Dear Sirs, Thank you for allowing Sam to watch you work on Christmas Eve night. Sam has cancer and has been undergoing chemotherapy in Memphis. This is the first time he has been home since the treatment began. We drove Sam up to the hospital, but since he loves airplanes, we decided to fly him back home. I am not sure if he will ever get to fly again. His doctor has said that Sam may have only a few months left. Sam has always dreamed of becoming an airline pilot. The flight we took from Memphis to Atlanta was exhilarating for him. He wasn't sure flying on one of your "little" airplanes would be as much fun, but you two gentlemen gave him the greatest Christmas gift imaginable. For a few short minutes his dream came true, thanks to you.

I looked out at the runway gleaming before us in the sun. When I turned back to Jim, he was still staring at the note. A flight attendant came in and said the passengers were ready for departure. She stowed the cookies away and we went through the checklist. Then Captain Jim cleared his throat and called out, "Starting number four."

I'd wanted to be home with my loved ones, exchanging gifts for the holidays. But that little boy showed me that sometimes the most important gifts we give are given unwittingly and the most precious ones we get come from strangers. I can serve God's purpose no matter where I am, as long as I let the spirit that moved me that night guide me always.

MIAMI RACES FOR THE CURE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, last Saturday, members of the South Florida community came together in an effort to eradicate breast cancer. Nearly 5,000 people participated in the Komen Miami/Ft. Lauderdale Race for the Cure.

Before the race, Nancy Brinker, founder of the Susan G. Komen Breast Cancer Foundation, delighted the crowd with her compassionate words and Soraya, the well-known Latin American singer, who underwent a mastectomy several weeks ago, translated Nancy's message of hope and inspiration into Spanish before walking the course. This year's race was dedicated to Patti Walsh, a Race for the Cure volunteer who lost her battle with breast cancer in August. Today I salute the family and friends who supported her. Twenty-five percent of the dollars raised at last Saturdays event will benefit the National Grants Program for breast cancer research. And, 70% will be used to award grants within the South Florida community by promoting breast cancer research, education, screening and treatment.

I would especially like to congratulate Helen Duncan, my congressional constituent, and Race for the Cure volunteer who organized this magnificent South Florida event.

I commend Jane Torres, President of the Breast Cancer Coalition and a yearly participant in this event who devotes herself daily to eradicating breast cancer.

And I thank the hundreds of South Florida families whose lives may have been touched by breast cancer, and who helped make this event possible.

IN HONOR OF TIM GAUNA

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FROST. Mr. Speaker, I rise in sadness today to honor the memory of Information Systems Technician Seaman Timothy Gauna, a constituent of mine from Rice, Texas, who is among the missing sailors from the attack on the U.S.S. *Cole*.

Tim Gauna was 21 years old and a 1997 graduate of Ennis High School. He was one of five children in a close family. Teachers said he was a quiet student who excelled in baseball and art. He joined the Navy 18 months ago with a dream shared by many recruits, to earn financial assistance to attend college. He wanted to learn about computers, then use the knowledge while attending the University of Texas at Austin. He would have been the first in his family to go to college.

Before sailing into harm's way, Tim let his mom know that he was headed into dangerous waters, but that he would be okay. Like all the sailors aboard the U.S.S. *Cole*, Tim Gauna was serving his country bravely and honorably when this vicious attack took place. I join the Gauna family, and all the families of the missing sailors, in hoping that they will soon be accounted for.

After the attack, I flew down to North Texas to visit Seaman Gauna's family. There, I spoke with a mother who is proud of her son's courage and patriotism. She described her son as having an open and friendly nature, and sharing the family's strong belief in their faith. And I talked to various family members who admire Tim's dedication to America.

I do not know all the sailors on the U.S.S. *Cole*, Mr. Speaker, but I know the family of Seaman Gauna. They—like all of the U.S.S. *Cole*'s sailors and their families—have America's gratitude, and our prayers.

IN TRIBUTE TO ELIE DULAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Elie Dulay, who will retire next week after 28 years of service to the City of Simi Valley, California, my hometown.

Elie was a clerk with the city when I was elected to the City Council. I can think of few people who were more helpful, energetic or pleasurable to work with than Elie during my entire tenure as a Councilman and Mayor.

It is of no surprise to me that Elie rose through ranks and will retire as an administrative secretary. Aside from being a exceptionally competent employee, she is the personification of a people person. Elie approaches life and her work with a smile. Problems disappear in her capable hands, and her positive attitude is contagious among her coworkers.

Elie's husband, Art, is also retiring, but they will remain busy. The two are accomplished dancers. Elie is also a wonderful cook, with a specialty in Asian food. They have three grown children, two of which work for the Simi Valley Police Department—one as an officer and one as a records technician. Elie and Art also have six grandchildren, ranging in age from 1 year to 16 years old, and look forward to spending even more time as doting grandparents.

Mr. Speaker, if there is an ideal government employee, Elie is it. I know my colleagues will join me in thanking her for her years of service and wish her all the best in her retirement.

WHISTLEBLOWER PROTECTIONS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, today, I introduced legislation in Congress amending the Whistleblower Protection Act (WPA) to restore protections for federal employees who risk their jobs by disclosing waste, fraud, abuse or violations of law they witness on the job. This legislation is critical to restore the flow of information to Congress and the public about wrongdoing within the government. It is necessary because the original congressional intent has been partially nullified by certain judicial decisions.

In 1989, Congress unanimously passed the Whistleblower Protection Act (WPA) and strengthened it in 1994. The new bill closes judicially created loopholes that have made the law useless in most circumstances. Recent decisions by the Court of Appeals for the Federal Circuit have denied protection for disclosures made as part of an employee's job duties or within the chain of command. The bill restores coverage in over 90 percent of the situations where it counts most for federal workers to have free speech rights—when they defend the public on the job.

The bill also makes permanent a free speech shield known as the "anti-gag statute" that Congress has passed annually for the last 13 years. It outlaws nondisclosure rules, agreements and other forms of gag orders that would cancel rights in the Whistleblower Protection Act and other good government statutes. In particular, it upholds the supremacy of a long-established law that workers have a right to notice that information is classified as secret for national security interests, before they can be held liable for releasing it. The necessity for the bill was increased last week by passage of a little noticed provision in the Intelligence Authorization Act for 2001. That provision functionally could make whistleblowers liable for criminal prosecution, based on speculation that unmarked information were classified.

We must reaffirm our support for whistleblowers. We made a serious commitment to federal workers in 1989 and Congress must ensure those protections stay in place. Congress must demonstrate once again its support for federal workers who risk everything to defend the public against fraud, waste, and abuse.

TRIBUTE TO STEPHEN E. PETERSEN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Stephen E. Petersen, founder of the Annual Petersen Invitational Golf Tournament. The tournaments have been held on some of the finest and challenging golf courses along the Atlantic Coast from Myrtle Beach to Charleston, South Carolina.

The purpose of the tournaments are to promote comradery, good food, fellowship, and hospitality among friends. The tournaments also provide an opportunity for participants to engage in the finer points of competitive golf. Throughout the years, more than six hundred friends and colleagues have participated in this event.

Stephen has unselfishly invested his inspiration, time, sweat, and funds in order to make these events successful. His love for people and passion for the game of golf together, distinguish him. They explain his sense of kinship with all those who know him. Stephen's efforts have been highly successful in enriching lives and providing enjoyment to all who have participated in his tournaments.

Many have fond memories which will remain with them for the rest of their lives. Many more gained insight and appreciation for what great golf tournaments are really all about.

I, and the many friends, colleagues, and participants of these golfing events wish to extend our sincere appreciation, admiration, and due recognition to Stephen E. Petersen, in honor of the Petersen Invitational Golf Tournament's 25th anniversary, held September 10–14, 2000, in North Myrtle Beach, South Carolina.

Mr. Speaker, we seldom meet people who give so tirelessly of their time and resources as Stephen E. Petersen. Please join me in paying tribute to this outstanding South Carolinian, military veteran, devoted Christian, and friend.

IN MEMORY OF DR. GROFF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise to pay tribute to an outstanding citizen of the Fourth District of Texas, the late Mayor Marion Allen Groff III of Pilot Point, who died on August 22. Dr. Groff was an active and beloved member of his community—and he will be dearly missed.

At the time of his death, Dr. Groff was serving as mayor of Pilot Point, president of the Chamber of Commerce and member of the Kiwanis. He was a board member and president of DENCO 911 for 8 years. In all these civic endeavors, he gave his time and energy to helping make Pilot Point a better place in which to live.

Allen was devoted to his family, his profession, and to his community, and he leaves a legacy of service that will be remembered by his many friends in Pilot Point. His legacy not only covers his medical service—though it was above and beyond—it goes to the throngs of friends and to many people that he never met. Allen reached out to anyone in need, gave advice, service, and warm friendship. He was a lobby for those who had no lobby. And he was capable of friendship to those in all walks of life—with equal love and dignity for all.

He was born in Shattuck, OK, on August 27, 1949. He served in the U.S. Army from June 1971 to June 1974. He was a graduate of Southeastern Oklahoma University, the University of North Texas and the Texas College of Osteopathic Medicine. He leaves behind his wife, Karen; has parents, Dr. M.A. and Betty Groff; a daughter, Kristen Groff; four sons, Marion Allen Groff IV, Bryant Adam Groff, John Robert Groff and Cole Kelly Schmitz; and a sister, Janet Sims.

Allen was devoted to his family. Kristen will miss him every day of her life—as will his four sons. Karen was the love of his life, and I had the pleasure of visiting with Karen and Allen during the last days at the hospital. She waited, she served, she encouraged, and she loved and lived within his reach day and night for many desperate days at Zale Lipsey Hospital. She held her head up—and was reassuring to family and a throng of friends who came to Midway Baptist Church to say goodbye to Allen.

Mr. Speaker, Allen was one of a kind—and we will miss him. As we adjourn today, let us do so in memory of Mayor Marian Allen Groff.

HONORING RUBY S. SWEZY OF MIAMI, FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to recognize a wonderful woman and a dear friend, Ruby S. Swezy of Miami, Florida, who will be celebrating her 77th birthday on October 21, 2000.

Ruby was born on October 18, 1923 in Miami-Dade County. She is a descendant of Mr. Charles Lee Greene, of Georgia, and the daughter of John and Estelle Stripling, her loving parents. Her father died when she was a teenager but her mother was blessed to live to the age of 97. Ruby remembers with pride many important life lessons imparted by her mother, who was a strong willed, determined, caring and compassionate woman, traits that she now demonstrates.

Living most of her life in Miami-Dade County, where she grew up and was educated, she married the late Lewis Swezy, Sr. and raised her two beloved children, Laura and Lewis, with unwavering faith and love. The pride and joy of Ruby's life is her family. She beams and her eyes sparkle when she shares stories of their lives.

Abandoning the security of the education arena in the prime of her teaching career, she decided to break into real estate, which proved to be the business that was meant for Ruby. It was a bold and courageous step for a young mother. Over the past 50 years, Ruby has become a respected force having made noticeable contributions to the housing industry around our area.

In addition to real estate and political circles, today Ruby is a giant in local, national, and international housing. She was successful in her first political bid, diligently serving as a Councilwoman on the Hialeah City Council. She also has met with and served as an advisor to various administrations and other heads of government.

Ruby maintains a human and in-touch demeanor with all the people of her community. She is admired and respected not only for her compassion and generosity to anyone who is fortunate to meet her, but for her noteworthy contributions. It is my sincere pleasure and great honor to join Ruby's family and friends in wishing her a wonderful celebration and many more happy and healthy birthdays.

IN HONOR OF THE MASJID HASSAN OF AL-ISLAM FORT WORTH, TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FROST. Mr. Speaker, this weekend in Fort Worth, Texas, it will be my honor and privilege to attend and participate in events which promote racial and religious unity and peace. On October 21, 2000, the Masjid Hassan of Al-Islam in Fort Worth, under the leadership of Imam Nasir Ahmed, will host a Southwest Regional Pioneer Banquet honoring those it considers to be pioneers in the causes of diversity, religious interaction, Islam, economic development, political awareness and education.

I am humbled to be among a group of honorees which includes religious radio broadcaster and journalist, Robert Ashley; American Jewish Congress Southwest Region executive director, Joel Brooks; community relations consultant, writer and member of the Thanks-Giving Square Interfaith Council, Rose Marie Stromberg; 97-year old founder of the Tarrant County Black Historical and Genealogical Society, Lenora Rolla; long-time Muslim, 95 year old Dave Hassan; and the organizer of Brooks of Baaziga, a Muslim girls' group, Ruby b. Muhammad.

The work of the Masjid Hassan of Al-Islam is, by itself, noteworthy. Yet, the Masjid's efforts are heightened and broadened by the fact that this celebration will include the personage and the teachings of The Honorable Imam Warith Deen Mohammed, leader of the Muslim American Society. Throughout this country and around the world Imam Mohammed is known, respected and admired for his work towards peace, religious freedom and diversity, and liberty for all people. On October 22, 2000, the Fort Worth-Dallas area will have the pleasure of receiving his message on "Dealing With Racism From Religion". It is my great pleasure, therefore, to join with the Masjid Hassan of Al-Islam, my longtime friend Marzuq Jaami and his brothers and sisters in the Dallas Masjid of Al-Islam, and the larger Fort Worth-Dallas community in heartily welcoming Imam Mohammed to our community.

TRIBUTE TO REV. DR. JORDAN D. SMITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Rev. Dr. Jordan D. Smith on the upcoming thirtieth anniversary of his pastorship at Clement Road Church of God in Columbia, South Carolina.

Rev. Smith was born in Orville, Alabama on April 15, 1939 to the late Fred and Clara Hamer Smith. He was the fourth of six children. In 1961, he was married to Eunice D. Pickett. To this union were born three lovely children—Veronica, Matthew and Donna.

Rev. Smith has been serving his church both locally and nationally since 1967. For three years he served the Tompkins Avenue Church of God in Brooklyn, New York as associate pastor and was ordained into the ministry there by the late Rev. John Cordes. In 1970 he became pastor of his current church.

Pursuant to his commitment to service, Rev. Smith has, in addition to his pastoral and state duties, served his National Church as a member of various committees, commissions and boards. For ten years he served as the elected State Chairman of the South Carolina Presbytery. In 1991, for his faith and commitment to his calling, he was awarded an Honorary Doctor of Divinity degree.

Rev. Smith is a faithful husband, loving father, admired grandfather, and caring father-in-law. As a spiritual leader, he personified faith, love, service and dedication.

Mr. Speaker, please join me in paying tribute to Rev. Dr. Jordan D. Smith, a devoted Christian and a wonderful South Carolinian, on the thirtieth anniversary of his pastorship.

HONORING A FIGHTING FOURTH MARINE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor today to recognize a life member of the Fourth Marine Division and the Marine Corps League, Milton Saxon, a resident of Longview, Texas, in the Fourth Congressional District. Milton was a member of K Company, 3rd Battalion, 25th Regiment, Fourth Marine Division from March 1944–May 1946 and fought on Iwo Jima.

Milton has put into writing many of his thoughts and memories about his service in World War II, and I am pleased to share some of those with my colleagues today. Milton recalls joining the Marines in March of 1944, at the age of 18, and being trained in San Diego before being shipped out to the Marine Transit Center at Oahu. Here he was attached to the Fourth Marine Division on Maui, where he boarded the L.S.T. #684 to begin their trip toward Japan. Private Saxon and the Fourth Division landed on Iwo Jima on February 19, 1945. Milton was part of the fifth wave of Marines that hit the beach, where "hell was breaking loose." "Without exception, every friend that was within touching distance of me was either killed or wounded," he writes.

Milton's vivid descriptions of what happened that day and during the ensuing days reveal the confusion, the terror, the courage and the heroism among those young soldiers and officers. On Iwo Jima they encountered situations that they could never have been adequately trained for—yet situations where time and again they rose to the challenge and prevailed in the line of fire. By nightfall of that first day, K Company was down to 150 men. "It is impossible to describe the exact emotions, smells and sounds of this battle," Milton said. "I don't have nightmares any more, but my memory will never die. I will always honor those less fortunate than I was."

Milton describes the ensuing battle over the next 27 days that led to victory at Iwo Jima. Private First Class Milton Saxon was a survivor. The friends he made in the Marines who also survived have remained life-long friends. "There are not many advantages of war, but one advantage is finding someone that is closer than most brothers can ever be," he writes.

Milton now belongs to a Marine Corps Detachment composed of Marines from Desert Storm, Korea, Vietnam and World War II—and even some who are presently serving in the Marines. "Nothing has been lost between the generations of service . . . All of the history, the lore and the tradition of the Marine Corps lives on through each member."

Mr. Speaker, as we adjourn today, I want to thank Milton Saxon for taking the time to record his memories of his war experiences and to tell his story with honesty, conviction—and even some humor where appropriate. His first-person account will be handed down through his family for many generations and will provide a powerful legacy of that most important time in world history—and one of the defining times in American history.

He is retired now, having served his country for 37 years in Texas public education as a school administrator, teacher and coach. Milton Saxon is one of those from "the Greatest Generation"—a selfless young man who heeded the call of duty, risked his life for his country, and forever will be an American hero. As we adjourn today, let us do so in honor of my friend and an outstanding American—Milton Saxon.

IN TRIBUTE TO HOMEGROWN VALUES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GALLEGLY. Mr. Speaker, I rise today to recognize 27 years of homegrown values and community service by people who grew a local financial institution into a success enterprise and shepherded its continued investment in Ventura County, California.

When American Commercial Bank opened its doors on September 18, 1973, its founders pledged not only to provide top-quality banking services, but also to use the bank's assets and standing to provide community support to Ventura County's citizens.

It was well-suited to follow through on that promise. Its first chairman, Emilio Lagomarsino, was born in Ventura County around the turn of the century. Emilio Lagomarsino was successful in a variety of pursuits, including farming, wholesale beverage distribution and oil.

Edward T. Martin followed Mr. Lagomarsino to the chairman's chair. He was active in Ojai civic, church and community affairs and founder of a successful outdoor advertising company. His son Tom currently serves on the board.

Allen W. Jue, who succeeded Martin as chairman, also is a native of Ventura County. His father, Walton Jue, opened National Market across from the San Buenaventura Mission in 1928.

Earlier this year, Mr. Jue turned the chairmanship over to Emilio's son, Robert J. Lagomarsino, who many in this chamber remember as a valued colleague. Community service is in his blood. He served in the U.S. Navy, was an Ojai city councilman and mayor, a California state senator, and a congressman from 1974 to 1993.

Chief Executive Officer Gerald J. Lukiewski is not a native California, but he has sunk his roots deep here. He graduated from California Lutheran University in Thousand Oaks and married a California girl, Nancy. He has been lured by major financial corporations, but prefers community banking so he can spend as much time as possible with Nancy and their eight children.

The sense of family and community to which these men aspire is reflected in the bank's community record. The bank has been actively involved in and contributed to: Community Memorial Hospital; Ventura Chamber Music Festival; Ventura Rotary International; Oxnard Downtowners; Ventura County Museum of History & Art; Casa Latina; Ventura Country Community Foundation; Multiple Sclerosis; United Cerebral Palsy; Working To Eliminate Child Abuse and Neglect; Ventura County Fair; National Park Trust; the Oxnard, Ventura and Camarillo Boyes & Girls Clubs; and the Chamber of Commerce of Ventura, Oxnard and Camarillo. Educational support has also been provided to Oxnard College, Saint Thomas Aquinas College and to the CSU-Northridge Channel Island University Advisory Board.

Only a successful enterprise could provide such strong community support. The bank has completed its most successful year with record growth in capital, loans, deposits and net profit and has paid 67 consecutive quarterly cash dividends to its shareholders. The bank operates six Ventura County offices and, as of June 30, 2000, assets exceeded one-quarter billion dollars.

American Commercial Bank has received numerous national and community recognitions for its accomplishments. The American Bankers Association awarded a community service award to the bank and the Federal Deposit Insurance Corporation categorized the bank as "well-capitalized," its highest rating of capital adequacy. The prestigious Bauer Financial Group has awarded its highest star rating of "Superior" and "five stars" to the bank for its outstanding financial performance.

Mr. Speaker, distinguished colleagues, please join me in recognizing the people who led American Commercial Bank through 27 years of accomplishment and service and wish them and the community they serve continued success.

CELEBRATING A DECADE OF A COMMUNITY APPROACH TO ELDERLY CARE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, I rise to recognize the 10th anniversary of the founding of the Chinese American Retirement Enterprises (CAREN). This Saturday, more than a thousand CAREN members will celebrate this milestone occasion with its founders and friends at the CAREN Co-op House in Adelphi, Maryland, near the College Park campus of the University of Maryland.

It is hard to believe that it was just a decade ago that a group of concerned and committed citizens from the Washington, DC area founded CAREN to aid senior and disabled Chinese Americans by providing programs and opportunities for affordable housing and elder care. CAREN is dedicated to five service goals: (1) housing and transportation, (2) learning and recreational activities, (3) assisted living and bilingual care, (4) security and a sense of belonging, and (5) happiness through voluntary contribution and labor. Additionally, CAREN promotes lifelong learning and the preservation of Chinese culture to be passed on to future generations.

As a strong supporter of CAREN's mission, I am very pleased to have been involved with the organization since its inception. Since its founding 10 years ago, CAREN has founded six outstanding services and facilities. In 1992, the CAREN Senior Self-Help Center was created to sponsor a Saturday activity program for more than a hundred seniors and volunteers. Realizing the vital need for better elderly housing, the CAREN Development Company was developed in 1994. This company provides housing specifically designed to fit the needs of elderly and disabled persons.

Its first project, the CAREN Co-op House, was completed in 1997 and holds 89 apartment units designed for independent living. In 1998, in order to increase opportunities for lifelong learning the Charles B. Wang Senior Center, established through a $3 million grant from the Charles B. Wang Foundation, was added to the facilities at the Co-op House. As a part of the senior center, CAREN College was created to provide daily activities and learning. The latest project for this motivated group is the CAREN Bilingual Care Home. This project, begun in 1999, will turn four floors of the Co-op House into an assisted living facility with bilingual staff to allow its residents to "age-in-place."

Since having hatched from merely just an idea to its present reality, CAREN has attracted more than three hundred volunteers from the community who have contributed to this unique project. It continues to enlist new volunteers under the leadership of Dr. Jeffrey T. Fong, Founding Chairman and Chairman of the CAREN Development Co., Mr. David J. Lee, CAREN Chairman, Dr. Ho-I Wu, CAREN Vice-Chairman, Mr. James Wang, CAREN President, Mr. Wayne Chang, CAREN Co-op Chairman and President, and Mr. Han H. Tuan, CAREN Co-op Vice Chairman. I would also like to recognize the recipients of the CAREN 10th Anniversary Awards who will be honored on Saturday. They include: Mr. Charles B. Wang, Mr. Ching-Ho Fung, Ms. Pauline W. Tsui, Ms. Rosa Hum, Dr. Guan-Hong Zhou, Ms. Charlotte Shen, Ms. Elizabeth Fong, Mr. Jack K.C. Chiang, Ms. Jean P. Li, Ms. Lee N.K. Mark, Mr. Ku-Hua Shih, Rev. Elen Mu-The Sun, Dr. Joseph Yu-Hsu Wang, Ms. Yi-Hwa Shieh Lu, Mr. Shao-Sun Lu, and Mr. Chia-Ming Phua.

Mr. Speaker, CAREN is a true model for community participation and involvement that has enhanced the quality of life of the senior members of our Asian American community. I applaud CAREN for its dedication, its commitment, and its prosperity since 1990. Each day, CAREN's success is reflected in the happy smiles of each of its residents. I congratulate CAREN on a job well done in the past decade and I wish the organization continued success in the years to come.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, on Wednesday, October 18th, I was unavoidably detained in my congressional district and was not able to vote on H. Res. 631, H. Con. Res. 415, and H.R. 3218. Had I been present for rollcall No. 531, rollcall No. 532, and rollcall No. 533, I would have voted "yea" on all of these.

HONORING RETIRED WARRANT OFFICER JAMES BLACKSTONE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, next month we will again pay tribute to our nation's veterans, and today I have the privilege of honoring one in particular—James Blackstone of Terrell, TX, a retired Warrant Officer of the United States Navy. James enlisted in the Navy in June, 1934, and retired in 1954. His experiences span the globe—and form part of the fabric of our nation's history.

James volunteered for service in China in 1934 and was granted assignment to the USS *Sacramento*, a seagoing gunboat. His boat rotated coastal patrol duty along the China coast from the Gulf of Chihli to the South China Sea. In 1938 he was assigned duty on the USS *Jacob Jones*, stationed in Villa Franc, France, and in 1939 he was assigned to a new class Destroyer, which was ordered to search and destroy German submarines and their bases on our side of the Atlantic. The next two years his ship was assigned convoy duty, where James served until shortly before the declaration of war in 1941.

In 1942 James was chosen to spend four months in diesel engine school—to train for a new class of diesel-powered ships that represented a great departure from traditional steam propulsion. James graduated at the top of his class and emerged as a leader. He was assigned to the Navy Yard in Vallejo, CA, where a new ship, the USS *Clamp* ARS–33 was under construction. It was a diesel-electric powered Auxiliary Rescue and Salvage Vessel. As Chief Motor Machinist Mate, Warrant Officer, James sketched in detail every part of the ship's engineering plant and oversaw its construction.

The *Clamp* at long last went to sea, its destination the Ellice Islands. The ship was the flagship of the salvage fleet. James participated in the invasion of Tarawa. He remembers being at Midway, Kwajalein, Eniwetock, Majuro, Ulithi and the Philippines. His ship arrived at Saipan on July 4, 1943, where James and the crew inspected and cleared a number of Japanese ships that were sunk during the invasion.

On February 19, 1945, the *Clamp* was part of the fleet that invaded Iwo Jima. "Even for the battle hardened veterans that thought they had seen it all, the battle for the island of Iwo Jima was the most gut wrenching of all that had gone before," James recalls. "The sight of our flag being raised on that mountain top was the most overwhelming, emotional feeling that I have ever experienced in my lifetime."

The *Clamp* departed Iwo Jima some days after the flag raising and arrived at Kerama Retto, about 15 miles from Okinawa in preparation for the invasion. The following days and nights were the longest in his memory, he recalls. Attacks from suicide bombers and suicide boats were a constant threat. The memories of specific episodes James would rather not dwell on.

Okinawa and the Atolls of Kerama Retto were virtually secure when the *Clamp* received orders to return to Pearl Harbor in preparation for the invasion of Japan. On arrival, they were directed to proceed to a shipyard in Portland, Oregon—where James would meet up again with the "love of his life," Virginia, who was working in a defense plant in Seattle.

James and Virginia quickly married and enjoyed a "fifty-year love life, short of 3 months," James says. Virginia died in 1995, and it is evident that James misses her greatly. James resigned his commission for two months following the War—but was not happy. He reenlisted as a chief petty officer and handled responsibilities of an officer until his retirement in 1954. In 1956 he applied for work with the General Services Administration, Design and Construction Division, Public Buildings Service. He started work as a mechanical-electrical engineer and retired in 1973.

James is now in his 80's and has taken the time to record his enlisted experiences and to share those with me. He has lived a life of integrity and has fought the good fight. He is a man of honor who was devoted to his country, to his fellow citizens, and to his wife. In short, Mr. Speaker, James Blackstone is a great American and a real American hero—and I am proud to call him my friend and to honor him today.

HONORING JAMES RIZZUTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to pay tribute to a remarkable public servant, the Honorable James T. Rizzuto. Jim is stepping down as the Executive Director of the Colorado Department of Health Care Policy and Financing, a position he was appointed to in January of 1999. He has served the State of Colorado well and I would at this time like to honor his service.

Jim began his career in public service by first serving as a First Lieutenant Infantry Commander from 1969 to 1971. His experience in the military as well as his educational background helped to prepare him for the leadership responsibilities he would later take on in public office. After graduating with a degree in economics from the University of Colorado at Boulder, Jim went on to the American Graduate School of International Management, where he received his MBA in economics and finance.

In 1982, Jim ran and was elected to the Colorado State Senate where he served for 18 years. During his tenure in the State Senate, he served as a member of the Joint Budget Committee for 12 years. His work in the Colorado legislature earned him the LaJunta Community Service Award in 1994 and Colorado Business Journal also named him one of the top 10 effective legislators.

Jim has served his community, State, and Nation admirably. On behalf of the State of

Colorado and the U.S. Congress, I would like to thank Jim for his outstanding commitment to public service and wish him the very best in all of his future endeavors.

CELEBRATING "A WEEKEND OF GIVING CARE, A LIFETIME OF COMMITMENT"

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to celebrate "A Weekend of Giving Care, A Lifetime of Commitment," which will take place around our great nation on December 2–3, 2000. I would also like to recognize one of my constituents, Mr. Martin K. Bayne, of Clinton Park, in Upstate New York, who first advocated establishment of this wonderful celebration. Martin is a 50 year old publisher and long-time advocate for our nation's elders. Mr. Bayne has worked closely on long term care issues with several of my House colleagues in the recent past. His work has been instrumental in beginning the slow, long process of re-establishing our ties with the generation who brought us up, fed us and protected us.

A century ago, the average life expectancy was 46 years. Today, improvements in diet and medical practices are keeping us alive to average age of 78. Death, however, is often slow and preceded by years of chronic pain and disability. In 1900, we were usually surrounded by family when we died. Today, we often die alone, surrounded only by the sounds of compressors, ventilators, and electronic displays.

In 1900, aging was a normal part of our life, and an important intergenerational bond within the family. It signaled the natural cycle of birth and death, like the changing of the seasons. Today, aging is an aberration in a culture that is fixated—some say obsessed—on eternal youthfulness. Unfortunately, the old are sometimes even shunned, ignored, abused, and neglected.

As a show of commitment to our elder citizens, Martin Bayne proposed setting aside the first week in December as "A Weekend of Giving Care, A Lifetime of Commitment." On that weekend, Mr. Bayne, who himself lives with the daily challenges of advanced Parkinson's Disease, will join other members of his community to volunteer in an elder care facility as a demonstration of their genuine commitment to the nation's oldest citizens—a generation too often forgotten and too seldom embraced.

"A Weekend of Giving Care, A Lifetime of Commitment" will be an opportunity for many elder Americans to see beyond the health challenges of aging. This event also honors a sacred covenant and repays a debt. Our elders were responsible for our care and safety as infants. Now, the wheel of life comes full circle, and we must be mindful and ever vigilant of the well-being of our parents' generation.

Mr. Speaker, please join me in celebrating "A Weekend of Giving Care, A Lifetime of Commitment." This celebration is an important step in showing our care and concern for elders in this nation. I salute Mr. Martin K. Bayne's efforts to establish this vital celebration, as well as all those volunteers who will participate in the event. I hope our nation pays close attention to the celebration on December 2–3, 2000 and carries the "Lifetime of Commitment" message forward in an attempt to provide respectable treatment and care to all our aging Americans.

PROPOSED SEC RULE COMMENT PERIOD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise to address a rule proposed by the Securities and Exchange Commission, SEC, that would affect the consulting affiliates of auditing firms.

In response to concerns voiced by some of my constituents, I joined many of my Small Business Committee colleagues in writing to SEC Chairman Arthur Levitt. We asked that the comment period on the proposed rule be extended past its September 25 deadline and that the rule be modified to address the concerns raised by members of the accounting industry.

It was not my intention to delay the final decision to next year. I strongly oppose any attempts to delay the final rulemaking process through legislative means.

As the SEC moves forward with this rule, it is my hope that all interested parties will have adequate time to voice their concerns. That being said, I have no doubt that SEC Chairman Levitt will conduct a thoughtful, inclusive comment period.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. ESHOO. Mr. Speaker, due to a family emergency, I was not able to vote during consideration of rollcall votes 500–530.

Had I been present, I would have voted: "yea" on rollcall numbers 500–505, 507–518, 520–523, 525–528, and 530; "no" on rollcall numbers 506, 519, 524, 529.

SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 1999

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. WATTS of Oklahoma. Madam Speaker, as the information age continues forward, crimes resulting from the use of stolen personal information have occurred with greater frequency. Time and time again, a person's identity is taken from them unknowingly and used to someone else's advantage. Information such as Social Security Numbers, financial records, or medical documents are often easily found and easily abused.

The problem is wide spread. Unfortunately, our own Federal Government, in the form of the Social Security Administration, helps to allow for identity theft to more easily occur. In an alarming practice, the Social Security Administration has the Department of Treasury print a Social Security recipient's name, address, and Social Security Number on their benefits check. This information is then openly displayed in the window of the envelope. These envelopes are placed in the public mail system when any individual could potentially, and relatively easily, gain access to this information. This practice is irresponsible and must be changed. We cannot allow senior citizens to be the victims of government irresponsibility.

H.R. 3218, "The Social Security Number Confidentiality Act," addresses the practice of printing Social Security Numbers in a place where the number can easily be seen or accessed. This forward thinking legislation directs the Treasury Secretary to take the necessary steps to end the practice of printing a recipients Social Security Number in an open and visible location.

Current law ensures that information obtained by the Social Security Administration is confidential. This legislation will make sure that the Federal Government obeys the law, and that it does not act irresponsibly in its job of keeping personal information confidential.

I urge further action by the Congress to explore where further privacy protection is needed and where the Federal Government is not protecting that privacy. In the same way, it is important that citizens take steps to protect themselves. One should always be careful to guard personal information.

This legislation is a positive step in protecting the privacy of our Nation's senior citizens. I urge my colleagues to help pass this legislation and help keep our nation's citizens' private lives just that—private.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE"

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to commmend the valiant sailors of the U.S.S. *Cole* and to express my deepest condolences to the families and loved ones who suffered losses due to an act of terrorism.

On October 12, 2000, the Navy family suffered a tremendous loss, when the U.S.S. *Cole* fell victim to terrorism while attempting to refuel at the Port of Aden in Yemen. My heart continues to go out to the families and friends of the American sailors who were killed, injured or are still missing. I commend our valiant sailors who responded quickly to this tragedy, minimizing casualties and damage to their ship.

It was a honor to assist three families from my District as they waited to hear news on their loved ones. Fortunately, the families and friends of Petty Officer Kevin Benoit of Cairo, NY, Ensign & Deck Division Commander Gregory McDearmon of Ballston Lake, NY, and Chief Petty Officer Charles Sweet of Broadalbin, NY, after hours of waiting, received word that their loved ones were safe.

It is important that we always remember that these brave men and women are serving our Nation and we should pay tribute to them. These sailors have made the ultimate sacrifice in service to their country. This is a loss felt by the entire nation.

This tragedy highlights the constant dangers faced by our armed forces around the world. Our country must remain vigilant in protecting them from future terrorist or other attacks. Our government must work diligently to protect and provide aid to those who are injured and work with the families who are going through a period of grieving.

Again, Mr. Speaker, our prayers go out to the sailors, their families and friends.

IN MEMORY OF BETTY BANKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of a beloved citizen of the Fourth Congressional District and a dear friend, the late Betty Jean Henderson Banks of Ivanhoe, Texas, who passed away earlier this year. Betty was a wonderful woman whose kindness and dedication to her family, friends, and community will be long remembered.

Born in Louisiana to the late Lafayette Victor Henderson and Ida Butler Starke Henderson, Betty married James Walter Banks in 1938 in Bonham, Texas. Throughout her years in Bonham, Betty raised a family and worked tirelessly on behalf of her community. Betty was known by many for her work at the Sam Rayburn Memorial Veterans Center in Bonham, where she worked in food service. She also was known throughout Bonham for her volunteer efforts on numerous causes, from making uniforms for the Missionettes (Girls Club) to helping find and fight for a liver transplant for a baby in need. Betty was an integral part of a women's prayer group that met monthly for a prayer breakfast at the First National Bank in Bonham, and she was a member of the First Pentecostal Church of God in Bonham.

In the local paper, this was written about Betty by Mrs. Paul Keahey: "Over the years she stood up for truth and honesty at all levels of society and government and what she believed to be right." These sentiments were echoed by her many friends and fellow citizens who knew her and loved her.

Betty is survived by her son and daughter-in-law, James V. "Butch" Banks and Carol of Baytown; two daughters and sons-in-law, Kathy and Mike Stockton of Ravenna and Becky and Victor Santiago of West Haven, Conn.; and a brother, Robert H. Henderson of Colville, Wash. She is also survived by seven grandchildren and three great-grandchildren. She was preceded in death by her loving husband, James Walter Banks, who passed away in 1996; a granddaughter, Amanda Stockton; brother, L. Victor Henderson, and a sister, Yvonne Henderson.

Betty was an honest and loyal friend to many and a role model in her community. We will miss her—but her legacy will live on in the lives of all those whom she touched with her generosity and kindness. Mr. Speaker, as we adjourn today, may we do so in memory of this beloved citizen of Fannin County, Betty Banks.

100TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF HUNTINGDON VALLEY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to celebrate the 100th Anniversary of the First Baptist Church of Huntingdon Valley in Montgomery County, Pennsylvania.

The First Baptist Church of Huntingdon Valley was established in 1900. The first two decades of the century were years of intense recruitment as new Christians were being sought, baptized, and organized into a church body. The founder and first pastor, the Reverend Price David Chandler, united two small groups, a home-based weekly prayer meeting and a home-based Sunday School class, to form the nucleus of the church.

Through World War I, the church remained intact and served as a place of worship for the community suffering from national unrest and disrupted family lives. During this time, the building experienced a series of remodelings and renovations including the installation of electric lighting, stained glass windows, a metal ceiling, pews to replace chairs, and central heating.

The 1930s brought the Great Depression and First Baptist established a system of dues whereby members were considered in good standing if they paid 25 cents each month on Communion Sunday. In 1937 after 37 years of faithful service, Reverend Chandler passed away.

The spirit of First Baptist Church was tested in the 1940s as a result of World War II. Attendance was unstable because young men were drafted into the military and other members, both men and women, worked in defense plants with irregular and demanding hours. Despite the hard times, First Baptist remained in business.

The 1960s were a time of renewal for the church. A Vacation Bible School was initiated and the First Baptist Church installed its fourth pastor, the Reverend Howard Cartwright, Jr., whose intense interest was missionary work. The congregation became acquainted with missionaries from far and near, serving in both foreign and domestic areas.

In 1997, the First Baptist Church of Huntingdon Valley installed its current pastor, the Reverend Bruce Wayne Petty, Sr., whose very vigorous, enthusiastic teaching and preaching ministry increase spiritual insights necessary to meet the challenges of the 21st Century.

As one of the oldest churches in Montgomery County, First Baptist demonstrates how commitment and dedication can lead to a prosperous and successful church. The history that surrounds the First Baptist Church of Huntingdon Valley is unparalleled and it is a privilege to recognize this extraordinary parish on the occasion of its 100th Anniversary.

MEETING THE NEEDS OF OUR CHILDREN IN THE 21ST CENTURY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. SANCHEZ. Mr. Speaker, today I have the opportunity to voice my strong concern over the lack of legislation being passed to improve the deterioration of our nation's schools.

During the 106th Congress, I authored H.R. 415 and I co-sponsored H.R. 1660, H.R. 1960, H.R. 3874, and H.R. 4094. Each of these bills, if the majority party permitted them to be considered, would have facilitated school construction—an issue that can no longer be overlooked by the federal government.

H.R. 415, my Expand and Rebuild America's Schools Act, will encourage new school and classroom construction through the creation of a new class of tax-exempt bonds. These bonds are similar to the Qualified Zone Academy bonds created in the Taxpayer Relief Act of 1997 for the purpose of school renovation. My bill focuses on using these new bonds specifically for the construction of new classrooms and schools, and to assist overcrowded, high growth rate schools that are struggling to adequately house their students.

H.R. 415 will assist Local Education Agencies (LEAs) with limited financial resources to combat major overcrowding problems due to increasing enrollment. The program provides interest-free capital to LEAs by giving a tax credit to the financial institution in the amount equal to the interest that would otherwise be paid. The local school district is then required to repay only the principal amount borrowed. The Secretary of Education will be responsible for direct distribution of the bond program to the LEAs, avoiding any state bureaucracy in funding decisions or program administration.

Let's examine the facts about the conditions of our schools. Between 2000 and 2010, the average national increase of public high school students is 10%, with an expected increase of 15% in my home state of California. This year, 53 million children will enter public and private elementary and secondary schools in the United States. By 2020, the Department of Education estimates that about 55 million children will be enrolled in our nation's schools, with this number increasing to 60 million by 2030.

In California alone, the Department of Education projects that elementary and secondary school enrollment will increase by 4.6% over the next 10 years. This ranks 12th among states with the largest expected increases. On a more local level, Orange County has already experienced a 30.9% increase in the enrollment of elementary and secondary school students from 1990–1998.

The bottom line here is that we have a growing population of students, and we do not have the infrastructure in place to properly accommodate all of them. These are frightening statistics for the future of our nation. It is our responsibility to our children to take action on this matter immediately. We wouldn't think of sending our men and women in the armed services into a battle without the best training they can be supplied. Why are we sending our children into this global economy and competitive world with less than the best preparation? This is indeed an issue of national security for the United States.

Let's forget about the future for a moment and focus on where we are putting our children now. In a study issued by the National Center for Education Statistics (NCES) on the conditions of public schools, three-quarters of all schools reported the need to spend money on repairs, renovations, and modernization to bring their school buildings into good overall condition. Approximately one-fifth of schools indicated less than adequate conditions for life safety features, roofs, and electric power. They also reported that 43% of the schools reported that at least one of six environmental factors was in unsatisfactory condition. Moreover, about 36% of schools indicated that they used portable classrooms.

But wait, it gets worse. NCES also reports that 78% of all schools in rural America need to be repaired and modernized. Nearly one-half (47%) of all schools in rural America have unsatisfactory environmental conditions. Over 30% report inadequate heating, ventilation, and air conditioning.

How do we expect our students to improve their performance if we are not meeting their basic needs? The National Education Association estimates that the total funding need for public school modernization is $321.9 billion. Of that total, $268.2 billion is needed for school infrastructures and $53.7 billion is needed for education technologies.

We must take action now to enable us to provide the best education possible for our current and future students. We must pass legislation that will facilitate the construction and repair of our nations public schools. We must strongly consider passing legislation like H.R. 415. The majority party in the Congress should make this a priority—not put it on a back burner.

We can't afford to waste any more time. While we fight about the cost and the most effective ways to improve our schools, there is a student in California who can't go out to play because her playground is now filled with portable classrooms. While we struggle to realize that this is an issue of the highest priority, a student in New York is walking around a trash can in the middle of the hall that is catching the rain water falling from a leaky roof. Let's not wait any longer.

My fellow colleagues, let's pass legislation that will allow our students to learn and our teachers to teach in a safe, clean, uncrowded environment. I truly believe that the future economic health and security of our nation depends upon it.

TRIBUTE TO J.R. CURTIS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of an exceptional man, an outstanding community leader and beloved citizen of Longview, Texas, the late J.R. Curtis, whose life was cut short at the age of 55 following a motorcycle accident on September 2 in Durango, Colorado. J.R. lived life with enthusiasm—and with a tremendous devotion to his family, his community, his friends and his faith. He leaves a remarkable legacy of professional and civic accomplishments—as well as a legacy of loving relationships with his family and many friends.

J.R. was born on August 18, 1945, to James R. Curtis, Sr., and Sarah DeRue Armstrong Curtis of Longview. He graduated from Longview High School in 1963 and graduated from Texas Christian University in Fort Worth in 1967. He also attended the American Institute of Foreign Trade in Glendale, Ariz., from 1967–68.

J.R. was a successful and popular radio broadcaster in Longview. He purchased KFRO AM/FM radio station from his father in 1986 and was the owner and manager until 1998. He also became owner of KLSQ–FM and operated KNYN in Santa Fe, N.M. He began his broadcasting career in high school, working for his father's station as sportscaster for KFRO's Wednesday night Teen Time Program. He learned all aspects of the radio business, from engineering to news and sales, at an early age.

J.R. was active in the Texas Association of Broadcasters, serving as a medium market director for TAB and as president of TAB. He was named Texas Broadcaster of the Year in 1990. He also was active at the national level, serving as a member of the National Association of Broadcasters Blitz Committee and as a director of NAB in Washington, DC, from 1996–99.

In addition to broadcasting, J.R. served as president of the Curtis Foundation, president of Workmans Oil Co., and a director of First Federal Savings Bank of Longview from 1982–1997. At the time of his death, he was employed as a consultant with Longview Economic Development Corp.

J.R. served nine years on the Longview City Council, from 1975–1984. In 1977 he became the youngest mayor in Texas when he was appointed by the council at age 33 to the city's top job. His recent community involvement included serving as president and vice president of Longview 20/20 Forum; finance chairman of Longview Museum of Fine Arts, 1997; director of Longview Partnership, 1995–98; and a member of the administrative board of First United Methodist Church, 1996–98. He had a 19-year perfect attendance record in the Longview Rotary Club, where for many years he kept the membership informed of local and national news.

Other involvements included serving as president of Gregg County Housing Finance Corp., executive committee member for the East Texas Council of Governments, director of Little Cypress Utility District, director of the Longview Chamber of Commerce, foundation board member of Good Shepherd Medical Center, foundation board member of LeTourneau University, board member of Crisman Preparatory School and a volunteer for many other organizations. He was a member of the Collier Sunday School Class at First United Methodist Church and an usher at the church.

J.R. is survived by his loving wife of 33 years, Sue Skaggs Curtis; his son and daughter-in-law, Jason Skaggs Curtis and Janey of Fort Worth; his daughter, Elizabeth Ann Curtis of Longview; granddaughter, Margaret Lynn of Forth Worth; his aunt, Ruth Elizabeth Curtis Gray of Longview; mother-in-law, Fredna Skaggs of Longview; brother-in-law Bill Hodges of Longview and brother-in-law and sister-in-law, Dr. and Mrs. Richard Lucas of Longview; two nephews and a niece, and other relatives. He was preceded in death by his parents and one sister, Elizabeth DeRue Curtis Hodges.

J.R. had biked to Durango with five friends for an annual getaway vacation. He died as he had lived—with enthusiasm for life and for friendship. He will long be remembered for the significant contributions he made to his beloved city of Longview. As his wife and high school sweetheart, Sue Curtis, noted, "He loved Longview. He believed in Longview. He was born here and went to school here and wanted to make it a better place."

And he did. J.R.'s influence can be found everywhere in Longview—and will be felt for years to come. Mr. Speaker, as we adjourn today, let us do so in celebration of the life of this wonderful man and citizen of Longview, Texas—J.R. Curtis, whose memory will be cherished in the hearts and minds of those who knew him and loved him.

RECOGNIZING MS. KARIN M. ORBON PARTICIPANT IN THE 2000 AWARDS FOR EXCELLENCE IN TEACHING EXCHANGE PROGRAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the efforts of Ms. Karin M. Orbon. Ms. Orbon has been selected to participate in the 2000 Awards for Excellence in Teaching exchange program between the United States and six countries in the former Soviet Union. Ms. Orbon will be visiting Russia as a member of the 23 teacher U.S. delegation.

The teachers chosen for this assignment were selected from a pool of educators who had previously been honored for their excellence in teaching through such programs as the annual U.S. Teacher of the Year Award and the Miliken Educator Awards. Ms. Orbon, a computer, business and accounting teacher at North Brookfield High School is a recipient of the Miliken award.

The Milken Family Foundation was established in 1982 to support education and health care nationwide. The Milken Educator Awards were established in 1985 to celebrate and reward educators who are making great strides in improving the nation's education system. The Milken national conference annually recognizes outstanding national educators who receive the Milken Family Foundation National Educator Awards, carrying with it a $25,000 check to each educator.

The 70 teachers from the former Soviet Union participating in this exchange have already visited the United States as part of their program. Ms. Orbon will participate in the reciprocal portion of the program through discussions on English and American studies programs and what effect the introduction of American studies into the foreign language curricula has on teaching in Russia. She may even be invited to teach a class.

The American Councils for International Education, the group sponsoring this teacher exchange, has made a great choice in the selection of Ms. Orbon for their program. She is a leader among the educators of Massachusetts and an invaluable emissary for the United States. The school system of North Brookfield, Massachusetts is blessed to have Ms. Orbon in their classroom, and I am honored to count her among my constituents.

THE FIRST ANNUAL PARKER-O'QUINN TROPHY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DICKEY. Mr. Speaker, on Friday, October 13, 2000, I had the honor of participating in the presentation of the first annual "Parker-O'Quinn Trophy" to the Fordyce Redbug Football Team. Today, I want to honor the great football rivalry between two great South Arkansas communities, Fordyce and Warren.

Out of this rivalry has come people such as Paul "Bear" Bryant, Larry Lacewell, and other notable leaders and football stars. Out of this came the rivalry between two great coaches, Coach Mickey O'Quinn and Coach Jimmy "Red" Parker.

The Fordyce/Warren football rivalry has always been a major event in South Arkansas. It was never more heated and fierce than during the O'Quinn and Parker era. These two coaches were known for their competitive and innovative approaches to the great game of football.

Both Coach Parker and Coach O'Quinn went on to become legends in their own fields and in their own time. I can attest personally to the feelings of love and affection from those students that played for and learned with them. The lessons learned playing for these two great coaches last a lifetime: determination, dedication, a willingness to work, a strong desire to win, and a spirit of sportsmanship in defeat. All of these lessons make for better citizens and better communities. South Arkansas is blessed to have had two coaches of this caliber pass our way in our time.

There is an uncommon bond of friendship and respect among the players, fans and coaches from the O'Quinn and Parker time; one that goes beyond mere competition. Instead it is a bond that symbolizes the spirit of the people of South Arkansas.

Warren and Fordyce are natural rivals but also natural friends. Never was this more apparent than in the relationship between two coaches that are the most spirited of rivals and the greatest of friends.

Now, we come to a new era and a renewal of the competitive spirit between the two rivals, symbolized by the "Parker-O'Quinn Trophy".

HONORING PASTOR CHARLES SIMS, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I congratulate Pastor Charles Sims, Jr. for his ten years of dedicated service to Saint Philip Lutheran Church in Gary, Indiana. One of the longest tenured Lutheran pastors to serve in the city of Gary, the members of St. Philip deeply appreciate Pastor Sims unfailing dedication to strengthening the parish community. To recognize his commitment to St. Philip Church, his parishioners are hosting a celebration dinner in his honor, entitled "Staying the Course, Answering the Call," on November 11, 2000.

From modest beginnings, St. Philip has grown into an integral part of the area and neighborhood. The community activism and social awareness displayed by the congregation has made a lasting difference to the citizens of Gary. The parishioners' outreach and concern for their fellow man can be attributed in large part to the efforts of Pastor Sims. He has consistently shown the courage and leadership necessary to effect change in his community.

Originally named Tarrytown Lutheran Church, St. Philip was constructed in 1956 to serve the spiritual needs of African-American Lutherans living on the far west side of Gary. During its dedication service on January 20, 1957, the congregation renamed the Church. On October 22, 1967 the members of the parish dedicated a new educational wing to the church. Located at 3545 West 20th Place in Gary, the church has been a foundation of the community for many years.

Many ministers sustained St. Philip during its first 34 years of existence. Some of the preachers held permanent assignments, while others worked on a part-time basis. On October 21, 1990 the loyal congregation of St. Philip was blessed to have Pastor Sims, a graduate of Chicago University's Lutheran Seminary, accepted the call to lead the St. Philip parish.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Pastor Charles Sims, Jr. for his decade of tireless service to the members of St. Philip Lutheran Church and the Gary community. We are fortunate to have such an outstanding leader in our community, and I hope the people of St. Philip enjoy many more decades under Pastor Sims' spiritual guidance. His vision and spiritual mission have made Northwest Indiana a better place to live and work.

RETIRED MARINE COLONEL BRIAN QUIRK SEEKS PROPER BURIAL FOR WWII WAR HERO REMAINS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize a dear friend of mine, retired Marine Colonel Brian Quirk, on his endless desire to preserve the lives of our fallen war heroes.

At the annual convention of the Marine Corps League in New Orleans, Louisiana, Colonel Quirk proposed a resolution that the United States Congress demands an apology from the Japanese government. This proposal arose because of unanswered questions regarding incidents on the small Pacific island called Makin Island between August and October of 1942.

In August of 1942, Colonel Quirk was on the submarine with Donnie Roberton of Franklin, Louisiana, a Marine who is thought to have been beheaded by the Japanese on Makin Island. Colonel Quirk and Private Roberton were comrades during WWII en route to Makin Island. They were both privates and members of the Carlson's Raiders, a group of 220 Marines headed by a celebrated fighter who had done a tour with the Chinese Army against the Japanese in the 1930s. They were under the command of James Roosevelt, the son of President Franklin Roosevelt. The mission of the Carlson's Raiders in August of 1942 was to attack the Japanese on Makin Island. It was believed that there were only 100 Japanese on the island. The battled lasted one morning and all the Japanese were believed to be dead.

About 140 wounded American Marines left the island by boat, which left behind about 60 Marines on Makin Island. Private Roberton and four other Marines volunteered to leave the submarine to rescue the remaining men on the island. The five men journeyed in a rubber boat back to the island, but were spotted by Japanese aircraft and bombed in the water. The five men were presumed dead.

From this point on in the story little more is known. However, there is record that nine or ten Marines had surrendered to the Japanese on Makin Island at the end of September. There is also record that nine Marines were beheaded in October of 1942. This leaves many unanswered questions for the family and friends of our fallen war heroes who may have been involved in this attack.

Colonel Quirk is now actively seeking answers, more importantly, an apology from the Japanese government for their inhumane treatment of our Marines. This is a 58-year-old mystery that Colonel Quirk is determined to discover the truth. I commend Colonel Quirk on his quest for the truth.

WELCOMING AANA "FALL ASSEMBLY OF STATES" TO SAN ANTONIO, TEXAS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BONILLA. Mr. Speaker, on behalf of the people of the largest city in my Texas congressional district, I want to welcome the American Association of Nurse Anesthetists Fall Assembly of States to the City of San Antonio, for their November 9–12, 2000 meeting.

The 28,000 member AANA will bring to downtown San Antonio Certified Registered Nurse Anesthetists (CRNAs) from every State and the District of Columbia to review issues in anesthesia and health care. These include improving patient safety, expanding educational opportunities to meet workforce shortages, and examining health care policy in Washington, DC, and the States. As a member of the House Appropriations Subcommittee on Labor, HHS and Education, I know that the taxpayers are making major investments in health research, in health professions education, and in providing quality health care to seniors and to people who are disadvantaged. The value of each of these depends on individual health professionals like CRNAs to carry out this important work through continuing professional development.

In addition, this meeting will mark the final association gathering for AANA's longtime executive director, John Garde, and the debut of the association's new executive director, Jeff Beutler. Mr. Garde, of Park Ridge, Illinois, has enjoyed a distinguished career as a CRNA, an educator, an officer and past president of the AANA, and for the past 17 years he has served as the association's executive director. His successor, Mr. Beutler, is a past AANA Deputy Executive Director, a distinguished leader in health care and anesthesia care in his own right, and for the past decade has run a successful anesthesia care practice in Grand Rapids, Michigan.

Mr. Speaker, the people of San Antonio are happy to welcome the AANA Fall Assembly of States during this time of change and growth in this important health professionals' association. I congratulate Mr. Garde on his life's work, and Mr. Beutler on his task ahead, and wish them and their fellow CRNAs from around the country a successful and enjoyable assembly in the shadow of our historic Alamo.

INTRODUCTION OF THE CONSERVATION SECURITY ACT

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. MINGE. Mr. Speaker, today, I along with twenty four House Members, introduced the Conservation Security Act. We believe now is the time for Congress to make conservation a cornerstone of the next Farm Bill. And promoting fiscally sound, environmentally friendly conservation farm policy will result in win-win situations for farmers, for the environment and for the American taxpayer.

This legislation will allow for conservation to become an integral part of agriculture by providing opportunities for all interested farmers, ranchers, and other agricultural producers to participate in a voluntary, incentive-based federal conservation program. Landowners and operators would enter into Conservation Security Contracts and Plans and receive payments based on the type of conservation practices they are willing to undertake, plan, implement and maintain. For instance, conservation practices can, range from soil and residue management, contour farming, and cover cropping to comprehensive farm plans that take into account all the resource concerns of the agricultural operation.

The Conservation Security Act will establish three tiers of voluntary conservation practices, plans and payment levels while allowing for continued participation in other agriculture conservation programs. A participant may also receive payments based on established practices and for adopting innovative practices and systems, pilot testing, new technologies, and new conservation techniques. Participation would be voluntary and would enable farmers to implement plans they believe in without sacrificing income that they might go broke, while helping to preserve diversified, low-input, family size farming and ranching operations.

The Conservation Security Act will benefit the environment and augment on-farm income. And I think a majority would agree that the issues of conservation, land stewardship and farm and ranch income are highly important to the public.

A TRIBUTE TO DR. BARRY HARDING

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Superintendent Barry Harding of Robeson County in the great state of North Carolina. Dr. Harding was recently named National Indian Educator of the Year by the National Indian Education Association. Dr. Harding, a former teacher, coach, principal, associate superintendent, and special assistant to the superintendent, is the second Lumbee Indian in the association's history to receive this award. This high honor was bestowed upon him in recognition of his major contributions to improving educational opportunity and quality for the children of Robeson County.

When I think of Dr. Harding's commitment to education, the words "spirit, sacrifice, and service" come to mind. Dr. Harding's positive spirit has always been to do the task at hand—a spirit that inspires students to achieve. His sacrifice in time and commitment has been to make Robeson County a better place for children to learn and live.

Pearl S. Buck once said, "To serve is beautiful, but only if it is done with joy and a whole heart and free mind." There is no question that Dr. Harding's twenty-six years of service have been the epitome of this statement. Service to our children, the citizens of tomorrow, has been the embodiment of his life.

Nearly half of the 24,000 students in the Robeson County school district are American Indian, and Dr. Harding represents one of the voices that have spoken out to help improve the education of Native Americans—an education that recognizes, not denies, heritage and culture. Like Dr. Dean Chavers, the Lumbee educator born and reared in Pembroke, North Carolina, who went on to receive his Ph.D. from Stanford University and raise money for Native American scholarship funds, Dr. Harding has fought to make Indian education part of the national education agenda.

John F. Kennedy once said, "Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation."

Dr. Harding has chosen to dedicate his life to inspiring and educating America's children. He has helped our children and our youth develop their greatest abilities, and in doing so, he serves as a reservoir of strength for our community, state, and nation. Dr. Harding, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to our children.

IN RECOGNITION OF RALPH RAYMOND

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Ralph Raymond, the coach of the gold-winning U.S. Women's softball team. Coach Raymond is from my hometown of Worcester, Massachusetts, and I know that our entire community is proud of his wonderful accomplishments.

All of us watched with pride last month as our softball team overcame tremendous odds in Sydney to take the gold medal. And they didn't just win—they won with class, style and pure enjoyment of the game. They showed great team spirit and a commendable commitment to hard work. All of those attributes speak volumes about Coach Raymond.

As Coach Raymond has noted, nearly I million women are playing fast-pitch softball in high schools and colleges across the country. Softball has provided great opportunities for girls to stay physically fit and enjoy the benefits of sports at an early age—benefits like teamwork, camaraderie, and accepting both victory and defeat with humility and grace.

Again, Mr. Speaker, I want to congratulate Coach Ralph Raymond for a job very well done, and I hope we can convince him to coach our softball team in Athens in 2004. I hope all my colleagues will join me in paying tribute to one of Worcester's finest sportsmen.

REVEREND CHARLES J. BEIRNE, S.J., APPOINTED PRESIDENT OF LE MOYNE COLLEGE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. WALSH. Mr. Speaker, on July 1, 2000, the Reverend Charles J. Beirne was named the 11th President of Le Moyne College in Syracuse, New York. Le Moyne College, a private four-year Jesuit college, has an enrollment of approximately 2,000 full-time undergraduate students in programs of liberal arts, the sciences and pre-professional studies. Le Moyne also offers a physician assistant program and graduate programs in education and business administration. Founded in 1946, Le Moyne is the second youngest of the 28 Jesuit colleges in the nation.

Today I would like to recognize Fr. Beirne as his first academic year as President of Le Moyne College commences. Fr. Beirne brings impeccable academic credentials, remarkable life experiences and an enthusiastic attitude to an institution just reaching its stride of academic excellence.

Previously, Fr. Beirne served in San Salvador as the academic Vice President at the Universidad Centroamericana. There he bravely replaced his comrade, Rev. Ignacio Martin Baro, S.J., who was murdered by the Salvadoran government forces. In addition, Fr. Beirne was academic Vice President at Santa Clara University, an Associate Dean at Georgetown University Business School in Washington, DC, and Principal at Regis High School in New York City and Colegio San Ignacio in Puerto Rico.

Most recently, Le Moyne College has experienced great strides in its pursuit of academic excellence, receiving national recognition. This past year the US World and News Report ranked Le Moyne College sixth among all liberal arts colleges and universities in the North.

I am pleased to commend Rev. Charles J. Beirne for his years of service to all people and to congratulate him on his appointment as President of Le Moyne College.

KEEP DEMOCRATIC REFORMS IN SRPSKA ON TRACK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GILMAN. Mr. Speaker, elections in the Serbian majority entity of Bosnia and Herzegovina, the Republic of Srpska, next month will put to the test the efforts of the international community and the people of Bosnia to create lasting and stable reforms and democratic institutions. Prime Minister Milorad Dodik, leader of the Party of Independent Social Democrats will stand for reelection. Dodik has demonstrated a willingness to work for responsible change in Srpska and throughout Bosnia and Herzegovina.

Dodik's main opponent, Mirko Sarovic is a member of the party that led the brutal war against the people of Bosnia in the earlier part of this decade. Victory for the nationalist forces in next month's election would be a stark reversal of the changes we have seen throughout the former Yugoslavia. Dodik has strongly endorsed the new President of Serbia, Vojislav Kostunica, while his opponent, has decried the free expression of his fellow Serbs.

Dodik has worked in cooperation with the international community to foster economic reforms, and to instill a new spirit of tolerance in Srpska that has led to an unprecedented number of minority refugee returns to the Republic during the past year. Our U.S. Ambassador, Tom Miller, has made it clear that if the opposition to Dodik wins, further cooperation by our government will be impossible.

The people of Srpska have a clear choice as they cast their ballots next month: to continue the progress they have made to date through their hard work and diligence, or to return to the past with its legacy of hardship, repression, and impoverishment. I hope that they consider their choices carefully, and make the decision to continue progress and hope for a better life for them and their children.

HONORING MICHAEL F. RODGERS FOR HIS SERVICE TO OLDER AMERICANS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to recognize to a constituent of mine, Michael F. Rodgers, for his many years of service to older Americans, particularly those in need of housing or various forms of long-term care. For the last fourteen years, Mr. Rodgers has served as the Senior Vice President of the American Association of Homes and Services for the Aging (AAHSA). AAHSA is a national nonprofit organization representing 6,000 nursing homes, continuing care retirement communities, senior housing, assisted living facilities, and community service organizations for seniors. AAHSA is a leader in the development of an integrated continuum of care for frail elderly people and individuals with disabilities. I am familiar with AAHSA through the membership of three excellent retirement communities within my district, Goodwin House West in Falls Church, The Virginian in Fairfax, and Westminister at Lake Ridge.

Throughout his tenure at AAHSA, Mr. Rodgers has devoted talent, skill, dedication and commitment to advocating for mission-driven, non-profit senior services across the spectrum of need. He has developed and implemented a public policy and advocacy program whose goal is a more rational and integrated system of long-term care that will serve seniors in the most appropriate and least restrictive environment possible. He has fought for effective solutions to issues raised by increasing longevity and the emergence of a growing "old old" population whose needs no longer can be met by the informal care network of the past.

In addition to his work at AAHSA, Mr. Rodgers is a member of the Board of Directors of the American Society on Aging and also belongs to the Gerontological Society of America. He teaches at John Hopkins University as a member of the adjunct faculty in the Center on Aging Programs and Studies. Mr. Rodgers was chosen as a delegate to the most recent White House Conference on Aging in 1995.

Prior to joining AAHSA, Mr. Rodgers worked on Capitol Hill for several years. For two years, he was the staff director of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests. Previously, he spent six years on the senior professional staff of the Senate Special Committee on Aging under the chairmanship of the late Pennsylvania Senator John Heinz. His work with these committees focused on health, long-term care, assisted housing and other aging-related legislation. Before coming to the Hill, Mr. Rodgers was the Director of the Bureau of Policy, Planning and Evaluation at the Pennsylvania Department of Aging. Previously, he served as the Executive Director of the Lackawanna County Area on Aging in Scranton, Pennsylvania, Mr. Rodgers received a master's degree in rehabilitation counseling and psychology from the University of Scranton, where he subsequently was on the adjunct faculty as a professional lecturer.

Mr. Speaker, in conclusion, I would like to wish Mr. Rodgers the very best as he prepares to depart from the AAHSA to join the Catholic Health Association, where he will become the new Director of Government Relations. In this capacity, he will have the opportunity to continue to work on behalf of faith-based, mission driven providers of high-quality health and long-term care. I know his colleagues join me in recognizing his many years of service to America's seniors and in wishing him continued success in his new role.

IN HONOR OF DR. CLAUDE W. CUMMINGS' 39 YEARS OF PASTORAL SERVICE TO THE EBENEZER ASSEMBLY OF CHRIST IN CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KUCINICH. Mr. Speaker, today I honor of the pastor of Ebenezer Assembly of Christ, Dr. Claude Cummings. A man who has devoted his adult life as an ordained minister of God, Dr. Cummings is an example of selfless leadership and service to those who share his spiritual faith.

Dr. Claude Cummings, son of the late Bishop Claude and Mattie Cummings, knew he was called into ministerial service when he began preaching at the age of 18. He was ordained at the age of 26, and has since worked tirelessly as a servant of God. Dr. Cummings made his first move to Cleveland, Ohio in 1956, only to leave two years later due to the call of the Army. He went on to serve in Texas, both in San Antonio and then as a pastor of a small church in Sequin, until allowed to return home to Cleveland in 1961.

There, he was sent to minister to a small group of Saints in Miles Heights, Ohio, who were attempting to build a church. As an example of the dedication and devotion Dr. Claude Cummings has shown throughout his years of service, he and first wife, Faith Cummings, shared their resources to complete the church-building project which had since haulted progress. They worked untiringly to get the edifice completed, only to see it destroyed in a tornado shortly after its dedication. Despite the disaster, Dr. Cummings assumed the role of general contractor, and worked even harder to build the edifice which now stands.

Dr. Cummings has always endeavored to further his education, particularly within his own faith. Because of this love of the Word, he attended many colleges, including Aenon Bible College, Fenn (Cleveland State), and Grace Bible College. An obvious advocate of life-long learning, he currently continues his studies at Ashland Bible College and the Moody Bible Institute. Dr. Cummings is known not only for his breadth and depth of knowledge of the scriptures, but also for his gift of sharing the Bible through his commanding preaching and his extraordinary way of bringing the Bible to life during Bible Classes.

Dr. Claude Cummings is affiliated with the Pentecostal Assemblies of the World, an organization in which he holds several offices; and the Apostolic Fellowship Conference. He was also one of the originators of the Cleveland Apostolic Ministerial Fellowship known as CAMF. A man of faith, Dr. Cummings is also a man of family. A loving father of five and grandfather to eight, he takes pride in both his personal and spiritual families.

Let us honor Dr. Claude Cummings for his tremendous dedication to the many people he has led, and let us recognize his tireless service to faith.

HONORING THE AMERICAN DENTAL HYGIENISTS ASSOCIATION OF ILLINOIS

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BLAGOJEVICH. Mr. Speaker, as another session of Congress comes to a conclusion, we are reminded of the many important and difficult issues which are dealt with on a daily basis in the Congress of the United States.

As we consider the responsibility with which we are entrusted to represent the people who send us here, it is important that we recognize the essential role of citizen participation in our form of government, Just one example of the practical application of this concept which I am honored to bring to the attention of my colleagues is the work done by the American Dental Hygienists' Association, the members of that organization from across Illinois and especially those in the 5th Congressional District of Illinois which I am honored to represent.

I want to recognize the tremendous work performed by these dedicated professionals who promote total health through quality oral care. Every year, they take time from their busy schedules to come to Washington and make sure that their voice is heard in the national debate over health care and other important issues of the day. In addition to taking continuing education courses, these leaders of the profession set policy for the association and strategize as to how to best fulfill the association's mission to improve the oral health of the public.

In 1923, the American Dental Hygienists' Association was established to enhance communication and mutual cooperation among dental hygienists. Today, ADHA is the largest national organization representing the professional interests of the more than 100,000 registered dental hygienists (RDHs) in the United States.

ADHA members work to improve the public's total health and to advance the art and science of their profession. In doing so, they play a critical role in meeting the needs of so many people in this country.

I appreciate their commitment and commend to my colleagues their example of civic participation and professional dedication.

HONORING BARBARA CASEY OF WASHINGTON STATE

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. INSLEE. Mr. Speaker, it is with great pleasure that I honor Ms. Barbara Casey for a long and dedicated career in improving the educational system in Washington State.

Ms. Casey, in her professional career and voluntary activities, has shown a commitment to improving the lives of students at home and in school. She began her work in education as a technical operator for a weekly public radio talk show on education issues. Then she moved her volunteer work into the school. She has served as a health room volunteer, classroom volunteer, library aide, reading aide, phoneathon volunteer, C2B2 Committee member and lobbyist. Barbara has also been the Legislation Chair for the Issaquah PTSA Council and Sunset PTA Board of Directors.

Her presence in the Parent Teacher Association (PTA) is especially notable. She has served as the Sunset PTA Board President and received the Golden Acorn Award twice from the Sunset PTA and Issaquah PTSA Council. In addition, Barbara has volunteered on an impressive list of education organizations. Her work is well known on the Sunset Elementary Shared Management Team, Big Idea Grant Committee, State PTA Legislation Committee and Issaquah Family Service Network Task Force. Her outstanding contributions to the Community Health and Safety Network brought gubernatorial recognition.

Since 1994, Barbara has served as the first Government Relations Director of the Washington State PTA. Though an unusual position on a state PTA, it reflects the progressive nature of her work for education. Instead of merely reacting to the decisions of other education administrators, she has been proactive in her advocacy of children's education needs. Barbara has been a model of the PTA mission to speak on behalf of children in schools and the community, assist parents in developing skills to raise their children and encouraging parent and public involvement in public schools.

Mr. Speaker, I want to voice my appreciation and commendation for Barbara Casey. She reflects the best of what parents and other education advocates bring to our schools.

IN MEMORY OF MISSOURI GOVERNOR MEL CARNAHAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of my good friend Governor Mel Carnahan, of Rolla, Missouri.

Governor Carnahan, 66, the fifty-first Governor of the State of Missouri, his son Roger Andrew "Randy" Carnahan, and a long-time advisor, Chris Sifford, died in an airplane crash on October 16, 2000, in rural Jefferson County.

Born in the small Ozark town of Birch Tree, Missouri, in 1934, Governor Carnahan lived his early years in Shannon and Carter Counties. He was the son of rural schoolteachers, and he carried on a longstanding family commitment to education during his distinguished career of public service. His father, the late A.S.J. Carnahan, a contemporary of President Harry Truman, served in the United States Congress for 14 years before being named by President Kennedy as the first U.S. Ambassador to Sierra Leone. His mother, the late Mary Carnahan, was an inspiration to hundreds of school children during her many years as a high school English teacher.

Governor Carnahan began his lifelong commitment to public service at the young age of 26, when he was elected municipal judge in his hometown of Rolla in 1961. Two years later, he won a seat in the Missouri House of Representatives and was elected Majority Floor Leader in his second term. Following his four years in the Missouri House, he returned to his hometown of Rolla where he built a successful law practice. In 1980, he was overwhelmingly elected State Treasurer and served in this position for four years. The Governor returned to public office in 1988, becoming Missouri's 42nd Lieutenant Governor. In a landslide victory in 1992, he won the Governor's office and Missouri voters returned him to office for a second term in 1996.

Governor Carnahan was running for the United States Senate, after two remarkably successful four-year terms as Governor. Among the major accomplishments of his administration were the Outstanding Schools Act, a comprehensive package of reforms, new resources and accountability measures to improve Missouri's public schools; major tax relief for working families; welfare reform; some of the toughest anti-crime laws in the nation;

and primary health care services for thousands of previously uninsured Missouri children. Governor Carnahan will forever be remembered as an advocate for children and working families.

Governor Carnahan held a Bachelor's Degree in business administration from George Washington University and graduated from the University of Missouri-Columbia Law School in 1959 with the highest scholastic honors—Law Review and Order of the Coif. He was a United States Air Force veteran, a 33rd degree Mason, and a longtime member of the First Baptist Church in Rolla. He served as Chairman of both the Southern and Democratic Governors' Association.

Mr. Speaker, Mel Carnahan was a good friend and a truly great American. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of 46 years, Jean Carnahan; two sons, Russ and Tom Carnahan; one daughter, Robin Carnahan, of St. Louis; one daughter-in-law, Debra Carnahan; one brother and sister-in-law, Bob and Oma Carnahan, and two grandsons, Austin and Andrew.

AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT

SPEECH OF

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. CONDIT. Mr. Speaker, Thank you, Speaker HASTERT and Mr. GEPHARDT for scheduling this bill on today's suspension calendar and bringing this important matter to the floor.

The Hunt's Point incident represents a serious threat to the entire produce industry. The acceptance of bribes by USDA inspectors erodes public trust in an inspection system meant to provide security and consistency to the produce industry as well as consumers. This legislation is the fruit of a continuous and effective dialog between the USDA and Congress to address the serious problems raised by this scandal.

On October 27, 1999, eight USDA fruit and vegetable inspectors were convicted of accepting bribes for downgrading loads of produce so that receivers could negotiate lower prices with shippers. Inspection certificates originally issued by USDA were held by the U.S. Attorney General and USDA OIG as key evidence in the criminal investigation. These same certificates are also necessary to establishing a PACA claim. As a result of the investigation, some growers and shippers did not recover those vital inspection certificates until as recently as June 23. Since the deadline for filing claims was July 27, this did not allow for sufficient time to review and process those claims.

For these reasons, I introduce along with Chairman POMBO this legislation to extend the filing deadline for PACA claims related to Hunt's Point to January 1, 2001.

This legislation will enable those growers and shippers to establish their losses, file a claim and recover.

TRIBUTE TO GENE MARTIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, Eugene Eaves Martin was born and raised in Rockwall, TX, my hometown in the Fourth District, and died on August 17 at the age of 78. He was a journeyman printer and production manager and a lifelong member of the International Typographical Union. Gene was also my best friend in high school.

Gene was everybody's favorite. He was on our track team and a great football player. His family was affluent—and Gene had access to cars and other advantages that many of us didn't have in those years of the great Depression. He shared everything he had with other students—including me and my family. He was by far the most popular and best-liked guy in school.

Gene maintained many of his boyhood friendships throughout his life. He never forget Rockwall High School—and returned to lead each high school reunion. Following high school graduation, Gene attended Texas Christian University in Forth Worth, then served in the U.S. Coast Guard during World War II. He served in the Philippines and in the horse patrol along Florida's eastern coast.

Gene worked as journeyman printer, foreman and production manger for several major newspapers, including the Houston Chronicle, Chicago Tribune, San Francisco Chronicle and Dallas Morning News until his retirement in 1986. He and his wife, Lucille, moved to Llano Grande Lake Park in 1994, where he made many new friends.

He is survived by his wife, Lucille; sons, Eugene, Jr., Mark, Larry and Todd; daughter, Len Lea Noack; step-daughter, Denise Kaplan; nine grandchildren; and several nieces, nephews and cousins. Gene was devoted to his profession, to his family, and to his friends—and I join all those who knew and loved him in remembering this wonderful man and outstanding citizen—Gene Martin.

RETIREMENT TRIBUTE TO DANIEL A. FRANK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Daniel Frank on the occasion of his retirement after twenty years of service to the Kessler Institute of Rehabilitation, and recognizing him for his many years of dedicated public service.

Through his work as a Physical Therapist Assistant at Kessler Institute, Daniel Frank has inspired countless numbers of people to work through their physical challenges and to reclaim hope and promise for a fulfilling life. His efforts to empower people are legendary. He encourages his patients to take the next step, to not give up, to value themselves as productive citizens. Both his former patients and his colleagues sing his praises for his unrelenting persistent good cheer.

Daniel Frank is also very active in his church, Calvary Roseville United Methodist Church in East Orange, New Jersey. He wears several hats in the church and can be called on at any time by clergy, members and persons from the community for help. He is a true humanitarian. He delivers food share not only to needy members of his church family but to persons in need in the community. Over the years, he has worked hard and diligently on the following committees of his church: Usher Board; Administrative Board; Visitation; Council on Ministries; Finance; Evangelism; Fund Raising; Church & Society; Stewardship; Greeter.

Mr. Speaker, I rise today to honor Daniel Frank for his more than 20 years of exemplary service. His life of leadership and community involvement is instructive to us all. His dedication to the ideals of public service stand tall and it is fitting that he be honored on the occasion of his retirement. Therefore, I ask my colleagues, Mr. Speaker, to join me in honoring a great man for all of his achievements and contribution to our community.

HONORING POLICE CHIEF ROBERT F. NOLAN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join Notre Dame High School Alumni in paying tribute to an outstanding member of the Hamden, Connecticut community, Police Chief Robert Nolan. In a career that has spanned three decades, Bob has served the Hamden Police Department with dignity and integrity—exemplifying the qualities we expect of law enforcement officials. His unparalleled level of commitment and dedication to the Hamden community throughout his career has been incredible. He has been a driving force in community awareness and public safety, striving to give our families better neighborhoods in which to raise our children. His work has had an invaluable impact on our community and we are all grateful.

Rising through the ranks of the Hamden Police Department, Bob has served the community in several different capacities—the myriad of awards and citations that adorn his walls are testimony to his unwavering dedication. I have had the distinct pleasure of working with him on several projects throughout his tenure. Nearly five years ago, as an Inspector in the Department's Youth Division, Bob participated in one of the first Law Enforcement Forums sponsored by the Anti-Crime Youth Council, a program which I created to help high school students address the increasing occurrence of youth crime and violence. He was an integral part of re-opening the doors of communication between law enforcement officials and teenagers in Hamden. With so many serious challenges facing our young people, his efforts on this issue have been inspiring. I am also proud of the work we have done to bring necessary funding to the Hamden Police Department. As the grants administrator for the Department, Bob has been responsible for ensuring that the Department has access to available state and federal funding—providing the Department with the ability to continue improving in its mission to serve and protect the residents of Hamden.

In addition to his professional contributions, Bob made time to volunteer for a variety of service and civic organizations. Honored by the Knights of Saint Patrick, the Civitan Club, the Marine Cadets of America and the Notre Dame Scholarship Fund, Bob has demonstrated an incredible and unique dedication to the community on a personal level as well. His volunteer efforts to raise funds on behalf of these organizations have been invaluable. With his outstanding record of good work, he has demonstrated a unique commitment to public service, leaving an indelible mark on the Hamden community.

Bob's dedication and generosity has truly enriched the Hamden community. His diligence and extraordinary hard work have gone a long way to improving the neighborhoods of Hamden and fostering a strong relationship between the community and the Department. I would like to extend my personal thanks to him for all the assistance he has given to myself and my staff. For his many contributions, professional and volunteer, I stand today to join his wife, Shirley, daughters, Dawn and Robyn, family friends and colleagues in congratulating Chief Robert Nolan for his innumerable efforts on behalf of our community and extend my best wishes for continued success.

ONE DAY IN PEACE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CONYERS. Mr. Speaker, I rise this morning in solidarity with the world, and call on all other Members of the House to stand as well, and join over 100 nations, 25 United States governors, hundreds of mayors and over 1,000 organizations in nearly 140 countries in supporting One Day in Peace. The bill, House Concurrent Resolution 363, which I cosponsored with Representative DENNIS KUCINICH and many other Representatives, calls for January 1, in accordance with the United Nations General Assembly, to be a 24-hour period designated as One Day in Peace when the people of this Nation and the world act for the most part with unprecedented cooperation and good will. The Chairman and the Ranking Member of the House International Relations Committee have indicated that they will not oppose this resolution being brought to the floor now, and I urge all my fellow Congressmen to support this effort. Let us fulfill the dream by marking 01/01/01 as the first One Day in Peace worldwide. The bill urges people around the world to gather with family, friends, neighbors, and members of their community to pledge nonviolence in the new year and to share in a celebratory New Year meal. It also encourages Americans who are able to match their new year meal with a timely gift to the hungry at home or abroad. This Resolution is important because it acknowledges, the need to work for those goals that appeal to the greatest positive attributes of our humanity. My friends no better time exists to lift up a new standard of peace and goodwill in this world. Can you imagine, Mr. Speaker, if at the beginning of every year, all of America, and indeed all of the world proclaim aloud and at once, in unison and strength, that these are our goals: brotherhood, charity, understanding, and peace. Such a declaration has never before been made, but it can. I urge support of H. Con. Res. 363 and support its overwhelming passage.

INTRODUCTION OF THE SEAFOOD SAFETY AND MERCURY SCREENING ACT OF 2000

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PALLONE. Mr. Speaker, earlier this year the Mercury Policy Project and the California Communities Against Toxics found the Food and Drug Administration was not testing enough seafood for toxic mercury. Their findings were published in a report that was also cosponsored by the Sierra Club and Clean Water Action. In addition to contending the FDA's recommended level for methyl mercury exposure was inadequate, the report noted that the FDA does not check any domestic tuna, shark or swordfish for toxic mercury even though they tend to have the highest levels of the toxin.

The lack of a system to screen seafood for mercury is a serious gap in the nation's food safety system. Individuals who consume too much mercury can suffer serious health problems. That is why today I am introducing the Seafood Safety and Mercury Screening Act of 2000. This legislation will require the FDA to develop a system for testing seafood for methyl mercury. It will also require the FDA to develop a statutory threshold level for methyl mercury content in seafood and consider the findings of the National Academy of Sciences (NAS), which published a report on mercury exposure in July, when developing that threshold. The NAS report found that the Environmental Protection Agency's recommended level for methyl mercury exposure, which is stronger than the FDA's, is the more appropriate standard.

We know that if people ingest too much mercury they will get sick and we know exactly where to look for it. Domestic tuna, shark, and swordfish have very high levels of toxic mercury. If we have the means to detect this poison and know exactly where it comes from, common sense suggests that we take the time to look for it and take the necessary steps to inform the public. Typically we do not know about the source of an outbreak of food poisoning until the FDA or other government agencies works backwards to find its origin after people have already gotten sick. When it comes to mercury, we have the opportunity to be proactive and prevent illness instead of being reactive after its too late.

The establishment of a strong, enforceable standard that prohibits seafood that contains mercury above the recommended level from reaching the consumer will stop episodes of food poisoning before they have a chance to occur. Another important component of protecting the public from the contaminated seafood is by providing citizens with the information they need to make informed decisions about what they are eating. To that end, the Seafood Safety and Mercury Screening Act of 2000 will also establish a nation wide education program to educate consumers about the dangers of mercury contamination, with a particular emphasis on protecting the most vulnerable populations, pregnant women and children.

I urge all of my colleagues to join me in the effort to strengthen our nation's food safety system by lending their full support to the Seafood Safety and Mercury Screening Act of 2000.

A BUSY MAN: REVEREND DR. WILLIE A. SIMMONS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, August 31, 2000 marked the retirement of Rev. Dr. Willie A. Simmons. Rev. Simmons is known for his leadership in the community and social services.

Rev. Dr. Simmons was ordained in 1960 in Birmingham, AL. He received his Doctor of Divinity degree in 1992 and his Doctor of Letter in 1997. He has served as Assistant Pastor of the First Corinthian Baptist Church of Newark, NJ, for over 20 years.

While he served the spiritual needs of his community, he also served the physical needs of his fellow man. He has served the Essex County Division of Welfare as a Family Service Social Worker for more than 28 years.

Mr. Speaker, when we hear the adage, "When you want something done, ask a busy person," people like Rev. Simmons come to mind. Throughout his years he is a former Executive Vice President of the Communication Workers of America Local 1081 which represents all case workers, clerks and investigators of the Essex County division of Welfare. Rev. Simmons is the District Director of Frontiers International, 1st District, which gives him responsibility over all New England states; and a member of the National Board of Directors. In addition, he is a past Chairman of the Board of Directors of the Frontiers International Foundation. He is a Chairman of the Political Action and Homeless Committees of the Newark-North Jersey Committee of Black Churchmen and an Executive Board member. He is a member of the Baptist Ministries Conference of Newark and the Vicinity. He also serves as Treasurer and Chairman of the Budget & Finance Committee of Essex-Newark Legal Services. He is a Co-Chairman of the Black and Latino Coalition, Inc. Rev. Simmons presently serves as President of the United Community Corporation Board of Directors, having been elected and serving as president three (3) times in the past. He is also affiliated with more than 15 other organizations.

Rev. Dr. Simmons has received more than 100 awards in recognition of his support, participation, achievements and accomplishments in various community and social services.

Mr. Speaker, I am sure my colleagues would have joined me as I congratulated him.

HONORING YALE UNIVERSITY ON THEIR 300TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to pay tribute to one of the finest institutions for higher education in our nation. It is an honor and privilege to join with the New Haven Colony Historical Society in congratulating Yale University on its 300th anniversary.

On October 24, faculty, students, alumni and community members will gather as Yale University is honored with the 2000 Seal of the City Award. For the past eight years, the New Haven Colony Historical Society has bestowed this honor on an individual or institution whose activities or ideas have significantly added to the quality of life, the prosperity, or the general improvement of greater New Haven. For three centuries, Yale University has been a cornerstone of support for the New Haven community and has made significant contributions in all of these areas.

Nearly three centuries ago, a group of Congregational ministers created a "Collegiate School" where youths could be instructed in the arts and sciences and prepared for public service in both the Church and the Civil State. That commitment has been reflected in Yale's mission and role as an educator of leaders and a center for scholarship and research. Over the past several years, Yale University has played an instrumental role in the city of New Haven's efforts to revitalize Greater New Haven. Yale has forged a strong relationship with the city of New Haven, working with city administrators to ensure that the needs of our children and families are given every opportunity to build strong communities of which we can all be proud.

Yale University has had a profound impact on our community and our nation, not only as a leading academic institution, but as a center for public policy, the arts and sciences, and medicine. Since its inception in 1701, Yale has been home to some of our country's most infamous characters who have helped to shape the course of our society and our nation. Yale's alumni have been government leaders—Presidents Taft, Ford, Bush, and Clinton; they have made major advances in medicine and science—Eli Whitney, Samuel Morse, Dr. Benjamin Spock, Murray Gell-Mann; and they have contributed to the arts—Sinclair Lewis, Charles Ives, Cole Porter, Paul Newman, and Meryl Streep. Over the last three hundred years, Yale University has educated many of our most invigorating leaders and inspiring figureheads, bringing our nation ever forward into the future.

As we look ahead into the new millennium, we can be assured that Yale University, its administrators, faculty, and alumni will be there to help greater New Haven and our country continue to grow and flourish. It is an honor for me to stand today to congratulate Yale on its tercentennial and to extend my deepest thanks and appreciation for their innumerable efforts on behalf of our community.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BECERRA. Mr. Speaker, on October 18, 2000, I was unavoidably detained and therefore unable to cast my vote on rollcall No. 531, H.J. Res. 631, on Agreeing to the Resolution Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were Killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000. Had I been present for the vote, I would have voted "yea."

Mr. Speaker, I join my colleagues in honoring the members of the crew of the U.S.S. *Cole* who died on October 12th as a result of a cowardly act of terrorism, and I send my heartfelt condolences to their families, friends, and loved ones. I also rise to honor those serving on the U.S.S. *Cole* who were wounded in the attack, and wish them a speedy recovery. Finally, I salute those members of the crew who fought valiantly to save their ship and rescue their wounded shipmates. Indeed, I wish to express my deep gratitude to all of the men and women of our Armed Forces who routinely put their lives on the line.

ACTION TO PROMOTE GREATER RETIREMENT SECURITY SHOULD BE A PRIORITY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. UDALL of Colorado. Mr. Speaker, we are nearing the end of this 106th Congress—but we have not finished all the work that needs to be done. When the new Congress meets next year, it will find a long list of unfinished business. An important thing on that list will be action to support and improve the ability of all Americans to look forward to fiscal security in their years of retirement. I want to take this opportunity to outline my thinking about the steps that Congress should take toward that goal, in several areas.

SOCIAL SECURITY

Social Security is our most important and most successful program dealing with retirement security. Today its guaranteed benefits provide the primary source of income for 66 percent of Americans over age 65, and are especially important for the 42 percent of the elderly for whom Social Security is all that keeps them above the poverty line. It is also an important compact between generations and across divisions based on income levels.

I strongly support maintaining adequate and appropriate guaranteed defined benefits for current Social Security recipients, and for people who will retire in the future—but that does not mean that I oppose any changes in Social Security.

Earlier this year, I supported the successful effort to remove the earnings limit that could reduce Social Security payments to people retiring at age 65. And there are some other additional steps to revise Social Security that we should take right away. For example, we should limit the so-called "windfall elimination" offset so that it will not apply to individuals whose combined monthly income is under $2,000. And we should again allow blind individuals to earn up to the social security excess earnings threshold without losing benefits.

Further, as we look ahead, we must recognize that Social Security faces future demographic problems because retirement of the "baby boom" generation will greatly increase the number of beneficiaries in comparison with the number of people paying into the system.

Congress will have to address this problem, and should do so sooner rather than later—but, obviously, that will take time. In the meantime, our first priority should be to avoid making the problem harder. That means—Social Security's current surplus revenues should not be spent for any other purpose. That way, the Treasury Department will use these revenues to reduce the publicly-held debt. By paying down the debt, we will reduce the amount of interest the government otherwise would have to pay, freeing valuable resources and increasing our options to bolster Social Security for the future.

Congress also must avoid excessive and ill-targeted tax cuts that would endanger our ability to protect Social Security and Medicare and strengthen them for the future.

SAVING FOR RETIREMENT

Social Security is indispensable, but people will be better off if they can also have other sources of retirement income. So, we should make it easier for them to save and invest and accumulate assets. Previous action has led the way in several areas, and we can build on those foundations in some important ways, including—Increasing the amount that individuals can put into Individual Retirement Accounts (IRAs) and benefit from favorable treatment under the tax laws.

Enabling people to make additional contributions to 401(k) or similar retirement accounts, and making it easier to take full advantage of such retirement plans.

Making it easier for people to maintain their retirement accounts when they change jobs.

Making it more feasible for employers—especially small businesses—to establish and maintain retirement plans for their employees.

OTHER PROPOSALS

As we all know, both Vice President GORE and Governor George W. Bush, have proposed additional new initiatives. Under each, the federal government would assist people to set up, maintain, and benefit from individual investment accounts. But there is a big difference.

Under Governor Bush's plan, the federal assistance would come from allowing people to decide to divert part of their Social Security taxes into these accounts. In contrast, under the Vice President's plan general federal revenues—not Social Security revenues—would be used to add to the money people choose to put into tax-free individual savings accounts.

I am concerned about the effects of the Bush proposal on Social Security. Diverting revenues out of Social Security now will make it harder to maintain adequate guaranteed benefits in the future. And that effect is compounded because the diverted amounts cannot be used to pay down the debt, so it will be necessary to pay hundreds of billions of dollars in additional interest.

Those who support privatizing a portion of Social Security (the plan proposed by Governor Bush and by my Republican opponent, Ms. Carolyn Cox) claim that differences in benefits will be made up from the higher returns that can be earned by investing a portion of individual account balances in stocks and equities. But many economic forecasters have suggested that for this claim to be true, stock returns for the next 75 years will have to equal those of the last 75 years—a rate that seems unlikely to be sustained. It seems to me that to rely on that scenario would require a dramatic leap in faith that our national economic growth will continue the record pace of the last decade.

Moreover, the costs of administering individual retirement accounts have to be taken into account, and even conservative estimates suggest that these costs would be high enough to cut accumulations in individual retirement accounts by 20 percent over a worker's lifetime.

Diverting funds away from the Social Security Trust Fund strikes me as an unnecessary and potentially dangerous step in "reforming" Social Security. It has an element of risk in some ways similar to those involved in having the government invest the Trust Fund directly in the securities markets—which was one of the reasons I declined to support President Clinton's earlier proposal for such investments, even though the President at least tried to address the questions of stock market volatility.

In short, both the Bush plan and a similar one supported by my opponent, Ms. Cox, strike me as not the right way to proceed as we work for the long-term stability of Social Security.

I also have some questions about the Vice President's plan, but the fact it would not mean that kind of diversion—it is "Social Security plus," not "Social Security minus"—means that it would not start out by making it harder to assure that Social Security will continue to remain as the indispensable safety net for future retirees.

MACON IRON AND PAPER STOCK, INC.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Macon Iron and Paper Stock, Inc. today for their recent recognition by the Department of Labor. Macon Iron recently won the prestigious Director's Award for Safety at the annual Georgia Department of Labor's Health Safety and Environmental Conference.

State Labor Commissioner Michael Thurmond bestowed this award upon Macon Iron at the seventh annual meeting in Atlanta along with its sister companies General Steel, Industrial Alloy Supply, and Commercial Doors and Accessories.

This award is presented to companies for criteria involving safety performance, contributions to the community, the sharing of safety information, and civic responsibility. Macon Iron was chosen from almost 100 companies in the state of Georgia who participate in the labor department's safety awards program, and was selected for their exceptional safety programs.

I congratulate the employees of Macon Iron and its sister companies for their hard work and participation in making safety a top priority at work. The company is also to be commended for its endeavors to create a safe working environment for its staff. Macon Iron has exhibited great care for its people and should be an inspiration among the industry. In fact, the company has already taken steps to educate other businesses in the local area by holding safety seminars.

Mr. Speaker, I believe this accolade is well deserved. It is my hope that by honoring Macon Iron in this way and in recognizing the company's many accomplishments, we can make an example of them that other companies in the State of Georgia and throughout our great nation will strive to follow.

MEMORIAL TRIBUTE TO MARK HALLER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. NAPOLITANO. Mr. Speaker, I pay tribute to Mr. Mark Haller, an outstanding individual who passed away on October 10, 2000 at the age of 87.

Mr. Haller was born on June 27, 1913, of a Serbo-croation immigrant mother newly arrived in Steelton, Pennsylvania. Orphaned at the age of five when his mother passed away, Mr. Haller found himself surrounded with politically aware immigrant men from Central Europe while being raised by a foster mother in a boarding house. Mr. Haller left his foster home as a teenager and hitch-hiked to Seattle, Washington, where he became active in grassroots politics.

Mr. Haller was an active participant in the union movement, and the peace, civil rights and feminist movements of the 1960's. In 1961, Mr. Haller and his wife, Frankie, a very dear friend of mine, co-founded the Midway Democratic Club to function as an issues oriented Democratic Party Club. Since that time, the Midway Club has met every month, and until recently, the Midway Newsletter has featured Mr. Haller's monthly columns. For the last six years of his working life, he was union representative for the members of the Association of Western Pulp and Paper Workers at the Longview Fibre Company in Bell, California.

In addition to his passion for political activism, Mr. Haller was also well known for his dedication to his family. He is survived by Frankie, his wife of 52 years, his sons, Michael and Marko, granddaughter, Regina Allen, grandsons Michael and Kenneth, his dog, Buddha and cat, Snoopy.

Mr. Speaker, I ask my colleagues today to join me and Mark Haller's family and friends in paying tribute to an outstanding American whose lifelong dedication and zeal exemplified the highest ideals of citizenship.

SCIENTIFIC OPPORTUNITIES FOR YOUNG WOMEN

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. KELLY. Mr. Speaker, I rise today to recognize the need to attract young women towards scientific studies and to honor a program which encourages girls to pursue careers in this area.

Science and technology have taken on a large role in our society. The need for people skilled in these fields is critical to our future success, yet there is a disturbing trend—young women are shying away from science studies. Just 29 percent of high school girls say that they wish to become a scientist, half of the percentage of boys.

This dichotomy is what makes programs such as the IBM Technology Camp for Young Women so critical. Designed to show the importance of math, science and technology, the camps provide a positive image of these careers. There are currently five camps in three states encouraging the scientific talents of young women.

Schools now report that more girls are signing up for math and science courses. Parents and educators have noticed increased self-esteem among female students. Finally, this bond between employees and students continues through an e-mentoring program, allowing the interest to grow.

As a time when science plays an important role in our lives, I urge parents, teachers and businesses to help us foster the role of young women in science and commend IBM for its novel and innovative idea.

CONGRATULATIONS TO THE OLYMPIC ATHLETES OF SOUTH ORANGE/MAPLEWOOD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a group of hometown heroes as they are honored at a ceremony on October 20, 2000. We in New Jersey are so proud of the outstanding athletes in the South Orange/Maplewood community who competed in the Olympics in Australia. The OlympicFest 2000 Committee, an organization formed by members of the local community, are celebrating the unique contributions of the athletes of South Orange and Maplewood to the 2000 U.S. Olympic Team.

History was made in Australia when three members of a family presented the United States at the Olympics. South Orange/maplewood is home to Joetta Clark Diggs, Jearl Miles-Clark and Hazel Clark, who all competed in the 800-meter run. Jearle Miles-Clark won a gold medal in the 4 by 400 relay. Coaching the girls was J.J. Clark, brother of Hazel and Joetta, and husband of Jearles Miles Clark.

Also being honored at the ceremony is an outstanding athlete, Tom Auth of Maplewood who competed in lightweight 4 man sculls. Coach John Moon of Seton Hall whose team won 5 gold medals, I silver and I bronze, will be recognized for his achievements. Shana Williams of Seton Hall will be honored as the winner of a bronze medal in 1996 and a participant in the 2000 Olympics.

Mr. Speaker, I know my colleagues join me in sending our congratulations and best wishes to all of these fine athletes who exemplify the positive spirit of competition and striving for excellence in behalf of our country. As residents gather to honor them at "Olympic Square South Orange," we wish them continued success.

RECOGNIZING ROBERTA ROWE FOR A LIFETIME OF COMMUNITY SERVICE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. EMERSON. Mr. Speaker, I rise today to recognize one of my constituents who passed away several years ago after a long, rich life. The community is still impacted by her wonderful example of patience and kindness. I salute Mrs. Roberta Rowe who, 26 years after her passing, will have a park in Sikeston, MO, rededicated to her for her inspirational life.

Originally from Georgia, Mrs. Roberta Rowe came to Southeast Missouri with her five children, Mable, Alma, Eloise, Kathryn, and Carlton.

She soon became involved in her community as the leader of the Rainbow 4–H Club where she held meetings, arranged educational projects for the members and accompanied the club to Lincoln University every year for the annual state conference.

Mrs. Rowe was also an active member in Smith Chapel United Methodist Church throughout her life. She was a kindergarten teacher for the church, and often worked with the children in various activities. You could always find her cheerful spirit at a church function.

Always involved with the Bootheel community, Mrs. Rowe traveled with the Community Choir for monthly choir concerts in the African American Churches of the region. Monthly she would go to Benton along with her Smith Chapel friends, Mrs. Rosie Johnson, Mrs. Flora Holt, and Ms. Edna to learn about effective homemaking techniques through the University of Missouri Extension Club. She served as a teen supervisor during the summer, teaching them about lawncare and lawnscaping.

Although she did not complete high school herself, she pushed her children to pursue a strong education. Her twins, Carlton and Kathryn, completed college at Lincoln University, and the rest of her children spent time in college as well.

Mrs. Rowe's dedication to her family, her church, her community and education should be an inspiration to us all. Those who followed her example learned that "greatness comes from service." It is her greatness that is remembered in Sikeston, and by her family.

RABBI ISRAEL ZOBERMAN

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PICKETT. Mr. Speaker, Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim located in my congressional district in Virginia Beach, made the following statement upon the occasion of the historic visit by Cardinal William Keeler, Archbishop of Baltimore, to the congregation on October 8, 2000. His words, at this time of upheaval in the Middle East, are an important call for rapprochement and reconciliation between the religions and peoples of the world.

What a job and what a blessing to welcome into our grateful midst His Eminence Cardinal William Keeler, Archbishop of Baltimore, accompanied by our long-time friend, Bishop Walter Sullivan of Richmond. Particularly significant is the Cardinal's gracious presence on the eve of Yom Kippur, the Day of Atonement, the holiest day on the Jewish calendar, when we view our historical experience through a veil of tears, and our vulnerability and loneliness are so poignantly evident.

The Cardinal's heartfelt acceptance to join us, at a time Of mounting tension in the Middle East and his prayer for the peace of Jerusalem, are testimony to the great vision of the Roman Catholic Church which he so eminently represents, to offer God's essential gifts of healing and reconciliation to two world faith groups so intimately linked, yet so painfully separated for so long, too long. His friendly, thoughtful and reassuring words will long echo.

We recall with reverence the revolutionary strides made by the remarkable Pope John XXIII and the Second Vatican Council, along with the historic acts of the much beloved Pope John Paul II. New hope has been breathed among those holding Abraham to be their common father, respecting the Jewish covenant with the Divine while honoring its adherents whose suffering on its behalf extended for two millennia, culminating in the Shoah's immense tragedy. The Pope's recent visit to Jerusalem's Yad Vashern Holocaust Memorial and his profound message of compassion and consolation, along with the Holy Father's prayer at the Western Wall, the holiest Jewish shrine, are powerful symbols deeply appreciated and never to be forgotten, following upon the Vatican establishing diplomatic relations with the state of Israel in 1994.

Even as we pray for the well being of the aging and ailing Pope, loving and courageous witness to Poland's vineyard of the Jewish people turned into its graveyard during the Nazi onslaught, so do we appeal for fortifying and safeguarding his vast legacy of embrace with its boundless promise to finally transform the human family. Too much is at stake.

All religions have a golden opportunity to join forces for infusing a secular world and a materialistic environment, through moral persuasion, and never again through physical coercion, with an aspiring sacred call of the indivisible dignity of all God's children; affirming that indeed each one of us has been created in the Divine's own sacred image, which is the greatest human rights statement we share through the Hebrew Scriptures' eternal gift. Let us faithfully assert together that true freedom is born of spiritual responsibility.

TRIBUTE TO THE EXPERIMENT IN INTERNATIONAL LIVING PROGRAM

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. POMEROY. Mr. Speaker, last weekend more than 450 alumni of the Experiment in International Living, a global student exchange program, gathered for their first-ever annual reunion in Brattleboro, VT. The reunion commemorated the Experiment's 68 year history of helping young Americans break down national and cultural barriers and forge relationships that have sustained them over years and across thousands of miles.

Founded in 1932, the Experiment in International Living is now a program of World Learning, a widely respected international educational services organization. Every year, Experiment students travel to countries in Africa, Asia, the Americas, Europe, and Oceania as part of a summer abroad program. Through this exchange, Experimenters are immersed in the daily culture of a single place and its people as they embark on journey of cultural and personal discovery.

Mr. Speaker, I am personally invested in the success of the Experiment in International Living in part the program made a personal investment in me over 25 years ago. In 1973, I traveled to Yugoslavia and spent ten weeks with a host family through the Experiment in International Living program. Even as a 19-year-old college student, I recognized the life-changing effect this experience would have. Today, as a member of the House International Relations Committee, I can trace my strong interest in the Balkans in particular and international affairs more generally to those wonderful ten weeks. It is my great hope that I, along with my colleagues in the House, can help make it possible for thousands more young Americans to join the Experiment and participate in the life-changing journey that it embodies.

Finally, Mr. Speaker, I would like to congratulate World Learning, the Experiment in

International Living and its alumni for their remarkable success in forging international connections. As attendees of last weekend's reunion can attest, the Experiment in International Living teaches young people to understand the differences that sometimes divide us while recognizing the common bonds that make us all part of the human family.

TRIBUTE TO THE HONORABLE JOHN E. PORTER, MEMBER OF THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HASTERT. Mr. Speaker, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) for arranging a special order to honor an outstanding colleague of mine, Congressman JOHN EDWARD PORTER, for his twenty years of service in the U.S. House of Representatives. It has been an honor and a privilege to serve alongside him for 14 of those years.

In my time working with JOHN, one thing became perfectly clear and that's his dedication to improving medical research. Serving as Chairman of the Labor-HHS Subcommittee on Appropriations he has been the greatest champion of this cause. JOHN knows the important role the NIH plays in saving lives and conquering diseases such as diabetes, cancer, AIDS and alzheimers, and has made it a top priority to ensure the NIH has all the necessary resources to achieve these goals.

JOHN has also been one of the most fiscally responsible members of this House. In fact, when I was a new Member, there was a three-year period when JOHN offered budget plans to try and impose a sense of fiscal responsibility on Congress. I am pleased to say that as JOHN leaves us, the fiscal outlook of the federal government has never looked better.

Although it is often overshadowed by his dedication to medical research, JOHN has been an important leader of the "Green Republicans" in the House. He has been a staunch supporter of the Clean Air and Clean Water Acts, and has helped to enact important legislation to halt the unregulated export of waste and the destruction of tropical rainforests, as well as helped to set new standards for recycling and energy efficiency. He has also been an advocate for his district residents suffering from flood damage. For his leadership on these issues, John has received numerous awards from environmental organizations all over the world.

Speaking of world issues, I have had the opportunity to serve as a member of the Congressional Human Rights Caucus, which JOHN co-founded and currently chairs. This is an important association of Congressmen that work together to monitor and end human rights violations around the world.

While it is true that JOHN has been a strong advocate for each of these causes, more importantly, he has been the people's champion in his service of the 10th District of Illinois. He has addressed countless infrastructure needs, most recently bringing Metra rail service from Chicago out to Lake County. He has been a great supporter of the Palwaukee and Waukegan Airports by securing FAA improvement grants to provide better service for his constituents. And he has obtained funding to clean up and restore Waukegan harbor and the Skokie Lagoons.

JOHN EDWARD PORTER has served this House with the utmost distinction and will be forever remembered for his work on behalf of biomedical research, environmental and human rights, and fiscal responsibility. He will be deeply missed by his constituents in Illinois, the Illinois delegation, and everyone who's known and worked with him over the last twenty-plus years. I wish him and his family the very best in the upcoming years.

RECOGNIZING JOSEPH EMERSON OF ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize Joseph Emerson, who has recently been appointed Postmaster of Rome, Georgia.

Postmaster Emerson began his postal career in Rome, Georgia as a PTF carrier in 1961. He was promoted to Assistant Carrier Station Superintendent, and since his promotion he has served as a supervisor in mail processing and delivery, Superintendent of Postal Operations, and Officer-in-Charge assignments.

Mr. Emerson's dedication to excellence makes him a role model for his family and coworkers, and I am pleased to honor his impressive accomplishments and wish him well as he begins his service as United States Postmaster in Rome, Georgia.

INTRODUCTION OF THE NATIVE AMERICAN EQUAL RIGHTS ACT OF 2000

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to introduce the "Native American Equal Rights Act of 2000."

Most Americans believe that ours should be a color-blind society in which an individual's merit, not his or her race, is the determining factor in whether that individual climbs the ladder of success to achieve the American dream. Most Americans, therefore, oppose any racial preferences in our Nation's laws. Most Americans would be surprised, therefore, to learn that non-Indians may be lawfully discriminated against under what are known as "Indian preference laws."

The Federal Indian preference laws do three things. First, Federal law allows discrimination against all non-Indians with respect to employment at the Bureau of Indian Affairs and the Indian Health Service. Second, Federal law allows discrimination against all non-Indians with regard to certain Federal contracts. Third and finally, Federal law provides an exception to the civil rights laws that allows discrimination against all non-Indians in employment at the two Federal agencies and with respect to contracts.

Mr. President/Mr. Speaker, African-Americans, Asian-Americans, and white Americans should have the same rights to compete for jobs at the Bureau of Indian Affairs and the Indian Health Service that Indians do. Likewise, all Americans should have equal rights, regardless of race, to compete for Federal contracts. Finally, the civil rights laws should protect all Americans equally from the scourge of discrimination. That is why I believe that the Indian preference laws are wrong.

A recent decision by the Supreme Court of the United States has called the constitutionality of Indian preference laws into serious question. On February 23, 2000, the Supreme Court handed down its decision in Rice v. Cayetano. The case involved a challenge to a law of Hawaii that limits the right to vote for trustees of the Office of Hawaiian Affairs to persons who are defined under the law as either "Hawaiian" or "native Hawaiian" by ancestry. Harold Rice, who was the plaintiff in the case, is a citizen of Hawaii who nevertheless does not qualify, under the Hawaii law, as "Hawaiian" or "native Hawaiian." Mr. Rice sued Hawaii because he believed that this law deprives him of his constitutional right to vote because of his race.

The U.S. District Court for Hawaii rejected Mr. Rice's claim. In doing so, the District Court argued that the Congress and native Hawaiians have a guardian-ward relationship that is analogous to that which exists between the U.S. government and Indian tribes. Based on this analogy, the District Court determined that the Hawaii is entitled to the same constitutional deference that the Supreme Court has shown towards the Congress when it enacts laws under its authority over Indian affairs.

The U.S. Court of Appeals for the Ninth Circuit affirmed the District Court's decision. Mr. Rice asked the Supreme Court review his case. The Court agreed to do so.

By a vote of 7–2, the Supreme Court reversed the decision of the Court of Appeals and ruled in Mr. Rice's favor. In his opinion for the Court, Justice Kennedy rejected the lower courts' use of the analogy of the Hawaii law limiting voting rights to the Federal laws granting preferences to Indians.

Under the Federal Indian preference laws, individuals who have "one-fourth or more degree Indian blood and. . . [are] members of a Federally-recognized tribe" are given preferences with respect to hiring and promotions at the Bureau of Indian Affairs of the U.S. Department of the Interior, as well as with regard to employment and subcontracting under certain Federal contracts. The Supreme Court upheld the Indian preference laws in its 1974 decision in a case called Morton v. Mancari. Even though the Indian preference laws clearly have the effect of giving one race an advantage over others, the Mancari Court held that they are "political rather than racial in nature" because they are not "directed towards a 'racial' group consisting of 'Indians,' but rather only to members of 'federally recognized' tribes."

In his opinion for the Supreme Court in Rice, Justice Kennedy said that Hawaii had tried to take the Mancari precedent too far. "It does not follow from Mancari," Justice Kennedy wrote, "that Congress may authorize a State to establish a voting scheme that limits the electorate for its public officials to a class of tribal Indians, to the exclusion of all non-Indian citizens."

In a technical legal sense, in the Rice case the Supreme Court did not reconsider its ruling in the Mancari case that the Indian preference laws are constitutional. Instead, the Court avoided the issue by attempting to draw a distinction between the Indian preference law from the Hawaii voting rights law.

In a broader philosophical sense, though, the Rice decision seriously calls into question the constitutionality of the Indian preference laws. The racial preference for voters in Hawaii that the Court held to be unconstitutional clearly was politically and not racially motivated. The Court found, however, that a well-meaning political motivation behind a law that has the effect of favoring one race over another does not make it constitutional. Likewise, it is clear that what motivated the Congress to pass the Indian preference laws was not racism, but rather political favoritism. The effect of the Indian preference laws, though, is no less to favor one race over all others than was the case with the Hawaii voting rights law. Under Rice, this political motivation should not save the Indian preference law from being found to be unconstitutional for the same reason as was the Hawaii law.

In an insightful opinion article in The Washington Times on May 5, 2000, Thomas Jipping, Director of the Free Congress Foundation's Center for Law and Democracy, recognized the inconsistency between the Supreme Court's decisions with respect to the Indian preference laws and the Hawaii voting rights law. "Either it is legitimate to avoid the Constitution," Mr. Jipping wrote, "by relabeling a racial preference [as a political one] or it is not." "Gimmicks such as relabeling or declaring the context in which a case arises as 'unique' [are] simply not sufficient to overcome a constitutional principle so fundamental and absolute." "Both the U.S. District Court and the U.S. Court of Appeals in this case believed that Hawaii's relationship with Hawaiians is similar to the United States['s] relationship with Indian tribes," Mr. Jipping noted. "They were right and the U.S. Constitution applies to both of them," he asserted. "Rather than preserve a precedent through verbal sleight-of-hand," Mr. Jipping concluded, "the Supreme Court should have said the fundamental constitutional principle that decided Rice also calls its precedent in Mancari into question."

Mr. Speaker, it is absolutely clear to me that statutory provisions that grant special rights to Indians with respect to employment, contracting, or any other official interaction with an agency of the United States are racial preference laws. Racial preference laws are fundamentally incompatible with the equal protection of the laws that is provided to all Americans by the Constitution. The Constitution simply does not tolerate racial preferences of any kind, for any reason.

The Congress, no less than the Supreme Court, has a duty to uphold the Constitution of the United States. We should not wait for the Supreme Court to recognize the very serious constitutional mistake it made when it upheld the constitutionality of the Indian preference laws. Congress should repeal the Indian preference laws now.

The legislation that I am introducing today, the "Indian Racial Preferences Repeal Act of 2000," does just that. I ask unanimous consent for the full text of my bill, as well as a section-by-section analysis, to be printed in the RECORD immediately following the conclusion of my remarks.

IN HONOR OF THE CYPRIOT PARTICIPANTS IN THE WORLD MARCH OF WOMEN 2000

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the 75 Cypriot women participating in this week's World March of Women 2000. The World March of Women is an annual event that occurs in my district that focuses on ending worldwide poverty and violence against women. Women from around the world participated in the march and a great number of them were from Cyprus, representing twenty-four Cypriot Women's Associations and Labor Syndicates. The march took place in front of the United Nations Building where the participants met with U.N. Secretary General Kofi Annan. On October 17, 2000, the official International Day for the Eradication of Poverty, was a time to acknowledge the grave disparities in economic prosperity throughout the world as well as the disturbing issue of violence against women.

The Cypriot participants, hoping to bring attention to the twenty-six year conflict on their Mediterranean island, urged the U.N. and its member states to take concrete measures toward finding a just and peaceful resolution to Cyprus.

Twenty-six years ago, Turkey invaded the northern section of Cyprus. Today, there is still a barb-wire fence, known as the Green Line, that cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations. The Cypriot women came to New York to raise their voices against the years of injustice and seek action toward a final resolution to the divided island.

The Cypriot women also raised the question on many families' minds, "Where are the missing Greek Cypriots?" More than 1600 Cypriots and five Americans have been missing since 1974. They have never been seen or heard from since their capture 26 years ago. Families have waited long enough to hear the truth.

Throughout my years in Congress, I have ardently supported democratic rule of Cyprus. The United Nations has also passed several resolutions calling for democracy in Cyprus. However, even after the passage of resolutions and international meetings between Cyprus and the Turkish-Cypriots, peace is still elusive.

Mr. Speaker, I not only salute these courageous Cypriot women, but I also would like to pay tribute to each one of the participants of the World March of Women 2000. These brave women recognize the plight of women throughout the world. The women participating in the World March encourage international solidarity among women and the development of unique ideas and real solutions to end the troubling state of women in every nation of the globe.

These women deserve our respect for their courage in bringing their concerns before the United Nations and the international community. I sincerely hope that the concerns of the Cypriot women, as well as the concerns of all the women participating in this important event, are addressed by the international community. With a little determination and hope, we will all one day live in a world of peace and one where poverty and violence against women are creatures of the past.

PERSONAL EXPLANATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, on rollcall No. 534, had I been present, I would have voted "yea."

GROSSMAN HONORED AFTER 29 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Howard J. Grossman, executive director of the Economic Development Council of Northeastern Pennsylvania, who is retiring on Oct. 31 after more than 29 years of serving in that capacity.

The Council serves Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, and Wayne counties. Howard came to the region on June 21, 1971, after serving as Deputy Director of the Montgomery County Planning Commission in Norristown. He has served Northeastern Pennsylvania well, with much significant progress having been made under his tenure.

Howard's accomplishments and achievements are too numerous to mention, but I would like to highlight just a few examples of how his leadership has helped the region through his work at EDCNP.

Following the devastation wrought by Hurricane Agnes in 1972, EDCNP was one of the leading organizations to plan our area's long-range flood recovery.

Under his leadership, the council has also participated in the creation of the Montage development in Lackawanna County, which has been termed the most extensive and best development of its kind in the region and perhaps the East Coast. The council also established the Regional Enterprise Development

Program, which assists many companies in the region with low-interest loans, technical assistance in procurement, exporting and international trade, and has used community development banking to assist small businesses.

I have known Howard Grossman since he first came to the area and have worked closely with him on many projects over the years. In recent years, he may be best known for his leadership of the community effort to keep the Tobyhanna Army Depot open when it was threatened by the base closing commission.

He helped to organize thousands of volunteers to demonstrate their appreciation for this vitally important community asset, and I will never forget the sight of hundreds of people holding signs and blue ribbons as Congressman Joseph McDade and I traveled with the commission members to Tobyhanna. I am especially grateful for the assistance that Howard provided in preparing the winning application for the Upper Susquehanna-Lackawanna watershed, which led to its designation as an American Heritage River.

Mr. Speaker, like his accomplishments and achievements, Howard's awards and positions of leadership in the community are too numerous to list them all, but please allow me to mention a few as examples of his long and distinguished service.

He has received the J. Roy Fogle Award from the National Association of Development Organizations as the Outstanding Executive Director of a Multi-County Planning and Development Organization, the Professional Planner of the Year award from the Pennsylvania Planning Association and the Distinguished Leadership Award for a Professional Planner from the American Planning Association. Howard also served as a member of the Ben Franklin Partnership Board for 11 years under Pennsylvania Governors Dick Thornburgh and Robert P. Casey.

Howard has been President of many nonprofit organizations in the region and state, was a founder of the Pennsylvania Association of Non-Profit Organizations, and was President of the Eastern Pennsylvania BAHIA Brazil Partners of the Americas, a national partnership that took over the Kennedy Alliance for Progress Initiative in 1965. This partnership continues today. He has also served in many other national, state, regional and local capacities, and plans to stay active with many of the organizations with which he has been associated in the region.

As David Donlin, president of EDCNP, said in announcing Howard's retirement, speaking for many in the region, "We will miss his leadership and guidance as the Council moves into the 21st Century with a strong view toward continuing its goals and mission: to be the regional advocate, catalyst, innovator, and promoter of economic growth and the highest quality of life in Northeastern Pennsylvania."

Mr. Speaker, I send my best wishes to Howard Grossman on the occasion of his retirement as executive director of the EDCNP.

PROTECTING OUR CHILDREN FROM DRUGS ACT OF 2000

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the Protecting Our Children From Drugs Act. This bill increases the mandatory minimum sentences for using minors to distribute illicit drugs, distributing illicit drugs to minors and drug trafficking in or near a school. In addition, this bill increases the mandatory minimum sentence for individuals convicted of using minors to distribute illicit drugs. Perhaps, more importantly, this bill cracks down on those who distribute illicit drugs near schools.

Our children cannot learn in an environment that is infested with drug use. To use children to sell drugs is not only disturbing and outrageous, but cruel. Such illicit distribution in our schools deprives our youth of the safe, healthy, and growth-inducing environment they need to learn and become valuable and productive members of our national labor force. Worst of all, this activity strips our children of their innocence and hope.

Among eighth graders alone, the rate of marijuana use tripled in 1996, and the marijuana of today is 15 times more potent than the marijuana used in the 1970s. But even more lethal, cocaine, heroin and methamphetamines are the drugs that are tearing apart families and ruining communities throughout the country and in my state.

California has the worst methamphetamine problem in the country. Over the past few years, there has been a significant increase in methamphetamine use, especially in Los Angeles. From 1990 to 1994, the admissions of Los Angeles residents to addiction treatment centers jumped from 700 to 2,250. That is more than a 30% increase, and this number only includes those who have received treatment. At any given time during the month, some 13,100 Californians who have sought treatment cannot get it because they are placed on waiting lists, which can last from three to sixty days.

The Protecting Our Children From Drugs Act can help change these numbers by enacting tougher laws to stop drug traffickers from reaching our children. Ensuring that law enforcement resources, parents, teachers, and churches come together to prevent the distribution of drugs to youth is critical to lowering the rate of drug use in the entire community. The possibility of a child who reaches adulthood without using drugs, who then tries drugs as an adult is statistically zero. That is why cracking down on drug criminals reaching out to children is vital to winning the war on drugs. In our effort to maintain and improve the social fabric of all of our communities throughout the country, I encourage my colleagues to join me in voting for the Protecting Our Children From Drugs Act.

AMERICANS NEED A BIPARTISAN PRESCRIPTION DRUG COVERAGE PLAN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MORELLA. Mr. Speaker, data from a poll conducted by the Kaiser Family Foundation and Harvard University showing that health care is one of the top concerns among voters this election year. In the survey more than 50% identified health care or Medicare as the "important issue in deciding their presidential vote," surpassing their concerns about the economy, crime, jobs, the budget and education. Among the issues cited as most pressing, prescription drug costs and the need for a benefit within Medicare were mentioned most frequently. Unfortunately at this time, there is little bipartisan consensus on the best way to achieve this solution in Congress. Both Republicans and Democrats have offered prescription drug proposals neither is the solution to the expanding Medicare prescription drug problem.

Recently, two hastily conceived prescription drug plans came before the House for a vote. The Republican plan depended on private insurers to offer coverage to beneficiaries. Unfortunately, many private insurers were hesitant to offer a drug only benefit. In fact, the President of the Health Insurance Association of America testified in front of Congress that "they would not sell insurance exclusively for drug costs." His assessment proved well-founded as only one plan initially expressed interest when the Republican plan was proposed.

In the Democratic proposal, a catastrophic drug benefit would not have been available until 2006. In addition, it forced implementation of a new Medicare prescription drug benefit upon the already overburdened Health Care Financing Administration (which oversees Medicare) without giving them the necessary resources and flexibility to oversee Medicare fee for service, Medicare+Choice, and a new prescription drug plan.

In our haste to show that we would construct prescription drug legislation, we sacrificed bipartisan deliberations for "partisan one-upmanship." It is abundantly clear that people want a prescription drug bill but passing flawed legislation to deflect criticism will only exacerbate the situation and erode confidence in government. I echo the sentiments of the American Association of Retired Persons (AARP), which also has concerns about both of the proposed prescription drug benefit plans, when they wrote. "A solution that can stand the test of time will require true bipartisanship."

Now while we consider how to best devise a comprehensive Medicare prescription drug plan, we can at least pass legislation which takes a first valuable step towards that goal.

H.R. 1796, the "Medicare Chronic Disease Prescription Drug Benefit Act," of which I am a sponsor with Congressman CARDIN, would supply Medicare prescription drug coverage to over 30 million seniors. By initially focusing on the most common chronic diseases which can be controlled with medication—heart disease, diabetes, high blood pressure, clinical depression, and rheumatoid arthritis—its objective is to reduce complications and unnecessary hospitalizations, making it possible for seniors with these ailments to take their medication regularly, and to mitigate high costs for the seniors who spend the most on medication.

In addition, I supported the amendments to the Agriculture Appropriations bill which would allow for the bulk re-importation of FDA approved prescription drugs from FDA approved facilities in Canada and Mexico. These amendments, which had the overwhelming support of both the House and Senate, are a free market solution that increases choices and lowers the costs of prescription drugs for all Americans. Enactment of these bipartisan measures would enable more seniors to have access to safe and effective prescription drugs.

Neither H.R. 1796 nor the re-importation amendments are the final solution to the prescription drug crisis but they are critically important first steps.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members, copies of letters between the Committee on Resources, and TOM BLILEY, Chairman, Committee on Commerce, regarding the jurisdiction of S. 964.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, October 17, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR DON: I am writing with regard to S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act. I understand that this legislation, as considered by the House, includes the text of S. 2439, a bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes. As you know, S. 2439 falls within the exclusive jurisdiction of the Committee on Commerce pursuant to Rule X of the Rules of the House of Representatives.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction over S. 964. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on S. 964 or similar legislation.

I request that you include this letter and your response as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 18, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the amendments to S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act. You are correct that the amendment to that bill includes the text of S. 2439, a bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes. S. 2439 was referred to the Committee on Commerce.

The Alaska Intertie system is critically important to my constituents, so I appreciate your willingness not to insist on a referral of S. 964 so that it can be voted on by the House of Representatives today. I agree that your forbearance does not affect any jurisdictional interest that you would have in S. 964 as amended, and if a conference on the bill becomes necessary, I would support your request to have the Committee on Commerce be represented on the conference committee.

Thank you again for your cooperation on this matter and on many others during my service as Chairman of the Committee on Resources. It has been a privilege and a pleasure working with you and your staff these last six years.

Sincerely,

DON YOUNG,
Chairman.

TRIBUTE TO THE HONORABLE JOHN E. PORTER, MEMBER OF THE HOUSE OF REPRESENTATIVES

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. HYDE. Mr. Speaker, it is with a deep feeling of gratitude mixed with a profound sense of loss that we bid farewell to our most valued colleague, JOHN EDWARD PORTER. His retirement from this Congress is well earned, but because he is a unique person he is literally irreplaceable.

He has brought his rare gifts of intelligence and compassion to bear together with a prodigious work ethic to bear on some of the most consequential problems faced by a free people. His leadership, over the many years, of the Subcommittee on Labor, Health and Human Services has been unmatched in the history of the Appropriations Committee. Justice and humanity have animated all his work, and JOHN is one Congressman who has added credibility and idealism and generosity of spirit to this Congress.

A gentleman in the fullest sense of the term, a deeply thoughtful person possessed of the largest heart and soul of anyone I have ever met, I wish him a tranquil sea and that he might know in what high esteem he is held by all fortunate enough to call him friend.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. KOLBE. Mr. Speaker, on October 18, 2000 the House debated and voted on H. Res. 631, "Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000", H. Con. Res. 415, National Children's Memorial Day, and H.R. 3218, the Social Security Number Confidentiality Act. Had I been present, I would have voted "yea" on H. Res. 631, (rollcall vote No. 531), "yea" on H. Con. Res. 415 (rollcall vote No. 532), and "yea" on H.R. 3218 (rollcall vote No. 533).

INTRODUCTION OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTI-DISCRIMINATION AND RETALIATION ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SENSENBRENNER. Mr. Speaker, as the Chairman of the Committee on Science, I believe open discourse at federal agencies is necessary for sound science. Intolerance inhibits, if not prevents, thorough scientific investigation.

Accordingly, I was very disturbed by allegations that EPA practices intolerance and discrimination against its scientists and employees. For the past year, the Committee on Science has investigated numerous charges of retaliation and discrimination at EPA, and unfortunately they were found to have merit.

The Committee held a hearing in March 2000, over allegations that agency officials were intimidating EPA scientists and even harassing private citizens who publicly voiced concerns about agency policies and science. While investigating the complaints of several scientists, a number of African-American and disabled employees came to the Committee expressing similar concerns. One of those employees, Dr. Marsha Coleman-Adebayo, won a $600,000 jury decision against EPA for discrimination.

It further appears EPA has gone so far as to retaliate against some of the employees and scientists that assisted the Science Committee during our investigation. In one case, the Department of Labor found EPA retaliated against a female scientists for, among other things, her assistance with the Science Committee's work. The EPA reassigned this scientist from her position as lab director at the Athens, Georgia regional office effective November 5, 2000—a position she held for 16 years—to a position handling grants at EPA headquarters. In the October 3 decision, the Department of Labor directed EPA to cancel the transfer because it was based on retaliation.

EPA's response to these problems has been to claim that they have a great diversity program. Apparently, EPA believes that if it hires the right makeup of people, it does not matter if its managers discriminate and harass those individuals.

Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer. EPA, however, does not appear to do this. EPA managers have not been held accountable when charges of intolerance and discrimination are found to be true. Such unresponsiveness by Administrator Browner and the Agency legitimizes this indefensible behavior.

To assure accountability, I have introduced the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) of 2000, H.R. . Federal employees with diverse backgrounds and ideas should have no fear of being harassed because of their ideas or the color of their skin. This bill would ensure accountability throughout the entire Federal Government—not just EPA. Under current law, agencies are held harmless when they lose judgments, awards or compromise settlements in whistleblower and discrimination cases.

The Federal Government pays such awards out of a government wide fund. The No FEAR Act would require agencies to pay for their misdeeds and mismanagement out of their own budgets. The bill would also require Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress on the number of discrimination and whistleblower cases within each agency. Additionally, each agency would have to report on the total cost of all whistleblower and discrimination judgments or settlements involving the agency.

Federal employees and Federal scientists should have no fear that they will be discriminated against because of their diverse views and backgrounds. H.R. is a significant step towards achieving this goal.

INTRODUCTION OF THE ‘CELLULAR TELECOMMUNICATIONS DEPRECIATION CLARIFICATION ACT’

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. CRANE. Mr. Speaker, I am pleased to join with Rep. NEAL and Ms. JOHNSON, Ms. DUNN, and Mr. JOHNSON of the Committee on Ways and Means in introducing the "Cellular Telecommunications Depreciation Clarification Act." This legislation will amend the Internal Revenue Code to clarify that cellular telecommunications equipment is "qualified technological equipment" as defined in section 168(i)(2).

When an asset used in a trade or business or for the production of income has a useful life that extends beyond the taxable year, the costs of acquiring or producing the asset generally must be capitalized and recovered through depreciation or amortization deductions over the expected useful life of the property. The cost of most tangible depreciable property placed in service after 1986 is recovered on an accelerated basis using the modified accelerated cost recovery system, or MACRS. Under MACRS, assets are grouped into classes of personal property and real property, and each class is assigned a recovery period and depreciation method.

For MACRS property, the class lives and recovery periods for various assets are prescribed by a table published by the Internal Revenue Service found in Rev. Proc. 87–56, 1987–2 C.B. 674. This table lists various Asset Classes, along with their respective class lives and recovery periods. Rev. Proc. 87–56 does not specifically address the treatment of cellular assets, but rather addresses assets used in traditional wireline telephone communications.

These wireline class lives were created in 1977 and have remained basically unchanged since that time. In 1986, Congress added a category for computer-based telephone switching equipment, but there are no asset classes specifically for cellular communications equipment in Rev. Proc. 87–56. This is largely due to the fact that the commercial cellular industry was in its infancy in 1986 and 1987. Since the cellular industry was not specifically addressed in Rev. Proc. 87–56, the cellular industry has no clear, definitive guidance regarding the class lives and recovery periods of cellular assets. Therefore, the Internal Revenue Service and cellular companies have been left to resolve depreciation treatment on an ad hoc basis for these assets as the industry has rapidly progressed.

The result is that both cellular telecommunications companies and the Internal Revenue Service are expending significant resources in auditing and settling disputes involving the depreciation of cellular telecommunications equipment. This process is obviously costly and inefficient for taxpayers and the Service, but it also leaves affected companies with a great deal of uncertainty as to the tax treatment, and therefore expected after-tax return, they can expect on their telecommunications investments. A standardized depreciation system for cellular telecommunications equipment would eliminate the excessive costs incurred by both industry and government through the audit and appeals process, and would eliminate an unnecessary degree of uncertainty that is slowing the expansion of our national telecommunications systems.

The Treasury Department's recently released "Report to the Congress on Depreciation Recovery Periods and Methods" tacitly acknowledges this point. In its discussion about how to treat assets used in newly-emerging industries, such as the cellular telecommunications industry, the report states:

> [t]he IRS normally will attempt to identify those characteristics of the new activity that most nearly match the characteristics of existing asset classes. However, this practice may eventually become questionable in a system where asset classes are seldom, if ever, reviewed and revised. The cellular phone industry, which did not exist when the current asset classes were defined, is a case in point. This industry's assets differ in many respects from those used by wired telephone service, and may not fit well into the existing definitions for telephony-related classes.

Rather than force cellular telecommunications equipment into wireline telephony "transmission" or "distribution" classes, a better solution would clarify that cellular telecommunications equipment is "qualified technological equipment." The Internal Revenue Code currently defines qualified technological equipment as any computer or peripheral equipment and any high technology telephone station equipment installed on a customer's premises.

The cellular telecommunications industry has been one of the fastest growing industries in the United States since the mid-1980s, as evidenced by the following statistics:

The domestic subscriber population has grown from less than 350,000 in 1985 to 86 million by 1999, and is projected to grow to 175 million by 2007.

The industry directly provided 4,334 jobs in 1986, which grew to over 155,000 directly provided jobs and one million indirectly created jobs by 1999.

Capital expenditures on cellular assets exceeded $15 billion in 1999.

The rapid technological progress exhibited by the cellular telecommunications industry illustrates how the tax code needs to be flexible to adapt to future technologies and technological changes. Continued rapid advancement is on the horizon, including wireless fax, high-speed data, video capability, and a multitude of wireless Internet services. It is impossible in 2000 to anticipate properly the new equipment that will support this growth even two years hence.

For further information on this I refer my colleagues to the testimony of Ms. Molly Feldman, Vice-President-Tax of Verizon Wireless before the House Committee on Ways and Means, Subcommittee on Oversight. Ms. Feldman's testimony provides an excellent overview of the industry, its history, and the reasons why this bill is so important. I urge my colleagues to support this important clarification to the tax law.

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) IN GENERAL.—Subparagraph (A) of section 168(i)(2) of the Internal Revenue Code of 1986 (defining qualified technological equipment) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by inserting after clause (iii) the following new clause:

"(iv) any wireless telecommunications equipment."

(b) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—Section 168(i)(2) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—For purposes of this paragraph, the term "wireless telecommunications equipment" means all equipment used in the transmission, reception, coordination, or switching of wireless telecommunications service. For this purpose, "wireless telecommunications service" includes any commercial mobile radio service as defined in Title 47 of the Code of Federal Regulations.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

THREATS TO FINANCIAL FREEDOM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. PAUL. Mr. Speaker, I recently had the pleasure of hearing remarks made by our former House colleague, Bob Bauman of Maryland, at a meeting of the Eris Society in Colorado. Since his talk centered on banking, financial and related privacy issues pending before the Congress, I want to share his view with the House as an informed statement of the threats to financial freedom posed by the Clinton administration's policies.

Mr. Bauman, the author of several books on offshore financial topics, serves as legal counsel to The Sovereign Society (http://www.sovereignsaociety.com), an international group of citizens concerned with the government encroachment on financial freedom.

Remarks of Robert E. Bauman, Eris Conference, Durango, Colorado, August 12, 2000.

THE NEW IMPERIALISM: THE ATTACK ON WORLD TAX HAVENS

I take as my theme two quotations, one from the Gospel of St. Matthew, 20:15—"Do not I have the right to do what I want with my own money?"

The second is from Mayer Amschel Rothchild (1743–1812), founder of the famous banking dynasty, the House of Rothchild, who said: "Give me control over a nation's currency and I care not who makes its laws." Both quotes have relevance to what I have to say.

WEALTH IS SUSPECT

If you are fortunate enough to fall into the estimated group of six million millionaires worldwide now in existence, a number noted in a study by Merrill Lynch last year, you automatically may be a criminal suspect.

I say "suspect" because Citibank views these wealthy people, who control approximately 21 trillion-six hundred billion dollars, as potential financial criminals simply because of their wealth. Citibank announced last year that their 40,000 private banking clients, each of whom had to prove a personal net worth of $3 million in order to qualify for the bank's services, are watched every minute of every day to see if they may be engaged in money laundering or other financial crimes. I am certain other banks do as well.

The constant surveillance is accomplished, as is most privacy invasion these days, by a special banking computer software program called "America's Software" which allows every transaction in any account to be watched constantly. It produces a daily record for bank officials, who now have certain obligations imposed by US law that require the reporting of "suspicious activities" to federal agents. Transfers of large amounts of cash or other unusual account activity rings alarm bells and results in an investigation not revealed to the "suspect" banking client under penalty of law.

We can conclude from this Draconian arrangement, for one thing, that a person of great wealth who establishes a private banking relationship with a major bank now is presumed to be a possible criminal; that accumulated wealth is not treated as potential evidence of crime; that in this instance, the traditional American constitutional presumption of innocence has been reversed; that the American banking system is no longer safe for even honest people of wealth who simply value their privacy.

IT'S OFFICIAL: OFFSHORE MEANS CRIME

I was at a conference on April 22, 1999 in Miami sponsored by the respected publication, Money Laundering Alert. Lester Joseph, Assistant Chief of Asset Forfeiture and Money Laundering for the Criminal Division of the U.S. Department of Justice, said that the U.S. Government officially views any offshore financial activity by US persons—any offshore financial activity—especially the use of tax havens, as potential criminal money laundering activity.

Now, it's quite obvious that financial activities in which a person engages when wealth is moved offshore for asset protection, for broader investment potential, for any number of legitimate reasons, for possible tax savings, any of these moves, are innocent in themselves. Former Secretary of the US Treasury, Robert Rubin, admitted in congressional testimony last year, it is the intention behind these innocent financial moves that government agents want to police for possible criminal investigation and prosecution.

So now we have the government money police targeting normal financial activities that until recently have been perfectly legal, simply because a person decides in his own best interests, to go offshore. We all know that in the US, African-American, Latino, Asian-American and other racial minorities have been unfairly subject to police "profiling." Add to that list of "presumed guilty," Americans who engaged in offshore financial activity.

I'm not a defender of wealth per se. I wish I had wealth to defend, but I am a defender of freedom. There can be no freedom, personal or otherwise, without wealth, without the right to own and use one's own property as one see fit. Remove property rights and you have no means to sustain life for yourself or your family. But now the acquisition and accumulation of productive wealth has become officially suspect in America.

WAR OF DRUGS=WAR ON WEALTH

For the last 20 years the policies adopted by the United States and allied governments have constituted a stealth war against wealth and against financial privacy. While the free flow of capital is extolled as appropriate and essential, the governments of major nations have turned upside down the traditional role of banks and banking. As a child I was made to believe that the people you dealt with at your bank and other financial institutions were fiduciaries to whom you could entrust your money.

Now we have what I call the "Nazification" of the financial system, not only in America but worldwide. I don't use that term lightly. As a matter of historic fact, the civil forfeiture laws in this country mirror in many major respects the Nazi forfeiture laws that were used to confiscate the property of the Jews. I am a member of the board of directors of Forfeiture Endangers American Rights, (www.fear.org on the Internet) and you can find out more information.

The genesis of this "wealth=crime" policy can be found in that infamous political and moral failure, the so-called "war on drugs." One of the primary weapons of this ill-begotten war has been civil forfeiture, where police seize cash and property based on rumor or hearsay. In 80% of the cases, the owner is never charged with any crime, but usually the police keep the loot. Many police have long since turned their attention away from drugs, and instead pursue the cash and property they use to lard their budgets. Thankfully, my former colleague, Henry Hyde of Illinois, led the successful legislative battle for some much needed civil forfeiture reform which recently became law.

AN ALL-PURPOSES NEW "CRIME"

As part of the drug war that progressed and expanded (but is never victorious), the catch all crime of "money laundering" was invented: an all purpose federal prosecutors' dream. The anti-money laundering statutes that have grown like a malignancy. Charges of money laundering now routinely are shown in with almost every possible criminal indictment, often as a bargaining chip and/or a means to confiscate the wealth of the accused even before trial. Try hiring a good defense attorney when your bank account has been frozen.

Laws enacted under the banner of the war on drugs intentionally have forced bankers to become spies for the federal financial police. The bankers' primary allegiance now is not to customers or clients, but to the government.

At the Miami conference, scores of bank officials were instructed how to question clients, watch account activity, and report any "suspicious activity". Suspicious activity reports (SARs) are filed by the tens of thousands every month, produce voluminous computer records, encourage potential criminal investigations, allow prosecutors to bully citizens, but in the end very few SARs put criminals in jail. What this success process has produced is the mushrooming of federal prosecutorial staffs, US attorneys budgets, the power and costs of the US Department of Justice and the welfare of the bureaucrats and lawyers who feast at the taxpayers' trough.

OFFSHORE AS SCAPE GOAT

That great economist, Wilhelm Roepke, once wrote: "It is very easy to awaken resentment against people who not only have money, but also the boldness to send that money abroad in order to protect it against all manner of domestic insecurity. It's vital that people in their means of existence, that is, capital, still have the chance to move about internationally, and when absolutely necessary, to escape the arbitrariness of government policy by means of secret back doors."

Consider that expressed view in the context of what is known as "expatriation," the human right to acquire a new nationality and renounce one's old citizenship. We, as a nation of immigrants, should cherish that right.

In November 1994 Forbes magazine published an infamous article which identified a handful of wealthy ex-Americans who had formally renounced their U.S. citizenship and saved themselves and their families hundreds of millions of dollars in U.S. income, capital gains and estate taxes and produced a sudden frenzy in Congress, willingly aided and abetted by one Larry Summers, then Assistant Secretary of the Treasury. (There had been a federal law that claimed U.S. tax jurisdiction over tax expatriates if it could be proven they left the country with the express intent to avoid U.S. taxes, but it was never enforced.) A supposedly "conservative" Congress passed legislation in 1995 penalizing heavily those who renounced U.S.

citizenship for the purpose of avoiding taxes. A 1996 change provided that any ex-American who left to avoid taxes could be forever stopped from returning to the U.S. Immigration officials were empowered to stop these culprits at the border. This drastic sort of exclusion previously had been confined only to people suffering from communicable diseases, Communists and certain terrorists. Needless to say, this inane provision, has never been enforced although it's still on the statute books.

NEEDED OFFSHORE ASSET PROTECTION

In truth, there are very legitimate financial reasons for an American citizen to "go offshore". These include avoiding exposure to costly domestic litigation and excessive court damage judgements and jury awards, protection of assets, unreasonable SEC restrictions on foreign investments, the availability of more attractive and private offshore bank accounts, life insurance policies and annuities, avoidance of probate and reduction of estate taxes.

But Americans who have followed this prudent course now find themselves lumped together with drug lords, tax cheats, dirty money launderers, disease carriers and assorted criminals. What is legal and legitimate is made to look sinister and evil.

OECD—FATF WORLD INTIMIDATION CAMPAIGN

There is a decided international dimension to this domestic U.S. campaign against wealth. Beginning last June, the news media took belated notice of offshore tax havens and their thriving financial centers as a newly discovered international threat. A frenzy of publicity surrounded the serial publication of spurious "blacklists" by previously unnoticed international organizations. None of these self-appointed, self-important groups enjoy any legal standing, but they proceeded to announce exactly how the international financial world should conduct its affairs. Those nations in disagreement with the OECD world view were threatened with financial boycotts and unexplained "sanctions" to be imposed by June 2001.

These organizations include the Paris-based organization for Economic Cooperation and Development (OECD), which loudly denounces what it calls "harmful tax competition" is composed of representatives from major high tax nations. An OECD subsidiary is the Financial Action Task Force (FATF), a sort of financial Gestapo that pronounces who is legal and who is not legal in terms of money laundering activity.

Yet a third group without no basis in international law calls itself the "Financial Stability Forum." This is a subgroup of the G–7 nations and has taken it upon itself to decide which nations are good or bad in cooperation for capital flows.

All of these organizations are self-anointed and don't have any more standing than the International Tennis Association as far as legal capacity to impose their decisions. They are little more than public relations mouthpieces of an international cartel of rich nations trying to suppress tax havens and other nations that have profited from fully legal tax competition.

In an obviously co-ordinated effort starting last May, these organizations each issued its own "blacklist" of nations it found deficient in various ways. The FSF attached those it claimed were disruptive to international financial activity. FATF issued a list of countries allegedly lax on money laundering. The OECD came out with list of nations engaged in "unfair tax competition". It was no coincidence that most of the world's no-tax financial haven nations were on all these phony lists. A small coterie of statist bureaucrats in the financial ministries of the major nations had coordinated their propaganda work well: an uneducated, gullible global news media swallowed this phony story whole.

Every one of the wealthy nations that are pushing this attack on tax havens are controlled by high-tax, socialist governments who see a tax and wealth hemorrhage occurring among their citizens. Yes, millions, billions of dollars, pounds and francs are pouring out of high tax nations flowing to offshore tax havens—and for very good reasons. Why would anyone in his right mind continue to pay confiscatory taxes when you can move your financial activity to another nation where you pay no personal or corporate income tax, no estate tax, no capital gains tax?

Ignored in this concerted attack on small tax haven nations is the simple fact that under current U.S. and UK tax laws the biggest tax savings for foreigners can be found in Britain and in the United States. The United States is one of the biggest tax havens in the world—but only for non-U.S. persons. And in spite of the known fact that most of the dirty money laundering in the world takes place in London and New York, neither nation is on the FATF money laundering blacklist.

All this is really a smoke screen for increased tax collection. Feeling the tax drain, the rich nations want an end to all those factors that make tax haven attractive: They demand that taxes be imposed where there are none, want an end to financial and banking privacy and "free exchange" of information, want complete "transparency", and want these small nations to become tax collectors for the rich, welfare state nations. In other words, they want tax havens to become just like the profligate major nations.

This new cartel of high-tax nations, limping along with their huge, unsustainable welfare state budgets, are engaged in a grotesque rebirth of colonialism and imperialism of a financial nature. They are willing to trample the sovereignty of small nations. In fact, the United Nations last year said national sovereignty must be compromised in order to impose a world financial order of high taxes and no financial privacy. Such a radical demand mocks international law. It makes vassal states out of sovereign nations.

This wrong headed approach flies in the face of every development that is producing the new prosperity: the Internet, e-commerce, globalization, cross border investment worldwide. For that reason alone, this effort will fail. Just as the legendary King Canute could not hold back the ocean tides, the rich nations will be swept away in their effort to impose their will on the world.

CONGRESSIONAL INTERNET CAUCUS E-GOVERNMENT EVENT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BOUCHER. Mr. Speaker, as Co-Chair of the Congressional Internet Caucus, I have long had a keen interest in how the Internet revolution is affecting the relationship between citizens and their government. In my own district, we have held an annual conference at which we discuss what government can do better to improve the way it delivers services and information to the public via the Internet.

As we seek to find ways to better connect with our increasingly Internet-savvy constituents, I think our colleagues may learn much by looking at how state and local governments are using electronic means to deliver services to the public. For this reason, I thought my colleagues would be interested in the results of a study entitled, "Benchmarking the eGovernment Revolution: Year 2000 Report on Citizen and Business Demand." I understand this to have been the first national survey that asked citizens and businesses what state and local government services they want to access online.

The survey found that citizens rank renewing their driver's license and voting online highest among the electronic government services they wish to perform. Businesses are most interested in searching court records and obtaining or renewing professional licenses online. Perhaps surprisingly, both citizens and businesses expressed a high degree of willingness to pay modest transaction fees in return for the convenience of being able to access government services via the Internet 24 hours a day, 7 days a week.

The survey also confirmed that trust is the most critical issue facing government in providing online services to constituents. The survey found, for example, that only one-third of current Internet users trust the government to keep their records confidential. Clearly, government agencies are going to have to work harder to develop the level of trust necessary for citizens to increase their use of the Internet for accessing electronic government services.

As part of the work of the Congressional Internet Caucus next year, we will undertake an effort to educate Members about how this "eGovernment" revolution is proceeding at the state level, as well as how they can better connect with their constituents through electronic means. As part of this effort, we need to assess ways to bridge the digital divide so that all of our constituents can participate in the Internet Century. I anticipate that we also will continue to offer a series of sessions on the most pressing Intellectual Property issues of the day, such as the award of business method patents and ways to update the Copyright Act so that it continues to reflect evolutions in technology.

We will of course welcome the participation of all Members in the Caucus and their suggestions on developing new means of connecting with our constituents.

HONORING MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. 'COLE'

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 2000

Mr. BISHOP. Mr. Speaker, for a number of us, the terrorist attack on the U.S.S. *Cole* struck close to home.

Craig Freeman, a 12-year Navy veteran who suffered multiple injuries, is from Moultrie in my area of southwest Georgia. Thankfully, he will soon be well enough to visit his family on leave. But some of his shipmates remain hospitalized, and 17 of them will never see their loved ones again. These brave young Americans willingly went into harm's way, and, like others who have paid the price for our freedom, they shall forever remain in our hearts.

We extend our sympathy to the families. We also express our rage. But that is not enough, Mr. Speaker.

We must resolve to fight back against these insane acts by committing the country's full resources in an aggressive effort to determine who is responsible, to see that justice is done, and to do everything possible to deter such acts in the future. As Navy Secretary Richard Danzig pointed out, our memory is long and our reach is longer. As a member of the House Select Committee on Intelligence, I will continue working to ensure that the country is fully prepared to strike back against these forces of evil.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NETHERCUTT. Mr. Speaker, on October 18, 2000, I missed rollcall votes 531, 532 and 533. I request that the record reflect that had I been present, I would have voted "aye" on all three votes.

A TRIBUTE TO MR. DAVID C. DECKER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Mr. David C. Decker, the 136th Grand Master of Masons in California. Mr. Decker is a member of Upland-Mt. Baldly Lodge No. 419, where he has served as Master since 1974.

A native of Illinois, Mr. Decker was born on April 4, 1937, and attended public schools in Ladora, Iowa. Upon moving to California, Mr. Decker continued his education at Chaffey College and San Bernardino Valley College.

After thirty years of service to GTE, Mr. Decker retired. At GTE, his primary responsibility included the supervision and development of personnel associated with the installation and maintenance of telephones.

Mr. Decker is extremely active in the Masonic community. He is a member of the Santa Anna Scottish Rite, Riverside York Rite, Al Malaikah Shrine Temple where he serves as an Ambassador at Large, National Sojourners, Grotto, Mission Bell Court—Order of Amaranth, Gate City Chapter—Order of the Eastern Star, Royal Order of Scotland, and the Red Cross of Constantine. In addition, he also serves on the Board of Governors at the Shrine Hospital in Los Angeles.

Mr. Decker has held numerous positions within the Masonic Lodge. He served as Inspector of the 606th Masonic District from 1986–1991; from 1991–1992, he was the Senior Grand Deacon for the Grand Lodge; and was named a Trustee of the Board of Trustees of the California Masonic Foundation.

The leadership exhibited by Mr. Decker has been recognized. In January of 1996, he was presented with the Hiram Award, and in 1998 he was honored by the International Supreme Council, Order of DeMolay with the Legion of Honor.

Mr. Speaker, I ask that this 106th Congress join Upland-Mt. Baldy Lodge No. 419 as they salute California's 136th Grand Master of Masons, Mr. David C. Decker.

TRIBUTE TO DOUGLAS SIMMONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DOOLITTLE. Mr. Speaker, today I recognize and honor the contributions my good friend, R. Douglas Simmons, has made to one of America's most respected service institutions, the Boy Scouts of America (BSA). On October 27 of this year, Doug will mark 50 years of continuous registration in the Boy Scouts organization. This lengthy record of service both as a youth participant and as an adult leader merits the recognition and commendation of this distinguished body.

First of all, I wish to say a few words about the Boy Scouts of America itself. Few other organizations have as admirable a record of doing good as does the BSA. For ninety years, Boy Scouts have been symbols of everything that is right with America's youth. In fact, in the eyes of many, the faithful Boy Scout has come to embody the virtues of personal integrity and community service.

Scouting is a program that educates young men in countless fields of study, trains them to master practical skills, instills in them a sense of civic duty, encourages them to develop commitment to their faith and country, and teaches them to lead a life of service to others. Boy Scouts learn and practice the principles of cooperation and teamwork. They take an active role in setting goals, making decisions, and executing plans for themselves and for the group. Whether it be in today's businesses, government institutions, schools, or families, these leadership skills are clearly in demand.

Perhaps the BSA's most valuable role in today's society is that it provides boys with positive male role models. In our increasingly fatherless society, it is now more important than ever for young men to have honorable mentors that they can look to for example, instruction, counsel, and companionship.

Mr. Speaker, I am glad to say that my friend, Doug Simmons, has been a part of BSA's sterling legacy for the past 50 years. His scouting career began when he registered as an eight-year-old Cub Scout on October 27, 1950. He remained active in Scouting throughout his youth, eventually advancing to the rank of Eagle Scout and participating in the Order of the Arrow. In each of his Scout troops and Explorer posts, Doug held leadership positions. Perhaps the culmination of his experience as a Boy Scout was when he attended the National Scout Jamboree.

To his credit, Doug has continued his involvement in Scouting as an adult leader. His ongoing leadership training includes Bear Paw and Wood Badge courses and time at Philmont Scout Ranch. He has held numerous positions at almost every level of Scouting. Among the troop level positions he has filled are scoutmaster, troop committee chairman, unit commissioner, and institutional representative. At the district level, Doug Simmons has been Camporee chairman, and he has served on the camping committee. At the council level, he has been a member of the Explorer Advisory Council and the Bear Paw training staff. Furthermore, he has served in Order of the Arrow leadership and as a merit badge counselor.

For his dedication to Scouting, Doug Simmons has received numerous awards, including the Scouters Key, the Scouters Training Award, the Silver Bear, and the Silver Beaver.

In addition to his direct involvement in Scouting, Doug has worked with the young men in his church while serving in various ecclesiastical offices. Among these positions have been bishop, bishop's counselor and deacon quorum advisor.

Mr. Speaker, our nation needs more citizens who are willing to stand up for the values that have made America great. We need more individuals who are dedicated to improving the lives and circumstances of the people around them. We need more of our young people to participate in character-building and community-building activities. We need more responsible adults to take an active role in caring for and guiding the youth of this country. In short, we need more people like Doug Simmons.

I salute both Doug and the institution he loves so dearly, The Boy Scouts of America. As he now commemorates his 50 years of involvement with the Boy Scouts of America, let us honor all Doug Simmons' contributions to advancing the ideals of that great organization.

IN RECOGNITION OF SADIE M. CURRY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Ms. Sadie M. Curry, who is being recognized this weekend for her lifetime achievement. Ms. Curry retired in 1999 after 41 years as a science teacher in Talladega, Alabama.

From the beginning of her teaching career, Ms. Curry received commendations for her teaching. She was named Teacher of the Year for Talladega County even as early as 1960; first designated as Outstanding Elementary Teacher of the year in 1972; and named Teacher of the Year for Talladega Middle

School in 1984. She continued to receive the honor of Teacher of the Year for Dixon Middle School, the school from which she retired, throughout the 1990's. She was named as a Finalist in the Jacksonville State University Hall of Fame Teacher of the Year competition in 1985 and again in 1995 and 1996. Further, she was nominated as Alabama State Teacher of the Year three times.

Sadie Curry was deeply involved in teaching science to her students. She became the Coordinator of the Local Science Fair in 1972 and continued in this position through 1994. She also served as Director of the Northeast Alabama International Science and Engineering Fair from 1982–1985. She was honored by the Environmental Protection Agency for her teaching unit on "Learning to Love Trees," and received the Talladega Scientist of the Year Award in 1985. She was honored by the American Society of Microbiology for Aspiring American Youth in 1984 and in that same year received a $500 mini-grant from the Alabama Department of Economic and Community Affairs to assist teachers in the teaching and promotions of science, technology and energy in the classroom. In 1994, she won the Catalyst Award for Excellence in Science Teaching by the National Chemical Manufacturers Association. In 1995, she and three of her students traveled to Washington, D.C. for the 15th Annual National Recognition Ceremonies for the Youth Awards Program Energy Education.

Her instruction in science included conservation. For this, she was nominated as Conservation Teacher of the Year in 1984 and was named as Conservation Teacher of the Year in 1997. Dixon Middle School was the winner of the Alabama State Campus Cleanup Program in 1996, the 3rd place winner in 1998 and the winner of the Alabama People Against a Littered State Cleanup Campus Award in 1997.

However, Ms. Curry's quality as a teacher has gone far beyond her instruction in science. She cares deeply about her students. Her energy and enthusiasm are contagious, and she has challenged her students to be the best that they can be. They have learned to respect their environment and one another. It is said that the measure of a person's worth is in the effect he has on others. Ms. Curry's worth can be seen in the effect she has had on the many students she has taught and the very fact that many are returning for her tribute this weekend. In her honor there is now a Sadie M. Curry Outstanding Science Award at Dixon Middle School. For the next twenty years, an outstanding science student will have his name engraved on a plaque displayed at the school.

A TRIBUTE TO SIGNAL HILL POLICE OFFICER LARRY MORRIS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HORN. Mr. Speaker, today the City of Signal Hill pays tribute to senior police officer Larry Morris, an outstanding police officer who selflessly dedicated himself to protecting children from the dangers of gangs and drugs.

The list of Larry's contributions to the community is a long and distinguished one. He was the father of Signal Hill's D.A.R.E. (Drug Abuse Resistance Education) and G.R.E.A.T. (Gang Resistance Education, and Training) programs. Larry was a remarkable teacher of these programs in all the local elementary schools. Children were naturally drawn to his sincere, caring ways. When he walked through a school, the children would surround him, just to give him a hug. Larry deeply cared about these young people, and truly made a difference in so many of their lives.

Among his many contributions to our community, Larry served in the Signal Hill Police Department from 1972 to 1998. He worked in patrol, investigations, K–9, and field training. For the last ten years of his career Larry dedicated himself to the youth of the community. He was an originating member of the Operation Jumpstart Mentoring program and the Signal Hill juvenile crime stoppers. He also created the Signal Hill Juvenile Diversion program, was an advisor to the Signal Hill Police Department Explorer Post, and a selector for the R.M. Pyles Boys Camp program.

On October 10, 1999, Larry lost his battle with cancer. As a fitting tribute, on October 14, 2000, the City of Signal Hill and the Signal Hill Police Department dedicated the city's community youth center as the "Larry Morris Community Youth Center."

Mr. Speaker, we struggle to express feelings of grief, sorrow and appreciation for this fine officer who gave so much to his community and was taken from us far too early in life. The youth center bearing Larry's name will allow his legacy to live on in the minds and hearts of our children, and our community, for many generations to come. I shall always remember Larry with a smile and a twinkle in his eyes. He cared and he served and saved many of the youth of Signal Hill.

ON THE DEATH OF REV. JESSE TAYLOR

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor a man who was devoted not only to serving the Lord, but to the people around him as well. The Reverend Jesse Taylor of Chicago, died on April 22, 2000. The passing of Reverend Taylor may have indeed been a sad moment for those who shared his life; but the subsequent celebration of the life he lived was a joyous occasion for all. In fact, when I was asked to speak at the home-going services of Reverend Taylor there were not enough words for me to begin to describe the full and virtuous life that he lived. This man lived and breathed all that life had to offer him.

To describe Reverend Taylor is to describe a man who was after God's own heart. He was called into the ministry at the early age of nineteen and from there served as the Assistant Pastor of the Metropolitan Missionary Baptist Church in Chicago, Illinois where he served for over twenty-eight years.

By 1969, he was named Pastor of that same church where he faithfully served for seventeen years. In 1986, Rev. Taylor became the pastor; counselor, teacher, -and friend of Greater Love M.B. Church where he served the Lord and his community until his last breath. Rev. Taylor was the Financial Secretary to both the North Woodriver District and the Illinois State Convention. He also was a member of the National Baptist Sunday School and Training Union Congress along with the National Missionary Baptist Convention of America. In addition to being a pastor, Rev. Taylor was a loyal husband of sixty-five years; and to his eight children, a loving father.

I stand before you honoring this wonderful man who represents what we should all strive to be—loving, dedicated, and steadfast not only to oneself, but to all of humankind. The Reverend Jesse Taylor, "Greater love hath no man than this, that a man lay down his life for his friends (John 15:13)." Thank you for your life of service. Reverend Taylor lived until the ripe old age of ninety-two and preached his last sermon just a few months before this death.

RECOGNITION OF CORPORATE RESPONSIBILITY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. JONES of North Carolina. Mr. Speaker, just over a year ago, Hurricane Floyd struck the 3rd District of North Carolina, causing billions of dollars of damage and displacing thousands of families. Eastern North Carolina is no stranger to extreme weather conditions and my district always seems to rise to the challenge posed by these natural disasters.

But there is something that goes unnoticed by many, goes unreported by the newspapers and broadcast media, goes unappreciated by many who call themselves environmentalists and goes unrecognized by many in Congress.

Corporate America and businesses in general are an integral component of our neighborhoods and communities devastated by Hurricane Floyd. Weyerhaeuser, one of the world's leading forest products companies, is one company I'd like to recognize as a good neighbor during the worst natural disaster in the state's history.

I submit for the RECORD this letter commending Weyerhaeuser and their efforts during this national calamity. Without responsible companies like Weyerhaeuser, recovery in Eastern North Carolina would have been impossible. On behalf of Eastern North Carolina, I rise today to thank Weyerhaeuser and their heartfelt actions after Hurricane Floyd.

NORTH CAROLINA FLOOD PUTS WEYERHAEUSER'S EMPLOYEE SUPPORT TO THE TEST

By Elizabeth Crossman, vice president of the Weyerhaeuser Company Foundation

NEW BERN, NC—In September, 1999, rising floodwaters in the wake of Hurricane Floyd made thousands of eastern North Carolinians homeless, and caused billions of dollars in damage to property, commerce and infrastructure. It was the worst natural disaster in the state's history. For Weyerhaeuser, one of the world's leading forest products companies, the floods posed the ultimate challenge to the company's commitment to its employees.

Weyerhaeuser operates 16 facilities or offices across North Carolina—primarily sawmills and pulp and paper manufacturing plants located near its substantial timber holdings in the coastal plain. About two-thirds of Weyerhaeuser's North Carolina workforce of about 3,000 make their homes in that section of North Carolina that bore the brunt of the storm.

Of course Weyerhaeuser faced immediate challenges in the aftermath of the floods. Several mills were either flooded themselves, or cut off from employees and raw materials by impassable roads. Communities in which the company operates were in turmoil, with schools closed, utilities disrupted and relief organizations rushing to the area to set up temporary services. While dealing with these concerns, the company's unit managers had to take inventory of who among their employees was affected and to what extent. It took several weeks to get an accurate count, with human resource and corporate affairs managers comparing notes. The impact was substantial. Over ninety active employees or retirees were harmed by the storm, most of them significantly. In fact 35 suffered total losses.

Meanwhile, at corporate headquarters in Federal Way, Washington, executives were already understanding the seriousness of the situation in North Carolina, and crafting their first response. The Weyerhaeuser Company Foundation maintains an emergency budget to respond quickly when disasters strike communities where the company operates. This fund, for example, was tapped to support Oklahoma City after the bombing of the federal building in 1996. And, in response to the devastating flooding in eastern North Carolina, the Foundation promptly appropriated $100,000 to support four local American Red Cross chapters who were providing immediate assistance to impacted communities.

Within weeks, Weyerhaeuser Chairman and CEO Steve Rogel was on the ground in North Carolina assessing the damage first hand and meeting with impacted employees. He heard the same message repeatedly. "Our employees told me they needed immediate funds in order to get into temporary housing, and they needed advice and help to deal with the relief agencies and insurance companies. That's where we aimed our support," said Rogel.

Rogel and his team of corporate and North Carolina advisors crafted an action plan that they put into place within days.

Dedicated fund for employees: Working with the United Way chapter of Pitt County in Greenville, NC, the company set up a dedicated account to collect funds for employee flood victims. A corporate gift of $100,000 was eventually more than doubled by individual employee donations from throughout the company.

Dedicated advocate: A full-time manager was assigned to set up individual case files for all 93 impacted employees and assist each of them in their dealings with relief agencies, insurance companies, state and county governments, lawyers and others.

Counseling for victims: The company offered crisis counseling to its employees and their family members through its Employee and Family Assistance Program (EFAP).

Adopt-A-Family program: The Weyerhaeuser Company Foundation organized a program by which facilities and staff groups throughout the company could "adopt" a family affected by the floods. The Adopt-A-Family benefactors continue to provide monetary or in-kind contributions as their circumstances allow, and offer personal solace and encouragement for their colleagues in need. All 51 employees or retirees with total or significant losses have been adopted.

Coordination of recovery efforts: The corporate-assigned flood victim advocate, working with a team of North Carolina human resource managers, coordinates recovery activities, including distribution of money from the United Way fund to employees, soliciting donations of building materials from Weyerhaeuser manufacturing facilities and scheduling volunteers for clean-up or rebuilding projects.

As a result of Weyerhaeuser's prompt and unique approach, employee flood victims have realized many tangible benefits. Over $257,000 has been distributed to employees in need from the dedicated fund administered by Pitt County United Way. All employees or retirees with total or significant losses were placed with facilities or staff groups through Adopt-A-Family. All have received substantial support, including in some cases automobiles, appliances, furniture, personal items and cash. All but four employees made homeless by the flood are in new or rebuilt housing, with everyone expected to be back home by year-end.

Katy Taylor, appointed by Weyerhaeuser to fill the advocate's role, has chronicled the events of the flood and the recovery in the year since. She has been moved both by the plight of the affected employees and by the generosity of those responding. "For someone who has lost just about everything they worked all their lives for, knowing there are people supporting you in your time of need is so important. Weyerhaeuser's corporate support and the Adopt-A-Family program gave our impacted employees somewhere to turn when they thought there was none," Taylor said. Her experience has led Weyerhaeuser to conclude some key benefits that other companies could gain by following a similar approach.

Taylor defines four key benefits: productivity; pride; citizenship and partnership. Weyerhaeuser's businesses recover productivity more quickly and enjoy a closer working relationship between management and labor. Employee pride in the company is enhanced, both among those receiving support and giving it. The relationship between Weyerhaeuser and its operating communities is strengthened. Partnerships are formed among the company and public and private relief agencies that will remain long after the last employees are back in their homes. "We will carry forward many positive results that we should not have had reason to expect from such a tragedy," Taylor added.

No company wants to experience the anguish of employees and turmoil to business operations caused by events like North Carolina's flooding. However, when faced with the situation, Weyerhaeuser listened to its people on the ground, acted decisively and came up with unique approaches to difficult problems. The end result is that employees fared better than they would have otherwise, and Weyerhaeuser has a program it can deploy should disaster strike again.

IN HONOR OF WORLD POPULATION AWARENESS WEEK 2000—SAVING WOMEN'S LIVES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to recognize the Population Institute's 16th annual "World Population Awareness Week (WPAW)." The theme of this event, "Saving Women's Lives," is an appropriate reminder of the hundreds of thousands of women who die each year due to reproductive health complications. Every minute of every day a woman somewhere in the world dies from pregnancy related complications, a total of 600,000 women each year.

According to Population Institute President Warner Fornos more than 350 million married women in developing countries still lack access to information, education, and the means to obtain a range of modern family planning methods. This problem is further exacerbated by the fact that a disproportionately large share of the poorest of the poor and malnourished in the world are women and girls.

In addition to focusing on the status of women around the world, World Population Awareness Week strives to develop awareness to the environmental and social complications caused by rapid population growth across the globe. Two hundred thirty organizations from 62 countries around the world cosponsored World Population Awareness Week, including the Family Planning Association of India, the National Association of Family Welfare of Cameroon, and the Educational Foundation for Reproductive Health of Cambodia. Over 200 mayors across the United States have also proclaimed the event, along with the following 34 Governors:

Governor Tony Knowles of Alaska, Gray Davis of California, Bill Owens of Colorado, John G. Rowland of Connecticut, Thomas Carper of Delaware, Roy Barnes of Georgia, Benjamin Cayetano of Hawaii, Thomas Vilsack of Iowa, Dirk Kempthorne of Idaho, Bill Graves of Kansas, Paul Patton of Kentucky, Angus King, Jr. of Maine, Parris Glendening of Maryland, Argeo Paul Cellucci of Massachusetts, Jesse Ventura of Minnesota, Kirk Fordice of Mississippi, Mel Carnahan of Missouri, Mike Johanns of Nebraska, Kenny Guinn of Nevada, Jeanne Shaheen of New Hampshire, Christie Todd Whitman of New Jersey, Gary Johnson of New Mexico, James B. Hunt, Jr. of North Carolina, Edward Schafer of North Dakota, Rob Taft of Ohio, Frank Keating of Oklahoma, John Kitzhaber of Oregon, Tom Ridge of Pennsylvania, Lincoln Almond of Rhode Island, Jim Hodges of South Carolina, Don Sundquist of Tennessee, Howard Dean of Vermont, Gary Locke of Washington, Cecil Underwood of West Virginia.

Mr. Speaker, next week during World Population Awareness Week, we have the perfect opportunity to show the world our commitment to international family planning without the anti-democratic restrictions by supporting full FY 1995 funding levels for international family planning and once and for all remove the onerous Gag Rule from law. Women's lives around the world are depending on it.

IN HONOR OF PASTOR FRED L. CROUTHER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to honor an outstanding citizen in Milwaukee, Reverend Fred L. Crouther. Pastor Crouther not only provides spiritual guidance to this congregation at New Covenant Missionary Baptist Church, he is a source of inspiration and courage to our whole community.

Everyday, Pastor Crouther reaches out to the poor, disadvantaged, disabled and downtrodden to not only better their circumstances, but to uplift the human spirit. He provides countless hours of counseling and support of families and people from all walks of life.

With his New Covenant Congregation, Pastor Crouther has helped provide a hot meal program, a food pantry and a clothing bank, as well as an alternative school, scholarships and tutorial programs. He also oversees and coordinates the New Covenant Corporation, the New Covenant Church Credit Union, the New Covenant Housing Corporation and the New Covenant Development Corporation, organizations intended to extend the church's reach further into the community.

Reverend Crouther came to Milwaukee in 1964, and married his wife, Mary Louise Minor of Fort Wayne, Indiana on June 11, 1966. He studied theology at the American Baptist Theological Seminary in Nashville, and began his graduate studies at the University of Wisconsin-Milwaukee from 1967–1969. He was licensed to preach the gospel on July 5, 1959 and ordained a minister of the gospel on December 30, 1962. He has two children, Tamara and David.

Pastor Crouther has been an integral part of Milwaukee's spiritual life, and I would like to personally thank him for all he has done to better our community, our families and our hearts.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FILNER. Mr. Speaker, on May 3, 2000, I inadvertently missed rollcall vote No. 136. Had I been present, I would have voted "yes."

INTRODUCTION OF SCHOOL BASED HEALTH CENTERS TECHNICAL ASSISTANCE ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Ms. KILPATRICK. Mr. Speaker, Today I am introducing legislation designed to assist school-based health centers face the challenge of meeting their long-term financing needs and developing data gathering systems. This legislation recognizes that school based health care centers (SBHCs) are a fixture in the child health care delivery network and are effective in reaching out to a target under- and uninsured population.

There are more than 1,100 SBHCs in the United States, more than 40 of which are located in my home state of Michigan. These clinics bring a wide array of health care services to children in a place where they spend a good amount of time—their school. Schools are a logical place to establish health services for children, and SBHCs should be assigned a greater role and responsibility in the child health care delivery system. As we search for solutions to improve access to health care for children, SBHCs can play an important part in the overall equation. They can provide health care when children want it and where they need it. SBHCs complement the community health system, and they screen to prevent and treat diseases and other health threats.

SBHCs, like many community-based health programs, have to piece together funding for services from a multiple number of sources. The largest source of funding comes from states' Maternal and Child Health Care block grants and the Healthy Schools/Healthy Communities program. According to the Robert Wood Johnson Foundation, the growth of state governments that have established Medicaid managed care plans has complicated reimbursement procedures and health care financing. SBHCs do not have the sophisticated mechanisms to deal effectively and efficiently with the new array of health care plans to ensure that the services they provide will be reimbursed. This bill is an attempt to address this issue.

The legislation proposed under this bill would authorize funding of a demonstration program to promote the development of comprehensive, computerized management information systems designed for the following information purposes:

Assess the performance of SBHCs;

Obtain data on client characteristics;

Denote service utilization and outcomes;

Support financial functions (appropriate billing procedures);

Identify reimbursable categories of service by major funding source;

Handle patient tracking functions.

This bill should be regarded as a first draft only. I introduced it with the hope that stakeholders like the National Assembly of School Based Health Care, health care providers and plans, the Health Resources and Services Administration, and other entities will work with me to improve the proposal. Our ultimate goal is to provide our children with the health care services they need to remain healthy, lead constructive lives and stay in school. I look forward to working with them and my colleagues to improve on this work.

A SALUTE TO CREATIVE POPULAR CULTURE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. OWENS. Mr. Speaker, some seemingly trivial items of urban popular culture are now on display at the Brooklyn Museum of Art in an exhibit titled "Hip-Hop Nation: Roots, Rhymes and Rage." When I visited the exposition I was most impressed by the large numbers of youth from diverse backgrounds who were viewing the multi-media displays. Their immediate excitement combined with the symbols, clothing, photographs, memorabilia, poetry, music and clippings of urban grassroots aspiration and expressions were fresh stimulants for the mind—and also inspirational. While human interaction and experience often generate fragments of culture, the phenomenon that grabs one's attention in the case of the Hip-Hop artists is the manner in which the components aggregate, mushroom, and continually spread across ethnic, class, and nationality lines. Beyond its image as a violent movement, perpetuated by a few highly publicized celebrities, is the fact that the majority of the participants are ordinary youth. Hip-Hop appears to be on a course to leap over the limits of neighborhoods and fads. In some cases its content moves beyond the frivolous and the trivial toward profundity. The concept of traditional culture relies heavily on the elements of universal appeal and endurance. Hip-Hop may generate a significant impact on conventional culture; it continues to spread and to last. Consider the implications; urban America has a generation that is making culture. These creators may evolve into a new set of heroes that posterity comes to respect and revere. These are heroes who are making culture, not war. We salute the foresight and the boldness of the Brooklyn Museum of Art and its Director, Arnold Lehman. This initiative has provided us with a small window through which we may watch culture being made. The following Rap poem was inspired by my visit to this unusual exhibit.

MAKE CULTURE NOT WAR

Make culture not war!
Be loud about our love,
Put passion in your dove;
Shoot your best shot!

Trivial sparks make profound fires,
Teenage crazes light
Big social blazes;
Tiny innovations shape
The spirit of sluggish nations;
The greatest generation
Still waits to take the stage;
Against pain and greed
Wage a new breed of rage.

Combat sneaker boots,
T-shirt uniforms—
The battlefield is everyday;
Go for the ultimate victory
Fighting the Hip-Hop way!
Be loud about your love!

Draft your hottest hormones,
Recruit ancient instincts,
Mobilize mistreated manhood,

Make rivers of sweat
But let it always be sweet.

Shoot your best shot!
Ejaculate your joy,
Pour powerful blessings
Into the womb
Of a wailing world.

Generals in heaven command:
Make culture not war!
Hitler was an artist
Painted by the past;
Graffiti hieroglyphics
Is a language that will last.

Pledge allegiance
To life abundant;
Permit simple pleasures
To be redundant.

Fly a flag of flowers;
On Babies confer new powers;
The positive pursuit
Must never pause—
Happiness is our greatest cause.

Storm beaches of despair,
Fight poison convention everywhere,
Scale cliffs rock hard
With cynical soils;
Victors bring your own spoils.

The greatest generation
Still waits to take the stage.
Refuse to just sit
On crumbling stoops and wait;
Liberating geniuses
May show up too late.

Make culture not war!
Rapping poets are warriors
Drafted by anxious angels
To conquer with their songs;
Music makes no massacres.

The battlefield is everyday;
Go for the ultimate victory
Fighting the Hip-Hop way!
Shoot your best shot!

Be loud about your love,
Put passion in your dove;
The greatest generation
Take orders only from above.
Make culture not war!

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. NEY. Mr. Speaker, I was absent for the votes on Wednesday, October 18, 2000 for a personal family situation. If I were present, I would have voted in favor of the three suspension bills that were voted on, the Social Security Number Confidentiality Act, the National Children's Memorial Day, and the resolution Honoring the Members of the Crew of the Guided Missile Destroyer U.S.S. *Cole* Who Were killed or Wounded in the Terrorist Attack on that Vessel in Aden, Yemen, on October 12, 2000.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor the Statewide Hispanic Chamber of Commerce of New Jersey (SHCC).

SHCC has had a tremendous impact on the development and growth of the Hispanic community across the state of New Jersey, and I commend SHCC's many invaluable contributions.

Because of the hard work of SHCC, as well as that of other organizations, the Hispanic market is the fastest growing sector in the United States. In New Jersey, the Hispanic market has experienced 87 percent growth over the past decade. Currently, there are over 30,000 Hispanic-owned businesses, supporting 128,000 jobs, and generating 7.5 billion dollars in sales.

At the dawn of the new millennium, the Hispanic community is experiencing economic and political empowerment. The new economy and the political landscape would not be complete without the contributions of Hispanic Americans.

I ask my colleagues to join me in honoring the Statewide Hispanic Chamber of Commerce of New Jersey for its contributions in empowering Hispanics across the State of New Jersey.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. FILNER. Mr. Speaker, because of official business in my congressional district, I missed the legislative sessions of June 22 and June 23, 2000. Had I been present, I would have voted as follows:

Rollcall No. 311—"no"; No. 312—"no"; No. 313—"no"; No. 314—"no"; No. 315—"yes"; No. 316—"no"; No. 317—"yes"; No. 318—"yes"; No. 319—"yes"; No. 320—"yes"; and No. 321—"no";

HONORING OLYMPIC SILVER MEDALIST

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. HALL of Texas. Mr. Speaker, my colleague, Mr. SAM JOHNSON of Texas, and I have the privilege today to pay tribute to Paul Foerster of Rockwall, Texas, who won the silver medal in the Men's 470 sailing event at the 2000 Olympics in Sydney, Australia.

Paul was the skipper of the United States' entry in the Men's 470 sailing event. His teammate on the two-man vessel was Bob Merrick of Rhode Island. Paul and Bob finished first in four of the eleven races, more than any competitor. Australia won the gold with a better aggregate score.

Paul previously competed in the 1988 and 1992 Olympic Games in the Flying Dutchman sailing class, winning the silver medal in Barcelona, Spain in 1992. He has sailed in more than 500 yachting competitions in the last decade. He learned to sail as a young man growing up in Corpus Christi, Texas and was a three-time All American sailer at the University of Texas, where he earned a degree in aerospace engineering.

Paul works at the Raytheon Company's Garland facility in the Third Congressional District, where his co-workers hosted a recognition ceremony for him this week. He is a new resident of Rockwall in the Fourth Congressional District. Mr. Speaker, we join his co-workers, family and friends in commending him for his dedication, determination, and commitment to excellence. Paul brings honor both to himself—and to the United States of America. As we adjourn today, let us do so in recognition of the superior achievement of Paul Foerster in the 2000 Olympics.

CHAIRMAN'S FINAL REPORT CONCERNING THE NOVEMBER 13, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH HEARING IN ELKO, NEVADA

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. GIBBONS. Mr. Speaker, last year on November 13th, the Subcommittee on Forests and Forest Health held a hearing in Elko, Nevada to study the events surrounding the closure of the South Canyon Road by the Forest Service. After a thunderstorm washed out parts of the road in the Spring of 1995, the agency prohibited the community of Jarbidge from repairing it—going so far as to initiate criminal action against the county. At this hearing, we learned that it wasn't just parts of the road that washed away in that storm but also the Federal Government's failure to use common sense. The South Canyon Road has been used by local residents since the late 1800s—to now keep the citizens of Elko County from maintaining and using what is clearly theirs is a violation of the statute commonly referred to as RS 2477. This is an issue of national significance, demonstrating ongoing attempts by the Federal Government, particularly under this Administration, to usurp the legal rights of States and Counties. So for this reason, the subcommittee had done extensive research into the fundamental questions concerning the South Canyon Road, specifically: who has ownership of the road and who has jurisdiction over the road? Subcommittee Chairman CHENOWETH-HAGE has compiled her research into this, her final report on the November 13th hearing. I would now respectfully ask that it be submitted into the RECORD of this 106th Congress.

CHAIRMAN'S FINAL REPORT, HEARING ON THE JARBIDGE ROAD, ELKO COUNTY, NEVADA, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

Preface

By invitation of Congressman Jim Gibbons of Nevada, the Subcommittee on Forests and Forest Health held an oversight hearing in Elko, Nevada on November 13th, 1999, on a dispute between Elko County and the United States Forest Service (USFS). The County of Elko claimed ownership of a road known as the Jarbidge South Canyon Road by virtue of their assertion of rights under a statute commonly referred to as RS 2477. The USFS asserted they do not recognize the county's ownership rights and claimed jurisdiction over the road under the Treaty of Guadalupe Hidalgo, the proclamation creating the Humboldt National Forest, the Wilderness Act, the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, and the Clean Water Act. This issue came to a head when the USFS directed its contractor to destroy approximately a one-fourth mile section of the Road, thus preventing its use by parties claiming private rights of use which could be accessed only by the Road. Also, access to the Jarbidge Wilderness Area was closed off by the action of the USFS.

Chairman Chenoweth-Hage submits this final report to members based on the testimony given and records available to the Subcommittee. Representatives of the USFS failed to defend their position from a legal standpoint, submitting no legal analysis that justified their position. Instead, they simply "ruled" that they did not recognize the validity of the County's assertion to the road.

The investment of time in the historic perspective leading up to the County's assertion was fruitful, yielding numerous clearly worded acts of Congress, backed up in a plethora of case law. I have attempted to bring that historic perspective to this report, because the Congressional and legal background cannot be ignored if we are to view the western lands issues in the framework Congress and the courts have intended.

I therefore submit my final report on the hearing on the Jarbidge Road.

Summary: The Basic Questions of Ownership and Jurisdiction

The dispute over the Jarbidge South Canyon Road (Road) between Elko County, Nevada and the United States Forest Service (USFS) involves two basic questions:

1. Who has ownership of the road?
2. Who has jurisdiction over the road?

Ownership is defined as control of property rights.

Jurisdiction is defined as the right to exercise civil and criminal process.

The UNITED STATES argues that when the Humboldt National Forest was created in 1909, the road in question became part of the Humboldt National Forest. The UNITED STATES argues that the Humboldt National Forest is public land owned by the UNITED STATES and the USFS, as agent for the UNITED STATES, has both ownership and jurisdiction. The UNITED STATES has responded to the RS 2477 issue (Section 8, Act of July 26, 1866) by arguing that no RS 2477 road which was established in a national forest after the creation of the national forests, was valid, and all roads within the national forest fall under USFS jurisdiction after passage of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

Evidence was presented by Elko County in an effort to establish proof of ownership of the Jarbidge South Canyon Road. This evidence includes documents and oral testimony, showing that the road was established in the late 1800s on what had been a pre-existing Indian trail used by the native Shoshone for an unknown period of time prior to any white settlement in the area.

Elko County claims jurisdiction over the Jarbidge South Canyon Road by virtue of evidence that the road was created to serve the private property interests of the settlers in the area. Elko County cites various private right claims to water, minerals, and grazing which the road was constructed to serve.

The crucial factor in determining which argument is correct is to determine whether the federal land upon which the Road exists is "public land" subject to federal ownership and jurisdiction or whether the federal land upon which the Road exists is encumbered with private property rights over which the state of Nevada and private citizens exercise ownership and jurisdiciton.

In any dispute of this kind, it is essential to review, not only prior history, but also the public policy of the United States as expressed in acts of Congress and relevant court decisions.

I. Breaking Down the Principles of Ownership

A. The law prior to Nevada Statehood.

1. The Mexican cession and "Kearney's Code."

Nevada became a state on October 30, 1864. Prior to that time the area in question was part of the territory of Nevada. The territory of Nevada had been created out of the western portion of the territory of Utah. Utah Territory had been a portion of the Mexican cession resulting from the Mexican War of 1945–46. U.S. Brigadeer General of the Army of the West, Stephen Watts Kearney, instituted an interim rule, commonly referred to as "Kearney's Code," over the ceded area pending formal treaty arrangement between the U.S. and Mexico. The Mexican cession was formalized two years later with the Treaty of Guadalupe Hildago, February 2, 1848.

Mexico recognized title of the peaceful/Pueblo (or "civilized") Indians (either tribally or as individuals) to the lands actually occupied or possessed by them, unless abandoned or extinguished by legal process (i.e. treaty agreements). The Mexican policy of inducing Indians to give up their wandering "nomadic, uncivilized" life in favor of a settled "pastoral, civilized" life, was continued by Congress after the 1846 session and was the very basis of the government's Indian allotment and reservation policy. Mexico and Spain retained the mineral estate under both private grants and public lands as a sovereign asset obtainable only by express language in the grant or under the provisions of the Mining Ordinance.

2. The acquisition by the U.S.

When the area was ceded to the U.S., the U.S. acquired all ownership rights in the lands which had been previously held by the Mexican government. This included the mineral estate and the then unappropriated surface rights. Indian title, where it existed, remained with the respective Indian tribes. All other private property existing at the time of the cession, was also recognized and protected. Kearney's Code also recognized all existing Mexican property law and continued, in force, the laws, "concerning water courses, stock marks and brands horses, enclosures, commons and arbitrations", except where such laws would be repugnant to the Constitution of the United States. The Supreme Court of the United States, has upheld the validity of Kearney's Code, stating that Congress alone could have repealed it, and this it has never done.

In 1846, the areas where the Jarbidge South Canyon Road presently exists was acquired by the United States. The United States, like Mexico, retained the mineral estate, while the surface estate was open to settlement. Settlement of the surface estate continued under United States jurisdiction in much the same way it had proceeded under Mexican jurisdiction. Towns, cities and communities grew up around agricultural and mining areas.

3. The characteristics of the land and custom of settlement under Mexican law.

The Mexican cession, which is today the southwestern portion of the United States, consisted primarily of arid lands, interspersed with rugged mountain ranges. These mountain ranges were the primary source of water supply for the arid region. The water courses were part of the surface estate. Control or development of the land by settlers for either agricultural uses or mining depended on control of the water courses.

The most expansive (and most common) method of settlement under the Mexican "colonization" law was for the individual settler to establish a cattle and horse (ganado de mejor) or sheep and goat (ganado de menor) farm, known as a "rancho" or ranch. These ranches were large, eleven square leagues or "sitios" (approximately one-hundred square miles). The individual settler (under local authorization) would acquire a portion of irrigable crop land and an additional allotment of nearby seasonal/arid (temporal or agostadero) land and mountainous land containing water sources (canadas or abrevaderos) as a "cattle range" or "range for pasturage." Four years of actual possession gave the ranchero a vested property right that could be sold (even before final federal confirmation or approval of the survey map (diseno). Control of livestock ranges depended on lawful control of the various springs, seeps and other water sources for livestock pasturage and watering purposes. Arbitration of disputes over water rights and range boundaries (rodeo or "round-up" boundaries) were adjudicated by local authorities (jueces del campo or "judges of the plains").

4. Mexican customs of settlement were maintained under U.S. rule.

This same settlement pattern of appropriating servitudes or rights (servidumbres) for pasturage adjacent to water courses, continued after the area was ceded to the United States in 1846. One of the first acts of the California legislature after the Mexican cession was to re-enact, as state law, the previous Mexican "jueces del campo" or "rodeo" laws governing the acquisition and adjudication of range (or pasturage) rights on the lands within the state.

The new settlers on lands in the Mexican cession after 1846, were not trespassers on the lands of the U.S., since Kearney's Code had continued in effect all the previous laws pertaining to water courses, livestock, enclosures and commons (stock ranges). Under Mexican law, water rights, possessory pasturage rights, and right-of-ways were easement rights. Mexican land law was based on a split-estate system (surface/mineral titles and easements) which the United States Courts were unfamiliar with and for which no federal equivalent law existed. Problems in sorting agricultural (rancho) titles/rights from mining titles/rights quickly became apparent when the courts began the adjudication of Spanish and Mexican land claims.

Congress (like Spain and Mexico) had previously followed a policy of retaining mineral lands and valuable mines as a national asset.

5. Congress further defines and codifies settlement customs through the Act of 1866 with the establishment of mineral and surface estate rights.

There was no law passed by Congress to define the settlement process for the western mineral lands until Congress addressed this problem by a series of acts beginning in the 1860's. Key among the split-estate mining/settlement laws was the Act of July 26, 1866. Congress established a lawful procedure whereby the mineral estate of the United States could pass into the possession of private miners. Private mining operations could then turn the dormant resource wealth of these lands into active resource wealth for the benefit of a growing nation.

The 1866 Act also dealt with the surface estate of mineral lands. The act clearly recognized local law and custom and decisions of the court, which had been operating relative to these lands and extended these existing laws and customs into the future. The 1866 Act created a general right-of-way for settlers to cross these lands at will. It also allowed for the establishment of easements.

At this point, it is important to note the definitions of these key terms:

A right-of-way is defined as the right to cross the lands of another.

An easement is defined as the rights to use the lands of another.

Section 8 and 9 of the 1866 Act are the seminal U.S. law defining the rights of ownership in the Jarbidge South Canyon Road. Section 8, which was later codified as Revised Statute 2477, deals with the establishment of "highways" across the land. The term highways as used in the 1866 Act refers to any road or trail used for travel. The right-of-way portion of this act was an absolute grant for the establishment of general crossing routes over these lands at any point and by whatever means was recognized under local rules and customs.

Section 9 of the Act of July 1866, "acknowledged and confirmed" the right-of-way for the construction of ditches, canals, pipelines, reservoirs and other water conveyance/storage easements. Section 9 also guaranteed that water rights and associated rights of "possession" for the purpose of mining and agriculture (farming or stock grazing) would be maintained and protected.

B. The Law After Nevada Statehood.

1. The states adopt Mexican settlement customs, as affirmed by Kearney's Code and 1866 Act.

Once settlers in an area had exercised the general right-of-way provisions of the 1866 Act to establish permanent roads or trails, those roads or trails then, by operation of law, became easement (which is the right to use the lands of another). The general right-of-way provisions of the 1866 Act gave Congressional sanction and approval to the authorization of Kearney's Code respecting water courses, livestock enclosures and commons, and local arbitrations respecting possessory rights. All of the states and territories, west of the 98th meridian ultimately adopted water right-of-way related range/trail property laws similar to the former Mexican laws in California, New Mexico, and Arizona. These range rights were "property" recognized by the Supreme Court.

SENATE—*Monday, October 23, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 4:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Daniel Coughlin, Chaplain, U.S. House of Representatives, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Daniel P. Coughlin, offered the following prayer:

Blessed are You, Lord God of Heaven and Earth. Besides endowing this country with rich and beautiful natural resources, You have blessed us with a strong and creative Government which in every age brings about improvement. Under Your guidance, You have allowed us to develop the resources of our land and its people. You have called forth the power within us to build up its institutions and promote all its best interests. Guide the Members of this noble assembly that they may perform their public and sacred duty so that this present generation may see their accomplished deeds worthy to be remembered. By Your blessing, may this country itself become a vast and splendid monument of wisdom, of peace, and of liberty upon which the world may gaze with admiration, both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TRENT LOTT, a Senator from the State of Mississippi, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

THANKING REVEREND DANIEL COUGHLIN

Mr. LOTT. Mr. President, we wish to thank the very distinguished House Chaplain, Rev. Daniel Coughlin, for being with us today. We appreciate the work he does in the House of Representatives also.

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will be in a short session today for scheduling announcements and to accommodate some morning business requests. The Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes are more likely to occur on Wednesday, and all Senators will be notified as to the exact time votes can be expected to occur. It is the leadership's intention to complete all business by the end of this week. I hope that that can be achieved, and I thank my colleagues for their attention.

Let me emphasize again, at this time, as I had indicated to Senator REID last week, we will notify the Members as to whether or not there will be votes on Tuesday or what time they will occur. As it now stands, while there will be, I believe, reports filed on Tuesday to accompany appropriations bills and perhaps even a tax bill, we do not anticipate any votes to occur on Tuesday, but we do expect perhaps even several votes to occur on Wednesday.

Mr. President, I yield the floor.

Mr. President, let me reclaim the floor. I do have some additional business here that we can go ahead and do at this time.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2796.

There being no objection, the Chair laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2796) entitled "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small project for bank stabilization.
Sec. 104. Small projects for navigation.
Sec. 105. Small project for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small project for shoreline protection.
Sec. 108. Small project for snagging and sediment removal.
Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.
Sec. 202. Harbor cost sharing.
Sec. 203. Nonprofit entities.
Sec. 204. Rehabilitation of Federal flood control levees.
Sec. 205. Flood mitigation and riverine restoration program.
Sec. 206. Tribal partnership program.
Sec. 207. Native American reburial and transfer authority.
Sec. 208. Ability to pay.
Sec. 209. Interagency and international support authority.
Sec. 210. Property protection program.
Sec. 211. Engineering consulting services.
Sec. 212. Beach recreation.
Sec. 213. Performance of specialized or technical services.
Sec. 214. Design-build contracting.
Sec. 215. Independent review pilot program.
Sec. 216. Enhanced public participation.
Sec. 217. Monitoring.
Sec. 218. Reconnaissance studies.
Sec. 219. Fish and wildlife mitigation.
Sec. 220. Wetlands mitigation.
Sec. 221. Credit toward non-Federal share of navigation projects.
Sec. 222. Maximum program expenditures for small flood control projects.
Sec. 223. Feasibility studies and planning, engineering, and design.
Sec. 224. Administrative costs of land conveyances.
Sec. 225. Dam safety.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.
Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.
Sec. 303. Greers Ferry Lake, Arkansas.
Sec. 304. Ten- and Fifteen-Mile Bayous, Arkansas.
Sec. 305. Cache Creek basin, California.
Sec. 306. Larkspur Ferry Channel, Larkspur, California.
Sec. 307. Norco Bluffs, Riverside County, California.
Sec. 308. Sacramento deep water ship channel, California.
Sec. 309. Sacramento River, Glenn-Colusa, California.
Sec. 310. Upper Guadalupe River, California.
Sec. 311. Brevard County, Florida.
Sec. 312. Fernandina Harbor, Florida.
Sec. 313. Tampa Harbor, Florida.
Sec. 314. East Saint Louis and vicinity, Illinois.
Sec. 315. Kaskaskia River, Kaskaskia, Illinois.
Sec. 316. Waukegan Harbor, Illinois.
Sec. 317. Cumberland, Kentucky.
Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Sec. 319. Saint Joseph River, South Bend, Indiana.
Sec. 320. Mayfield Creek and tributaries, Kentucky.
Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.
Sec. 322. Atchafalaya Basin Floodway System, Louisiana.
Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.
Sec. 324. Red River Waterway, Louisiana.
Sec. 325. Thomaston Harbor, Georges River, Maine.
Sec. 326. Breckenridge, Minnesota.
Sec. 327. Duluth Harbor, Minnesota.
Sec. 328. Little Falls, Minnesota.
Sec. 329. Poplar Island, Maryland.
Sec. 330. New York Harbor and adjacent channels, Port Jersey, New Jersey.
Sec. 331. Passaic River basin flood management, New Jersey.
Sec. 332. Times Beach nature preserve, Buffalo, New York.
Sec. 333. Garrison Dam, North Dakota.
Sec. 334. Duck Creek, Ohio.
Sec. 335. Astoria, Columbia River, Oregon.
Sec. 336. Nonconnah Creek, Tennessee and Mississippi.
Sec. 337. Bowie County levee, Texas.
Sec. 338. San Antonio Channel, San Antonio, Texas.
Sec. 339. Buchanan and Dickenson Counties, Virginia.
Sec. 340. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 341. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 342. Wallops Island, Virginia.
Sec. 343. Columbia River, Washington.
Sec. 344. Mount St. Helens sediment control, Washington.
Sec. 345. Renton, Washington.
Sec. 346. Greenbrier Basin, West Virginia.
Sec. 347. Lower Mud River, Milton, West Virginia.
Sec. 348. Water quality projects.
Sec. 349. Project reauthorizations.
Sec. 350. Continuation of project authorizations.
Sec. 351. Declaration of nonnavigability for Lake Erie, New York.
Sec. 352. Project deauthorizations.
Sec. 353. Wyoming Valley, Pennsylvania.
Sec. 354. Rehoboth Beach and Dewey Beach, Delaware.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Watershed and river basin assessments.
Sec. 403. Lower Mississippi River resource assessment.
Sec. 404. Upper Mississippi River basin sediment and nutrient study.
Sec. 405. Upper Mississippi River comprehensive plan.
Sec. 406. Ohio River System.
Sec. 407. Eastern Arkansas.
Sec. 408. Russell, Arkansas.
Sec. 409. Estudillo Canal, San Leandro, California.
Sec. 410. Laguna Creek, Fremont, California.
Sec. 411. Lake Merritt, Oakland, California.
Sec. 412. Lancaster, California.
Sec. 413. Napa County, California.
Sec. 414. Oceanside, California.
Sec. 415. Suisun Marsh, California.
Sec. 416. Lake Allatoona Watershed, Georgia.
Sec. 417. Chicago River, Chicago, Illinois.
Sec. 418. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 419. Long Lake, Indiana.
Sec. 420. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 421. Coastal areas of Louisiana.
Sec. 422. Iberia Port, Louisiana.
Sec. 423. Lake Pontchartrain seawall, Louisiana.
Sec. 424. Lower Atchafalaya basin, Louisiana.
Sec. 425. St. John the Baptist Parish, Louisiana.
Sec. 426. Las Vegas Valley, Nevada.
Sec. 427. Southwest Valley, Albuquerque, New Mexico.
Sec. 428. Buffalo Harbor, Buffalo, New York.
Sec. 429. Hudson River, Manhattan, New York.
Sec. 430. Jamesville Reservoir, Onondaga County, New York.
Sec. 431. Steubenviille, Ohio.
Sec. 432. Grand Lake, Oklahoma.
Sec. 433. Columbia Slough, Oregon.
Sec. 434. Reedy River, Greenville, South Carolina.
Sec. 435. Germantown, Tennessee.
Sec. 436. Park City, Utah.
Sec. 437. Milwaukee, Wisconsin.
Sec. 438. Upper Des Plaines River and tributaries, Illinois and Wisconsin.
Sec. 439. Delaware River watershed.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Bridgeport, Alabama.
Sec. 502. Duck River, Cullman, Alabama.
Sec. 503. Seward, Alaska.
Sec. 504. Augusta and Devalls Bluff, Arkansas.
Sec. 505. Beaver Lake, Arkansas.
Sec. 506. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.
Sec. 507. Calfed Bay Delta program assistance, California.
Sec. 508. Clear Lake basin, California.
Sec. 509. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 510. Huntington Beach, California.
Sec. 511. Mallard Slough, Pittsburg, California.
Sec. 512. Penn Mine, Calaveras County, California.
Sec. 513. Port of San Francisco, California.
Sec. 514. San Gabriel basin, California.
Sec. 515. Stockton, California.
Sec. 516. Port Everglades, Florida.
Sec. 517. Florida Keys water quality improvements.
Sec. 518. Ballard's Island, La Salle County, Illinois.
Sec. 519. Lake Michigan Diversion, Illinois.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. Campbellsville Lake, Kentucky.
Sec. 522. West View Shores, Cecil County, Maryland.
Sec. 523. Conservation of fish and wildlife, Chesapeake Bay, Maryland and Virginia.
Sec. 524. Muddy River, Brookline and Boston, Massachusetts.
Sec. 525. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. St. Louis County, Minnesota.
Sec. 529. Wild Rice River, Minnesota.
Sec. 530. Coastal Mississippi wetlands restoration projects.
Sec. 531. Missouri River Valley improvements.
Sec. 532. New Madrid County, Missouri.
Sec. 533. Pemiscot County, Missouri.
Sec. 534. Las Vegas, Nevada.
Sec. 535. Newark, New Jersey.
Sec. 536. Urbanized peak flood management research, New Jersey.
Sec. 537. Black Rock Canal, Buffalo, New York.
Sec. 538. Hamburg, New York.
Sec. 539. Nepperhan River, Yonkers, New York.
Sec. 540. Rochester, New York.
Sec. 541. Upper Mohawk River basin, New York.
Sec. 542. Eastern North Carolina flood protection.
Sec. 543. Cuyahoga River, Ohio.
Sec. 544. Crowder Point, Crowder, Oklahoma.
Sec. 545. Oklahoma-tribal commission.
Sec. 546. Columbia River, Oregon and Washington.
Sec. 547. John Day Pool, Oregon and Washington.
Sec. 548. Lower Columbia River and Tillamook Bay estuary program, Oregon and Washington.
Sec. 549. Skinner Butte Park, Eugene, Oregon.
Sec. 550. Willamette River basin, Oregon.
Sec. 551. Lackawanna River, Pennsylvania.
Sec. 552. Philadelphia, Pennsylvania.
Sec. 553. Access improvements, Raystown Lake, Pennsylvania.
Sec. 554. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 555. Chickamauga Lock, Chattanooga, Tennessee.
Sec. 556. Joe Pool Lake, Texas.
Sec. 557. Benson Beach, Fort Canby State Park, Washington.
Sec. 558. Puget Sound and adjacent waters restoration, Washington.
Sec. 559. Shoalwater Bay Indian Tribe, Willapa Bay, Washington.
Sec. 560. Wynoochee Lake, Wynoochee River, Washington.
Sec. 561. Snohomish River, Washington.
Sec. 562. Bluestone, West Virginia.
Sec. 563. Lesage/Greenbottom Swamp, West Virginia.
Sec. 564. Tug Fork River, West Virginia.
Sec. 565. Virginia Point Riverfront Park, West Virginia.
Sec. 566. Southern West Virginia.
Sec. 567. Fox River system, Wisconsin.
Sec. 568. Surfside/Sunset and Newport Beach, California.
Sec. 569. Illinois River basin restoration.
Sec. 570. Great Lakes.
Sec. 571. Great Lakes remedial action plans and sediment remediation.
Sec. 572. Great Lakes dredging levels adjustment.
Sec. 573. Dredged material recyling.
Sec. 574. Watershed management, restoration, and development.
Sec. 575. Maintenance of navigation channels.
Sec. 576. Support of Army civil works program.
Sec. 577. National recreation reservation service.
Sec. 578. Hydrographic survey.
Sec. 579. Lakes program.
Sec. 580. Perchlorate.
Sec. 581. Abandoned and inactive noncoal mine restoration.
Sec. 582. Release of use restriction.
Sec. 583. Comprehensive environmental resources protection.
Sec. 584. Modification of authorizations for environmental projects.
Sec. 585. Land transfers.
Sec. 586. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
Sec. 587. Waurika Lake, Oklahoma.
Sec. 588. Columbia River Treaty fishing access.
Sec. 589. Devils Lake, North Dakota.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 701. Definitions.
Sec. 702. Missouri River Trust.
Sec. 703. Missouri River Task Force.
Sec. 704. Administration.
Sec. 705. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATION.

(a) Projects With Chief's Reports.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) Barnegat Inlet to Little Egg Inlet, New Jersey.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000.

(2) Port of New York and New Jersey, New York and New Jersey.—

(A) In general.—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(B) Credit.—The Secretary may provide the non-Federal interests credit toward cash contributions required—

(i) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(ii) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(b) Projects Subject to Final Report.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) False Pass Harbor, Alaska.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) Unalaska Harbor, Alaska.—The project for navigation, Unalska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) Rio de Flag, Flagstaff, Arizona.—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) Tres Rios, Arizona.—The project ecosystem restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) Los Angeles Harbor, California.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) Murrietta Creek, California.—The project for flood damage reduction and ecosystem restoration, Murrietta Creek, California, described as alternative 6, based on the District Engineer's Murrietta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000. The locally preferred plan described as alternative 6 shall be treated as a final favorable report of the Chief Engineer's for purposes of this subsection.

(7) Santa Barbara Streams, Lower Mission Creek, California.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(8) Upper Newport Bay, California.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(9) Whitewater River Basin, California.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(10) Delaware Coast From Cape Henlopen to Fenwick Island.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000.

(11) Port Sutton, Florida.—The project for navigation, Port Sutton, Florida, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(12) Barbers Point Harbor, Hawaii.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of $30,003,000, with an estimated Federal cost of $18,524,000 and an estimated non-Federal cost of $11,479,000.

(13) John Myers Lock and Dam, Indiana and Kentucky.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) Greenup Lock and Dam, Kentucky and Ohio.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of $175,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(16) Monarch-Chesterfield, Missouri.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(17) Antelope Creek, Lincoln, Nebraska.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $49,788,000, with an estimated Federal cost of $24,894,000 and an estimated non-Federal cost of $24,894,000.

(18) Sand Creek Watershed, Wahoo, Nebraska.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,212,000, with an estimated Federal cost of $17,586,000 and an estimated non-Federal cost of $11,626,000.

(19) Western Sarpy and Clear Creek, Nebraska.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $20,600,000, with an estimated Federal cost of $13,390,000 and an estimated non-Federal cost of $7,210,000.

(20) Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000.

(21) Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000.

(22) Dare County Beaches, North Carolina.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $69,518,000, with an estimated Federal cost of $49,846,000 and an estimated non-Federal cost of $19,672,000.

(23) Wolf River, Tennessee.—The project for ecosystem restoration, Wolf River, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(24) Duwamish/Green, Washington.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $115,879,000, with an estimated Federal cost of $75,322,000 and an estimated non-Federal cost of $40,557,000.

(25) Stillagumaish River Basin, Washington.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $24,223,000, with an estimated Federal cost of $16,097,000 and an estimated non-Federal cost of $8,126,000.

(26) Jackson Hole, Wyoming.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) In General.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) Buffalo Island, Arkansas.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) Anaverde Creek, Palmdale, California.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) Castaic Creek, Old Road Bridge, Santa Clarita, California.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) Santa Clara River, Old Road Bridge, Santa Clarita, California.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) Columbia Levee, Columbia, Illinois.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(6) East-West Creek, Riverton, Illinois.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(7) Prairie Du Pont, Illinois.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(8) Monroe County, Illinois.—Project for flood damage reduction, Monroe County, Illinois.

(9) Willow Creek, Meredosia, Illinois.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(10) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(11) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(12) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(13) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.

(14) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—The project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(15) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(16) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(17) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(18) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West LaFayette, Ohio.

(19) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(20) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(21) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(22) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.

(b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for bank stabilization, Maumee River, Fort Wayne, Indiana.

(2) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for bank stabilization, Bayou Sorrell, Iberville Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL, FLORIDA.—Project for navigation, Cape Coral, Florida.

(3) EAST TWO LAKES, TOWER, MINNESOTA.—Project for navigation, East Two Lakes, Tower, Minnesota.

(4) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(5) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(6) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for a project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa, and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)).

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(8) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(9) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(10) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(11) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, New York.

(12) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(13) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(14) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(15) MIDDLE CUYAHOGA RIVER.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(16) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(17) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(18) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(19) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for a project for shoreline protection, Hudson River, Dutchess County, New York, and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).

SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, Sangamon River and tributaries, Riverton, Illinois. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (50 Stat. 177).

SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of $32,227,000.

(b) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal sponsor for any project costs that the non-Federal sponsor has incurred in excess of the non-Federal share of project costs, regardless of the date such costs were incurred.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE REDUCTION PROJECTS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

"(n) LEVEL OF FLOOD PROTECTION.—If the Secretary determines that it is technically sound, environmentally acceptable, and economically justified, to construct a flood control project for an area using an alternative that will afford a level of flood protection sufficient for the area not to qualify as an area having special flood hazards for the purposes of the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Secretary, at the request of the non-Federal interest, shall recommend the project using the alternative. The non-Federal share of the cost of the project assigned to providing the minimum amount of flood protection required for the area not to qualify as an area having special flood hazards shall be determined under subsections (a) and (b).".

SEC. 202. HARBOR COST SHARING.

(a) IN GENERAL.—Sections 101 and 214 of the Water Resources Development Act of 1986 (33 U.S.C. 2211 and 2241; 100 Stat. 4082–4084 and 4108–4109) are each amended by striking "45 feet" each place it appears and inserting "53 feet".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

SEC. 203. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990

(33 U.S.C. 1272) is amended by adding at the end the following:

"(g) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(b) Project Modifications for Improvement of Environment.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

(c) Lakes Program.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.".

SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking "1992," and all that follows through "1996" and inserting "2001 through 2005".

SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at end of paragraph (23) and inserting a semicolon;

(3) by adding at the end the following:

"(24) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

"(25) Lower Hudson River and tributaries, New York;

"(26) Susquehanna River watershed, Bradford County, Pennsylvania; and

"(27) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.".

SEC. 206. TRIBAL PARTNERSHIP PROGRAM.

(a) In General.—The Secretary is authorized, in cooperation with Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country (as defined in section 1151 of title 18, United States Code), or in proximity to an Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(b) Consultation and Coordination.—The Secretary shall consult with the Secretary of the Interior on studies conducted under this section.

(c) Credits.—For any study conducted under this section, the Secretary may provide credit to the Indian tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the study. In no event shall such credit exceed the Indian tribe's required share of the cost of the study.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006. Not more than $1,000,000 appropriated to carry out this section for a fiscal year may be used to substantially benefit any one Indian tribe.

(e) Indian Tribe Defined.—In this section, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AUTHORITY.

(a) In General.—The Secretary, in consultation with appropriate Indian tribes, may identify and set aside land at civil works projects managed by the Secretary for use as a cemetery for the remains of Native Americans that have been discovered on project lands and that have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation with and with the consent of the lineal descendant or Indian tribe, may recover and rebury the remains at such cemetery at Federal expense.

(b) Transfer Authority.—Notwithstanding any other provision of law, the Secretary may transfer to an Indian tribe land identified and set aside by the Secretary under subsection (a) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary determines necessary to carry out the purpose of the project.

(c) Definitions.—In this section, the terms "Indian tribe" and "Native American" have the meaning such terms have under section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

SEC. 208. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—Any cost-sharing agreement under this section for construction of an environmental protection and restoration, flood control, or agricultural water supply project shall be subject to the ability of a non-Federal interest to pay.

"(2) Criteria and procedures.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, within 180 days after such date of enactment to reflect the requirements of such paragraph (3)."; and

(2) in paragraph (3)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

The first sentence of section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended to read as follows: "There is authorized to be appropriated to carry out this section $250,000 per fiscal year for fiscal years beginning after September 30, 2000.".

SEC. 210. PROPERTY PROTECTION PROGRAM.

(a) In General.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program, the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) Report.—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the program.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 per fiscal year for fiscal years beginning after September 30, 2000.

SEC. 211. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

SEC. 212. BEACH RECREATION.

(a) In General.—In studying the feasibility of and making recommendations concerning potential beach restoration projects, the Secretary may not implement any policy that has the effect of disadvantaging any such project solely because 50 percent or more of its benefits are recreational in nature.

(b) Procedures for Consideration and Reporting of Benefits.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are adequately considered and displayed in reports for such projects.

SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) In General.—Before entering into an agreement to perform specialized or technical services for a State (including the District of Columbia), a territory, or a local government of a State or territory under section 6505 of title 31, United States Code, the Secretary shall certify that—

(1) the services requested are not reasonably and expeditiously available through ordinary business channels; and

(2) the Corps of Engineers is especially equipped to perform such services.

(b) Supporting Materials.—The Secretary shall develop materials supporting such certification under subsection (a).

(c) Annual Report to Congress.—

(1) In general.—Not later than December 31 of each calendar year, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the requests described in subsection (a) that the Secretary received during such calendar year.

(2) Contents.—With respect to each request, the report transmitted under paragraph (1) shall include a copy of the certification and supporting materials developed under this section and information on each of the following:

(A) The scope of services requested.

(B) The status of the request.

(C) The estimated and final cost of the requested services.

(D) Each district and division office of the Corps of Engineers that has supplied or will supply the requested services.

(E) The number of personnel of the Corps of Engineers that have performed or will perform any of the requested services.

(F) The status of any reimbursement.

SEC. 214. DESIGN-BUILD CONTRACTING.

(a) Pilot Program.—The Secretary may conduct a pilot program consisting of not more than 5 projects to test the design-build method of project delivery on various civil engineering

projects of the Corps of Engineers, including levees, pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) DESIGN-BUILD DEFINED.—In this section, the term "design-build" means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall report on the results of the pilot program.

SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.

Title IX of the Water Resources Development Act of 1986 (100 Stat. 4183 et seq.) is amended by adding at the end the following:

"SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.

"(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—The Secretary shall undertake a pilot program in fiscal years 2001 through 2003 to determine the practicality and efficacy of having feasibility reports of the Corps of Engineers for eligible projects reviewed by an independent panel of experts. The pilot program shall be limited to the establishment of panels for not to exceed 5 eligible projects.

"(b) ESTABLISHMENT OF PANELS.—

"(1) IN GENERAL.—The Secretary shall establish a panel of experts for an eligible project under this section upon identification of a preferred alternative in the development of the feasibility report.

"(2) MEMBERSHIP.—A panel established under this section shall be composed of not less than 5 and not more than 9 independent experts who represent a balance of areas of expertise, including biologists, engineers, and economists.

"(3) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve on a panel of experts for a project under this section if the individual has a financial interest in the project or has with any organization a professional relationship that the Secretary determines may constitute a conflict of interest or the appearance of impropriety.

"(4) CONSULTATION.—The Secretary shall consult the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

"(5) COMPENSATION.—An individual serving on a panel of experts under this section may not be compensated but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) DUTIES OF PANELS.—A panel of experts established for a project under this section shall—

"(1) review feasibility reports prepared for the project after the identification of a preferred alternative;

"(2) receive written and oral comments of a technical nature concerning the project from the public; and

"(3) transmit to the Secretary an evaluation containing the panel's economic, engineering, and environmental analyses of the project, including the panel's conclusions on the feasibility report, with particular emphasis on areas of public controversy.

"(d) DURATION OF PROJECT REVIEWS.—A panel of experts shall complete its review of a feasibility report for an eligible project and transmit a report containing its evaluation of the project to the Secretary not later than 180 days after the date of establishment of the panel.

"(e) RECOMMENDATIONS OF PANEL.—After receiving a timely report on a project from a panel of experts under this section, the Secretary shall—

"(1) consider any recommendations contained in the evaluation;

"(2) make the evaluation available for public review; and

"(3) include a copy of the evaluation in any report transmitted to Congress concerning the project.

"(f) COSTS.—The cost of conducting a review of a project under this section shall not exceed $250,000 and shall be a Federal expense.

"(g) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the results of the pilot program together with the recommendations of the Secretary regarding continuation, expansion, and modification of the pilot program, including an assessment of the impact that a peer review program would have on the overall cost and length of project analyses and reviews associated with feasibility reports and an assessment of the benefits of peer review.

"(h) ELIGIBLE PROJECT DEFINED.—In this section, the term 'eligible project' means—

"(1) a water resources project that has an estimated total cost of more than $25,000,000, including mitigation costs; and

"(2) a water resources project—

"(A) that has an estimated total cost of $25,000,000 or less, including mitigation costs; and

"(B)(i) that the Secretary determines is subject to a substantial degree of public controversy; or

"(ii) to which an affected State objects.".

SEC. 216. ENHANCED PUBLIC PARTICIPATION.

(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

"(e) ENHANCED PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

"(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

"(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).".

SEC. 217. MONITORING.

(a) IN GENERAL.—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary.

(b) DURATION.—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) REPORTS.—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section.

(d) ELIGIBLE WATER RESOURCES PROJECT DEFINED.—In this section, the term "eligible project" means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than $25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) COSTS.—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 218. RECONNAISSANCE STUDIES.

Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is amended—

(1) in the second sentence by inserting after "environmental impacts" the following: "(including whether a proposed project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated)"; and

(2) by inserting after the second sentence the following: "The Secretary shall not recommend that a feasibility study be conducted for a project based on a reconnaissance study if the Secretary determines that the project is likely to have environmental impacts that cannot be successfully or cost-effectively mitigated.".

SEC. 219. FISH AND WILDLIFE MITIGATION.

(a) DESIGN OF MITIGATION PROJECTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking "(1)" and inserting "(A)"; and

(2) by striking "(2)" and inserting "(B)";

(3) by striking "(d) After the date" and inserting the following:

"(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

"(1) IN GENERAL.—After the date";

(4) by adding at the end the following:

"(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

"(3) RECOMMENDATION OF PROJECTS.—The Secretary shall not recommend a water resources project unless the Secretary determines that the adverse impacts of the project on aquatic resources and fish and wildlife can be cost-effectively and successfully mitigated."; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) CONCURRENT MITIGATION.—

(1) INVESTIGATION.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In conducting the investigation, the Comptroller General shall determine whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 220. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has an impact that occurs within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVIGATION PROJECTS.

The second sentence of section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended—

(1) by striking "paragraph (3) and" and inserting "paragraph (3),"; and

(2) by striking "paragraph (4)" and inserting "paragraph (4), and the costs borne by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing

community access to the project (including such disposal areas), and meeting applicable beautification requirements''.

SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$40,000,000'' and inserting ''$50,000,000''.

SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking ''Not more than ½ of the'' and inserting ''The''.

SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property to a non-Federal governmental or nonprofit entity shall be limited to not more than 5 percent of the value of the property to be conveyed to such entity if the Secretary determines, based on the entity's ability to pay, that such limitation is necessary to complete the conveyance. The Federal cost associated with such limitation shall not exceed $70,000 for any one conveyance.

(b) SPECIFIC CONVEYANCE.—In carrying out subsection (a), the Secretary shall give priority consideration to the conveyance of 10 acres of Wister Lake project land to the Summerfield Cemetery Association, Wister, Oklahoma, authorized by section 563(f) of the Water Resources Development Act of 1999 (113 Stat. 359–360).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000 for fiscal years 2001 through 2003.

SEC. 225. DAM SAFETY.

(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall also assess the condition of the dams on such inventory and the need for rehabilitation or modification of the dams.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary is authorized to carry out measures to prevent or mitigate against such risk.

(2) EXCLUSION.—The assistance authorized under paragraph (1) shall not be available to dams under the jurisdiction of the Department of the Interior.

(3) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent of such cost.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $25,000,000 for fiscal years beginning after September 30, 1999, of which not more than $5,000,000 may be expended on any one dam.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and Tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER, FORT SMITH, ARKANSAS.

Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended—

(1) in the subsection heading by striking ''LAKE'' and inserting ''VISITOR CENTER''; and

(2) in paragraph (1) by striking ''at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas'' and inserting ''on property provided by the city of Fort Smith, Arkansas, in such city''.

SEC. 303. GREERS FERRY LAKE, ARKANSAS.

The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary to construct water intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.

The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 305. CACHE CREEK BASIN, CALIFORNIA.

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to evaluate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system and to mitigate such impacts at Federal expense and a total cost of $2,800,000.

SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is technically sound, environmentally acceptable, and economically justified. If the Secretary determines that maintenance of the project is technically sound, environmentally acceptable, and economically justified, the Secretary shall carry out the maintenance.

SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.

Section 101(b)(4) of the Water Resources Development Act of 1996 (110 Stat. 3667) is amended by striking ''$8,600,000'' and all that follows through ''$2,150,000'' and inserting ''$15,000,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,750,000''.

SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to provide credit to the non-Federal interest toward the non-Federal share of the cost of the project for the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses.

SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for direct and indirect costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project. If any of such costs were incurred by the non-Federal interests before execution of the project cooperation agreement, the Secretary may reimburse the non-Federal interest for such pre-agreement costs instead of providing a credit for such pre-agreement costs to the extent that the amount of the credit exceeds the remaining non-Federal share of the cost of the project.

SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to provide that the non-Federal share of the cost of the project shall be 50 percent, with an estimated Federal cost and non-Federal cost of $70,164,000 each.

SEC. 311. BREVARD COUNTY, FLORIDA.

(a) INCLUSION OF REACH.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to provide that, notwithstanding section 902 of the Water Resources Development Act of 1986, the Secretary may incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, if the Secretary determines, in coordination with appropriate local, State, and Federal agencies, that the project as modified is technically sound, environmentally acceptable, and economically justified.

(b) CLARIFICATION.—Section 310(a) of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by inserting ''shoreline associated with the'' after ''damage to the''.

SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes'', approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in *the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.*

SEC. 313. TAMPA HARBOR, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 316. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 317. CUMBERLAND, KENTUCKY.

Using continuing contracts, the Secretary shall initiate construction of the flood control project, Cumberland, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), in accordance with option 4 contained in the draft detailed project report of the Nashville District, dated September 1998, to provide flood protection from the 100-year frequency flood event and to share all costs in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.

(a) IN GENERAL.—The Secretary may take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of $24,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $12,000,000.

(b) DEFINITIONS.—For purposes of this section, the term "stabilize and renovate" includes the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.

Section 321(a) of the Water Resources Development Act of 1999 (113 Stat. 303) is amended—

(1) in the subsection heading by striking "TOTAL" and inserting "FEDERAL"; and

(2) by striking "total" and inserting "Federal".

SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The project for flood control, Mayfield Creek and tributaries, Kentucky, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as in effect on October 11, 1996.

SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The Atchafalaya Basin Floodway System project, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to construct the visitor center and other recreational features identified in the 1982 project feasibility report of the Corps of Engineers at or near the Lake End Park in Morgan City, Louisiana.

SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to direct the Secretary to investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel and to develop and carry out a solution to the problem if the Secretary determines that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 324. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife loses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the Secretary to purchase mitigation lands in any of the 7 parishes that make up the Red River Waterway District, including the parishes of Caddo, Bossier, Red River, Natchitoches, Grant, Rapides, and Avoyelles.

SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 326. BRECKENRIDGE, MINNESOTA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Breckenridge, Minnesota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $10,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

SEC. 327. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 328. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 329. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified to authorize the Secretary to provide the non-Federal interest credit toward cash contributions required—

(1) before and during construction of the project, for the costs of planning, engineering, and design and for construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(2) during construction of the project, for the costs of the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under paragraph (1).

SEC. 330. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 337 of the Water Resources Development Act of 1999 (113 Stat. 306–307), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

SEC. 331. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, conducted as part of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610), to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(b) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, conducted as part of the Passaic River Main Stem project to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition of wetlands in the Central Passaic River Basin for flood protection purposes to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(d) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(e) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning reevaluation of the Passaic River Main Stem project.

(2) Membership.—The task force shall be composed of 22 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(f) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718–3719), is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(g) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(h) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River Main Stem project.

SEC. 332. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 333. GARRISON DAM, NORTH DAKOTA.

The Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to direct the Secretary to mitigate damage to the water transmission line for Williston, North Dakota, at Federal expense and a total cost of $3,900,000.

SEC. 334. DUCK CREEK, OHIO.

The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary carry out the project at a total cost of $36,323,000, with an estimated Federal cost of $27,242,000 and an estimated non-Federal cost of $9,081,000.

SEC. 335. ASTORIA, OREGON.

The project for navigation, Columbia River, Astoria, Oregon, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 637), is modified to provide that the Federal share of the cost of relocating causeway and mooring facilities located at the Astoria East Boat Basin shall be 100 percent but shall not exceed $500,000.

SEC. 336. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary, if the Secretary determines that it is feasible—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles.

SEC. 337. BOWIE COUNTY LEVEE, TEXAS.

The project for flood control, Red River below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County levee feature of the project in accordance with the plan described as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997. In evaluating and implementing the modification, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation of the modification indicates that applying such section is necessary to implement the modification.

SEC. 338. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 339. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criteria specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 340. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

At the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water Resources Development Act of 1990 (104 Stat. 4643–4644), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

SEC. 341. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 342. WALLOPS ISLAND, VIRGINIA.

Section 567(c) of the Water Resources Development Act of 1999 (113 Stat. 367) is amended by striking "$8,000,000" and inserting "$20,000,000".

SEC. 343. COLUMBIA RIVER, WASHINGTON.

(a) In General.—The project for navigation, Columbia River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers

and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 369), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline of Puget Island, at a total cost of $1,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of the Federal navigation project.

SEC. 344. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318–319), is modified to authorize the Secretary to provide such cost-effective, environmentally acceptable measures as are necessary to maintain the flood protection levels for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, identified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", printed as House Document number 99–135.

SEC. 345. RENTON, WASHINGTON.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Renton, Washington, carried out under section 205 of the Flood Control Act of 1948, shall be $5,300,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in subsection (a) to take into account the change in the Federal participation in the project in accordance with this section.

(c) REIMBURSEMENT.—The Secretary may reimburse the non-Federal interest for the project described in subsection (a) for costs incurred to mitigate overdredging.

SEC. 346. GREENBRIER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking "$12,000,000" and inserting "$73,000,000".

SEC. 347. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project.

SEC. 348. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking "Jefferson and Orleans Parishes" and inserting "Jefferson, Orleans, and St. Tammany Parishes".

SEC. 349. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile −2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900–901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 351. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) BOUNDARIES.—The portion of Erie County, New York, referred to in subsection (a) are all that tract or parcel of land, situate in the Town of Hamburg and the City of Lackawanna, County of Erie, State of New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36′46″ East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36′46″ East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40–R2, Parcel No. 44 the following 20 courses and distances:

(1) South 10°00′07″ East a distance of 164.30 feet;

(2) South 18°40′45″ East a distance of 355.00 feet;

(3) South 71°23′35″ West a distance of 2.00 feet;

(4) South 18°40′45″ East a distance of 223.00 feet;

(5) South 22°29′36″ East a distance of 150.35 feet;

(6) South 18°40′45″ East a distance of 512.00 feet;

(7) South 16°49′53″ East a distance of 260.12 feet;

(8) South 18°34′20″ East a distance of 793.00 feet;

(9) South 71°23′35″ West a distance of 4.00 feet;

(10) South 18°13′24″ East a distance of 132.00 feet;

(11) North 71°23′35″ East a distance of 4.67 feet;

(12) South 18°30′00″ East a distance of 38.00 feet;

(13) South 71°23′35″ West a distance of 4.86 feet;

(14) South 18°13′24″ East a distance of 160.00 feet;

(15) South 71°23′35″ East a distance of 9.80 feet;

(16) South 18°36′25″ East a distance of 159.00 feet;

(17) South 71°23′35″ West a distance of 3.89 feet;

(18) South 18°34′20″ East a distance of 180.00 feet;

(19) South 20°56′05″ East a distance of 138.11 feet;

(20) South 22°53′55″ East a distance of 272.45 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36′25″ East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No.

27 Parcel No. 31 the following 2 courses and distances:

(1) South 16°17'25" East a distance of 74.93 feet;

(2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12'16" East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35'35" West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

(1) North 85°24'25" West a distance of 1.00 feet;

(2) South 7°01'17" West a distance of 170.15 feet;

(3) South 5°02'54" West a distance of 180.00 feet;

(4) North 85°24'25" West a distance of 3.00 feet;

(5) South 5°02'54" West a distance of 260.00 feet;

(6) South 5°09'11" West a distance of 110.00 feet;

(7) South 0°34'35" West a distance of 110.27 feet;

(8) South 4°50'37" West a distance of 220.00 feet;

(9) South 4°50'37" West a distance of 365.00 feet;

(10) South 85°24'25" East a distance of 5.00 feet;

(11) South 4°06'20" West a distance of 67.00 feet;

(12) South 6°04'35" West a distance of 248.08 feet;

(13) South 3°18'27" West a distance of 52.01 feet;

(14) South 4°55'58" West a distance of 133.00 feet;

(15) North 85°24'25" West a distance of 1.00 feet;

(16) South 4°55'58" West a distance of 45.00 feet;

(17) North 85°24'25" West a distance of 7.00 feet;

(18) South 4°56'12" West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

(1) South 4°55'58" West a distance of 127.00 feet;

(2) South 2°29'25" East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35'35" West a distance of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

(1) South 55°34'35" West a distance of 12.55 feet;

(2) South 4°35'35" West a distance of 118.50 feet;

(3) South 3°04'00" West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

(1) North 89°25'14" West a distance of 697.64 feet;

(2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16'48" West, a distance of 215.38 feet;

(3) South 30°42'49" West a distance of 76.96 feet;

(4) South 22°06'03" West a distance of 689.43 feet;

(5) South 36°09'23" West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13'38" West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

(1) North 16°29'53" West a distance of 267.84 feet;

(2) North 24°25'00" West a distance of 195.01 feet;

(3) North 26°45'00" West a distance of 250.00 feet;

(4) North 31°15'00" West a distance of 205.00 feet;

(5) North 21°35'00" West a distance of 110.00 feet;

(6) North 44°00'53" West a distance of 26.38 feet;

(7) North 33°49'18" West a distance of 74.86 feet;

(8) North 34°26'26" West a distance of 12.00 feet;

(9) North 31°06'16" West a distance of 72.06 feet;

(10) North 22°35'00" West a distance of 150.00 feet;

(11) North 16°35'00" West a distance of 420.00 feet;

(12) North 21°10'00" West a distance of 440.00 feet;

(13) North 17°55'00" West a distance of 340.00 feet;

(14) North 28°05'00" West a distance of 375.00 feet;

(15) North 16°25'00" West a distance of 585.00 feet;

(16) North 22°10'00" West a distance of 160.00 feet;

(17) North 2°46'36" West a distance of 65.54 feet;

(18) North 16°01'08" West a distance of 70.04 feet;

(19) North 49°07'00" West a distance of 79.00 feet;

(20) North 19°16'00" West a distance of 425.00 feet;

(21) North 16°37'00" West a distance of 285.00 feet;

(22) North 25°20'00" West a distance of 360.00 feet;

(23) North 33°00'00" West a distance of 230.00 feet;

(24) North 32°40'00" West a distance of 310.00 feet;

(25) North 27°10'00" West a distance of 130.00 feet;

(26) North 23°20'00" West a distance of 315.00 feet;

(27) North 18°20'04" West a distance of 302.92 feet;

(28) North 20°15'48" West a distance of 387.18 feet;

(29) North 14°20'00" West a distance of 530.00 feet;

(30) North 16°40'00" West a distance of 260.00 feet;

(31) North 28°35'00" West a distance of 195.00 feet;

(32) North 18°30'00" West a distance of 170.00 feet;

(33) North 26°30'00" West a distance of 340.00 feet;

(34) North 32°07'52" West a distance of 232.38 feet;

(35) North 30°04'26" West a distance of 17.96 feet;

(36) North 23°19'13" West a distance of 111.23 feet;

(37) North 7°07'58" West a distance of 63.90 feet;

(38) North 8°11'02" West a distance of 378.90 feet;

(39) North 15°01'02" West a distance of 190.64 feet;

(40) North 2°55'00" West a distance of 170.00 feet;

(41) North 6°45'00" West a distance of 240.00 feet;

(42) North 0°10'00" East a distance of 465.00 feet;

(43) North 2°00'38" West a distance of 378.58 feet to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23'35" East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

(1) South 80°14'01" East a distance of 119.30 feet;

(2) North 46°15'13" East a distance of 47.83 feet;

(3) North 59°53'02" East a distance of 53.32 feet;

(4) North 38°20'43" East a distance of 27.31 feet;

(5) North 68°12'46" East a distance of 48.67 feet;

(6) North 26°11'47" East a distance of 11.48 feet to the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23'35" East a distance of 1755.19 feet; thence South 35°27'25" East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02'35" East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01'45" East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

(1) South 18°44'53" East a distance of 623.56 feet;

(2) South 34°33'00" East a distance of 200.00 feet;

(3) South 26°18'55" East a distance of 500.00 feet;

(4) South 19°06'40" East a distance of 1074.29 feet;

(5) South 28°03'18" East a distance of 242.44 feet;

(6) South 18°38'50" East a distance of 1010.95 feet;

(7) North 71°20'51" East a distance of 90.42 feet;

(8) South 18°49'20" East a distance of 158.61 feet;

(9) South 80°55'10" East a distance of 45.14 feet;

(10) South 18°04'45" East a distance of 52.13 feet;

(11) North 71°07'23" East a distance of 102.59 feet;

(12) South 18°41'40" East a distance of 63.00 feet;

(13) South 71°07'23" West a distance of 240.62 feet;

(14) South 18°38'50" East a distance of 668.13 feet;

(15) North 71°28'46" East a distance of 958.68 feet;

(16) North 18°42'31" West a distance of 1001.28 feet;

(17) South 71°17'29" West a distance of 168.48 feet;

(18) North 18°42'31" West a distance of 642.00 feet;

(19) North 71°17'37" East a distance of 17.30 feet;

(20) North 18°42′31″ West a distance of 574.67 feet;

(21) North 71°17′29″ East a distance of 151.18 feet;

(22) North 18°42′31″West a distance of 1156.43 feet;

(23) North 71°29′21″ East a distance of 569.24 feet;

(24) North 18°30′39″ West a distance of 314.71 feet;

(25) North 70°59′36″ East a distance of 386.47 feet;

(26) North 18°30′39″ West a distance of 70.00 feet;

(27) North 70°59′36″ East a distance of 400.00 feet to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) which are filled portions of Lake Erie. Any work on these filled portions is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C, 1344), and the National Environmental Policy Act of 1969.

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) of this section is not occupied by permanent structures in accordance with the requirements set out in subsection (c) of this section, or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 352. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), commonly known as the Rivers and Harbors Appropriation Act of 1899.

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the Warsaw Boat Harbor, Illinois.

(5) ROCKPORT HARBOR, ROCKPORT, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(6) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475,70, thence running southwesterly about 447.21 feet to the point of origin.

(7) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(8) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwesterly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(9) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—The portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (30 Stat. 1124), that is located at the northeast corner of the project and is described as follows:

Beginning at a point forming the northeast corner of the project and designated with the coordinate of North N 682,307.40; East 638,918.10; thence along the following 6 courses and distances:

(A) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N 682,300.86 E 639,005.80).

(B) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N 682,372.55 E 639,267.71).

(C) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N 682,202.20 E 639,253.50).

(D) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N 681,963.06 E 639,233.56).

(E) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N 682,156.10 E 638,996.80).

(F) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N 682,300.86 E 639,005.80).

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 353. WYOMING VALLEY, PENNSYLVANIA.

(a) IN GENERAL.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124) is modified as provided in this section.

(b) ADDITIONAL PROJECT ELEMENTS.—The Secretary shall construct each of the following additional elements of the project to the extent that the Secretary determines that the element is technically feasible, environmentally acceptable, and economically justified:

(1) The River Commons plan developed by the non-Federal sponsor for both sides of the Susquehanna River beside historic downtown Wilkes-Barre.

(2) Necessary portal modifications to the project to allow at grade access from Wilkes-Barre to the Susquehanna River to facilitate operation, maintenance, replacement, repair, and rehabilitation of the project and to restore access to the Susquehanna River for the public.

(3) A concrete capped sheet pile wall in lieu of raising an earthen embankment to reduce the disturbance to the Historic River Commons area.

(4) All necessary modifications to the Stormwater Pump Stations in Wyoming Valley.

(5) All necessary evaluations and modifications to all elements of the existing flood control projects to include Coal Creek, Toby Creek, Abrahams Creek, and various relief culverts and penetrations through the levee.

(c) CREDIT.—The Secretary shall credit the Luzerne County Flood Protection Authority toward the non-Federal share of the cost of the project for the value of the Forty-Fort ponding basin area purchased after June 1, 1972, by Luzerne County, Pennsylvania, for an estimated cost of $500,000 under section 102(w) of the Water Resources Development Act of 1992 (102 Stat. 508) to the extent that the Secretary determines that the area purchased is integral to the project.

(d) MODIFICATION OF MITIGATION PLAN AND PROJECT COOPERATION AGREEMENT.—

(1) MODIFICATION OF MITIGATION PLAN.—The Secretary shall provide for the deletion, from the Mitigation Plan for the Wyoming Valley Levees, approved by the Secretary on February 15, 1996, the proposal to remove the abandoned Bloomsburg Railroad Bridge.

(2) MODIFICATION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall modify the project cooperation agreement, executed in October 1996, to reflect removal of the railroad bridge and its $1,800,000 total cost from the mitigation plan under paragraph (1).

(e) MAXIMUM PROJECT COST.—The total cost of the project, as modified by this section, shall not exceed the amount authorized in section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), with increases authorized by section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

SEC. 354. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources development Act of 1996, is modified to authorize the project at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for flood control, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

"SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of interstate river basins and watersheds of the United States. The assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watershed protection, water supply, and drought preparedness.

"(b) CONSULTATION.—The Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting the assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

"(c) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to the following interstate river basins and watersheds:

"(1) Delaware River.

"(2) Potomac River.

"(3) Susquehanna River.

"(4) Kentucky River.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake, at Federal expense, for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) LOWER MISSISSIPPI RIVER SYSTEM DEFINED.—In this section, the term "Lower Mississippi River system" means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,750,000 to carry out this section.

SEC. 404. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, a study—

(1) to identify significant sources of sediment and nutrients in the Upper Mississippi River basin; and

(2) to describe and evaluate the processes by which the sediments and nutrients move, on land and in water, from their sources to the Upper Mississippi River and its tributaries.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult the Departments of Agriculture and the Interior.

(c) COMPONENTS OF THE STUDY.—

(1) COMPUTER MODELING.—As part of the study, the Secretary shall develop computer models at the subwatershed and basin level to identify and quantify the sources of sediment and nutrients and to examine the effectiveness of alternative management measures.

(2) RESEARCH.—As part of the study, the Secretary shall conduct research to improve understanding of—

(A) the processes affecting sediment and nutrient (with emphasis on nitrogen and phosphorus) movement;

(B) the influences of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network on sediment and nutrient losses; and

(C) river hydrodynamics in relation to sediment and nutrient transformations, retention, and movement.

(d) USE OF INFORMATION.—Upon request of a Federal agency, the Secretary may provide information to the agency for use in sediment and nutrient reduction programs associated with land use and land management practices.

(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including findings and recommendations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking "date of enactment of this Act" and inserting "first date on which funds are appropriated to carry out this section.".

SEC. 406. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system at Federal expense. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 407. EASTERN ARKANSAS.

(a) IN GENERAL.—The Secretary shall reevaluate the recommendations in the Eastern Arkansas Region Comprehensive Study of the Memphis District Engineer, dated August 1990, to determine whether the plans outlined in the study for agricultural water supply from the Little Red River, Arkansas, are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the reevaluation.

SEC. 408. RUSSELL, ARKANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary investigation report for agricultural water supply, Russell, Arkansas, entitled "Preliminary Investigation: Lone Star Management Project", prepared for the Lone Star Water Irrigation District, to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 412. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled "Master Plan of Drainage", to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 413. NAPA COUNTY, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of carrying out a project to address water supply, water quality, and groundwater problems at Miliken, Sarco, and Tulocay Creeks in Napa County, California.

(b) USE OF EXISTING DATA.—In conducting the study, the Secretary shall use data and information developed by the United States Geological Survey in the report entitled "Geohydrologic Framework and Hydrologic Budget of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa, California".

SEC. 414. OCEANSIDE, CALIFORNIA.

The Secretary shall conduct a study, at Federal expense, to determine the feasibility of carrying out a project for shoreline protection at Oceanside, California. In conducting the study, the Secretary shall determine the portion of beach erosion that is the result of a Navy navigation project at Camp Pendleton Harbor, California.

SEC. 415. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

"SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

"(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the feasibility of undertaking ecosystem restoration and resource protection measures.

"(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.".

SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, and incorporate information available from, appropriate Federal, State, and local government agencies.

SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the advisability of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 419. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration and protection, Long Lake, Indiana.

SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

(a) IN GENERAL.—The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled "Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road", to determine whether the plans contained in the report are feasible and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 421. COASTAL AREAS OF LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of developing measures to floodproof major hurricane evacuation routes in the coastal areas of Louisiana.

SEC. 422. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to incorporate and accomplish structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephensville, Louisiana.

SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 426. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting "recreation," after "runoff),".

SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of establishing a Hudson River Park in Manhattan, New York City, New York. The study shall address the issues of shoreline protection, environmental protection and restoration, recreation, waterfront access, and open space for the area between Battery Place and West 59th Street.

(b) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult the Hudson River Park Trust.

(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report on the result of the study, including a master plan for the park.

SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 431. STEUBENVIILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 432. GRAND LAKE, OKLAHOMA.

Section 560(a) of the Water Resources Development Act of 1996 (110 Stat. 3783) is amended—

(1) by striking "date of enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2000"; and

(2) by inserting "and Miami" after "Pensacola Dam".

SEC. 433. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resource Development Act of 1986 (33 U.S.C. 2309a) a feasiblility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is feasible, the Secretary may carry out the project on an expedited basis under such section.

SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 435. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying *out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.*

(b) COST SHARING.—The Secretary—

(1) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement if the Secretary determines the work is necessary for completion of the study; and

(2) for the purposes of paragraph (1), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

(c) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 436. PARK CITY, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Park City, Utah.

SEC. 437. MILWAUKEE, WISCONSIN.

(a) IN GENERAL.—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled "Interim Executive Summary: Menominee River Flood Management Plan", dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 438. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.

Section 419 of the Water Resources Development Act of 1999 (113 Stat. 324–325) is amended by adding at the end the following:

"(d) CREDIT.—The Secretary shall provide the non-Federal interest credit toward the non-Federal share of the cost of the study for work performed by the non-Federal interest before the date of the study's feasibility cost-share agreement if the Secretary determines that the work is integral to the study.".

SEC. 439. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) ACTIVITIES.—Activities authorized under this section shall be conducted by a university with expertise in research in contaminated sediment sciences.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. BRIDGEPORT, ALABAMA.

(a) DETERMINATION.—The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by the non-Federal interest is consistent with the Federal navigation interest, the Secretary shall reimburse the non-Federal interest an amount equal to the Federal share of the cost of construction of the channel.

SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.

The Secretary shall provide technical assistance to the city of Cullman, Alabama, in the management of construction contracts for the reservoir project on the Duck River.

SEC. 503. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of $3,000,000.

SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.

(a) IN GENERAL.—The Secretary may operate, maintain, and rehabilitate 37 miles of levees in and around Augusta and Devalls Bluff, Arkansas.

(b) REIMBURSEMENT.—After incurring any cost for operation, maintenance, or rehabilitation under subsection (a), the Secretary may seek reimbursement from the Secretary of the Interior of an amount equal to the portion of such cost that the Secretary determines is a benefit to a Federal wildlife refuge.

SEC. 505. BEAVER LAKE, ARKANSAS.

The contract price for additional storage for the Carroll-Boone Water District beyond that which is provided for in section 521 of the Water Resources Development Act of 1999 (113 Stat. 345) shall be based on the original construction cost of Beaver Lake and adjusted to the 2000 price level net of inflation between the date of initiation of construction and the date of enactment of this Act.

SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

Taking into account the need to realize the total economic potential of the McClellan-Kerr Arkansas River navigation system, the Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet and, if justified, proceed directly to project preconstruction engineering and design.±

SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary may participate with appropriate Federal and State agencies in planning and management activities associated with the CALFED Bay Delta Program (in this section referred to as the "Program") and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the Program.

(b) COOPERATIVE ACTIVITIES.—In carrying out this section, the Secretary—

(1) may accept and expend funds from other Federal agencies and from public, private, and non-profit entities to carry out ecosystem restoration projects and activities associated with the Program; and

(2) may enter into contracts, cooperative research and development agreements, and cooperative agreements, with Federal and public, private, and non-profit entities to carry out such projects and activities.

(c) GEOGRAPHIC SCOPE.—For the purposes of the participation of the Secretary under this section, the geographic scope of the Program shall be the San Francisco Bay and the Sacramento-San Joaquin Delta Estuary and their watershed (also known as the "Bay-Delta Estuary"), as identified in the agreement entitled the "Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate".

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may only be used for the wetlands restoration and creation elements of the project.

SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 510. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall reimburse the non-Federal interest for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by the non-Federal interest for work carried out by the non-Federal interest for the project.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.

(a) EMERGENCY MEASURES.—The Secretary shall carry out, on an emergency basis, measures to address health, safety, and environmental risks posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, by removing such floatables and debris.

(b) STUDY.—The Secretary shall conduct a study to determine the risk to navigation posed by floatables and floating debris originating from Piers 24 and 64 in the Port of San Francisco, California, and the cost of removing such floatables and debris.

(c) FUNDING.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 515. STOCKTON, CALIFORNIA.

The Secretary shall evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are technically sound, environmentally acceptable, and economically justified, the Secretary shall reimburse under section 211 of such Act the non-Federal interest for the Federal share of the cost of such elements.

SEC. 516. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, $15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

(a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 518. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, LaSalle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended by inserting after "2003" the following: "and $800,000 for each fiscal year beginning after September 30, 2003,".

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (22 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.

The Secretary shall repair the retaining wall and dam at Campbellsville Lake, Kentucky, to protect the public road on top of the dam at Federal expense and a total cost of $200,000.

SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells, at Federal expense.

SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESAPEAKE BAY, MARYLAND AND VIRGINIA.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by adding at the end the following: "In addition, there is authorized to be appropriated $20,000,000 to carry out paragraph (4).".

SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled "Phase I Muddy River Master Plan", dated June 2000.

SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of *a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.*

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking "implement" and inserting "conduct full scale demonstrations of"; and

(2) by inserting before the period the following: ", including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 541(b) of such Act is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the Minnesota department of natural resources, dated June 30, 1999.

(b) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of the project shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 528. ST. LOUIS COUNTY, MINNESOTA.

The Secretary shall carry out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) a project in St. Louis County, Minnesota, by making beneficial use of dredged material from a Federal navigation project.

SEC. 529. WILD RICE RIVER, MINNESOTA.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, shall carry out the project. In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) IN GENERAL.—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) PROJECT SELECTION.—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) COST SHARING.—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) NONPROFIT ENTITY.—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.

(a) MISSOURI RIVER MITIGATION PROJECT.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) and modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is further modified to authorize $200,000,000 for fiscal years 2001 through 2010 to be appropriated to the Secretary for acquisition of 118,650 acres of land and interests in land for the project.

(b) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary shall complete a study that analyzes the need for additional measures for mitigation of losses of aquatic and terrestrial habitat from Fort Peck Dam to Sioux City, Iowa, resulting from the operation of the Missouri River Mainstem Reservoir project in the States of Nebraska, South Dakota, North Dakota, and Montana.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to, and the effectiveness toward the preservation of native fish and wildlife habitat as a result of, such releases; and

(C) requires the Secretary to provide compensation for any loss of hydropower at Fort Peck Dam resulting from implementation of the pilot program; and

(D) does not effect a change in the Missouri River Master Water Control Manual.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—The Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(A) to complete the study under paragraph (3) $200,000; and

(B) to carry out the other provisions of this subsection $1,000,000 for each of fiscal years 2001 through 2010.

(c) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2010.".

SEC. 532. NEW MADRID COUNTY, MISSOURI.

For purposes of determining the non-Federal share for the project for navigation, New Madrid County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall consider Phases 1 and 2 as described in the report of the District Engineer, dated February 2000, as one project and provide credit to the non-Federal interest toward the non-Federal share of the combined project for work performed by the non-Federal interest on Phase 1 of the project.

SEC. 533. PEMISCOT COUNTY, MISSOURI.

The Secretary shall provide the non-Federal interest for the project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), credit toward the non-Federal share of the cost of the project for in-kind work performed by the non-Federal interest after December 1, 1997, if the Secretary determines that the work is integral to the project.

SEC. 534. LAS VEGAS, NEVADA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMITTEE.—The term "Committee" means the Las Vegas Wash Coordinating Committee.

(2) PLAN.—The term "Plan" means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) PROJECT.—The term "Project" means the Las Vegas Wash wetlands restoration and Lake Mead water quality improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) PARTICIPATION IN PROJECT.—

(1) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project to restore wetlands at Las Vegas Wash and to improve water quality in Lake Mead in accordance with the Plan.

(2) COST SHARING REQUIREMENTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all

costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) FEDERAL LANDS.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 535. NEWARK, NEW JERSEY.

(a) IN GENERAL.—Using authorities under law in effect on the date of enactment of this Act, the Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall assist the State of New Jersey in developing and implementing a comprehensive basinwide strategy in the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas for coordinated and integrated management of land and water resources to improve water quality, reduce flood hazards, and ensure sustainable economic activity.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies referred to in subsection (a) may provide technical assistance, staff, and financial support for the development of the floodplain management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies referred to in subsection (a) shall exercise flexibility to reduce barriers to efficient and effective implementation of the floodplain management strategy.

(d) RESEARCH.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.

SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) IN GENERAL.—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) SCOPE OF RESEARCH.—The research program authorized by subsection (a) shall be accomplished through the New York District of Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) LOCATION.—The activities authorized by this section shall be carried out at the facility authorized by section 103(d) of the Water Resources Development Act of 1992 106 Stat. 4812–4813, which may be located on the campus of the New Jersey Institute of Technology.

(d) REPORT TO CONGRESS.—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for fiscal years beginning after September 30, 2000.

SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.

The Secretary shall provide technical assistance in support of activities of non-Federal interests related to the dredging of Black Rock Canal in the area between the Ferry Street Overpass and the Peace Bridge Overpass in Buffalo, New York.

SEC. 538. HAMBURG, NEW YORK.

The Secretary shall complete the study of a project for shoreline erosion, Old Lake Shore Road, Hamburg, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 540. ROCHESTER, NEW YORK.

The Secretary shall complete the study of a project for navigation, Rochester Harbor, Rochester, New York, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project.

SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages, improve water quality, and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of $10,000,000.

(b) IMPLEMENTATION OF STRATEGY.—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) COOPERATION AGREEMENTS.—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(e) UPPER MOHAWK RIVER BASIN DEFINED.—In this section, the term "Upper Mohawk River basin" means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.

(a) IN GENERAL.—In order to assist the State of North Carolina and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects in eastern North Carolina by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris) in the following rivers and tributaries:

(1) New River and tributaries.

(2) White Oak River and tributaries.

(3) Neuse River and tributaries.

(4) Pamlico River and tributaries.

(b) COST SHARE.—The non-Federal interest for a project under this section shall—

(1) pay 35 percent of the cost of the project; and

(2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) CONDITIONS.—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) MAJOR DISASTER DEFINED.—In this section, the term "major disaster" means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) and includes any major disaster declared before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years 2001 through 2003.

SEC. 543. CUYAHOGA RIVER, OHIO.

(a) IN GENERAL.—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of $500,000.

(b) EVALUATION.—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United States and project purposes and shall be made without consideration to the United States.

SEC. 545. OKLAHOMA-TRIBAL COMMISSION.

(a) FINDINGS.—The House of Representatives makes the following findings:

(1) The unemployment rate in southeastern Oklahoma is 23 percent greater than the national average.

(2) The per capita income in southeastern Oklahoma is 62 percent of the national average.

(3) Reflecting the inadequate job opportunities and dwindling resources in poor rural communities, southeastern Oklahoma is experiencing an out-migration of people.

(4) Water represents a vitally important resource in southeastern Oklahoma. Its abundance offers an opportunity for the residents to benefit from their natural resources.

(5) Trends as described in paragraphs (1), (2), and (3) are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive outside influence on the local economy, help reverse these trends, and improve the lives of local residents.

(b) SENSE OF HOUSE OF REPRESENTATIVES.—In view of the findings described in subsection (a), and in order to assist communities in southeastern Oklahoma in benefiting from their local resources, it is the sense of the House of Representatives that—

(1) the State of Oklahoma and the Choctaw Nation of Oklahoma and the Chickasaw Nation, Oklahoma, should establish a State-tribal commission composed equally of representatives of such Nations and residents of the water basins within the boundaries of such Nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins;

(2) any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and

(3) if requested, the Secretary should provide technical assistance, as appropriate, to facilitate the efforts of the commission.

SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) Modeling and Forecasting System.—The Secretary shall develop and implement a modeling and forecasting system for the Columbia River estuary, Oregon and Washington, to provide real-time information on existing and future wave, current, tide, and wind conditions.

(b) Use of Contracts and Grants.—In carrying out this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the lands described in each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—The following deeds are referred to in subsection (a):

(1) The deeds executed by the United States and bearing Morrow County, Oregon, Auditor's Microfilm Numbers 229 and 16226.

(2) The deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, but only as that deed applies to the following portion of lands conveyed by that deed:

A tract of land lying in Section 7, Township 5 north, Range 28 east of the Willamette meridian, Benton County, Washington, said tract being more particularly described as follows:

Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded Plat thereof);

thence westerly along the said centerline of Third Avenue, a distance of 565 feet;

thence south 54° 10′ west, to a point on the west line of Tract 18 of said Addition and the true point of beginning;

thence north, parallel with the west line of said Section 7, to a point on the north line of said Section 7;

thence west along the north line thereof to the northwest corner of said Section 7;

thence south along the west line of said Section 7 to a point on the ordinary high water line of the Columbia River;

thence northeasterly along said high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, said coordinate line being east 2,291,000 feet;

thence north along said line to a point on the south line of First Avenue of said Addition;

thence westerly along First Avenue to a point on southerly extension of the west line of Tract 18;

thence northerly along said west line of Tract 18 to the point of beginning.

(3) The deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

(c) No Effect on Other Needs.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ESTUARY PROGRAM, OREGON AND WASHINGTON.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) Use of Management Plans.—

(1) Lower Columbia River estuary.—

(A) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the States of Oregon and Washington, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) Tillamook bay estuary.—

(A) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the State of Oregon, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) Authorized Activities.—

(1) In general.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) Limitations.—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) Priority.—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) Cost-Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) Ecosystem restoration projects.—

(A) In general.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items provided by non-Federal interests.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) In-kind contributions.—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) Operation and maintenance.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) Federal lands.—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) Definitions.—In this section, the following definitions apply:

(1) Lower Columbia River estuary.—The term "lower Columbia River estuary" means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) Tillamook bay estuary.—The term "Tillamook Bay estuary" means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.

Section 546(b) of the Water Resources Development Act of 1999 (113 Stat. 351) is amended by adding at the end the following: "If the Secretary participates in the project, the Secretary shall carry out a monitoring program for 3 years after construction to evaluate the ecological and engineering effectiveness of the project and its applicability to other sites in the Willamette Valley.".

SEC. 550. WILLAMETTE RIVER BASIN, OREGON.

Section 547 of the Water Resources Development Act of 1999 (113 Stat. 351–352) is amended by adding at the end the following:

"(d) Research.—In coordination with academic and research institutions for support, the Secretary may conduct a study to carry out this section.".

SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.

(a) In General.—Section 539(a) of the Water Resources Development Act of 1996 (110 Stat. 3776) is amended—

(1) by striking "and" at the end of paragraph (1)(A);

(2) by striking the period at the end of paragraph (1)(B) and inserting "; and"; and

(3) by adding at the end the following:

"(C) the Lackawanna River, Pennsylvania.".

(b) Authorization of Appropriations.—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking "(a)(1)(A) and" and inserting "(a)(1)(A),"; and

(2) by inserting ", and $5,000,000 for projects undertaken under subsection (a)(1)(C)" before the period at the end.

SEC. 552. PHILADELPHIA, PENNSYLVANIA.

(a) In General.—The Secretary shall provide assistance to the Delaware River Port Authority to deepen the Delaware River at Pier 122 in Philadelphia, Pennsylvania.

(b) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available *to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105–178, to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.*

SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies as well as appropriate nonprofit, nongovernmental organizations with expertise in wetlands restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

"(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.".

SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TENNESSEE.

(a) TRANSFER FROM TVA.—The Tennessee Valley Authority shall transfer $200,000 to the Secretary for the preparation of a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Chattanooga, Tennessee.

(b) REPORT.—The Secretary shall accept and use the funds transferred under subsection (a) to prepare the report referred to in subsection (a).

SEC. 556. JOE POOL LAKE, TEXAS.

If the city of Grand Prairie, Texas, enters into a binding agreement with the Secretary under which—

(1) the city agrees to assume all of the responsibilities (other than financial responsibilities) of the Trinity River Authority of Texas under Corps of Engineers contract #DACW63–76–C–0166, including operation and maintenance of the recreation facilities included in the contract; and

(2) to pay the Federal Government a total of $4,290,000 in 2 installments, 1 in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and 1 in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003,

the Trinity River Authority shall be relieved of all of its financial responsibilities under the contract as of the date the Secretary enters into the agreement with the city.

SEC. 557. BENSON BEACH, FORT CANBY STATE PARK, WASHINGTON.

The Secretary shall place dredged material at Benson Beach, Fort Canby State Park, Washington, in accordance with section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 558. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) IN GENERAL.—The Secretary may participate in critical restoration projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

(b) PROJECT SELECTION.—The Secretary, in consultation with appropriate Federal, tribal, State, and local agencies, (including the Salmon Recovery Funding Board, Northwest Straits Commission, Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups) may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(c) PROJECT COST LIMITATION.—Of amounts appropriated to carry out this section, not more than $2,500,000 may be allocated to carry out any project.

(d) COST SHARING.—

(1) IN GENERAL.—The non-Federal interest for a critical restoration project under this section shall—

(A) pay 35 percent of the cost of the project;

(B) provide any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project;

(C) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) hold the United States harmless from liability due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(2) CREDIT.—The Secretary shall provide credit to the non-Federal interest for a critical restoration project under this section for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest for the project.

(3) MEETING NON-FEDERAL COST SHARE.—The non-Federal interest may provide up to 50 percent of the non-Federal share of the cost of a project under this section through the provision of services, materials, supplies, or other in-kind services.

(e) CRITICAL RESTORATION PROJECT DEFINED.—In this section, the term "critical restoration project" means a water resource project that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial environmental protection and restoration benefits.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 559. SHOALWATER BAY INDIAN TRIBE, WILLAPA BAY, WASHINGTON.

(a) PLACEMENT OF DREDGED MATERIAL ON SHORE.—For the purpose of addressing coastal erosion, the Secretary shall place, on an emergency one-time basis, dredged material from a Federal navigation project on the shore of the tribal reservation of the Shoalwater Bay Indian Tribe, Willapa Bay, Washington, at Federal expense.

(b) PLACEMENT OF DREDGED MATERIAL ON PROTECTIVE DUNES.—The Secretary shall place dredged material from Willapa Bay on the remaining protective dunes on the tribal reservation of the Shoalwater Bay Indian Tribe, at Federal expense.

(c) STUDY OF COASTAL EROSION.—The Secretary shall conduct a study to develop long-term solutions to coastal erosion problems at the tribal reservation of the Shoalwater Bay Indian Tribe at Federal expense.

SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer its rights, interests, and title in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) CONDITIONS.—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) LIMITATION.—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) WATER SUPPLY CONTRACT.—The water supply contract designated as DACWD 67–68–C–0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 561. SNOHOMISH RIVER, WASHINGTON.

In coordination with appropriate Federal, tribal, and State agencies, the Secretary may carry out a project to address data needs regarding the outmigration of juvenile chinook salmon in the Snohomish River, Washington.

SEC. 562. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Tri-Cities Power Authority of West Virginia is authorized to design and construct hydroelectric generating facilities at the Bluestone Lake facility, West Virginia, under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, may enter into a binding agreement with the Tri-Cities Power Authority under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design and construction of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction,

and operation and maintenance of the facilities referred in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) of this section and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facility by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities referred to in subsection (a).

(2) CERTIFICATION.—The Secretary is authorized to accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized to pay in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) SAVINGS CLAUSE.—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of such facilities.

SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

"(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the Jenkins House located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.".

SEC. 564. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning, design, and construction assistance to non-Federal interests for the project at Virginia Point, located at the confluence of the Ohio and Big Sandy Rivers in West Virginia, identified by the preferred plan set forth in the feasibility study dated September 1999, and carried out under the West Virginia-Ohio River Comprehensive Study authorized by a resolution dated September 8, 1988, by the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000.

SEC. 566. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by inserting "environmental restoration," after "distribution facilities,".

SEC. 567. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended by adding at the end the following: "Such terms and conditions may include a payment or payments to the State of Wisconsin to be used toward the repair and rehabilitation of the locks and appurtenant features to be transferred.".

SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 569. ILLINOIS RIVER BASIN RESTORATION.

(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through 2004.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal

and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects which accomplish the goals of this section, as determined by the Secretary. Such programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LANDS.—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 570. GREAT LAKES.

(a) GREAT LAKES TRIBUTARY MODEL.—Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by adding at the end of subsection (e) the following:

"(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized";

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 through 2006."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

(b) ALTERNATIVE ENGINEERING TECHNOLOGIES.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan to enhance the application of ecological principles and practices to traditional engineering problems at Great Lakes shores.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000. Activities under this subsection shall be carried out at Federal expense.

(c) FISHERIES AND ECOSYSTEM RESTORATION.—

(1) DEVELOPMENT OF PLAN.—The Secretary shall develop and transmit to Congress a plan for implementing Corps of Engineers activities, including ecosystem restoration, to enhance the management of Great Lakes fisheries.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000. Activities under this subsection shall be carried out at Federal expense.

SEC. 571. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c) by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2005:".

SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 573. DREDGED MATERIAL RECYCLING.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from a confined disposal facility associated with a harbor on the Great Lakes or the Saint Lawrence River and a harbor on the Delaware River in Pennsylvania for the purpose of recycling the dredged material and extending the life of the confined disposal facility.

(b) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

"(28) Tomales Bay watershed, California.

"(29) Kaskaskia River watershed, Illinois.

"(30) Sangamon River watershed, Illinois.

"(31) Lackawanna River watershed, Pennsylvania.

"(32) Upper Charles River watershed, Massachusetts.

"(33) Brazos River watershed, Texas.".

SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

"(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

"(17) Morehead City Harbor, North Carolina.".

SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (110 Stat. 3703) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College.

SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2861–515), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and fund the Department of the Army's share of the cost of activities required for implementing, operating, and maintaining the Service.

SEC. 578. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanographic and Atmospheric Administration to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers.

SEC. 579. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—

(1) in subsection (a) by striking "and design" and inserting "design, and construction";

(2) in subsection (c) by striking "50" and inserting "35";

(3) in subsection (e) by inserting "and colleges and universities, including the members of the Western Universities Mine-Land Reclamation and Restoration Consortium, for the purposes of assisting in the reclamation of abandoned noncoal mines and" after "entities"; and

(4) by striking subsection (f) and inserting the following:

"(f) NON-FEDERAL INTERESTS.—In this section, the term 'non-Federal interests' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

"(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of the cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that such design and construction services and other in-kind consideration are integral to the project.

"(i) COST LIMITATION.—Not more than $10,000,000 of the amounts appropriated to carry out this section may be allotted for projects in a single locality, but the Secretary may accept funds voluntarily contributed by a non-Federal or Federal entity for the purpose of expanding the scope of the services requested by the non-Federal or Federal entity.

"(j) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $45,000,000. Such sums shall remain available until expended.".

SEC. 581. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is further amended—

(1) in subsection (b) by inserting "and activity" after "project";

(2) in subsection (c) by inserting "and activities under subsection (f)" before the comma; and

(3) by adding at the end the following:

"(f) CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.—

"(1) IN GENERAL.—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

"(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

"(B) develop technologies and strategies for monitoring and improving water quality in the Nation's lakes; and

"(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation's lakes.

"(2) USE OF RESEARCH.—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

"(3) BIOLOGICAL MONITORING STATION.—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

"(4) CREDIT.—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection $6,000,000. Such sums shall remain available until expended.".

SEC. 582. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restriction covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and running along the easterly boundary of a tract of land described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the Alabama Farmers Cooperative, Inc.

SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES PROTECTION.

(a) IN GENERAL.—Under section 219(a) of the Water Resources Development Act of 1992 (106 Stat. 4835), the Secretary may provide technical, planning, and design assistance to non-Federal interests to carry out water-related projects described in this section.

(b) NON-FEDERAL SHARE.—Notwithstanding section 219(b) of the Water Resources Development Act of 1992 (106 Stat. 4835), the non-Federal share of the cost of each project assisted in accordance with this section shall be 25 percent.

(c) PROJECT DESCRIPTIONS.—The Secretary may provide assistance in accordance with subsection (a) to each of the following projects:

(1) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(2) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(3) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(4) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(5) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(6) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(7) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

(8) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(9) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

(10) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

(11) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

(12) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

(13) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

(14) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

(15) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

(16) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

(17) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

(18) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

(19) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

(20) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(21) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(22) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for providing assistance in accordance with subsection (a) to the projects described in subsection (c).

(2) AVAILABILITY.—Sums authorized to be appropriated under this subsection shall remain available until expended.

(e) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—The Secretary may provide assistance in accordance with subsection (a) and assistance for construction for each the following projects:

(1) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

(2) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

(3) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

(4) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

(5) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

(6) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

(7) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

(8) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

(9) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

(10) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

(11) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

(12) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

(13) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

(14) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

(15) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

(16) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

(17) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

(18) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(19) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

(20) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

(21) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

(22) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835, 4836) is amended—

(1) in subsection (e)(6) by striking "$20,000,000" and inserting "$30,000,000";

(2) in subsection (f)(4) by striking "$15,000,000" and inserting "$35,000,000";

(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000";

(4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000";

(5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000";

(6) in subsection (f)(43) by striking "$15,000,000" and inserting "$35,000,000"; and

(7) in subsection (f) by adding at the end the following new paragraph:

"(44) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.".

SEC. 585. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described in paragraph (2) for public ownership and use by the town for fire fighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled "Property Survey Prepared for West Thompson Independent Firemen Association #1" dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT–276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT–123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT–277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for fire fighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States.

(b) SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the "Hospital") by quitclaim deed under the terms of a negotiated sale, all right, title, and interest of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05′ 40″ West—436.31 feet to a point, thence

(B) South 89° 59′ 30″ West—550 feet to a point, thence

(C) South 53° 48′ 00″ West—361.08 feet to a point, thence

(D) South 89° 59′ 30″ West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described.

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17′ 20″ West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18′ 21″ East—258.85 feet to a point, thence

(G) North 02° 49′ 16″ West—214.18 feet to a point, thence

(H) South 87° 09′ 00″ West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41′ 30″ East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09′ 00″ East—373.96 feet to a point, thence

(K) North 88° 42′ 48″ East—374.92 feet to a point, thence

(L) North 56° 53′ 40″ East—53.16 feet to a point, thence

(M) North 86° 00′ 15″ East—26.17 feet to a point, thence

(N) South 87° 24′ 50″ East—464.01 feet to a point, thence

(O) North 83° 34′ 31″ East—212.62 feet to a point, thence

(P) South 30° 16′ 12″ East—108.97 feet to a point, thence

(Q) South 38° 30′ 23″ East—287.46 feet to a point, thence

(R) South 09° 03′ 38″ West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54′ 43″ West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from *any impact such operations may have on the activities conducted by the Hospital on the parcel.*

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05' 40" East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforsaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05' 40" West—495.13 feet to a point, thence

(ii) North 87° 24' 50" West—414.43 feet to a point, thence

(iii) South 81° 08' 00" West—69.56 feet to a point, thence

(iv) South 88° 42' 48" West—367.50 feet to a point, thence

(v) South 87° 09' 00" West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41' 30" East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09' 00" East—373.96 feet to a point, thence

(viii) North 88° 42' 48" East—374.92 feet to a point, thence

(ix) North 56° 53' 40" East—53.16 feet to a point, thence

(x) North 86° 00' 15" East—26.17 feet to a point, thence

(xi) South 87° 24' 50" East—464.01 feet to a point, thence

(xii) North 83° 34' 31" East—50.62 feet to a point, thence

(xiii) South 02° 35' 10" West—46.46 feet to a point, thence

(xiv) South 13° 38' 12" East—107.83 feet to a point, thence

(xv) South 35° 05' 40" East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59' 22" West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Ontonagon County Historical Society all right, title, and interest of the United States in and to the parcel of land underlying and immediately surrounding the lighthouse at Ontonagon, Michigan, consisting of approximately 1.8 acres, together with any improvements thereon, for public ownership and for public purposes.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the real property described in paragraph (1) ceases to be held in public ownership or used for public purposes, all right, title, and interest in and to the property shall revert to the United States.

(d) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey by quitclaim deed all right, title, and interest in the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements situated in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-46 and FM-47, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a quitclaim deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require S.S.S., Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, S.S.S., Inc. shall hold the United States harmless from liability, and the United States shall not incur costs associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the lands described in paragraph (2). The legal description shall be used in the instruments of conveyance of the lands.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(e) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking "a deceased individual" and inserting "an individual".

(f) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the Secretary.

(5) PAYMENT OF COSTS.—The township of Manor, Pennsylvania shall be responsible for all costs associated with a conveyance under this subsection, including the cost of conducting the survey referred to in paragraph (2).

(g) NEW SAVANNAH BLUFF LOCK AND DAM, SAVANNAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the city of North Augusta and Aiken County, South Carolina, the lock, dam, and appurtenant features at New Savannah Bluff, including the adjacent approximately 50-acre park and recreation area with improvements of the navigation project, Savannah River Below Augusta, Georgia, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 924), subject to the execution of an agreement by the Secretary and the city of North Augusta and Aiken County, South Carolina, that specifies the terms and conditions for such conveyance.

(2) TREATMENT OF LOCK, DAM, APPURTENANT FEATURES, AND PARK AND RECREATION AREA.—The lock, dam, appurtenant features, adjacent park and recreation area, and other project lands, to be conveyed under paragraph (1) shall not be treated as part of any Federal water resources project after the effective date of the transfer.

(3) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the navigation project, other than the lock, dam, appurtenant features, adjacent park and recreation area, and other project lands to be conveyed under paragraph (1), shall continue to be a Federal responsibility after the effective date of the transfer under paragraph (1).

(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the lands to be conveyed to the local government"; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: "; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the Kennewick Man Site and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership".

(i) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, interests, and title of the United States to the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(j) JOLIET, ILLINOIS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for other purposes, all right, title, and interest in and to such property shall revert to the United States.

(k) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE ¼, S11, T33N, R3E 3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property desscribed in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used as the YMCA, all right, title, and interest in and to such easement shall revert to the Secretary.

(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast ¼ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18–1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1–C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to such property shall revert to the United States.

(m) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, situated north and cast of the Gunflint Corridor and that is bounded by the United States border with Canada to the north shall be known and designated as the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness".

SEC. 587. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled "An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)", approved November 1, 1988 (102 Stat. 2944), is amended by striking "$2,000,000" and inserting "$4,000,000".

SEC. 589. DEVILS LAKE, NORTH DAKOTA.

No appropriation shall be made to construct an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River if the final plans for the emergency outlet have not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described

in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance

with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading "Everglades Restoration" all proposed funding for the Plan for all agency programs.

(2) FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.—The President, as part of the annual budget of the United States Government, shall display under the accounts "Construction, General" and "Operation and Maintenance, General" of the title "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil", the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) SURPLUS FEDERAL LANDS.—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after "on or after the date of enactment of this Act" the following: "and before the date of enactment of the Water Resource Development Act of 2000".

(p) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) FINDINGS.—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER RESTORATION

SEC. 701. DEFINITIONS.

In this title, the following definitions apply:

(1) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(2) PLAN.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) STATE.—The term "State" means the State of South Dakota.

(4) TASK FORCE.—The term "Task Force" means the Missouri River Task Force established by section 705(a).

(6) TRUST.—The term "Trust" means the Missouri River Trust established by section 704(a).

SEC. 702. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 703. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on the Federal, State, and regional economies, recreation, hydropower generation, fish and wildlife, and flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with the Secretary of Energy, the Secretary of the Interior, the Secretary of Agriculture, the State, and Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 2 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 50 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 704. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, 33 U.S.C. 701-1 et seq.).

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2005, $5,000,000 for each of fiscal years 2006 through 2009, and $10,000,000 in fiscal year 2010. Such funds shall remain available until expended.

Mr. LOTT. I ask unanimous consent that the Senate disagree with the amendments of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. VOINOVICH, Mr. BAUCUS, and Mr. GRAHAM of Florida as conferees on the part of the Senate.

ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate now proceed to the conference report to accompany S. 835, the estuary bill; further, that the conference report be adopted, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The conference report will be printed in a future edition of the RECORD in the House proceedings.)

Mr. L. CHAFEE. Mr. President, I rise today in support of the conference report to S. 835, the Estuaries and Clean Waters Act of 2000.

During my year in the Senate, one of my top legislative priorities has been the enactment of my father's estuary habitat restoration partnership legislation, S. 835. This bill will promote the restoration of one million acres of estuary habitat by directing $275 million in funding and other incentives to local estuarine restoration projects.

I congratulate the Members of the Senate Environment and Public Works Committees, and in particular Chairman BOB SMITH, for their expertise, persistence and enthusiastic support for this important environmental bill. And, I am delighted that the Senate is approving this compromise version, and moving the Estuaries and Clean Waters Act one step closer to enactment this session.

Mr. President, my father was a champion of efforts to protect wetlands and estuarine areas, and he felt strongly that the federal government should do more to restore and safeguard these valuable habitats. He had a special devotion and appreciation for the salt marshes, coves and coastline of Narragansett Bay. Thus, in the fall of 1997, at Edgewood Yacht Club in Cranston, surrounded by supporters from Rhode Island's Save The Bay, Senator John H. Chafee announced introduction of his comprehensive legislation to protect and restore our nation's estuaries. That bill evolved into S. 835, the Estuary Habitat Restoration Partnership Act that he introduced in the Spring of last year. And, when we approve this legislation, we are carrying out the work that my father considered to be of utmost importance to the health of our fisheries, the quality of our waters, and the beauty of our great land.

Estuaries are where the river's current meets the sea's tide. These waterbodies are unique areas where life thrives. They are where the food chain begins, and many estuaries produce more harvestable human food per acre than the best mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, Whooping Cranes, manatees, salmon, otters, Bald Eagles, and sea turtles, all depend on estuaries for their survival. Estuaries provide the nursing grounds for our fisheries, support many of our endangered and threatened species and host nearly half of the neotropical migratory birds in the United States.

However, these productive areas are fragile, and vulnerable to human and environmental pressures. Today, burgeoning human populations in coastal areas are disrupting the balance and threatening the health of fragile estuary habitats. Activities such as dredging, draining, the construction of dams, uncontrolled sewage discharges, and other forms of pollution have all led to the degradation and destruction of estuary habitat. The bottom line is that we are not doing enough for these valuable resources. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

Like the many supporters of S. 835, I believe estuary legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our nation's coasts. Senator John H. Chafee used to say: "Given half a chance, nature will rebound and overcome tremendous setbacks, but we must—at the very least—give it that half a chance." The good news is that in many degraded coastal areas, nature will rebound if we simply reduce pollution, or return salt water, or replant eelgrass in the proper conditions.

This legislation will fuel efforts to restore one million acres of estuary habitat by emphasizing several aspects of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

S. 835 encourages voluntary activities nationwide by authorizing $275 million over five years for estuary habitat restoration projects. Other provisions include the creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay and the Long Island Sound Estuary Programs and authorizing a program in the Lake Pontchartrain Basin to restore estuaries at the base of the Mississippi River.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 nationally-designated estuaries—including Narragansett Bay—could only use federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it nearly triples the authorization for the National Estuary Program from $12 million to $35 million per year for the next five years. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, state and federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, I have seen first-hand that restoration projects really work. In recent years, the Rhode Island Department of Environmental Management's Narragansett Bay Estuary Program; federal partners such as the Army Corps of Engineers, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration; Save the Bay and other conservation organizations; and local communities have joined forces to restore estuaries in and around Narragansett Bay.

By leveraging funding, equipment, volunteers and other resources, federal and non-federal partners have forged cooperative relationships to restore some of the Bay's most important estuarine environments. The Galilee Salt Marsh and Bird Sanctuary Restoration Project is one such success. This 128-acre marsh was largely cut off from tidal flows as a result of road construction beginning in the 1950's. When fully completed, the restoration project will return 84 acres of salt marsh habitat and 14 acres of open water in new tidal channels to the Galilee Bird Sanctuary. With the reopening of the marsh to tides, salt marsh grasses native to Rhode Island are returning to the area, along with many small fish and crabs and wetland birds such as geese, ducks, egrets, herons and shorebirds. The area is also expected to, once again, serve as an important nursery area for commercially-important fish species.

Other successful Rhode Island projects include the anadromous fish and salt marsh restoration in the Massachuck Creek Fishway in Barrington; restoration of Boyd's Marsh in Portsmouth; and a NOAA Community-Based Restoration Program that partnered Save The Bay with local students and teachers to train them in seagrass and eelgrass restoration techniques. These activities demonstrate that by integrating state and federal resources with local, hands-on community involvement, we can give estuary habitats that half a chance they need to revive and flourish.

A lot of progress has been made toward restoring the health of the Rhode Island's estuaries, but considerable work remains to be done. In my view, Narragansett Bay is not only Rhode Island's greatest natural asset, but is also the most beautiful of our nation's estuaries. Designated by Congress as an "estuary of national significance," Narragansett Bay covers 147 square miles and is home to 60 species of fish and shellfish and more than 200 species of birds. Tourism, fishing and other Bay-related businesses fuel the regional economy. As a Rhode Islander, it seems clear that our welfare depends on our ability to sustain a clean, healthy, and productive Bay. The challenge of estuary restoration is even greater at the national level. With the aid of the Estuaries and Clean Water Act of 2000, the federal government will help meet that challenge, working with state and local partners to revive our most precious and productive estuary resources.

I thank my Senate colleagues for approving this important legislation. And, again I offer appreciation for the efforts of the Chairman and the Ranking Member of the Environment and Public Works Committee, the other Senate conferees and the Committee staff for their perseverance and dedication to passing estuary legislation this Congress. I also thank Rhode Island's Save The Bay, under the leadership of Curt Spalding, and the other conservation organizations who have worked hard to garner support for this legislation across the country.

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of the Estuaries and Clean Waters Act of 2000, S. 835. This is an important piece of legislation that will enhance our ability to protect the nation's valuable shoreline habitats, extend the cooperative partnership to preserve the Chesapeake Bay and Long Island Sound, and expand the effort to improve water quality in our nation's lakes.

I am proud to have been a cosponsor of this legislation and to have had the opportunity to work with our colleagues in the House of Representatives to ensure its passage this year. This legislation was of particular importance to our former colleague, and my friend, Senator John Chafee. He was the principal sponsor of this bill and a long time champion of estuaries. A year ago, under his chairmanship, the Committee on Environment and Public Works reported out S. 835 by voice vote. Since then, his son, Senator LINCOLN CHAFEE has continued the effort to get an estuaries bill signed into law. I am grateful for his leadership and am pleased to join him in that effort. With the Senate's passage of the Conference Report on S. 835 today, and similar action in the House, we will achieve that goal. I believe that is a fitting tribute to Senator John Chafee.

S. 835 exemplifies environmental policy based on partnership and cooperation, and not on top-down mandates and over-burdensome Federal regulations. The bill encourages States, local governments and nongovernmental organizations to work together to identify estuary habitat restoration projects. With the federal government, acting through the Army Corps of Engineers, as a partner, communities across the country will be able to restore and enhance one million acres of estuaries. Because these projects will be implemented in partnership with local sponsors, there will be little cost to the taxpayer. This is exactly the kind of environmental success that we should all be proud of supporting.

To understand how important this Act is for protecting the environment, one has to understand what estuaries are and how valuable they are to our society. Estuaries are the bays, gulfs, sounds, and inlets where fresh water from rivers and streams meets and mixes with salt water from the ocean. More simply, estuaries are where the rivers meet the sea. You can find examples of estuaries in costal marshes, coastal wetlands, maritime forests, sea grass meadows and river deltas. Estuaries represent some of the most environmentally and economically productive habitats in the world.

Estuaries are critical for wildlife. Approximately 50 percent of the nation's migratory songbirds are linked to coastal estuary habitats, while nearly 30 percent of North American waterfowl rely upon coastal estuary habitat for wintering grounds. Many threatened and endangered species depend upon estuaries for their survival.

Estuaries also play a major role in commercial and recreational fishing. Approximately seventy-five percent of the commercial fish catch, and eighty to ninety percent of the recreational fish catch, depend in some way on estuaries.

Estuaries also contribute significantly to the quality of life for many Americans. Over half of the population of the United States lives near a coastal area; a great majority of Americans visit estuaries every year to swim, fish, hunt, dive, bike, view wildlife, and learn. For many states, tourism associated with estuaries provides enormous economic benefit. In fact, the coastal recreation and tourism industry is the second largest employer in the nation, serving 180 million Americans each year.

These many attributes of estuaries are especially important to me because of the rich coast line of New Hampshire. New Hampshire estuaries contribute to the dynamic habitat and beauty of the State, as well as the economy. Recreational shell fishing alone contributes an estimated $3 million annually to the State and local economies.

New Hampshire has been in the forefront of the national effort to identify and protect sensitive estuary habitats. The New Hampshire Great Bay/Little Bay and Hampton Harbor, and their tributary rivers joined the National Estuary Program in July of 1995 as part of the New Hampshire Estuaries Project. I am particularly pleased that the Conference Report on S. 835 specifically mentions the Great Bay Estuary and directs the Secretary of the Army to give priority consideration to the Great Bay Estuary in selecting estuary habitat restoration projects.

The Great Bay Estuary has a rich cultural history. It's beauty and resources attracted the Paleo-Indians to the area nearly 6,000 years ago. It was also the site of a popular summer resort during the 1800s, as well as a shipyard. As a Senator from New Hampshire, I am proud to help preserve this historical and ecological resource for future generations.

Unfortunately, many of the estuaries around the United States including those in New Hampshire, have been harmed by urbanization of the surrounding areas. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuary habitat is impaired.

The Estuaries and Clean Waters Act is a tremendous step forward in establishing a much-needed restoration program that does not duplicate existing efforts, but instead builds upon them.

The legislation establishes a new, collaborative, interagency, inter-governmental process for the selection and implementation of estuary habitat restoration projects. It is based on the premise that we should provide incentives to States, local communities, and the private sector to play a role in the restoration of estuary habitat. It also reflects the fundamental belief that the decisions of how to restore these estuaries should be made by those who know best—the local communities.

The Secretary of the Army is authorized to use $275 million over the next five years to implement, with local partners, estuary habitat restoration projects that are selected from a list put together by a multi-agency Estuary Habitat Restoration Council. The Council gets the ideas for specific projects from the local communities and nongovernmental organizations that want to want to serve as partners in the projects. This is truly a collaborative process, from start to finish.

In selecting specific projects, the Secretary is directed to take into consideration a number of factors. These factors include: technical feasibility and scientific merit; cost-effectiveness; whether the project will encourage increased coordination and cooperation among federal, State, and local governments; whether the project fosters public-private partnerships; and whether the project is part of an approved estuary management or habitat restoration plan.

I am particularly pleased that special priority will be given to projects that test innovative technologies that have the potential for improving cost-effectiveness in estuary habitat restoration. These technologies are eligible to receive an increased federal cost share. Some of these technologies are now being identified and tested in the National Estuarine Research Reserve System. The University of New Hampshire plays an important role in the NERRS program.

This bill also ensures accountability through ongoing monitoring and evaluation. The National Oceanic and Atmospheric Administration (NOAA) will maintain a data base of restoration projects so that information and lessons learned from one project can be incorporated into other restoration projects. In addition, the Secretary is directed to submit to Congress two reports, after the third and fifth years of the program, a detailing the progress made under the Act. This report will allow us in the Congress, as well as the public, to assess the successes and failures of the projects and strategies developed under this Act.

S. 835 also includes important provisions dealing with the National Estuaries Program, the Chesapeake Bay Program and the Long Island Sound. I know that the Chesapeake Bay Program has been of particular importance to Senator WARNER. I am pleased that the final bill extended the authorizations for these three programs.

I do want to acknowledge the important role that the National Estuaries Program (NEP) has played in raising national awareness of the value of estuary habitats. The NEP was established in 1988 and demonstrates what we can accomplish when Federal, State and local governments work in partnership. Participation in the program is voluntary and emphasizes watershed planning and community involvement. To date, 28 conservation plans under this program have been prepared for designated estuaries. I am pleased that New Hampshire is in the process of developing its own conservation plan.

Unfortunately, the National Estuaries Program has not had sufficient resources to adequately address habitat restoration. Until now, in fact, only the development of the plans could be funded, not their implementation. S. 835 will change that. This bill will increase the authorization for the NEP from $12 million to $35 million annually through 2005.

I believe that this overwhelmingly bipartisan bill represents an approach to environmental policy that should be the basis for solving all environmental problems. I strongly believe that we should seek to solve environmental problems together, on a bipartisan basis, through cooperation and partnership, and not through confrontation. We should trust the States and local governments as our partners, and allow decisions that affect local communities to made by at the local level. We must use our taxpayer dollars wisely and effectively; and we should insist on results and accountability. If we do these things, I believe we will do a better job of preserving our natural resources, cleaning up our waters, and improving our air quality.

Mr. President, the Estuaries and Clean Waters Act of 2000 takes an important step in the right direction. It's a bill that we should all be proud of. I thank my colleagues for supporting its passage.

ACKNOWLEDGING AND SALUTING THE CONTRIBUTIONS OF COIN COLLECTORS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 154 submitted by myself and Senator DASCHLE.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Con. Res. 154) to acknowledge and salute the contributions of coin collectors.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 154) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 154

Whereas in 1982, after a period of 28 years, the Congress of the United States resumed the United States commemorative coin programs;

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

2002 WINTER OLYMPIC COMMEMORATIVE COIN ACT

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 816, H.R. 3679.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3679) to provide for the minting of commemorative coins to support the 2002 Salt Lake Winter Games and the programs of the United States Olympic Committee.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3679) was read the third time and passed.

ORDERS FOR TUESDAY, OCTOBER 24, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 3 p.m. on Tuesday, October 24. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 5 p.m, with Senators speaking for up to 5 minutes each, with the following exceptions: Senator THOMAS, or his designee, 15 minutes; Senator DURBIN, or his designee, 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Therefore, the Senate will be in a period of morning business on Tuesday.

Following the morning business, the Senate will begin consideration of any available conference reports, if available from the House. It is more likely the Senate will not receive these Senate appropriations reports until either late on Tuesday or Wednesday morning. Votes are not anticipated during Tuesday's session. Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order, following the remarks of Senators HARKIN, LANDRIEU, REID, DORGAN, DURBIN, and LOTT.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I am happy to withhold the final request.

Mr. DORGAN. Mr. President, I merely want to ask the majority leader a bit more about the schedule. I understand there are no votes tomorrow, on Tuesday, and the potential of votes on Wednesday. I missed part of the presentation of the majority leader for which I apologize.

Is it the intention of the majority leader to try to complete business this week?

Mr. LOTT. Mr. President, I am happy to repeat it because I know we want to make sure all Senators have heard this. We have four appropriations bills that are in some degree of completion. I think two of them have been wrapped up and two are still being discussed between the House, the Senate, and the White House. It is possible the House will act on one of those appropriations bills on Tuesday, but it appears it wouldn't be until late in the afternoon or even early evening, so we wouldn't get it until late Tuesday or perhaps Wednesday morning.

We also have a discussion underway involving a tax bill which would provide for FSC and the pension and IRAs that have been approved by the Senate Finance Committee, so that could be completed and be available late tomorrow afternoon. But both of those would also probably be done on Wednesday.

Hopefully, with three or four votes, we would be able to complete the session for the year. That could be done Wednesday; hopefully it will be done not later than Thursday. Of course, that all is dependent upon final agreement between the two bodies and final comments we might get from the White House.

Mr. DORGAN. I thank the majority leader for his response.

Might I inquire on one further issue, the issue of the tax matters that the Senator described? Can the Senator tell me how those tax issues will come to the floor of the Senate and the House? In what form? Attached to what legislation?

Mr. LOTT. I don't mean for that to be all inclusive. I assume we will be clearing bills right along as we did last week and this week. We also have a number of Executive Calendar nominations that we anticipate clearing. I started the process last week to get to a vote on bankruptcy. We hope that will also come up, probably Thursday, before we go out.

With regard to the tax provisions, there is a bill to which they would be attached. I don't recall the number right offhand. It does relate to small businesses, small business tax relief, but I can't give an exact name.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wonder if I might ask our distinguished leader, he mentioned the Executive Calendar. The Finance Committee has held hearings on six nominees, two tax court judges of some considerable salience, two public trustees of the Social Security trust funds. We have not been able to find a committee presence, a majority in which to report out the measure.

We had hoped that possibly the committee might be discharged. These are persons of distinction who we all want to be in place. Will that be possible?

Mr. LOTT. If I could respond, I understand there are two tax court judges, two trustees with the Social Security and Medicare trust funds, two Social Security advisory board nominees, and Assistant Secretary of Commerce. It is our intent to get clearance to discharge committee and confirm those before we go out—hopefully, maybe even tomorrow; certainly, Wednesday or Thursday. But we have the list and we are going to be working on that.

Mr. MOYNIHAN. That is most reassuring. I thank the leader.

Mr. LOTT. I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SENATE AGENDA

Mr. HARKIN. Mr. President, we are now 23 days from the end of the last fiscal year, and 15 days before the election. So far, this Congress can be defined more by what it has failed to do than what it has done. The majority has so far succeeded in killing a number of critical initiatives needed by working families and senior citizens. The list of legislative corpses could fill several obituary pages.

Here is the report card on this Congress: Patients' Bill of Rights, not done; prescription drug benefit for Medicare, not done; school modernization and renovation, not done; class-size reduction, not done; minimum wage increase, not done; pay equity, not done; farm bill reforms, not done; gun safety measures, not done; campaign finance reform, not done; hate crimes legislation, not done; Latino and Immigrant Fairness Act, not done; college tuition tax deductibility, not done; long-term care tax credit, not done; child care tax credit, not done.

That list could go on and on but I think that summarizes it pretty well.

One might ask, what have we been doing around here this year? Quite frankly, not a heck of a lot when it comes to the people's business. And not only regarding the agenda, there are important authorizations and reauthorizations that have not been authorized.

Elementary and Secondary Education Act, the first time since 1965 that Congress fails to reauthorize. The Violent Crime Control and Law Enforcement Act, Older Americans Act, the Superfund, Clean Water Act, Energy Policy Act and Veterans Health Care Eligibility Reform Act—none of these reauthorizations have taken place this year.

On top of that, we failed to pass our critical appropriations bills.

Right now, we are meeting—I'm the Senate leading Democrat on the Labor-HHS and education bill—on our education appropriations bill. We are in negotiations now. We have been in negotiations since last July and we can't seem to get it done. We are talking about class-size reduction. We have had it for 2 years. It is working well. Go around to your States and talk to the schools. Teachers love it. They are getting more teachers in the classroom. They are getting aides, assistant to come in, especially for kids with disabilities. And right now the Republicans want to turn the clocks back. They don't want to do that anymore. They want to turn the clock back.

On school modernization and construction, they don't want to do that one, either. Mr. President, 14 million American children attend classes in buildings that are unsafe or inadequate. How do we expect our kid to learn for the 21st century when they are in schools not equipped for the 20th century? Yet this Congress says no; no to the educational things that will make our kids better students, make our schools better schools, make the future a better one for all of our people. They say no.

We have had for 3 years, a demonstration projects in Iowa on school repair, $17.6 million in Federal funds to make needed repairs. It is leveraged an additional $141 million, a ratio of $8 to every $1.

It has been a great success. This is what we could expect around the nation if the Republicans would just get serious and fund this modernization and classroom construction program. We need to continue the class size reduction.

I read this morning in the Congress Daily that the majority leader may make public a tax plan that he intends to pass before we leave: $260 billion over 10 years, more than the prescription drug plan that we do not even have time to consider. I am very disappointed that we have not considered a prescription drug plan. Now, we may have a $260 billion tax plan dropped in front of us with a request to pass it before we have an opportunity to find out what is in it. I have not seen it. No one seems to have seen this tax bill. Unfortunately, I hear is it is full of tax breaks for the wealthy and breaks for the middle class and those with modest incomes are being taken out. If we do get a tax bill, we are going to have to look through this with a fine tooth comb before we vote on it. The American people deserve to know who benefits from this bill. I will be having more to say about that later, if and when we do see this so-called tax bill.

UNANIMOUS CONSENT REQUEST

Mr. HARKIN. As I have almost every day we have been in session, now, for the last few weeks—I brought up the issue of Bonnie Campbell, who has bipartisan support, who has had her hearing in the Judiciary Committee, yet has not been reported out for a vote. This is it. We had 7 nominations for circuit court judges, 2 had their hearings, one was referred, and one was confirmed—one out of 7 this year. Yet in 1992, when there was a Republican President and a Democratic Senate, we had 14 nominations for circuit court judges in the election year, 9 had a hearing, 9 were referred, and 9 were confirmed. Everyone who had a hearing got confirmed, and that was during the election year. Yet this year we only got 1 out of 7.

One of those stuck in there who has had the hearing is Bonnie Campbell, who headed the Office of Violence Against Women ever since it started. She has done an outstanding job at that. We passed the Violence Against Women Act. We reauthorized it by an overwhelming vote in the House and Senate. I think that is a testimony to the fact that Bonnie Campbell has done such an outstanding job of running that Office of Violence Against Women.

She was nominated in March, had her hearing in May, yet she has been sitting there ever since. It is unfair to her. It is unfair to make her sit bottled up in that committee. So, as I do when I get on the floor:

I ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter and that debate on the nomination be limited to 2 hours, equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER (Mr. STEVENS). Is there objection?

Mr. LOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. We always hear that objection, but we don't know why. She has had her hearing. Let's bring her out for a vote; do the decent thing. Bring her out and vote it up or down. That's the decent thing.

Until we finish here, I will ask that unanimous consent to point out we are not the ones holding it up. All we want is a vote for Bonnie Campbell for the eighth circuit. I believe she deserves no less.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNFINISHED AGENDA

Mr. DORGAN. Mr. President, I listened to the Senator from Iowa, Mr. HARKIN, a few moments ago, as he spoke about the unfinished agenda. I suppose every Congress finishes with a speech by 1 or 2 or 10 or 20 Members of Congress talking about the unfinished agenda. But that unfinished agenda in this Congress is mighty long and also mighty important.

The Senator from Iowa talks about the Patients' Bill of Rights, education issues such as the crumbling schools, smaller class sizes—a whole series of initiatives that we really should get to. The Senator just asked unanimous consent—I guess it was a nomination he was attempting to get to the floor of the Senate.

I made this point last week to the consternation of a couple of my friends here in the Senate, but I think it is important to make it again. On September 22, a motion was brought to the floor of the Senate, a motion to proceed to the consideration of S. 2557. That is an energy bill. That motion to proceed has now been pending here in the Senate for a month and a day. On September 22 it was put on the floor, and it has been here for 1 month and 1 day. My feeling is that the motion to proceed is here—and we are not voting on it and we are not proceeding—it is here because it is a motion to block any other effort to bring up any other issues. We have a wide range of issues; I suppose some of them are being negotiated these days, but most of them will remain unfinished at the end of this session.

The Senator from Iowa, who has a real passion to want to get certain things done, is unable on a Monday or Tuesday to come to the floor to say I want to offer a motion to proceed on his issue. Let's assume it is the minimum wage. He wants to test whether time has changed some minds on the minimum wage. He is unable to offer that. The Patients' Bill of Rights? He has been unable to offer that. Campaign finance reform? Unable to offer that. Why? Because there is a motion pending, and the motion pending is the motion to proceed to the consideration of S. 2557, a bill that I do not believe was ever intended to come to the floor. But the motion pending is a motion to block the efforts of others who might want to offer a motion here on the floor of the Senate. That is what I think is thwarting the interests of the Senator from Iowa.

When he described the unfinished business, one might say: If it is unfinished, why don't you come down here and make a motion? The Senator cannot make a motion because that particular motion to proceed has been blocking anyone else from offering anything for a month and a day.

The Senator did ask unanimous consent. Of course, unanimous consent never clears here. There is always an objection to unanimous consent to move to something. Then the question would be, Why couldn't he just make a motion? The answer is: You can not move to it because we have a blocking motion that has been here for a month and a day.

Mr. HARKIN. If the Senator will yield, I thank the Senator for pointing that out. I am as guilty as anyone—we get wrapped up in the language of the Senate, the language of legislation. I did not realize until now the Senator is making the point that the average person out there, maybe listening to what I said about the fact that we have not brought up or voted on a Patients' Bill of Rights or prescription drugs or Medicare or an increase in the minimum wage—we haven't brought any of those up—might say: Why don't you bring them up? The Senator has pointed it out—we cannot because we are blocked.

Again I ask the Senator, to again clarify this one more time. This motion to proceed that has been here for a month and a day—is it the observation of the Senator that nothing has been done to move to that? We have not gone to that bill. It has just been sitting there. Does the Senator see any move on that side to go to S. 2557, whatever it is?

Mr. DORGAN. I would say after a month now it is quite clear this motion to proceed is simply an effort to block the opportunity of others to offer amendments. People have a right to do that in the Senate. But they should understand, as I said last week to some colleagues who were on the floor, one can chaff quite a bit at that kind of treatment because it means the passions that brought a number of them to the Senate to do certain things, come here and use all the energy you have to advance good public policy—those passions cannot exist in a circumstance where you are not able to offer motions even to pursue the kinds of things you think this country needs to be doing.

We just saw the chart of the Senator. Some of them said we should probably increase the minimum wage a bit at the bottom. We have 3 million workers working a full 40-hour week trying to raise the family on the minimum wage. They are at the bottom of the economic ladder. This Congress was real quick to say the folks at the top of the ladder, we need to give them a huge tax cut but not quite so quick to say let's help those at the bottom of the ladder.

Some might say we had a vote on that. Yes, we had a vote on that a long time ago. Maybe we ought to have another vote and see whether there is now the will to proceed for some modest increase in the minimum wage. Can we have that vote? No, you cannot offer that nor can I. I offer that as an example.

Mr. HARKIN. If the Senator will yield, I was at a town meeting last week and had an interesting question posed to me by a man in the audience. He said, why don't you people there work more closely together? Why don't you get along a little bit better? Why is there all this bickering? Why can't you just work these things out?

I thought about that. I responded to him and said, we would love to do that but in the legislative process, the way you work things out is, I have my position; you have your position. What we do is we send the bills to the committee; we bring them on the floor; we debate them—full, open, public debate. We may offer amendments. Maybe I want to change it a little bit, maybe you want to change it a little bit. Then when that is all done, you vote and you let the chips fall where they will.

That is the legislative process. That is what the people of this country deserve. I said to him: The way the rules are set up now in the Senate, I do not get to debate or vote or offer amendments that I think might improve a bill as I might want to improve it. I might lose, but that is all right. At least I have made my case. At least we have had a vote. At least my constituents will know where I stand and what I want to do. I may not succeed, but at least I made my case.

The way the situation is on the Senate floor today, I cannot make that case. I cannot tell my constituents I have fought the fight for them because I have been blocked by the rules of the Senate. I say to my friend from North Dakota, it is grossly unfair. It is unfair to the people of this country to have this kind of blockage where we cannot offer amendments, debate, vote up or down, and move on with the business of this country.

Mr. DORGAN. Mr. President, I will make one additional comment. A Patients' Bill of Rights is an awfully good example of where we are at the moment. A bipartisan Patients' Bill of Rights passed the House of Representatives which does what ought to be done: It gives patients protections against some of the practices of HMOs that allow accountants to practice medicine rather than have the doctor and patient decide what is best. The fact is, there has been a change in the Senate. The House passed a bipartisan bill, a good bill, and the Senate passed a watered down bill.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. The Senator seeks 3 additional minutes. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. A bipartisan bill passed the House. The Senate did not pass a bipartisan bill. It was a shell of a bill. Things have changed in the Senate, so if we had another vote on it, we would prevail. One Senator is gone; a new one is here. We would have a 50-50 tie. The Vice President would break the tie, and the Senate would pass the Patients' Bill of Rights. We are unable to get to the vote despite the fact, in my judgment, a majority of the Senate would now support a real Patients' Bill of Rights. We would then be in conference with the House having passed one. We would pass one, and the American people would have a real Patients' Bill of Rights.

Mr. HARKIN. That is right.

Mr. DORGAN. One other issue. I asked the majority leader a question about how the tax issues will come to the floor. It looks to me as if a menu of tax issues will come to this floor in the last hours put in a small business authorization bill. I believe the House has actually added other conferees to that conference who are not part of the Small Business Committee.

A small business authorization bill will now be the carrier for all kinds of tax provisions in a conference report, and no Member of the Senate who cares about taxes and wants to have a role in that, perhaps offer an amendment, or have some discussion about what ought to be in or out, no Member of the Senate is going to have that opportunity. It is done in a conference by a few people in a bill that is totally unrelated.

It will come in a conference report, and the result is none of us will have the opportunity to do much about it. The majority leader is a friend. I talked with him one day and said running this place is similar to that commercial on television where those leather-faced cowboys wearing chaps and buckskin vests, riding those big old horses, are herding cats, trying to run cats through the sagebrush, talking about what a tough job that is. I understand that. Running the House and the Senate probably is not much different.

I do believe at some point we have to be in a situation in the Senate where we use the rules to allow everyone to have their day and everyone to have their say, and at the end of the day we vote. If you lose, you lose, but you need the opportunity to have the votes so the Senate can express its will on a series of important issues.

Frankly, this blocking motion that has existed now for a month and a day that prevents the Senator from Iowa, me, or anyone else from offering, for example, the Patients' Bill of Rights on which we would now prevail, is what stands between the American people and a good Patients' Bill of Rights. The result is that men, women, and children will discover when they go to a doctor's office they will be told: Yes, you now have to fight your cancer, but you also have to fight your HMO to get payment for the treatment that you need from your oncologist.

That is happening all too often. The legislation we aspire to pass evens up the score a bit. It says patients have rights and those rights cannot be abridged or abused. We can pass that in the Senate if someone will take that blocking motion off, and we will get one more vote on a Patients' Bill of Rights. This vote will be 51 for, with the Vice President voting for, and 50 against.

I say to those who have this blocking motion, give us the opportunity this afternoon or tomorrow or Wednesday, and we will pass it and go to conference. It will take an hour in conference to resolve the House and Senate bills, and the American people will have a Patients' Bill of Rights.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORK OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, time has been reserved for two or three other Senators. We are checking to see if they are going to make it this afternoon.

While we are waiting on that, I do want to put in the RECORD a report of some of the things that have happened in the Senate.

There are those who are complaining that the Senate has not been doing its business. In fact, I have about four pages of legislation that has been passed over the past 2 years, but I want to read the list of things that have passed since Labor Day alone. I am not going to read them all. When the assertion is made the Senate has not been doing serious work, this belies that and makes it clear we have been doing very important and serious work.

For instance, we have already repealed the telephone excise tax, a tax that was put on temporarily to help pay for the Spanish-American War. That was a part of one of the bills we passed a week or so ago. That has been repealed.

We passed the Safe Drug Reimportation Act as part of one of the bills that passed last week.

We passed permanent normal trade relations with China, legislation I am sure most people would describe as important trade legislation, whether they disagreed or agreed with it.

We passed the H-1B visa bill which certainly has a very important effect on small businesses and high-tech industries in the United States, as well as other bills related to children's health, breast and cervical cancer prevention, rural schools and community self-determination, and Aimee's law wherein a State can require or use law enforcement funds in relation to the release of a convict who commits a crime in another State. That information can be provided to the other State.

The Violence Against Women Act was passed; victims of terrorism legislation; the Water Resources Development Act, including the very important Everglades provisions. We passed portions of the conservation bill called CARA, and perhaps even more of it will pass before we leave. We passed the intelligence authorization bill; the NASA authorization bill; and the Department of Defense authorization bill just last week, very important legislation for the future of our military men and women, not only in terms of their readiness and modernization of their equipment, but also a pay raise of 4.8 percent for our military men and women, and the strongest health care package for our military men and women, their families, and our retirees in the history of the country.

In addition, we have passed seven appropriations conference bills. There have been questions about the tax bill. I do not think there is any big secret about it. All you have to do is look at bills that have passed the House or the Senate or the Finance Committee, and you will see that there is the community renewal legislation, which has the support of the President, the Speaker of the House, and a number of Senators. There has been an expectation that it would be done in some form before we leave; the very important improvements in pensions and IRAs, as well as 401(k)s, so that a greater amount can be put into these IRAs and 401(k)s.

Then, since we have not been able to overcome objections from some of the Senators—I think Senator WELLSTONE, Senator KENNEDY, and maybe others—the small business tax relief package, which is attached to the minimum wage, would be something that we want to get done before we leave here.

Finally—certainly not least—I have tried to move, several times, the Foreign Sales Corporation legislation reported overwhelmingly by the Finance Committee—very important for our ability to do business in the trade area with Europe. We have not been able to clear it from an objection.

So the expectation is that several of these bills that have broad bipartisan support would be joined together and passed before we leave at the end of the session. So I want the RECORD to reflect a portion of what has been done since Labor Day—not exactly an inactive period of time.

Mr. President, so that this will be made a part of the RECORD, I ask unanimous consent that my entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATION CLEARED BY CONGRESS, SIGNED INTO LAW OR ENROUTE TO PRESIDENT'S SIGNATURE JUST SINCE LABOR DAY

Telephone Excise Tax Repeal (to fund Spanish-American War).

Safe Drug Re-Importation Act.

Permanent Normal Trade Relations with China.

H1-B Visas.

Children's Health Act.

Breast & Cervical Cancer Prevention and Treatment Act.

Internet Alcohol.

TREAD bill.

Rural Schools and Community Self-Determination Act.

Strengthening Abuse and Neglect Courts Act.

Intercountry Adoption Act.

Aimee's Law (state can lose law enforcement funds if release convict early who commits crime in another state).

Violence Against Women Act.

Sex Trafficking.

Victims of Terrorism.

Water Resources Development Act (including the Everglades).

CARA provisions of Interior.

Wildland Fire Management (part of Interior).

Intelligence Authorization.

NASA Authorization.

DOD Authorization (including help for workers at nuclear plants like Paducah, KY).

Appropriations: Interior Conference Report; Transportation Conference Report; Energy & Water Conference Report Post-Veto Bill; Treasury/Postal Conference Report; Legislative Branch Conference Report; VA/HUD Senate Bill (may face conference with House).

3 Continuing resolutions.

FINAL WEEK EXPECTATIONS

Restoration of payments to medicare providers so seniors—especially in rural areas—will continue to have a choice of medicare plans.

Appropriations remaining: Agriculture Conference Report; DC Conference Report; Labor/HHS; Foreign Operations; Commerce/State/Justice.

ADDITIONAL STATEMENTS

THE 25TH ANNIVERSARY OF THE WRECK OF THE EDMUND FITZGERALD

• Mr. ABRAHAM. Mr. President, on the morning of November 11, 1975, the Mariners' Church of Detroit sat empty save for its Reverend, Richard Ingalls, who prayed alone in the sanctuary, ringing the church bell 29 times as he did so. Rev. Ingalls rang the bell in tribute to the crew of the *Edmund Fitzgerald*, who had lost their lives the previous evening when the legendary ship sank during one of the fiercest storms Lake Superior has ever produced. November 10, 2000, marks the 25th Anniversary of this tragic event, and I rise today not only in recognition of this anniversary, but also in memory and in honor of those 29 brave men, as well as the thousands of other mariners who have lost their lives on the Great Lakes.

Mr. President, few states have as rich or as successful a maritime tradition as does the State of Michigan. Michiganians initiated the iron ore trade 150 years ago, and men and women of the State continue to be leaders in Great Lakes trade. Virtually every region in the Nation benefits from this shipping. More than 70 percent of the Nation's steelmaking capacity is located in the Great Lakes basin. Coal from as far away as Montana and Wyoming moves across the Lakes on a daily basis. This year alone, ships bearing the United States flag will haul more than 125 million tons of cargo across the Great Lakes.

Amidst this success, it is unfortunately all too easy to overlook the tragic losses that have occurred throughout the maritime history of the Great Lakes. Over 6,000 shipwrecks have occurred on the Great Lakes, and over 30,000 lives have been lost. Many of these shipwrecks have occurred in November, the Month of Storms on the Great Lakes. In November of 1913, 12 ships were lost and 254 people killed during the Great Storm. In November of 1958, 33 men died when the *Carl D. Bradley* sank on Lake Michigan. And in November of 1966, the *Daniel J. Morrell* sank in Lake Huron, killing 28 members of her crew.

The wreck of the *Edmund Fitzgerald*, though, remains the most remembered tragedy in Great Lakes maritime lore. Built in River Rouge, Michigan in 1957 and 1958, the *Edmund Fitzgerald*, at 729 feet long, was the largest ship on the Great Lakes until 1971. She was nicknamed "The Pride of the American Side," and was the first ship to carry one million tons of ore through the Soo Locks in one year. The *Edmund Fitzgerald* also set the record for a single trip tonnage, carrying over 27 tons of ore on one excursion. Unfortunately, the ship is best remembered for what happened to her on the night of November 10, 1975.

This is in part because it remains unclear precisely what forces caused the *Edmund Fitzgerald* to sink that evening. The boat departed from Superior, Wisconsin, headed for Detroit, on the afternoon of November 9th, and was joined shortly thereafter by the *Arthur M. Anderson*. The two boats quickly ran into wicked seas, and Captain McSorley of the *Edmund Fitzgerald* and Captain Cooper of the *Arthur M. Anderson* agreed to take the northerly course, where they would be protected by the highlands of the Canadian shore, across Lake Superior.

By the morning of November 10th, gale warnings had been increased to storm warnings, and by early evening the two boats were facing 25–30 foot waves, brought about by nearly 100 mile per hour winds. The *Edmund Fitzgerald* experienced difficulties throughout the day, and in a communication with Cpt. Cooper, Cpt. McSorley reported that he had "a fence rail down, two vents lost or damaged, and a list." The two captains agreed to seek protection and safety in Whitefish Bay, located just off the coast of Michigan's Upper Peninsula. At 7:10 p.m., as the ships neared Whitefish Point, Cpt. McSorley, in a conversation with Cpt. Cooper, said this of he and his crew: "We are holding our own." Approximately five minutes later, for reasons still unknown, the *Edmund Fitzgerald*, without so much as a cry for help, sank to the floor of Lake Superior. She remains there today, 535 feet below the surface of the great lake, and only 17 miles from the relative safety of Whitefish Point.

Mr. President, proper closure does not exist in a situation like that of the wreck of the *Edmund Fitzgerald*. The event lingers on not only in the memories of the families of crew members but in the memories of all Michiganians. In recognition of the 25th Anniversary of the sinking, the Great Lakes Shipwreck Museum at Whitefish Point will hold a ceremony during which the ship's original bell, recovered on July 4, 1995, will be rung 29 times for each member of her crew, and a 30th time for the many other men and women who have lost their lives on the Great Lakes. And, on November 12, 2000, for the 25th time, the Rev. Ingalls will ring the bell of the Mariners' Church of Detroit in tribute to the men of the *Edmund Fitzgerald*.

What this clearly illustrates, Mr. President, is that the spirit of these men still lives on in Michiganians, and particularly in those involved in the maritime industry. Perhaps, then, in a situation where closure is so difficult to find, recognition, at least to some degree, can be an adequate substitute. To know that the lives of these men have not been forgotten but are still cherished, lives unfortunately cut short but with spirits that remain, spirits that continue to live on in all of our lives.•

TRIBUTE TO THE MIDGARDEN FAMILY

• Mr. DORGAN. Mr. President, I pay tribute today to a North Dakota family whose heritage not only spans the history of our state—and then some—but which also exemplifies the spirit of rural life and all that it contributes to our Nation.

Nils and Inger Midgarden started their family as homesteaders in North Dakota in 1874. That was 15 years before North Dakota become a state. They raised seven children, built a successful family farm, and just like thousands of other North Dakotans at that time, did the hard work that carved hardy communities and, eventually, a state from the prairie.

I have a letter I would like to share with my colleagues, written by one of Nils and Inger's great-grandchildren. It tells us a great deal about the founders of this family. It says:

> Nils was a successful farmer and his sons greatly expanded the farming operation. When his children married, they built farms within sight of the homestead. Each one of those farms are today owned and occupied by the grandchildren and great-grandchildren of Nils and Inger Midgarden.

Let me tell you, that's quite an accomplishment. As anyone who knows much about it will tell you, farming is hard work. When you consider that this family managed to survive everything from the Great Depression to droughts, floods and grasshoppers over the span of more than a hundred years—while raising a family that has remained across the generations a close knit one—you understand why their's is such a remarkable accomplishment.

The letter goes on:

> The farm, while a potent symbol of the pioneer spirit my great-grandparents embodied, is not the greatest legacy they left behind, "Nils' and Inger's great grandchild writes. "Nearly everyone who know me and my family remarks on our closeness and old-fashioned values, characteristics fewer and fewer families seem to share these days. What Nils and Inger gave to their children—to us—was the gift of family. Through bountiful harvests and times of drought, through births, deaths, and marriages, joy and sorrow, the Midgardens have always stood together. Older cousins taught younger ones to swim, uncles pulled wayward nieces and nephews out of snowy ditches, and Sundays brought the family together in worship, meal, and play. Once during a tornado sighting, all the Midgardens in Walsh County drove out to the homestead to stand on the road, as if sheer will power and their bodies alone would protect the place Nils and Inger made home.

Today, Midgardens still live on those family farms, and while not all family members remain on the farm, those who moved away to pursue other livelihoods continue to draw on the basic strength that came from the farm: they remain a close knit family, wherever they are, wherever they go.

Those who moved away contribute to our state, regional and national life in a variety of ways. They became veterinarians, lawyers, advertising executives, architects, doctors, teachers, nurses, and even congressional staffers.

Families like the Midgardens demonstrate the importance of preserving family farmers and the rural communities they make strong. through the generations, the Midgarden family makes clear what those of us who grew up and live in rural areas know so well: family farms produce much more than the food that feeds this nation and much of the world. They also produce strong, solid families.

In closing, I ask that a tribute to the Midgarden family, written by another descendent of Nils and Inger for a family reunion earlier this year, be printed in the RECORD.

The material follows:

OUR LEGACY

The Laurel Wreath of Wheat is the symbol of two souls entwined a symbol of victory and triumph; a symbol of Inger & Nels. The Seedling in the center has seven leaves for seven living children—now gone, but very much alive in us all.

Amund, with his quiet contemplation, peace and vision; Alfred, with his forbearance and stoicism; Dewey, for his sparkle skillfully hidden behind the stolid Midgarden work ethic; Marion, for her elegance and grace; Gunder, for his mercurial spirit and sense of humor; Joann, for her boundless energy and endless creativity; and Chris—coming around the corners of life on two wheels; radiating a zest for living, affecting us all.

Inger & Nels and their seven children, eventually fourteen, as each found his or her irreplaceable mate: Bessie, Beulah, Clara, Olaf, Florence, Oscar and Evelyn, whose love and courage and enduring presence we are still blessed with on this day.

Fourteen children, seven couples, seven families forming the foundation of this Midgarden Millennium Celebration, counting over 200 family members gathered here today.

We remember the love, the closeness, the pioneer spirit, the dedication of these parents, and their embracing of not only their own—but us all.

Our memories are many and golden . . . oceans of flax fields in spring; the scent of alfalfa in early summer the heading of wheat in July; the way the grain felt on our skin when we rode in the hopper at harvest; haying time and the Tarzan ropes in Gunder's barn; burning fields in August; oiled wood floors of the Fedje store tracing aisles of supplies and stacks of wonder; the excitement of the first day of school in a one room country school house or a little brick school in Hoople.

Rows of potato sacks stretching endlessly on the autumn horizon; anticipation and humor in the air; Lena Olinger holding court in the cookcar; harvest tables and blue tin mugs; excitement when it was our Mom's turn to take lunch to the fields and we could tag along.

Then mercury dipping to unbelievable lows—but our spirits high as the massive snowdrifts; Julebukken and Grandma's Christmas Eve; Uncle Oscar dancing in with potato sacks full of dime store treasures; then months of winter white only to turn once again to Spring.

Seasons of our family—seasons of our lives. Those who stayed here close to this earth, preserving the legacy of this land; and those of us who spread our wings to the four corners now span this wonderful family from coast to coast. Seeking and finding our way; sharing memories with our children and grandchildren; always knowing our roots are here in this blessed place where it all began.

Inger and Nels, their incredible children and the indelible people they found to marry . . . our parents, your grandparents and great grandparents . . . and each and every one of you share in this legacy of love and excellence.

And that is why there is a Laurel Wreath of Wheat with a Seedling in the center. It is our beginnings, our present, our future.

It is the gift that keeps on giving.●

HONORING KATIE KOCH-LAVEEN, MINNESOTA TEACHER OF THE YEAR

● Mr. GRAMS. Mr. President, the following speech was given recently to honor the Minnesota Teacher of the Year. I believe it is important that my colleagues become aware of Ms. Koch-Laveen's accomplishment, and ask to print in the RECORD my comments to her as she was honored for the information of my fellow Senators.

The speech follows:

OCTOBER 18, 2000 STATEMENT OF SENATOR ROD GRAMS HONORING MINNESOTA TEACHER OF THE YEAR, KATIE KOCH-LAVEEN, AT APPLE VALLEY HIGH SCHOOL, APPLE VALLEY, MINNESOTA

I appreciate the opportunity to be here today to honor Ms. Katherine Koch-Laveen as Minnesota's Teacher of the Year for the year 2000. This is certainly a high honor, as I note that 98 Minnesota educators were nominated for this award, and their accomplishments were reviewed by 18 judges. It is all the more impressive considering Minnesota's public schools reputation for academic excellence. I also commend the 98 nominees for this honor, 28 of whom were chosen as "teachers of excellence," and 10 of whom were further chosen for an "honor roll" of teachers. School teachers that excel at their craft are critically important to the intellectual development of their students, and help shape the student's vision for what they can accomplish in their lives.

I still can vividly remember the excellent educators that taught me at Zion Lutheran Christian Day School in Crown. Excellent teachers motivate, show enthusiasm for inquiry, and instill in their students a passion for learning that often continues for a lifetime. A great educator gives the student a core foundation of knowledge about a subject, and a curiosity about the topic that drives a student to study and research more extensively long after they have left that particular class.

Great teachers also make sacrifices for their students. It's no secret that in today's high-tech, knowledge-based economy, Ms. Koch-Laveen could probably find a more financially rewarding profession, especially with her science background. And our great teachers need to be rewarded financially, so that we do not lose too many to industry. But ultimately, I have to believe that what keeps them in the classroom is the intangible reward of seeing their students excel, and having a group of students come in to a class with little knowledge about a topic and have them leave with a firm grasp of core concepts, a desire to learn much more, and an excitement to apply what they have learned in "real world" situations. And I hesitate to use the term "real world." because these days there is probably nothing more real world than a high school classroom.

So congratulations and thank you, Ms. Koch-Laveen, for your commitment to excellence and dedicated service to your students, your community, and to Minnesota. Thanks also to the other hardworking Apple Valley teachers here today that strive for excellence in the classroom and shoulder so much responsibility for Minnesota's future. It has been a pleasure to be here.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 18, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the upper Colorado and San Juan River Basins.

H.R. 3244. An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4635. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5212. An act to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND) on October 19, 2000.

At 11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the house passed the following bill:

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. CALLAHAN, Mr. PORTER, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. WICKER, Mr. YOUNG of Florida, Ms. PELOSI, MRS. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. SABO, and Mr. OBEY, be the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 19, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers system.

S. 1402. An act to amend title 38, United States Code, to increases the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4850. An act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THUMOND) on October 20, 2000.

At 4:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills:

H.R. 2592. An act to amend the Consumer Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedman's Bureau.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 271. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 20, 2000, he had presented to the President of the United States the following enrolled bills:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S, 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1402. An act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. 3201. An act to rename the National Museum of American Art.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11225. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nuclear Safety Management" (RIN1901–AA34) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11226. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6889–7) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11227. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Arizona: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL #6888–7) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11228. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6890–4) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11229. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6890–3) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11230. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6889–8) received on October 18, 2000; to the Committee on Environment and Public Works.

EC–11231. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC–UMS Addition" (RIN3150–AG29) received on October 19, 2000; to the Committee on Environment and Public Works.

EC–11232. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "November 2000 Applicable Federal Rates" (Revenue Ruling 2000–50) received on October 18, 2000; to the Committee on Finance.

EC–11233. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11234. A communication from the Multimedia Systems Manager, Communications and Information, Headquarters Air Force, transmitting, pursuant to law, the report of a rule entitled "Title 32-National Defense, Chapter VII—Department of the Air Force Part 811—Release, Dissemination, and Sale of Visual Information Materials" (RIN0701–AA–62) received on October 18, 2000; to the Committee on Armed Services.

EC–11235. A communication from the Multimedia Systems Manager, Communications and Information, Headquarters Air Force, transmitting, pursuant to law, the report of a rule entitled "Title 32-National Defense, Chapter VII—Department of the Air Force Part 813—Purpose of the Visual Information Documentation (VIDOC) Program" (RIN0701–AA–63) received on October 18, 2000; to the Committee on Armed Services.

EC–11236. A communication from the Director of the Selective Service, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001 through 2006; to the Committee on Armed Services.

EC–11237. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Russian American Observation Satellites (RAMOS) program; to the Committee on Armed Services.

EC–11238. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Environmental Policy Act; Food Contact Substance Notification System; Confirmation of Effective Date" (Docket No. 00N–0085) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11239. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drug and Biological Products in Pediatric Patients; Technical Amendment" (Docket No. 97N–0165) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11240. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Dental Products Devices; Reclassification of Endosseous Dental Implant Accessories" (Docket No. 98N–0753) received on October 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11241. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grants and Cooperative Agreements" received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11242. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the updated and revised strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–11243. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Surf Clams and Ocean Quahogs Fishery; Suspension of Minimum Surf Clam Size for 2001" (I.D. 100400C) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11244. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period" received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11245. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska—Final Rule to Require Vessels in the Directed Atka Mackerel Fishery in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area to Carry and Use a Vessel Monitoring System Transmitter" (RIN0648–AM34) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11246. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska—Final Rule to Implement Amendment 58 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area" (RIN0648–AM63) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11247. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Dealer and Vessel Reporting Requirements" (RIN0648–AM74) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11248. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Special Management Zones in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region" (RIN0648–AN35) received on October 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–80 and MD–90–30 Series Airplanes and Model MD–88 Airplanes; docket no. 99–NM–161 [5–26/10–19]" (RIN2120–AA64) (2000–0484) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10–10F, DC–10–15, DC–10–30, DC–13–30F, and DC–10–4– Series Airplanes and Model MD–11, 11F Series Airplanes; docket no. 99–NM–162 [5–26/10–19]"

(RIN2120–AA64) (2000–0485) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747–400 Series Airplanes Equipped with Rolls Royce RB211–524G/H and RB211–524G–T/H/T Engines; docket no. 99–NM–76 [2–3/10–19]” (RIN2120–AA64) (2000–0486) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model CL–600–1A11 and CL–600–2A12 Series Airplanes; docket no. 99–NM–26 [9–20/10–19]” (RIN2120–AA64) (2000–0487) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900C and 1900D Airplanes; docket no. 2000–CE–02 [9–18/10–19]” (RIN2120–AA64) (2000–0488) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Aviointeriors SpA Seat Model 312; docket no. 2000–NE–09 [9–27/10–19]” (RIN2120–AA64) (2000–0489) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket no. 2000–NM–312 [9–27/10–19]” (RIN2120–AA64) (2000–0490) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model 120 Series Airplanes; docket no. 2000–NM–305 [9–28/10–19]” (RIN2120–AA64) (2000–0491) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: GE Company CF6–50 Series Turbofan Engines; docket no. 2000–NE–38 [10–2/10–19]” (RIN2120–AA64) (2000–0492) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD–90–30 Series Airplanes; docket no. 99–NM–319 [10–6/10–19]” (RIN2120–AA64) (2000–0493) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Agusta SpA Model A109K2 and A109E Helicopters; docket no. 2000–SW–21 [10–2/10–19]” (RIN2120–AA64) (2000–0494) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Turbomeca Arriel 1 Series Turboshaft Engines; docket no. 2000–NE–11 [10–2/10–19]” (RIN2120–AA64) (2000–0495) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767 Series Airplanes Powered by Rolls Royce RB211 Series Engines; docket no. 2000–NM0140 [10–2/10–19]” (RIN2120–AA64) (2000–0496) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace, Lamoni, IA; Docket no. 00–ACE–10 [7–24/10–19]” (RIN2120–AA66) (2000–0232) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace, Columbia, KY; Docket no. 00–ASO–21 [7–24/10–19]” (RIN2120–AA66) (2000–0233) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace, Albany, KY; Docket no. 00–ASO–20 [7–24/10–19]” (RIN2120–AA66) (2000–0234) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace, Bemidji, MN; correction; docket no. 99–AGL–53 [3–27/10–19]” (RIN2120–AA66) (2000–0236) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Sacramento McClellan AFB Class C; Establishment of Sacramento McClellan AFB Class E Surface Area; and Modification of Sacramento International Airport Class C Airspace area; CA; docket 99–AWA–3 [3/27–10/19]” (RIN2120–AA66) (2000–0237) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of the East Coast Low Airspace Area; docket no. 99–ANE–91 [6–22/10–19]” (RIN2120–AA66) (2000–0238) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amends Class D Airspace; Melbourne, FL; docket no. 00–ASO–26 [9–20/10–19]” (RIN2120–AA66) (2000–0239) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class D and E airspace; Great Falls International Airport, MT; Removal of Class D and Class E Airspace; Great Falls Malmstrom AFB, MT; docket no. 00–ANM–03 [7–24/10–19]” (RIN2120–AA66) (2000–0240) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Coffeyville, KS; docket no. 00–ACE–15 [6/22–10/19]” (RIN2120–AA66) (2000–0241) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Coffeyville, KS; confirmation of effective date; docket no. 00–ACE–15 [8–29/10–29]” (RIN2120–AA66) (2000–0242) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Oelwein, IA; correction; docket no. 00–ACE–12 [9–18/10–19]” (RIN2120–AA66) (2000–0243) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Pella, IA; docket no. 00–ACE–26 [9–18/10–19]” (RIN2120–AA66) (2000–0244) received on October 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11274. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Maintenance Plan Revisions; Wisconsin” (FRL #6891–3) received on October 20, 2000; to the Committee on Environment and Public Works.

EC–11275. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Vermont: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL #6892–8) received on October 23, 2000; to the Committee on Environment and Public Works.

EC–11276. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; (SIP) for the State of Alabama—Call for 1-hour Attainment Demonstration for the Birmingham, Alabama Marginal Ozone Nonattainment Area" (FRL #6892-2) received on October 23, 2000; to the Committee on Environment and Public Works.

EC-11277. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of eight items; to the Committee on Environment and Public Works.

EC-11278. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Small Pension Plan Security Amendments" (RIN1210-AA73) received on October 23, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11279. A communication from the Deputy Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rule 9b-1 under the Securities and Exchange Act of 1934 Relating to the Options Disclosure Document" (RIN3235-AH30) received on October 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11280. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Time-Limited Tolerances for Pesticide Emergency Exemptions" (FRL #6749-7) received on October 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11281. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Modification to Handler Membership on the California Olive Committee" (Docket Number: FV00-932-2 FR) received on October 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3227. A bill to authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. THURMOND, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, Mr. BENNETT, Mr. GORTON, and Mrs. FEINSTEIN):

S. Con. Res. 154. A concurrent resolution to acknowledge and salute the contributions of coin collectors; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3227. A bill to authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. SMITH of Oregon. Mr. President, today I am introducing the Savage Rapids Dam Act of 2000, which is cosponsored by my colleague Mr. WYDEN. This bill would authorize the Bureau of Reclamation to provide for the installation of pumps and removal of the Savage Rapids Dam on the Rogue River in the State of Oregon, and for other purposes.

Introduction of this bill follows months of negotiations between the Grants Pass Irrigation District, which owns the dam and has received water from it since 1921, federal and state agencies, and other stakeholders in the Basin. Removal of the dam, following the installation of modern electric irrigation pumps, will resolve the ongoing issues related to fish passage at the facility.

Early on, I made a commitment to help the District resolve the controversies surrounding the dam in a manner acceptable to the District and its patrons, and in a way that left the District economically viable. This bill achieves both those goals.

In December 1999, the board of directors of the Grants Pass Irrigation District adopted a resolution outlining the proposed settlement of disputes relating to the dam. The patrons of the district subsequently voted to adopt the settlement at the beginning of the year. The settlement supports dam removal, but only following the installation of irrigation pumps. The proposed settlement had several other components that have been addressed in the crafting of this legislation.

I realize that it is late in the 106th Congress to be introducing legislation. However, I felt that this was the most effective way to focus attention on this proposal. Despite our best efforts to communicate with all interested and affected parties, I believe introduction of the bill at this time will enable us to gain valuable feedback before the start of the next Congress. This will enable us to reintroduce the bill early next year.

I recognize that dam removal proposals can be controversial. This facility, however, is not a large multi-purpose dam. It does not generate electricity, and provides no flood control. It does not affect commercial navigation. There will be an impact on flatwater recreational opportunities, so the bill directs the Secretary of the Interior to work with the State of Oregon and the counties of Josephine and Jackson to identify and implement recreation opportunities. The bill includes an authorization of 2.5 million dollars for the federal share of these recreation facilities.

I look forward to working with the Grants Pass Irrigation District and the other stakeholders to bring resolution to the disputes that have gone on for several years now. This is an opportunity to restore salmon and maintain an agricultural way of life for the patrons of the District.

ADDITIONAL COSPONSORS

S. 1044

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 2009

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2009, a bill to provide for a rural education development initiative, and for other purposes.

S. 3085

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3085, a bill to provide assistance to mobilize and support United States communities in carrying out youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

AMENDMENT NO. 4301

At the request of Mr. JEFFORDS, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of amendment No. 4301 intended to be proposed to H.R. 1102, a bill to provide for pension reform, and for other purposes.

SENATE CONCURRENT RESOLUTION 154—TO ACKNOWLEDGE AND SALUTE THE CONTRIBUTIONS OF COIN COLLECTORS

Mr. LOTT (for himself, Mr. DASCHLE, Mr. THURMOND, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, Mr. BENNETT, Mr. GORTON, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 154

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

CBO COST ESTIMATE—S. 1495

Mr. JEFFORDS. Mr. President, on October 11, 2000, I filed Report No. 106–496 to accompany S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness. At the time the report was filed, the estimate by the Congressional Budget Office was not available. I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 19, 2000.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1495, the ICCVAM Authorization Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christopher J. Topoleski.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1495—ICCVAM Authorization Act of 2000

Summary: S. 1495 would designate the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) as a permanent standing committee administered by the National Institute of Environmental Health Sciences (NIEHS). The legislation would establish objectives for ICCVAM, including increasing the efficiency of reviewing methods of animal testing across federal agencies, and reducing reliance on animal testing. In addition, the bill would direct the NIEHS to establish a Scientific Advisory Committee to assist the ICCVAM in making recommendations.

The bill also would require federal agencies to identify and forward to ICCVAM their guidelines or regulations requiring or recommending animal testing. The ICCVAM would examine alternatives to traditional animal testing and promote the use of those alternatives whenever possible. Agencies would be required to adopt ICCVAM recommendations unless such recommendations are inadequate or unsatisfactory.

Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 1495 would cost $1 million in 2001 and $9 million over the 2001–2005 period, assuming annual adjustments for inflation for those activities without specified authorization levels. The five-year total would be $8 million if such inflation adjustments are not made. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1495 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1495 is shown in the following table. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Estimated Authorization Level [1]	445	445	464	473	483	493
Estimated Outlays	384	426	443	456	466	475
Proposed Changes [2]:						
Estimated Authorization Level	0	2	2	2	2	2
Estimated Outlays	0	1	2	2	2	2
Spending Under S. 1495:						
Estimated Authorization Level	445	457	466	475	485	495
Estimated Outlays	384	427	445	458	468	477

[1] The 2000 level is the amount appropriated for that year for the agencies that would be affected by S. 1495. The 2001–2005 levels are CBO baseline projections, including adjustments for anticipated inflation.

[2] The amounts shown reflect adjustments for anticipated inflation. Without such inflation adjustments, the five-year changes in authorization levels would total $10 million (instead of $11 million) and the changes in outlays would total $8 million (instead of $9 million).

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted early in fiscal year 2001 and that the estimated amounts will be appropriated for each year. We also assume that outlays will follow historical spending rates for the NIEHS for the authorized activities. CBO based its estimates on amounts spent in the past for similar types of activities.

In addition to making the ICCVAM a standing committee, the bill would require federal agencies to identify and forward to ICCVAM their guidelines or regulations requiring or recommending animal testing. Agencies would be required to adopt ICCVAM recommendations unless such recommendations are inadequate or unsatisfactory. The agencies that would most likely be affected by this provision include the Agency for Toxic Substances and Disease Registry, the Department of Agriculture, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the Food and Drug Administration, various institutes within the National Institutes of Health, and any other agency that develops or employs tests or test data using animals or regulates the use of animals in toxicity testing. Based on information from the NIH, it appears that most agencies currently comply with the findings of the ICCVAM on evaluations of research methods. Thus, CBO estimates that the provision would not have a significant impact on federal spending.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1495 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On October 13, 2000, CBO transmitted a cost estimate for H.R. 4281, an identical bill that was ordered reported by the House Committee on Commerce on October 5, 2000. The two estimates are identical.

Estimate prepared by: Federal Costs: Christopher J. Topoleski. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: Jennifer Bullard Bowman.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PIPELINE SAFETY

Mr. LOTT. Mr. President, one of the more glaring disappointments of the 106th Congress has been the recent rejection by the House of Representatives of comprehensive pipeline safety legislation. This legislation, S. 2438, the Pipeline Safety Improvement Act of 2000, passed the Senate unanimously on September 7, 2000. It is the result of months of an extraordinary bipartisan effort by Senators JOHN MCCAIN, PATTY MURRAY, SLADE GORTON, JEFF BINGAMAN and PETE DOMENICI. Significant contributions to the legislation were also made by Senators JOHN BREAUX, FRITZ HOLLINGS, SAM BROWNBACK, RON WYDEN, JOHN KERRY, KAY BAILEY HUTCHISON and BYRON DORGAN.

I also feel some ownership of this effort. I serve on the Senate Committee on Commerce, Science and Transportation, which prepared the bill for the Senate's consideration, and my home state of Mississippi hosts many, many miles of pipelines. These issues are important to me.

Mr. President, S. 2438 is an excellent bill. It is probably the most significant rewrite of our pipeline safety laws in more than a decade. It is a tough bill. It comes on the heels of horrific accidents in Bellingham, Washington, Carlsbad, New Mexico, and in locations in Texas, that resulted in the deaths of a total of 17 people. The authors of this bill were determined to put the necessary specific requirements into the pipeline safety statutes that would prevent these kinds of accidents from happening in the future. They were successful. The bill represents a watershed change in the types of requirements on pipeline operators for inspection, pipeline facility monitoring and testing, employee training, disclosure of information, enforcement, research and development, management and accountability. It is as comprehensive, tough, and complete as to be expected of a bill that emerged from a thorough process of hearings, both here and in the field, data gathering, and working with the Administration, states and local groups. It is the kind of legislative work product to be expected from the experience, independence and determination of the Senators who worked on S. 2438. The pipeline industry had no choice but to submit to this legislation. Ultimately it received the affirmative vote of more than three-fourths of the Congress—all of the Senate and just under two-thirds of the House. It received the written praise of the Secretary of Transportation and the Vice President of the United States.

However, this comprehensive bill was opposed bitterly by a minority of the House, a minority who was still of sufficient number to prevent the bill's passage by the House under suspension of the rules. The Administration did not lift a finger to help pass the bill in the House. The motivation of this opposition may have been to prevent enactment of good legislation so the 106th can be called a "do nothing" Congress. It may have been aimed at keeping an issue unresolved so it can be exploited in the future. There may have been other motivations. Whatever the motivations were, admirable or not so admirable, the result is another form of tragedy—there will be more accidents resulting in more deaths because thus far the 106th Congress has been prevented from implementing this improvement of public safety.

Mr. President, there is no question that this bill would make much needed improvements in pipeline safety. The Administration and the pipeline industry could have begun work on these improvements—and could still if the bill were yet to pass in the waning days of the 106th Congress. But if, on the other hand and as is likely, this minority in the House gets its wish, and the bill does not pass, these safety improvements will not be made. They will not be made until that time in the future when we have returned to this issue and overcome this minority's opposition.

In the meantime there will be pipeline accidents. I would not want to be the one to have to explain to the victims of such an accident that I sacrificed the protections of this good bill so that a future Congress could enact protections too late. I say shame on those in the House and in the Administration who are letting these protections die.

Mr. President, the protections of S. 2438 should be put in place now. If additional protections are shown to be needed, they should be added by the next Congress. Senator MCCAIN and his coalition in the Senate have pledged to continue their good work on pipeline safety in the future. However, Congress should not adjourn empty-handed. To do so with such an excellent bill in our hands now makes no sense.

The most powerful source of cynicism about government is the suspicion by our citizen's that politicians put political advantage above doing the work of the public. In looking at the House minority's actions on pipeline safety, I find much justification for that cynicism.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in recess under the previous order until 3 p.m. tomorrow.

Thereupon, the Senate, at 5:15 p.m., recessed until Tuesday, October 24, 2000, at 3 p.m.

HOUSE OF REPRESENTATIVES—*Monday, October 23, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 23, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

S. 2406. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

RUSSIAN ARMS SALES TO IRAN

Mr. STEARNS. Mr. Speaker, I rise today to urge my colleagues in both Chambers to press forward in getting to the truth in airing the facts behind the administration's deal with Moscow. I ask my colleagues that sit on the relevant committees to investigate the administration and, of course, the Vice President's role in co-chairing the 1995 meeting with the Russian Prime Minister on the U.S.-Russian Binational Commission.

My colleagues, it is only through newspaper articles recently that we have hints of the administration's turning a blind eye concerning Moscow's arms sales to Iran. The White House has refused to provide a copy of the classified 1995 "aide-memoire" signed by Vice President GORE and Russian Prime Minister Chernomyrdin that stated the United States would not impose penalties on Moscow as required by U.S. law. The aide-memoire reveals an implicit agreement to ignore U.S. laws governing the U.S. response to arms sales to terrorist nations, including Iran.

Mr. Speaker, the law I am referring to is the Iran-Iraq Arms Nonproliferation Act that was passed in 1992, which requires sanctions against countries that sell advanced weaponry to countries the State Department classifies as state sponsors of terrorism. It is interesting that then-Senator GORE, along with Senator MCCAIN, authored this law, also known as the Gore-McCain Act. The law is rooted in concerns about Russian sales to Iraq of some of the most sophisticated weapons that the Gore-Chernomyrdin agreement explicitly allowed.

In 1995, an agreement signed by Vice President GORE and Russia's Prime Minister Chernomyrdin endorsed Russia's completion of sophisticated and advanced arms deliveries to Iran. The Vice President and the Russian Prime Minister mentioned an arms agreement in general terms at a news conference the day the agreement was signed, but the details have never been disclosed to Congress or the public.

The weapons Russia has committed to supply to Iran include one kilo-classed diesel-powered submarine, 160 T–72 tanks, 600 armored personnel carriers, numerous anti-ship mines, cluster bombs, and a variety of long-range guided torpedoes and other munitions for the submarine and tanks. Russia agreed to complete the sales by the end of 1999, and not to sell weapons to Iran other than the ones specified. Russia has already provided Iran with fighter aircraft and surface-to-air missiles.

The kilo-class submarine sold to Iran should be of particular concern to Congress and the American public because it can be hard to detect and could pose a threat to oil tankers or American war ships in the Gulf. Additionally, Mr. Speaker, Russia continues to be a significant supplier of conventional arms to Iran despite the Gore-Chernomyrdin deal, the Central Intelligence Agency reported in August.

Those working for the Vice President argue that the arms pact aided the U.S. because the submarine and tanks were not advanced weapons, as defined by the Pentagon; and, thus, the U.S. could not have applied sanctions anyway. However, statements by the White House and the Vice President's office defending the policy of not sanctioning Russia was contradicted by a letter sent to Russia in January by Secretary of State Madeleine Albright. The letter to Russian Foreign Minister Igor Ivanov states that the United States would have imposed sanctions on Russia for its arms sales if there had been no 1995 agreement. "Without the aide-memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

Furthermore, Senator MCCAIN, one of the principal authors of the act said, "Clearly, the 1995 Gore-Chernomyrdin agreement was intended to evade sanctions imposed by the legislation written in 1992 by the Vice President and me." Furthermore, he went on to say, "If the administration acquiesced in the sale, then they have violated both the intent and the letter of the law."

Without the explicit act of Congress, the Vice President did not have the power or authority to commit the United States to ignore U.S. law. The Vice President's deal with Moscow gives the Russians not only the green light to violate our Nation's laws but encourages them to do so. The administration has already admitted that Russia has failed to meet its promise to end deliveries by December 1999 to Iran.

So, Mr. Speaker, I urge my colleagues in both Chambers to properly investigate, find the truth, and I should say get to the bottom of our relationships with Russia.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Shepherd of souls, during this session of the 106th Congress many guest chaplains have led the House in prayer.

Today we wish to lift up these leaders and their faith communities across this country.

Their prayer for this nation and its government lingers in this room.

Bless them for their efforts to renew people in faith, hope, and love.

Inspire them as they preach and guide Your people in so many districts of this nation.

May they never lord it over those assigned to them, but instead, be examples of servant leadership to all in the flock.

And when Your glory is revealed, Chief Shepherd of us all, may Your leaders in faith and government receive the unfading crown of glory.

You live and reign now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2000 at 9:32 a.m.

That the Senate agreed to House Amendment S. 2812.

That the Senate passed without amendment H.R. 2961.

That the Senate passed without amendment H.R. 4068.

That the Senate passed without amendment H.R. 4110.

That the Senate passed without amendment H.R. 4320.

That the Senate passed without amendment H.R. 4835.

That the Senate passed without amendment H.R. 5234.

That the Senate passed without amendment H. Con. Res. 232.

That the Senate passed without amendment H. Con. Res. 376.

That the Senate passed without amendment H. Con. Res. 390.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON,
Deputy Clerk.

SECURING AMERICA'S FUTURE FOR OLDER AMERICANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this Republican-led Congress has made great efforts in restoring fiscal accountability and responsibility to our budget process. Now paying off the debt puts people before politics and leaves us more resources to take care of those programs that really matter, especially for our older Americans.

Republicans want to use 90 percent of next year's surplus to pay off the national debt while locking away 100 percent of the social security and Medicare surpluses.

By running surpluses in social security and Medicare, we make certain that funds are available to reform these programs so that when baby boomers retire, they have the resources to take care of their retirement needs.

Mr. Speaker, the growing economy has handed us an enormous opportunity to lock away every penny of the social security and Medicare trust funds and to pay off the national debt. We have grabbed those opportunities to strengthen retirement security for every generation of Americans, and the Clinton-Gore administration would have us let those opportunities slip away. We cannot let them slip away.

Even last year when Republicans said we wanted to stop the 30-year raid on social security, President Clinton said it could not be done. But we proved it could be done, and now every dime paid into social security is walled off where it cannot be spent on bigger government programs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

COASTAL AND FISHERIES IMPROVEMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5086) to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, as amended.

The Clerk read as follows:

H.R. 5086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal and Fisheries Improvement Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—NATIONAL MARINE SANCTUARIES

Sec. 101. Short title.
Sec. 102. Amendment of National Marine Sanctuaries Act.
Sec. 103. Changes in findings, purposes, and policies; establishment of system.
Sec. 104. Changes in definitions.
Sec. 105. Changes relating to sanctuary designation standards.
Sec. 106. Changes in procedures for sanctuary designation and implementation.
Sec. 107. Changes in activities prohibited.
Sec. 108. Changes in enforcement provisions.
Sec. 109. Additional regulations authority.
Sec. 110. Changes in research, monitoring, and education provisions.
Sec. 111. Changes in special use permit provisions.
Sec. 112. Changes in cooperative agreements provisions.
Sec. 113. Changes in provisions concerning destruction, loss, or injury.
Sec. 114. Authorization of appropriations.
Sec. 115. Changes in U.S.S. MONITOR provisions.
Sec. 116. Changes in advisory council provisions.
Sec. 117. Changes in the support enhancement provisions.
Sec. 118. Establishment of Dr. Nancy Foster Scholarship Program.
Sec. 119. Clerical amendments.

TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS

Sec. 201. Marine fish program.

Sec. 202. Interjurisdictional Fisheries Act of 1986 amendments.
Sec. 203. Anadromous Fish Conservation Act amendments.

TITLE III—REIMBURSEMENT OF EXPENSES

Sec. 301. Reimbursement of expenses.

TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

Sec. 401. Short title.
Sec. 402. Extension of period for reimbursement under Fishermen's Protective Act of 1967.

TITLE V—YUKON RIVER SALMON

Sec. 501. Short title.
Sec. 502. Yukon River Salmon Panel.
Sec. 503. Advisory committee.
Sec. 504. Exemption.
Sec. 505. Authority and responsibility.
Sec. 506. Administrative matters.
Sec. 507. Yukon River salmon stock restoration and enhancement projects.
Sec. 508. Authorization of appropriations.

TITLE VI—FISHERY INFORMATION ACQUISITION

Sec. 601. Short title.
Sec. 602. Acquisition of fishery survey vessels.

TITLE VII—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

Sec. 701. Reauthorization of Atlantic Striped Bass Conservation Act.
Sec. 702. Population study of striped bass.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

Sec. 703. Short title.
Sec. 704. Reauthorization of Atlantic Coastal Fisheries Cooperative Management Act.

TITLE VIII—PACIFIC SALMON RECOVERY

Sec. 801. Short title.
Sec. 802. Salmon conservation and salmon habitat restoration assistance.
Sec. 803. Receipt and use of assistance.
Sec. 804. Public participation.
Sec. 805. Consultation not required.
Sec. 806. Reports.
Sec. 807. Definitions.
Sec. 808. Pacific Salmon Treaty.
Sec. 809. Treatment of International Fishery Commission pensioners.
Sec. 810. Authorization of appropriations.

TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS

Sec. 901. Great Lakes Fishery Act of 1956.
Sec. 902. Tuna Conventions Act of 1950.
Sec. 903. Atlantic Tunas Convention Act of 1975.
Sec. 904. North Pacific Anadromous Stocks Act of 1992.
Sec. 905. High Seas Fishing Compliance Act of 1995.

TITLE X—PRIBILOF ISLANDS

Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Fur Seal Act of 1996 defined.
Sec. 1004. Financial assistance for Pribilof Islands under Fur Seal Act of 1966.
Sec. 1005. Disposal of property.
Sec. 1006. Termination of responsibilities.
Sec. 1007. Technical and clarifying amendments.
Sec. 1008. Authorization of appropriations.

TITLE XI—SHARK FINNING

Sec. 1101. Short title.
Sec. 1102. Purpose.
Sec. 1103. Prohibition on removing shark fin and discarding shark carcass at sea.
Sec. 1104. Regulations.
Sec. 1105. International negotiations.
Sec. 1106. Report to Congress.
Sec. 1107. Research.
Sec. 1108. Western Pacific longline fisheries cooperative research program.
Sec. 1109. Shark-finning defined.
Sec. 1110. Authorization of appropriations.

TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

Sec. 1201. Short title.
Sec. 1202. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
Sec. 1203. Study of the eastern gray whale population.

TITLE I—NATIONAL MARINE SANCTUARIES

SEC. 101. SHORT TITLE.

This title may be cited as the "National Marine Sanctuaries Amendments Act of 2000".

SEC. 102. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 103. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.".

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking "research, educational, or esthetic" and inserting "scientific, educational, cultural, archaeological, or esthetic";

(2) in paragraph (3) by adding "and" after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

"(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

"(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

"(B) enhance public awareness, understanding, and appreciation of the marine environment; and

"(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.".

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

"(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of marine environment, and the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System;

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) in paragraph (8), as redesignated, by striking "areas;" and inserting "areas, including the application of innovative management techniques; and"; and

(6) in paragraph (9), as redesignated, by striking "; and" and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

"(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated in accordance with this title.".

SEC. 104. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking "and" after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;".

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting ", including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking "research, educational," and inserting "educational, cultural, archaeological, scientific,".

(d) SYSTEM.—Such section is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) 'System' means the National Marine Sanctuary System established by section 301.".

SEC. 105. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

"(1) determines that—

"(A) the designation will fulfill the purposes and policies of this title;

"(B) the area is of special national significance due to—

"(i) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

"(ii) the communities of living marine resources it harbors; or

"(iii) its resource or human-use values;

"(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

"(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and".

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the areas's scientific value and value for monitoring the resources and natural processes that occur there;

"(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

"(L) the value of the area as an addition to the System."; and

(2) by striking paragraph (3).

SEC. 106. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.".

(b) SANCTUARY DESIGNATION DOCUMENTS.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) A resource assessment that documents—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

"(vi) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis for the findings made under section 303(a) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).".

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C.1434(d)) is amended by adding at the end the following:

"(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.".

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking "management techniques," and inserting "management techniques and strategies,"; and

(2) by adding at the end the following: "This review shall include a prioritization of management objectives.".

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

"(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

"(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

"(A) the addition of a new sanctuary will not have a negative impact on the System; and

"(B) sufficient resources were available in the fiscal year in which the finding is made to—

"(i) effectively implement sanctuary management plans for each sanctuary in the System; and

"(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

"(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph (1) have been met by all existing sanctuaries.

"(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

"(A) a Thunder Bay National Marine Sanctuary; or

"(B) a Northwestern Hawaiian Islands National Marine Sanctuary.".

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a national marine sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a national marine sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) COORDINATION.—The Secretary shall work with other Federal agencies to develop a coordinated plan to make vessels and other resources available for activities in the reserve.

(4) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(5) REPORT.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(6) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized under section 311 of the National Marine Sanctuaries Act (16 U.S.C. 1444) for a fiscal year, no more than $3,000,000 shall be for carrying out this section.

SEC. 107. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting "for any person" after "unlawful";

(2) in paragraph (2) by inserting "offer for sale, purchase, import, export," after "sell,"; and

(3) by amending paragraph (3) to read as follows:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

"(B) resisting, opposing, impeding, intimidating, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title;

"(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

"(D) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement the provisions of this title; or".

SEC. 108. CHANGES IN ENFORCEMENT PROVISIONS.

(a) Powers of Authorized Officers To Arrest.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).".

(b) Criminal Offenses.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

"(c) Criminal Offenses.—

"(1) Offenses.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

"(2) Punishment.—Any person that is guilty of an offense under this subsection—

"(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

"(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.".

(c) Subpoenas of Electronic Files.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting "electronic files," after "books,".

(d) Nationwide Service of Process.—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

"(l) Nationwide Service of Process.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 109. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows;

"SEC. 308. REGULATIONS.

"The Secretary may issue such regulations as may be necessary to carry out this title.".

SEC. 110. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) In General.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

"(b) Research and Monitoring.—

"(1) In general.—The Secretary may—

"(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

"(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

"(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archaeological, and historical resources of national marine sanctuaries.

"(2) Availability of results.—The results of research and monitoring conducted by the Secretary under this subsection shall be made available to the public.

"(c) Education.—

"(1) In general.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

"(2) Educational activities.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

"(d) Interpretive Facilities.—

"(1) In general.—The Secretary may develop interpretive facilities near any national marine sanctuary.

"(2) Facility requirement.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

"(e) Consultation and Coordination.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, regional, or interstate agencies, States, or local governments.".

SEC. 111. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

"(b) Public Notice Required.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) in subsection (d)(3)(B), as redesignated, by striking "designating and"; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

"(4) Waiver or reduction of fees.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.".

SEC. 112. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) Agreements and Grants.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

"(a) Agreements and Grants.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.".

(b) Use of Resources From Other Government Agencies.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

"(e) Use of Resources of Other Government Agencies.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

"(f) Authority To Obtain Grants.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.".

SEC. 113. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) Venue for Civil Actions.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting "(1)" before "The Attorney General";

(2) in paragraph (1) (as so designated) in the first sentence by striking "in the United States district court for the appropriate district"; and

(3) by adding at the end the following:

"(2) An action under this subsection may be brought in the United States district court for any district in which—

"(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

"(B) the vessel is located, in the case of an action against a vessel; or

"(C) the destruction of, loss of, or injury to a sanctuary resource occurred.".

(b) Use of Recovered Amounts.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Response costs.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

"(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

"(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

"(2) Other amounts.—All other amounts recovered shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

"(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

"(C) to restore degraded sanctuary resources of other national marine sanctuaries.".

(c) Statute of Limitations.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

"(e) Statute of Limitations.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.".

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary—

"(1) to carry out this title—

"(A) $34,000,000 for fiscal year 2001;

"(B) $36,000,000 for fiscal year 2002;

"(C) $38,000,000 for fiscal year 2003;

"(D) $40,000,000 for fiscal year 2004; and

"(E) $42,000,000 for fiscal year 2005; and

"(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 115. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 116. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking "provide assistance" in subsection (a) and inserting "advise and make recommendations".

SEC. 117. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting "or the System" after "sanctuaries";

(2) in subsection (a)(4) by striking "use of any symbol published under paragraph (1)" and inserting "manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,";

(3) by amending subsection (e)(3) to read as follows:

"(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or"; and

(4) by adding at the end the following:

"(f) Collaborations.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

"(g) Authorization for Non-Profit Partner Organization To Solicit Sponsors.—

"(1) In general.—The Secretary may enter into an agreement with a nonprofit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the nonprofit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and transfer the contribution to the Secretary.

"(2) Partner organization defined.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from individuals, private organizations, corporations, academic institutions, or State and local governments; and

"(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.".

SEC. 118. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by redesignating section 317 as section 318, and by inserting after section 316 the following:

"SEC. 317. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

"(a) Establishment.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archaeology, to be known as Dr. Nancy Foster Scholarships.

"(b) Purpose.—The purpose of the Dr. Nancy Foster Scholarship Program is to encourage outstanding scholarship and independent graduate level research in oceanography, marine biology or maritime archaeology, particularly by women and members of minority groups.

"(c) Award.—Each Dr. Nancy Foster Scholarship—

"(1) shall be used to support graduate studies in oceanography, marine biology or maritime archaeology at a graduate level institution of higher education; and

"(2) shall be awarded in accordance with guidelines issued by the Secretary.

"(d) Distribution of Funds.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

"(e) Funding.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

"(f) Scholarship Repayment Requirement.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

"(g) Maritime Archaeology Defined.—In this section the term 'maritime archaeology' includes the curation, preservation, and display of maritime artifacts.".

SEC. 119. CLERICAL AMENDMENTS.

(a) Correction of References to Former Committee.—The following provisions are amended by striking "Merchant Marine and Fisheries" and inserting "Resources":

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) Correction of Reference to Renamed Act.—(1) Section 302(2) is amended to read as follows:

"(2) 'Magnuson-Stevens Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);".

(2) Section 302(9) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(3) Section 303(b)(2)(D) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(4) Section 304(a)(5) is amended by striking "Magnuson Act" and inserting "Magnuson-Stevens Act".

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking "Magnuson Fishery Conservation and Management Act" and inserting "Magnuson-Stevens Act".

(c) Miscellaneous.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking "United States" and inserting "UNITED STATES".

TITLE II—MISCELLANEOUS FISHERY STATUTE REAUTHORIZATIONS

SEC. 201. MARINE FISH PROGRAM.

(a) Fisheries Information Collection and Analysis.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out fisheries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $52,890,000 for fiscal year 2001, and $53,435,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) Fisheries Conservation and Management Operations.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, $30,770,000 for fiscal year 2001, and $31,641,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

(c) Fisheries State and Industry Cooperative Programs.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out State and industry cooperative programs under the Fish and Wildlife Act of 1956 (16

U.S.C. 742a et seq.) and any other law involving those activities, $28,520,000 for fiscal year 2001, and $28,814,000 for each of the fiscal years 2002, 2003, and 2004. These activities include, but are not limited to, ensuring the quality and safety of seafood products and providing grants to States for improving the management of interstate fisheries.

(d) Relation to Other Laws.—Authorizations under this section shall be in addition to monies authorized under the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 3301 et seq.), the Anadromous Fish Conservation Act (16 U.S.C. 757 et seq.), and the Interjurisdictional Fisheries Act (16 U.S.C. 4107 et seq.).

SEC. 202. INTERJURISDICTIONAL FISHERIES ACT OF 1986 AMENDMENTS.

Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

"(a) General Appropriations.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

"(1) $4,900,000 for fiscal year 2001; and

"(2) $5,400,000 for each of the fiscal years 2002, 2003, and 2004."; and

(2) in subsection (c) by striking "$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000" and inserting "$800,000 for fiscal year 2001, and $850,000 for each of the fiscal years 2002, 2003, and 2004".

SEC. 203. ANADROMOUS FISHERIES AMENDMENTS.

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

"(A) $4,500,000 for fiscal year 2001; and

"(B) $4,750,000 for each of fiscal years 2002, 2003, and 2004.

"(2) Sums appropriated under this subsection are authorized to remain available until expended.

"(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.".

TITLE III—REIMBURSEMENT OF EXPENSES

SEC. 301. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 401. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 2000".

SEC. 402. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) In General.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) Clerical Amendment.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

TITLE V—YUKON RIVER SALMON

SEC. 501. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 2000".

SEC. 502. YUKON RIVER SALMON PANEL.

(a) Establishment.—

(1) In general.—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) Functions.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this title or any other law.

(3) Designation as united states representatives on bilateral body.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) Membership.—

(1) In general.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State.

(2) Appointees from alaska.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) Alternates.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under paragraph (1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) Term Length.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) Reappointment.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) Decisions.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) Consultation.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 503. ADVISORY COMMITTEE.

(a) Appointments.—The Governor of Alaska may establish and appoint an advisory committee (in this title referred to as the "advisory committee") of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) Compensation.—The members of such advisory committee shall receive no compensation for their services.

(c) Term Length.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) Reappointment.—Members of such advisory committee shall be eligible for reappointment.

SEC. 504. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to the advisory committee.

SEC. 505. AUTHORITY AND RESPONSIBILITY.

(a) Responsible Management Entity.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) Effect of Designation.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) Recommendations of Panel.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 506. ADMINISTRATIVE MATTERS.

(a) Compensation.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS-15 of the General Schedule when engaged in the actual performance of duties.

(b) Travel and Other Necessary Expenses.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of the advisory committee when such members are engaged in the actual performance of duties for the Panel or advisory committee.

(c) Treatment as Federal Employees.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of the advisory committee shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 507. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) In General.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) Cooperation With Canada.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of the advisory committee, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 507(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE VI—FISHERY INFORMATION ACQUISITION

SEC. 601. SHORT TITLE.

This title may be cited as the "Fisheries Survey Vessel Authorization Act of 2000".

SEC. 602. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) In General.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) Vessel Requirements.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) Fisheries Research Vessel Procurement.—Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

(d) Authorization.—To carry out this section there are authorized to be appropriated to the Secretary of Commerce $60,000,000 for each of fiscal years 2002 and 2003.

TITLE VII—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

SEC. 701. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) Authorization.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

SEC. 702. POPULATION STUDY OF STRIPED BASS.

(a) Study.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) Authorization.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 703. SHORT TITLE.

This subtitle may be cited as the "Atlantic Coastal Fisheries Act of 2000".

SEC. 704. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) Authorization of Appropriations.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

"SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—To carry out this title, there are authorized to be appropriated $10,000,000 for each of fiscal years 2001 through 2005.

"(b) Cooperative Statistics Program.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.".

(b) Technical Corrections.—

(1) In general.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) Amendments to repeal not affected.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) Short title references.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(c) Reports.—

(1) Annual report to the secretary.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title.

TITLE VIII—PACIFIC SALMON RECOVERY

SEC. 801. SHORT TITLE.

This title may be cited as the "Pacific Salmon Recovery Act".

SEC. 802. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this title to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 803(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer in a lump sum—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 803(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this title; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 803(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 803(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 803(b) as of the end of the fiscal year.

SEC. 803. RECEIPT AND USE OF ASSISTANCE.

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this title, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this title are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this title, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this title may be used by a qualified State in accordance with a plan submitted by the State

under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) Use for local and regional projects.—Funds allocated to qualified States under this title shall be used for local and regional projects.

(d) Use of Assistance for Activities Outside of Jurisdiction of Recipient.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) Cost Sharing by Qualified States.—

(1) In general.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this title, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) Limitation on requiring matching for each project.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this title.

(3) Treatment of monetary contributions.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) Coordination of Activities.—

(1) In general.—Each qualified State and each qualified tribal government receiving assistance under this title is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) Consultation.—Each qualified State and qualified tribal government receiving assistance under this title shall consult with the Secretary to ensure there is no duplication in projects funded under this title.

(g) Limitation on Administrative Expenses.—

(1) Federal administrative expenses.—Of the amount made available under this title each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this title.

(2) State and tribal administrative expenses.—Of the amount allocated under this title to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this title.

SEC. 804. PUBLIC PARTICIPATION.

(a) Qualified State Governments.—Each qualified State seeking assistance under this title shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) Qualified Tribal Governments.—Each qualified tribal government receiving assistance under this title shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 805. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this title.

SEC. 806. REPORTS.

(a) Qualified States.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this title. The report shall contain an evaluation of the success of this title in meeting the criteria listed in section 803(a)(2).

(b) Secretary.—

(1) Annual report regarding qualified tribal governments.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this title. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 803(b)(2).

(2) Biannual report.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this title, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this title. The report shall review programs funded by the States and evaluate the success of this title in meeting the criteria listed in section 803(a)(2).

SEC. 807. DEFINITIONS.

In this title:

(1) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Qualified state.—The term "qualified State" means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) Qualified tribal government.—The term "qualified tribal government" means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title; and

(B) a regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this title.

(4) Salmon.—The term "salmon" means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this title in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this title in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) Secretary.—The term Secretary means the Secretary of Commerce.

SEC. 808. PACIFIC SALMON TREATY.

(a) Transboundary Panel Representation.—

(1) In general.—Section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632) is amended by redesignating subsections (f), (g), and (h) in order as subsections (g), (h), and (i), and by inserting after subsection (e) the following:

"(f) Transboundary Panel.—The United States shall be represented on the transboundary Panel by seven Panel members, of whom—

"(1) one shall be an official of the United States Government with salmon fishery management responsibility and expertise;

"(2) one shall be an official of the State of Alaska with salmon fishery management responsibility and expertise; and

"(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the transboundary Panel is responsible.".

(2) Conforming amendments.—

(A) Subsection (g) of section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended—

(i) by striking "and (e)(2)" and inserting "(e)(2), and (f)(2)";

(ii) by striking "and (e)(4)" and inserting "(e)(4), and (f)(3)"; and

(iii) by striking "The appointing authorities listed above" and inserting "For the southern, northern, and Frazier River Panels, the appointing authorities listed above".

(B) Subsection (h)(2) of section 3 the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended by striking "and southern" and inserting ", southern, and transboundary".

(C) Section 9 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3638) is amended by striking "9(g)" and inserting "9(h)".

(b) Compensation and Expenses for United States Representatives on Northern and Southern Fund Committees.—

(1) Compensation.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C.

3640) is amended by redesignating subsections (c) and (d) in order as subsections (d) and (e), and by inserting after subsection (b) the following:

"(c) Compensation for Representatives on Northern Fund and Southern Fund Committees.—United States Representatives on the Pacific Salmon Treaty Northern Fund Committee and Southern Fund Committee who are not State or Federal employees shall receive compensation at the minimum daily rate of pay payable under section 5376 of title 5, United States Code, when engaged in the actual performance of duties for the United States Section or for the Commission.".

(2) Expenses.—Subsection (d) of such section, as so redesignated, is amended by inserting "members of the Northern Fund Committee, members of the Southern Fund Committee," after "Joint Technical Committee,".

(3) Clerical amendments.—

(A) In general.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 5332) is amended—

(i) in subsection (a) by striking "at the daily rate of GS–18 of the General Schedule" and inserting "at the maximum daily rate of pay payable under section 5376 of title 5, United States Code,"; and

(ii) in subsection (b) by striking "at the daily rate of GS–16 of the General Schedule" and inserting "at the minimum daily rate of pay payable under section 5376 of title 5, United States Code,".

(B) Application.—The amendments made by subparagraph (A) shall not apply to Commissioners, Alternate Commissioners, Panel Members, and Alternate Panel Members (as those terms are used in section 11 of the Pacific Salmon Treaty Act of 1985) appointed before the effective date of this subsection.

(c) Authorization of Appropriations.—

(1) Clerical amendment.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, as enacted by section 1000(a)(1), Division B of Public Law 106–113 (16 U.S.C. 3645) is redesignated and moved so as to be section 16 of the Pacific Salmon Treaty Act of 1985.

(2) Authorization of appropriations.—Subsection (d) of such section is amended to read as follows:

"(d) Authorization of Appropriations.—For capitalizing the Northern Fund and Southern Fund established under the 1999 Pacific Salmon Treaty Agreement and related agreements, there are authorized to be appropriated a total of $75,000,000 for the Northern Fund and a total of $65,000,000 for the Southern Fund for fiscal years 2000, 2001, 2002, and 2003, for the implementation of those agreements.".

SEC. 809. TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

For United States citizens who served as employees of the International Pacific Salmon Fisheries Commission and the International North Pacific Fisheries Commission (in this section referred to as the "Commissions") and who worked in Canada in the course of employment with those commissions, the President shall—

(1) calculate the difference in amount between the valuation of the Commissions' annuity for each employee's payment in United States currency and in Canadian currency for past and future (as determined by an actuarial valuation) annuity payments; and

(2) out of existing funds available for this purpose, pay each employee a lump-sum payment in the total amount determined under paragraph (1) to compensate each employee for past and future benefits resulting from the exchange rate inequity.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out this title. Funds appropriated under this section may remain until expended.

TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS

SEC. 901. GREAT LAKES FISHERY ACT OF 1956.

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

"(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 902. TUNA CONVENTIONS ACT OF 1950.

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before "Of such Commissioners—" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 903. ATLANTIC TUNAS CONVENTION ACT OF 1975.

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before "The Commissioners" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 904. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) Clerical Amendment.—Public Law 102–587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) Treatment Commissioners.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before "Of the Commissioners—" the following: "Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.".

SEC. 905. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting "or subject to the jurisdiction of the United States" after "United States".

TITLE X—PRIBILOF ISLANDS

SEC. 1001. SHORT TITLE.

This title may be referred to as the "Pribilof Islands Transition Act".

SEC. 1002. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 1003. FUR SEAL ACT OF 1996 DEFINED.

In this title, the term "Fur Seal Act of 1966" means Public Law 89–702 (16 U.S.C. 1151 et seq.).

SEC. 1004. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) is amended to read as follows:

"SEC. 206. FINANCIAL ASSISTANCE.

"(a) Grant Authority.—

"(1) In general.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

"(2) Use for matching.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

"(3) Restriction on use.—The Secretary may not use financial assistance authorized by this Act—

"(A) to settle any debt owed to the United States;

"(B) for administrative or overhead expenses; or

"(C) to seek or require contributions referred to in section 1006(b)(3)(B) of the Pribilof Islands Transition Act.

"(4) Funding instruments and procedures.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(5) Pro rata distribution of assistance.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

"(b) Solid Waste Assistance.—

"(1) In general.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

"(2) Transfer.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation or award under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

"(3) Limitation.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

"(1) for assistance under subsection (a) a total not to exceed—

"(A) $9,000,000, for grants to the City of St. Paul;

"(B) $6,300,000, for grants to the Tanadgusix Corporation;

"(C) $1,500,000, for grants to the St. Paul Tribal Council;

"(D) $6,000,000, for grants to the City of St. George;

"(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

"(F) $1,000,000, for grants to the St. George Tribal Council; and

"(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

"(A) $6,500,000 for the City of St. Paul; and

"(B) $3,500,000 for the City of St. George.

"(d) Limitation on Use of Assistance for Lobbying Activities.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

"(e) Immunity From Liability.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

"(1) having provided assistance to the State of Alaska under subsection (b); or

"(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

"(f) Report on Expenditures.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

"(g) Congressional Intent.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.".

SEC. 1005. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

"(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

"(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

"(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

"(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law."; and

(2) by striking subsection (g).

SEC. 1006. TERMINATION OF RESPONSIBILITIES.

(a) Future Obligation.—

(1) In general.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) Savings.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) Rule of construction.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) Conforming amendment.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) Property Conveyance and Cleanup.—

(1) In general.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) Application.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) Financial contributions for cleanup costs.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) Certain reserved rights not conditions.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) Repeals.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) Savings.—

(1) In general.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) Documents described.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term "Natives of the Pribilof Islands" includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 1007. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking "(d)" and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting "**SEC. 212.**"; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking "on such Islands" and insert "on such property".

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

"**SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Fur Seal Act of 1966'.".

SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

"(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska."; and

(2) by adding at the end the following:

"(g) LOW-INTEREST LOAN PROGRAM.—

"(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

"(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

"(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' includes the Tanadgusix and Tanaq Corporations.

"(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.".

TITLE XI—SHARK FINNING

SEC. 1101. SHORT TITLE.

This title may be cited as the "Shark Finning Prohibition Act".

SEC. 1102. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 1103. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (N);

(2) by striking "section 302(j)(7)(A)." in subparagraph (O) and inserting "section 302(j)(7)(A); or"; and

(3) by adding at the end the following:

"(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

"(iii) to land any such fin without the corresponding carcass.

"For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.".

SEC. 1104. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 1103 of this title.

SEC. 1105. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 1106. REPORT TO CONGRESS.

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 1107. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 1110, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 1108. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 1107 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 1109. SHARK-FINNING DEFINED.

In this title, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

SEC. 1201. SHORT TITLE.

This title may be cited as the "Marine Mammal Rescue Assistance Act of 2000".

SEC. 1202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding the development of criteria for the implementation of the grant program.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed $100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

"(1) $4,000,000 may be available to the Secretary of Commerce; and

"(2) $1,000,000 may be available to the Secretary of the Interior.".

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
"Sec. 409. Authorization of appropriations.
"Sec. 410. Definitions.".

SEC. 1203. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5086. This bill includes a 5-year reauthorization of the National Marine Sanctuaries Act and miscellaneous fishery reauthorizations.

The sanctuary provisions make minor changes to the designation, monitoring and enforcement sections of the Act. It reinforces the importance of protecting the cultural resources found in sanctuaries, and it establishes a program to honor Dr. Nancy Foster. Dr. Foster was a long-time NOAA employee and former director of the Sanctuary program who recently passed away from a long illness.

This bill also includes three provisions that twice have previously passed the House as part of other legislation. The first allows fishermen to be reimbursed if their vessel is illegally detained or seized by foreign countries. The second establishes the Yukon River Salmon Panel and authorizes projects to restore salmon stocks originating from the Yukon River. The third authorizes the Secretary of Commerce to acquire two fishery survey vessels.

These vessels are one of the most important fishery management tools available to the Federal science. They allow for the collection of much needed scientific data to manage our Nation's resources.

Mr. Speaker, may I say, one of the biggest weaknesses we have in the whole programs of our oceans is the lack of research. H.R. 5086 provides authorization for environmental clean-up in current and formerly owned Federal property on the Pribilof Islands in Alaska, and assistance to help island communities successfully complete the transition from governmental to private ownership.

It also establishes the terms under which NOAA can end its non-marine mammal responsibilities on the Pribilofs.

Other titles within this bill reauthorize marine fisheries stock assessments; aid to States in managing interjurisdictional and anadromous fisheries; and the extremely successful Atlantic striped bass and Atlantic coastal cooperative fisheries management programs.

Finally, the bill will authorize assistance to West Coast States for salmon habitat restoration projects; give statutory approval to several provisions of the international agreement on joint U.S. and Canadian salmon stocks; and establish a program to assist in marine mammal stranding rescues.

This bill contains key provisions to protect U.S. fish stocks and sensitive areas of the marine environment. These measures are noncontroversial and should be adopted this year. I urge an aye vote on this important conservation legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any substantive concerns with the package of fishery bills included in the amendment to H.R. 5086. In particular, I support the title that would reauthorize the National Marine Sanctuaries program. I am also pleased that this package includes legislation that would outlaw the fishing practice of shark finning.

I am concerned about the disproportionate number of Republican bills that have be included in this package. There is only one Democratic bill and seven Republican bills. I believe that is unfair.

I am also concerned with what this legislation does not include. It does not include a clean bill to reauthorize the Coastal Zone Management Act, especially a reauthorization for State coastal polluted run-off programs. Nor does this package include a clean bill to authorize a comprehensive coral reef conservation program. Passage of these bills has been a priority concern for Democrat Members of this Congress.

I am disappointed that the majority has chosen to schedule this package when they could have just as easily scheduled the fish package that was passed by the other body, H.R. 3417. This package contained virtually all of the bills contained here, but also includes a clean coastal zone management reauthorization and coral reef bills.

Members of the other body have indicated they will not move any package which does not include CZMA in the coral reef bills. Instead of passing legislation today that could be sent to the President for his signature, we are passing a bill that may very well become a dead letter in the other body. I think that is unfortunate in the closing days of this session.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentleman, I would agree to some extent with what he said. The one thing I do and have always felt very strongly is not to be dictated to by the other body. The other body said "take it or leave it" on issues very frankly that are very, very important to me, but we decided what we had to do was get what was best out of what we were able to do, and without any objection on our side or the gentleman's side, to achieve those goals.

I am a little frustrated with the other body, in fact, greatly frustrated, because they waited. These bills had been passed for many, many months, and then they sent us something and said, "Take it or leave it."

This is the House of the people, the United States House of Representatives. It is not the House of Lords. I am going to suggest respectfully that until they recognize that we also have an important role to play in this business of legislation, I am going to do what I think is appropriate for not only the Nation as a whole but the constituents that we all represent.

To have them dictate to us is very offensive to me. I have told them that vocally, and I will tell them that in writing, and I will say it in public. This is the House of the people, not the House of Lords on the other side. So the one way we did what we could do to try to achieve our goals, including the fishermen's protection act, was that the gentleman's and my bill is in this package. That is one of the things in this bill. I cannot get it all because I cannot get it passed from this side of the aisle, either.

So this is the art of trying to achieve the realities. I really worked very hard on this piece of legislation, and hopefully we will see the wisdom of passing this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 5086. This legislation includes a provision very important to me, the Shark Finning Prohibition Act.

I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member MILLER for their strong commitment to this legislation and their leadership to stop the barbarous practice of shark finning.

For those unfamiliar with shark finning, it is the distasteful practice of removing of a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the third time that the House has acted on this issue, and the third version of my legislation. The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries from this terrible practice.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discard the remainder of the shark into the ocean.

The next step in this process is to act internationally. The bill directs the Secretary of State and Secretary of Commerce to work to stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my resolution from last year stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks and providing data on the international shark fin trade. This important provision was included at the request of the Senate and represents the best form of compromise and action.

The United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote "yes" on H.R. 5086; vote "yes" to prohibit shark finning.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that it is not in order to characterize the Senate or its actions or inactions.

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

The Clerk read as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 710, introduced by Senator TRENT LOTT from Mississippi, authorizes a feasibility study of the Vicksburg Campaign during the Civil War. The Vicksburg Campaign was one of the most important, decisive events of the Civil War. Vicksburg was the Confederacy's most vital defensive citadel, located on the Mississippi River. Its capture was considered essential to the Union plans to gain control of the Mississippi in 1863.

The fall of Vicksburg effectively split the South in two and gave the North complete control of the Mississippi River.

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Clearly, many of the battlefields along the Vicksburg Campaign Trail are of important historical significance and their preservation would contribute to the understanding of the heritage of the United States. Mr. Speaker, S. 710 would authorize a feasibility study on the preservation of many of the Civil War battlefields along the Vicksburg Campaign Trail to determine what measures should be taken to preserve these historical battlefields.

In addition, this bill would authorize the Secretary of the Interior to establish a management entity for Civil War battlefields and to acquire funds and lands for use in managing these battlefields.

Mr. Speaker, I urge members of the House to support S. 710.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained this legislation to direct the National Park Service to conduct a feasibility study to explore various options of the preservation of the Vicksburg Campaign Trail, and I urge the support of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 710.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE INTERIOR TO ISSUE A PATENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

The Clerk read as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1218, a bill to authorize the Secretary of the Interior to issue to the Landusky School District in the State of Montana a patent for the surface and mineral estates of certain lots, totaling 2.06 acres.

Landusky is a small agricultural community in north central Montana. An oversight in the original transfer of land from the Bureau of Land Management did not convey the surface and mineral estates on the two lots that the Landusky Elementary School has now occupied for a lengthy period of time. This legislation corrects that oversight.

Mr. Speaker, S. 1218 was introduced on June 14, 1999, by Senator BURNS. A legislative hearing was held where the assistant director of the Bureau of Land Management testified on behalf of the administration in support of the bill with certain amendments.

Today, we take up a bill fully supported by the administration and the other body. The estimated fair market value of the parcels is only $30,300. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska has quite properly explained the legislation. The administration supports this bill, and we have no objections to it.

S. 1218 would direct the Secretary of the Interior to convey, without consideration, the surface and subsurface mineral estates of about two acres of federal land to the Landusky School District, located in Montana.

According to the Bureau of Land Management (BLM), the school district currently operates and maintains an elementary school and auxiliary school buildings on the land and bears full financial responsibility for the property. The land currently generates no federal receipts, and BLM does not expect the land to generate any significant receipts over the next 10 years.

The administration supports S. 1218. We have no objection to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

LAND AROUND THE CASCADE RESERVOIR

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir.

The Clerk read as follows:

S. 1778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

"(b) LAND EXCHANGES.—

"(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

"(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

"(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

"(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1778 authorizes the Secretary of the Interior to negotiate land exchanges among willing sellers and willing buyers at Cascade Reservoir in Idaho. Several agricultural easements were reserved within 300 feet of the reservoir at the time the Bureau of Reclamation acquired lands for the reservoir. Now the easement holders and reclamation would like to exchange these easements for other Federal lands in the area. The exchanges would help the parties improve and maintain water quality in the reservoir. All parties have agreed to the exchange.

Mr. Speaker, I urge an "aye" vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman points out, this allows for land exchange around the Cascade Reservoir north of Boise, Idaho. We have no objections to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1778.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 610) to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

The Clerk read as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the

"Secretary"), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as "Westside"), all right, title, and interest (excluding the mineral interest) of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled "Westside Project" and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 610, a bill to direct the conveyance of certain BLM lands to the Westside Irrigation District of Wyoming.

Mr. Speaker, S. 610 directs the Secretary of the Interior to convey roughly 37,000 acres of land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District.

In turn, Westside Irrigation District will irrigate these lands and sell them as farmland parcels. Proceeds raised from the land sales will be given to the Secretary of the Interior for the acquisition of the land in the Worland District of the Bureau of Land Management, for the purpose of benefiting public recreation, increasing public access, enhancing fish and wildlife habitat, and improving cultural resources.

In recent years, expanded residential development in Washakie and Big Horn Counties has resulted in key loss to the economy: farmland. This legislation will afford communities an opportunity to retain their economic vitality, while protecting cultural and natural resources and the environment.

I would personally like to congratulate everyone who worked so diligently on this measure. I believe it is a job well done between the Federal agencies of the State and individual landholders. I ask my colleagues to support S. 610.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman has explained, this is an exchange of land or the direct sale of land in Wyoming, and while the administration is concerned that not all of the lands have been identified, we have no objections to the bill at this time, and we urge its passage.

S. 610 (Enzi) is a Senate passed measure that directs the sale of 16,500 acres of public land in Wyoming to the Westside Irrigation District. Mineral estate would remain with the United States.

District required to pay fair market value for the lands.

Prior to any sale there has to be completed an environmental analysis under NEPA.

Bill allows the Secretary and the District to add or subtract lands if necessary to satisfy the mitigation requirements of the NEPA analysis.

Administration had raised a number of concerns with the bill as introduced. While the bill was amended in the Senate to address some of these concerns, the Administration still does not support passage.

Administration concerned that they are required to sell lands that had not been identified for disposal. The lands contain significant paleontological resources and provide important wildlife habitat.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 610.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXCHANGING CERTAIN LANDS IN WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

The Clerk read as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1-2(d) and 2091.3-2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW-143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the "Bill Barlow Ranch";

(2) Approximately 2,315 acres of land in the tract know as the "T-Chair Ranch";

(3) Approximately 3,948 acres of land in the tract known as the "Bob Christensen Ranch";

(4) Approximately 11,609 acres of land in the tract known as the "John Christensen Ranch".

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1030, a land exchange bill introduced by Senator ENZI of Wyoming.

This bill exchanges 9,480 acres of private land for approximately 20,000 acres of Federal land managed by the Bureau of Land Management. It is an equal-value exchange. Currently, over 17,000 acres of the public land identified for exchange are completely inaccessible to the public because of surrounding private lands. After the exchange, the resulting block of public land will consist of over 18,660 acres, accessible from a paved highway and located very close to Gillette, Wyoming. The land which will be acquired by the BLM is scenic, recreational land, containing timber, rugged topography, and excellent wildlife habitat.

I would note this land exchange involves the transfer of surface interests only; no mineral interests are involved in the exchange. The BLM will reserve all minerals. The amendment adopted by the Senate at the urging of the administration makes clear that while a land-use plan amendment is prepared for the new Federal surface estate to be acquired, the mineral estate beneath it is segregated from the operation of the mining law.

Passage of this legislation will permit the land exchange to go forward. As a result, it will be a lasting benefit to the citizens of Wyoming and the Federal Government. I urge my colleagues to support S. 1030.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1030, introduced by Senator MIKE ENZI of Wyoming, would require certain lands acquired through exchange in Gillette, Wyoming, to be segregated from entry under the mining laws until appropriate land-use planning is completed for the land. This provision is necessary to override existing laws that would otherwise require the land to be opened up to mining 90 days after the completion of this exchange.

The administration is in support of this legislation. We have no problems.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1030.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND IN POWELL, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2069) to permit the conveyance of certain land in Powell, Wyoming.

The Clerk read as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.

(a) FINDINGS.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) ELIMINATION OF CONDITION.—

(1) WAIVER.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) INSTRUMENTS.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) LAND DESCRIPTION.—The parcel of land described in this subseotion is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows:

Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2069, a bill to permit the conveyance of land in which the fire station in Powell, Wyoming, is located. This bill is necessary because the existing patent contains a requirement that does not allow the city to sell this land and use the proceeds to move the volunteer station to a better, safer location.

The current fire estimation is too small to hold the fire department's new equipment and is located at Powell's busiest intersection. This situation has created a safety issue for both people traveling through Powell, and for the fire department when it goes out on calls. On numerous occasions, the fire department has been caught in traffic and was unable to respond quickly to calls.

This land was originally deeded to the Powell township by the Bureau of Reclamation in 1934 with the stipulation that the land be used in perpetuity for public purposes.

Mr. Speaker, S. 2069 will waive this condition of the patent, thereby allowing the land to be sold and proceeds used to purchase a lot in a better location to serve the needs of the community.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

We do not know what bill this is. The gentleman has explained it. It is not on the calendar that I can see.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2069.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO PARK COUNTY, WYOMING

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming.

The Clerk read as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this Act:

(1) COUNTY.—The term "County" means Park County, Wyoming.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	*Acreage*
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91

Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04
Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1894, an act to provide for the conveyance of 190 acres of Bureau of Reclamation-administered public lands to Park County, Wyoming, for the appraised fair market value. In the other body, the amendment in the nature of a substitute was adopted to meet the concerns the administration had with the original text.

The General Services Administration will manage the sale of this property, known as the Cody Industrial Area. The Bureau of Reclamation determined in 1996 this parcel is no longer needed for bureau purposes and is suitable for disposal.

Park County is 82 percent federally owned land. Mr. Speaker, S. 1894 will allow the county to encourage economic development by expanding a current industrial park which lies adjacent to this parcel.

Mr. Speaker, S. 1894 is supported by the administration, and I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1894 provides the conveyance of 190 acres from Park County, Wyoming. Park County will pay the assessed fair market value for the parcel. It is my understanding that the administration has expressed some concerns regarding the fair market value of this parcel, but we do not oppose the bill at this time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1894.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

COAL MARKET COMPETITION ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2300) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

The Clerk read as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Market Competition Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 3. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking "(a)" and all that follows through "No person" and inserting "(a) COAL LEASES.—No person";

(2) by striking "forty-six thousand and eighty acres" and inserting "75,000 acres"; and

(3) by striking "one hundred thousand acres" each place it appears and inserting "150,000 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2300, the Coal Market Competition Act of 2000. Today, half of our Nation's coal supply comes from the west side of the Mississippi River, where the vast majority of that coal is mined in States with significant Federal ownership of the mineral estate, including the ownership of the coal resource.

□ 1430

The Mineral Leasing Act of 1920, as amended, governs the disposition of the right to mine such coal.

Currently, the act limits an entity to no more than a cumulative total of 100,000 acres nationally under federal coal leases, and no more than 46,080 acres in any one State. Congress has increased coal acreage limitation three times since the passage of the original act, most recently in 1976. But the Statewide limitation has not been changed in 36 years, despite significant changes in the coal mining industry. S. 2300 would increase the acreage limit to 75,000 acres per State and 150,000 acres nationwide.

These changes are necessary if our coal industry is going to remain competitive in the production of energy resource which is so important to domestic energy needs. The Coal Market

Competition Act of 2000 will better serve America's energy needs by helping our coal industry plan for the future.

Thus I ask my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2300 would amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State.

The administration supports this legislation. CBO estimates, however, that enacting this legislation will not have any significant impact on Federal receipts from coal leaseholders or subsequent payments to the States for their share of those receipts.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2300.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

The Clerk read as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1088 was introduced by Senator JON KYL. It would allow the

Forest Service to consolidate and relocate the administrative facilities in the State of Arizona. It would also allow the Forest Service to convey land at fair market value to the City of Sedona for a much-needed wastewater treatment plant.

Back in May of 1999, the gentleman from Arizona (Mr. STUMP), our esteemed colleague, introduced H.R. 1969 which is the House companion to S. 1088. He worked diligently to see his legislation favorably passed through the subcommittee. However, because we have so few legislative days remaining and the Senate version is ready, in the interest of time, we are here today to consider S. 1088.

Let me close by saying, although this was a House bill originally, I support S. 1088.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alaska (Mr. YOUNG) properly explained the legislation, S. 1088; and we have no objections to the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1088.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HOOVER DAM MISCELLANEOUS SALES ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

The Clerk read as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoover Dam Miscellaneous Sales Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

SEC. 5. COSTS AND REVENUES.

(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) REVENUES.—

(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1275 will enable the Bureau of Reclamation to provide visitors to Hoover Dam an opportunity to buy educational materials. It also will allow material removed from the dam during recent rehabilitation work to be used to create memorabilia, otherwise such material would become surplus and require alternate disposal. Sales authorized by this legislation are expected to generate revenues which will reduce the cost overruns incurred in constructing the visitors center.

I urge support of S. 1275.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1275.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

The Clerk read as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking "$75,000,000 for subsection 202(a)" and inserting "$175,000,000 for section 202(a)"; and

(B) by striking "paragraph 202(a)(6)" and inserting "paragraph (6) of section 202(a)"; and

(2) in the second sentence, by striking "paragraph 202(a)(6)" and inserting "section 202(a)(6)".

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1211 authorizes an increase in the ceiling of the Salinity Control Program from $75 million to $175 million. In addition, the legislation requires the Secretary of the Interior to file a report on the status of the implementation of the program designed to minimize salt entering the Colorado River from Bureau of Land Management lands.

In 1995, the Subcommittee on Water and Power amended the Salinity Control Act and created a pilot program authorizing the Bureau of Reclamation to award up to $75 million in grants, on a competitive-bid basis, for salinity control projects in the Colorado River Basin. The result of this entrepreneurial initiative has been a substantial drop in the cost per ton of salt removal. This legislation will continue to provide assistance to further reduce the salt content of the Colorado River.

I urge an aye vote on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support S. 1211. The Colorado River Basin Salinity Control program is one of the most successful water control programs in the West.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

The Clerk read as follows:

S. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Establishment Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term "descendant" means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term "site" means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "tribe" means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, "Sand Creek Massacre Historic Site", numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states "Sand Creek Battleground, November 29 and 30, 1864", within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. NEEDS OF DESCENDANTS.

(a) IN GENERAL.—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2950, introduced by Senator BEN NIGHTHORSE CAMPBELL from Colorado, establishes the area of Sand Creek Massacre as a National Historic Site. The Sand Creek Massacre remains a matter of great historical, cultural, and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

This piece of legislation also directs the Secretary to develop a site management plan, administer the site as part of the National Park Service, and to prepare programs which educate the public about the site. In addition, S. 2950 would dedicate a portion of the site to certain burial and commemorative remains and objects.

I urge my colleagues to support S. 2950.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 2950 by Senator CAMPBELL, and we urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2950.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SAINT-GAUDENS NATIONAL HISTORIC SITE BOUNDARY MODIFICATIONS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1367) to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

The Clerk read as follows:

S. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Public Law 88-543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking "not to exceed sixty-four acres of lands and interests therein" and inserting "279 acres of lands and buildings, or interests therein";

(2) in section 6 by striking "$2,677,000" from the first sentence and inserting "$10,632,000"; and

(3) in section 6 by striking "$80,000" from the last sentence and inserting "$2,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank my esteemed colleague, Senator FRANK MURKOWSKI, for his hard work on this important piece of legislation. Recognition should also go to the gentleman from New Hampshire (Mr. BASS) for his efforts on a companion House bill. Both of these men are to be congratulated for constructing this commendable piece of legislation.

S. 1367 is a simple bill that would modify the boundary and increase appropriations for the Saint-Gaudens National Historic Site in the State of New

Hampshire. Dedicated to the great American sculptor Augustus Saint-Gaudens, this historic site was the first park dedicated to an artist. Authorized in 1964, the site consists of 150 acres of land, 11 historic buildings, 15 acres of wetlands, 2.5 miles of trails, and a large collection of the artist's original artworks.

This is a good bill that will help bring much-needed improvements to one of our Nation's most unique and beautiful national historic sites.

I urge my colleagues to support S. 1367.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support S. 1367, the boundary changes to Saint-Gaudens National Historic Site.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1367.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1586) to reduce the fractionated ownership of Indian lands, and for other purposes.

The Clerk read as follows:

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 2000".

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) IN GENERAL.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": *Provided*, That—"; and inserting the following:

"(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

"SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

"(a) TRIBAL PROBATE CODES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

"(A) rules of intestate succession; and

"(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

"(b) SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) REVIEW AND APPROVAL.—

"(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

"(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

"(E) AMENDMENTS.—

"(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

"(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

"(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

"(A) the date specified in section 207(g)(5); or

"(B) 180 days after the date of approval.

"(4) LIMITATIONS.—

"(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

"(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

"(5) REPEALS.—The repeal of a tribal probate code shall—

"(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

"(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

"(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

"(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

"(2) LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

"(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

"(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

"(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

"(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

"(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

"(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

"(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.";

(4) by striking section 207 and inserting the following:

"SEC. 207. DESCENT AND DISTRIBUTION.

"(a) TESTAMENTARY DISPOSITION.—

"(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

"(A) the decedent's Indian spouse or any other Indian person; or

"(B) the Indian tribe with jurisdiction over the land so devised.

"(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

"(3) REMAINDER.—

"(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

"(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

"(C) DEFINITION.—For purposes of this section, the term 'collateral heirs of the first or second degree' means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

"(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

"(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

"(6) SPECIAL RULE.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

"(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

"(b) INTESTATE SUCCESSION.—

"(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

"(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

"(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

"(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

"(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

"(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

"(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

"(2) Intestate.—

"(A) In general.—Any interest in trust or restricted land that—

"(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;

shall be held as tenancy in common.

"(B) Limited interest.—Any interest in trust or restricted land that—

"(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

"(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;

shall be held by such heirs with the right of survivorship.

"(3) Effective date.—

"(A) In general.—This subsection (other than subparagraph (B)) shall become effective on the later of—

"(i) the date referred to in subsection (g)(5); or

"(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

"(B) Certification.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

"(d) Descent of Off-Reservation Lands.—

"(1) Indian reservation defined.—For purposes of this subsection, the term 'Indian reservation' includes lands located within—

"(A)(i) Oklahoma; and

"(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

"(B) the boundaries of any Indian tribe's current or former reservation; or

"(C) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

"(2) Descent.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

"(A) by testate or intestate succession in trust to an Indian; or

"(B) in fee status to any other devises or heirs.

"(e) Approval of Agreements.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

"(f) Estate Planning Assistance.—

"(1) In general.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

"(2) Requirements.—The estate planning assistance provided under paragraph (1) shall be designed to—

"(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

"(B) assist Indian landowners in accessing information pursuant to section 217(e).

"(3) Contracts.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

"(g) Notification to Indian Tribes and Owners of Trust or Restricted Lands.—

"(1) In general.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

"(2) Specifications.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) Requirements.—The Secretary shall provide the notice required under paragraph (1)—

"(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

"(B) through the Federal Register;

"(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

"(D) through any other means determined appropriate by the Secretary.

"(4) Certification.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

"(5) Effective date.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).";

(5) in section 208, by striking "section 206" and inserting "subsections (a) and (b) of section 206"; and

(6) by adding at the end the following:

"SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

"(a) Acquisition by Secretary.—

"(1) In general.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

"(2) Authority of Secretary.—

"(A) In general.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

"(B) Required report.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

"(3) Interests held in trust.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

"(b) Requirements.—In implementing subsection (a), the Secretary—

"(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

"(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997));

"(3) to the extent practicable—

"(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

"(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

"(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

"(4) shall minimize the administrative costs associated with the land acquisition program.

"(c) Sale of Interest to Indian Landowners.—

"(1) Conveyance at request.—

"(A) In general.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

"(B) Limitation.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"(2) Multiple owners.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

"(3) Limitation.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

"SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

"(a) In General.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

"(b) CONDITIONS.—

"(1) IN GENERAL.—The conditions described in this paragraph are as follows:

"(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

"(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

"(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

"(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

"(i) the Secretary makes any of the findings under paragraph (2)(A); or

"(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

"(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

"(A) the Secretary makes a finding that—

"(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

"(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

"(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

"(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

"(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

"(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"SEC. 215. ESTABLISHING FAIR MARKET VALUE.

"For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

"SEC. 216. ACQUISITION FUND.

"(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

"(1) disburse appropriations authorized to accomplish the purposes of section 213; and

"(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

"(b) DEPOSITS; USE.—

"(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

"(A) be deposited in the Acquisition Fund; and

"(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

"(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

"SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

"(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

"(1) involving individual Indians;

"(2) between Indians and the tribal government that exercises jurisdiction over the land; or

"(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

"(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

"(1) IN GENERAL.—

"(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

"(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

"(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

"(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

"(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

"(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

"(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

"(1) other Indian owners of interests in trust or restricted lands within the same reservation;

"(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

"(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

"(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

"SEC. 218. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

"(1) the number of fractional interests in trust or restricted lands acquired; and

"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

"(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

"SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

"(a) Approval by the Secretary.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

"(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

"(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

"(2) Rule of construction.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

"(3) Definition.—In this section, the term 'allotted land' includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

"(b) Applicable Percentage.—

"(1) Percentage interest.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

"(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

"(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

"(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

"(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

"(2) Determination of owners.—

"(A) In general.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

"(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in Babbitt v. Youpee, (117 S Ct. 727 (1997)).

"(c) Authority of Secretary to Sign Lease or Agreement on Behalf of Certain Owners.—The Secretary may give written consent to a lease or agreement under subsection (a)—

"(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

"(d) Effect of Approval.—

"(1) Application to all parties.—

"(A) In general.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

"(B) Description of parties.—The parties referred to in subparagraph (A) are—

"(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(2) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity.—

"(A) In general.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(B) Application of lease.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(e) Distribution of Proceeds.—

"(1) In general.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

"(2) Determination of amounts distributed.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

"(f) Rule of Construction.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

"SEC. 220. APPLICATION TO ALASKA.

"(a) Findings.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) Application of Act to Alaska.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) Rule of Construction.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.".

SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

(a) Patents Held in Trust.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except".

(b) Ascertainment of Heirs and Disposal of Allotments.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

(c) Transfer of Lands.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "member or:" and inserting "member or, except as provided by the Indian Land Consolidation Act,".

TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) Definitions.—In this section:

(1) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Individually owned Navajo Indian allotted land.—The term "individually owned Navajo Indian allotted land" means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) Navajo Indian.—The term "Navajo Indian" means a member of the Navajo Nation.

(4) Navajo Indian allotted land.—The term "Navajo Indian allotted land" means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term "owner" means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1586, the proposed Indian Land Consolidation Act Amendments of 2000, would reduce the fractionated ownership of Indian trust lands.

Fractionated ownership describes the division of ownership of a parcel of land among a large number of individuals. This has become a significant problem as Indian owners have died without wills and the undivided ownership of those parcels has passed to multiple heirs. In many instances, parcels of lands are owned by several hundred individuals, some of whom are unaccounted for and cannot be located.

The administration of these lands by the Federal Government has become very expensive and extremely complicated.

The Indian Lands Consolidation Act has been amended on various occasions. Unfortunately, the Supreme Court has found a portion of the 1928 act to be unconstitutional.

S. 1586 is intended to prevent further fractionation of Indian trust lands, consolidate fractionated interests, and vest beneficial title to fractionated lands in tribes.

It allows tribes to adopt their own probate codes and to probate the estates of their members in their tribal courts.

S. 1586 would also add new sections to create a pilot program for the acquisition of fractional interests. These provisions are intended to compliment the pilot program started in 1994 to solicit input on how to address land fractionation. S. 1586 requires the Secretary to continue this project for 3 years and then report to Congress on the feasibility of expanding the program.

Mr. Speaker, may I say this is an issue that has caused great concern. I have had calls from Secretary Babbitt and this administration and previous administrations that support this legislation because it is very nearly impossible for the agency, the BIA, or any form of the Interior Department to manage these fractionated lands. Consequently, there are many things that cannot be done that should be done especially for the natives themselves.

So I urge passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1586 and urge my colleagues to support this legislation along the lines that the gentleman from Alaska (Mr. YOUNG) has explained it.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1586.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONVEYING LAND IN THE SAN BERNARDINO NATIONAL FOREST, CALIFORNIA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary,

the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE") KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words "Secretary of Agriculture";

(2) by striking the words "with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),";

(3) by inserting the words ", real property or interests in lands," after the word "lands" the first time it is used;

(4) by striking "San Bernardino and Cleveland" and inserting "San Bernardino, Cleveland and Los Angeles";

(5) by striking "county of Riverside" each place it appears and inserting "counties of Riverside and San Bernardino";

(6) by striking "as to minimize soil erosion and flood damage" and inserting "for National Forest System purposes"; and

(7) after the "Provided further, That", by striking the remainder of the sentence to the end of the paragraph, and inserting "twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.".

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), by striking "Nothing in this section" and inserting "Nothing in this Act".

(3) In section 4(c)(1), by striking "any person, including".

(4) In section 5, by adding at the end the following:

"(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.".

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

"SEC. 7. MISCELLANEOUS PROVISIONS.

"(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

"(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

"(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

"(4) CONVEYANCE.—

"(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

"(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

"(b) OTHER EXCHANGES OF LAND.—

"(1) IN GENERAL.—In order to further the purposes of this Act—

"(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

"(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

"(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)).

"(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

"(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation will convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

The bill was amended in the Senate to allow the Forest Service to use the San Bernardino County revenues derived under the Receipts Act for land acquisition.

I would like to commend the gentlewoman from California (Mrs. BONO) for all her diligent work on this important legislation.

I urge all Members to support H.R. 3657.

Mr. Speaker, I yield back the balance of my time.

□ 1445

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska.

The Clerk read as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 501, the Glacier Bay National Park Resource Management Act.

This legislation passed the Senate with no opposition last November. The legislation was amended to remove some provisions that were controversial and should now enjoy the support of the House.

The legislation requires the Secretary of the Interior and the State of Alaska to cooperate in the development of a management plan for commercial fisheries in the outer waters of Glacier Bay National Park, in accordance with Federal and State laws and any applicable international conservation and management treaties. The legislation also directs the Secretary of the Interior, once funds are made available, to develop a plan for multi-agency comprehensive research and monitoring program to evaluate the health of fishery resources in the park's marine waters.

Once that program has been completed, the Secretary has 7 years to undertake the research program.

In addition, the legislation will allow for the study of the impact of a subsistence harvest of seagull eggs by local residents.

This legislation passed the Senate without opposition. I urge the House to support this bill and forward it to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the bill is presented before us today, my understanding is it is no longer controversial, as it once was. There have been changes in the Senate to provide for a corporate management plan for commercial fisheries in the national park waters outside of Glacier Bay proper.

The bill is no longer inconsistent with the previous compromise and is now supported by the Park Service, and we urge passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes, as amended.

The Clerk read as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 2000".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(2) in subsection (b), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(3) in subsection (c), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007"; and

(4) in subsection (d), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007".

TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 301. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking "and Reindeer" and inserting "or".

(2) Subsection (a)(4)(B) is amended by striking "; and" and inserting "; or".

(3) Subsection (b)(1)(B)(i) is amended by striking "June 2, 1971" and inserting "December 31, 1971".

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—".

SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

"(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.".

TITLE IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) In General.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) Content of Symposium.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. Young) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the proposed Tribal Justice Technical and Legal Assistance Act of 1999.

This bill authorizes the Attorney General to award grants to tribal justice systems to provide training and technical assistance for the development, enrichment, and enhancement of tribal justice systems.

This legislation also authorizes the Attorney General to award grants to provide technical assistance to Indian tribes to enable them to carry out programs to support their tribal justice systems.

Let me point out that all grants provided for in this legislation will be subject to the availability of appropriations.

S. 1508 was passed by the other body on November 19, 1999. Very frankly, Mr. Speaker, this is an important bill to many tribes, and I urge my colleagues to support its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

In essence, Mr. Speaker, this legislation would provide training technical assistance for the development, enrichment, and enhancement of tribal justice systems. We support the legislation, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young) that the House suspend the rules and pass the Senate bill, S. 1508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

The Clerk read as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Regulatory Reform and Business Development Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) Findings.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) Purposes.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

In this Act:

(1) Authority.—The term "Authority" means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) Federal agency.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) Indian.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) Indian lands.—

(A) In general.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) Former Indian reservations in Oklahoma.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) Secretary.—The term "Secretary" means the Secretary of Commerce.

(7) Tribal organization.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) Establishment.—

(1) In general.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) Purpose.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) Membership.—

(1) In general.—The Authority established under this section shall be composed of 21 members.

(2) Representatives of indian tribes.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) Representatives of the private sector.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

(c) Initial Meeting.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) Review.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) Meetings.—The Authority shall meet at the call of the chairperson.

(f) Quorum.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairperson.—The Authority shall select a chairperson from among its members.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

SEC. 6. POWERS OF THE AUTHORITY.

(a) Hearings.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) Information From Federal Agencies.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) Postal Services.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The Authority may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal members.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) Officers and employees of the federal government.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) Staff.—

(1) In general.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) Procurement of temporary and intermittent services.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. Young) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 614, the Indian Tribal Regulatory Reform and Business Development Act. This important bill would establish a 21-member authority within the Federal Government to facilitate the removal of obstacles to business development with respect to the economies of Native American communities.

Mr. Speaker, this legislation is long overdue. We have many, many times where individual Indian tribes try to improve their lot only to find the process for developing an economic base is slowed down by the very government that they are under trust to. So I urge the passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Alaska (Mr. Young) has quite accurately explained the legislation. We are in support of it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young) that the House suspend the rules and pass the Senate bill, S. 614.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2719) to provide for business development and trade promotion for Native Americans, and for other purposes.

The Clerk read as follows:

S. 2719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development, Trade Promotion, and Tourism Act of 2000".

SEC. 2. FINDINGS; PURPOSES.

(a) Findings.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly

those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(8) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(9) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the "Office").

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the "Director"). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2719, the Native American Business Development, Trade Promotion, and Tourism Act of 2000. This bill will establish an office of Native American Business Development which will coordinate Federal programs relating to Indian economic development.

Mr. Speaker, this is a companion bill to the previous bill, and I support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2719 is good policy, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2719.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1509) to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes, as amended.

The Clerk read as follows:

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000".

SEC. 102. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

"(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.".

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking "job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training" and inserting the following: "assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities".

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking "Federal department" and inserting "Federal agency";

(2) by striking "Federal departmental" and inserting "Federal agency";

(3) by striking "department" each place it appears and inserting "agency"; and

(4) in the third sentence, by inserting "statutory requirement,", after "to waive any".

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", including any request for a waiver that is made as part of the plan submitted by the tribal government"; and

(2) in the second sentence, by inserting before the period at the end the following: ", including reconsidering the disapproval of any waiver requested by the Indian tribe".

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The plan submitted"; and

(2) by adding at the end the following:

"(b) JOB CREATION OPPORTUNITIES.—

"(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

"(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

"(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

"(B) 10 percent.

"(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.".

SEC. 104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

TITLE II—LIMITATION ON PARTIES LIABLE IN CERTAIN LAND DISPUTES

SEC. 201. LIABLE PARTIES LIMITED.

In any action brought claiming an interest in land or natural resources located in Oneida or Madison counties in the State of New York that arises from—

(1) the failure of Congress to approve or ratify the transfer of such land or natural resources from, by, or on behalf of any Indian nation, tribe, or band; or

(2) a violation of any law of the United States that is specifically applicable to the transfer of land or natural resources from, by, or on behalf of any Indian nation, tribe, or band (including the Act entitled "An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers", approved June 30, 1834 (1 Stat. 137)),

liability shall be limited to the party to whom the Indian nation, tribe, or band allegedly transferred the land or natural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1509, the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000. This bill will demonstrate our Indian tribal governments can integrate their employment, training, and related services they provide.

This legislation is important to all tribal governments, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1509, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2872) to improve the cause of action for misrepresentation of Indian arts and crafts.

The Clerk read as follows:

S. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Arts and Crafts Enforcement Act of 2000".

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101-644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", directly or indirectly," after "against a person who"; and

(B) by inserting the following flush language after paragraph (2)(B):

"For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself."; and

(B) in paragraph (2)(A)—

(i) by striking "the amount recovered the amount" and inserting "the amount recovered—

"(i) the amount"; and

(ii) by adding at the end the following:

"(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and";

(3) in subsection (d)(2), by inserting "subject to subsection (f)," after "(2)"; and

(4) by adding at the end the following:

"(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2872, the Indian Arts and Crafts Enforcement Act of 2000. This bill will facilitate the initiation of suits by Indian tribes pursuant to the Indian Arts and Crafts Act of 1990.

Mr. Speaker, I urge my colleagues to support this, and why we did not roll all these bills into one, I will never know, but that is not my pay grade. I urge the passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2872 is a needed tool for the enforcement of the Indian Arts and Crafts Act of 1990 and will permit Native American arts and crafts organizations and Indian artisans access to Federal courts to protect their wares and their intellectual properties.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2872.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NAMPA AND MERIDIAN CONVEYANCE ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The Clerk read as follows:

S. 3022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nampa and Meridian Conveyance Act".

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the "District") in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425-99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3022.

For the last 6 years, the Subcommittee on Water and Power of the Committee on Resources has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of the Bureau of Reclamation assets.

S. 3022 continues this defederalization process by directing the Secretary of the Interior to convey, as soon as practical after the date of enactment, certain facilities to the Nampa and Meridian Irrigation District, pursuant to the Memorandum of Agreement between the Secretary of the Interior and the district.

Mr. Speaker, I urge my colleagues to vote "aye" on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation conveys titles of land and facilities to the Nampa Meridian Irrigation District near Boise, Idaho. It is not controversial and is supported by the administration.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 3022.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SPANISH PEAKS WILDERNESS ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

The Clerk read as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spanish Peaks Wilderness Act of 2000".

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

"(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

"(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

"(B) shall be known as the 'Spanish Peaks Wilderness'.".

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the "Secretary"), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

SEC. 3. ACCESS.

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 503, the Spanish Peaks Wilderness Act of 1999, was introduced by Senator WAYNE ALLARD and will simply add the Spanish Peaks area to a list of areas designated as wilderness by the Colorado Wilderness Act of 1993.

I would like to take a moment to commend my esteemed colleague, the gentleman from Colorado (Mr. McINNIS), for all his diligent work on the House version of this legislation, H.R. 898. H.R. 898 passed through the subcommittee and full committee by a voice vote. However, in the interest of time we are considering the Senate version today. Therefore, I urge all Members to support passage of S. 503, the Spanish Peaks Wilderness Act of 2000, under suspension of the rules.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as I may consume to join with the chairman in urging all Members to support this legislation.

The lands contained in this legislation contain headwaters in two spectacular 13,000-foot peaks that have been studied and considered for wilderness designation for nearly two decades. We support this legislation and would note that the House passed the legislation of the gentleman from Colorado (Mr. McINNIS) and the gentleman from Colorado (Mr. UDALL), H.R. 898, last year; and the Senate has now passed this amended version this last week. I want to commend our House colleagues for all the effort they put into working out some of the problems that were found in this legislation. We support this bill, Mr. Speaker.

Mr. McINNIS. Mr. Speaker, today we will consider S. 503, a companion to my bill H.R. 898, the Spanish Peaks Wilderness Act of 1999. This legislation will give permanent protection, in the form of wilderness, to the heart of the beautiful Spanish Peaks area in Colorado.

The bill is supported by several of my colleagues from Colorado, including Mr. SCHAFFER, whose district includes the portion of the Spanish Peaks within Las Animas County. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support of this legislation.

Also, across the Capitol, Senator ALLARD sponsored this legislation that we consider on the House floor today. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation. I would also like to thank Chairman YOUNG and Subcommittee Chairman CHENOWETH-HAGE for their work in the Committee on Resources to bring this bill to final passage and hopefully on to signature by the President.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately twenty years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986 Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District, Mr. Skaggs. Together, he and I introduced this legislation in the 104th Congress and again in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks for Native Americans as well as some of Colorado's other early settlers.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The lands covered by this bill are not only beautiful and part of a rich heritage, but also provide an excellent source of recreation. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service originally reviewed and recommended the Spanish Peaks area for possible wilderness designation in 1979. The process since then has involved several steps, and during that time, the Forest Service has been able to acquire most of the inholdings within Spanish Peaks area. So the way is now clear for Congress to finish the job and designate the Spanish Peaks area as part of the National Wilderness Preservation System.

The bill before the House today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road used by locals for access to the beauty of the Spanish Peaks. Senator ALLARD and I did not act to introduce this bill until a local consensus was achieved on this wilderness designation.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that Act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, I close my statement by thanking all of my fellow members for your time and by urging all Members of the House to vote yes in support of passage of S. 503.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 503.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

IMPROVEMENT OF NATIVE HIRING WITHIN THE STATE OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

The Clerk read as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary" shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 748 directs the Secretary of the Interior to complete and submit a report within 6 months after enactment of this act on the progress the Department has made in implementing section 1307 and 1308 of the Alaska National Interest Lands Conservation Act, called ANILCA.

Since ANILCA was enacted, the Department has failed to implement these two sections of the bill. This bill further requires the Secretary to include a detailed action plan for the implication of ANILCA section 1307 and 1308 to consult with Alaska Native Corporations formed under the Alaska Native Claims Settlement Act, nonprofit organizations, and tribal entities in the immediate vicinity of the park units. It further requires the Secretary, to the extent possible, to involve such groups in developing materials and pilot programs.

I urge an aye vote on this important legislation for the Alaska Natives.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 748, legislation intended to encourage the Department of the Interior to improve Native hiring and contracting within the State of Alaska.

As I understand it, this legislation is supported by the Department of the Interior. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 748.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

LAKE TAHOE RESTORATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe basin, as amended.

The Clerk read as follows:

H.R. 3388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Tahoe Restoration Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than ⅓ of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91–148; 83 Stat. 360) and in 1980 (Public Law 96–551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at

Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding $200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding $30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional $20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term "environmental threshold carrying capacity" has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term "fire risk reduction activity" means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term "fire risk reduction activity" includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY.—The term "Planning Agency" means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

(4) PRIORITY LIST.—The term "priority list" means the environmental restoration priority list developed under section 6.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) IN GENERAL.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife.

(c) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers—

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(B) under the authority of Public Law 96–586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96–586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including—

(i) the Coordinated Transit System; and

(ii) public transit systems on the north shore of Lake Tahoe.

(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition;

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency; and

(C) any change in general environmental conditions in the Lake Tahoe basin; and

(4) submit to Congress a report on any changes made.

(g) Cleanup of Hydrocarbon Contamination.—

(1) In general.—The Secretary shall, subject to the availability of appropriations, make a payment of $1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) Consultation.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) Willing sellers.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(h) Authorization of Appropriations.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), $20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96-586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

"(g) Payments to Localities.—

"(1) In general.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

"(2) Use of payments.—Payments under this subsection may be used—

"(A) first, for erosion control and water quality projects; and

"(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

"(3) Eligibility for payments.—

"(A) In general.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

"(B) Components of list.—A priority list under subparagraph (A) shall include, for each proposed project listed—

"(i) a description of the need for the project;

"(ii) all projected costs and benefits; and

"(iii) a detailed budget.

"(C) Use of payments.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

"(D) Federal obligation.—All projects funded under this subsection shall be part of Federal obligation under the enviromental improvment program.

"(4) Division of funds.—

"(A) In general.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

"(B) Minimum.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

"(5) Authorization of appropriations.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection $10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.".

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) In General.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) Ground Disturbance.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) In General.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) Matching Requirement.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) Relocation Costs.—The Secretary shall provide ⅔ of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

"(5) Willing sellers.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.".

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. Gibbons) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. Gibbons).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3388.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3388, the Lake Tahoe Restoration Act, was introduced by my colleague, the gentleman from California (Mr. Doolittle). This bill authorizes $30 million per year for 10 years to be used for a variety of activities relating to protecting and restoring the water quality of Lake Tahoe. Such projects may include erosion control projects, hazardous fuel treatments, cleanup of groundwater contamination, traffic management, and acquisition of environmental sensitive lands. All projects will involve partnerships with appropriate State and local officials. The Forest Service supports this bill, with the understanding that funds for these projects must be new appropriations and will not come from existing Forest Service funding.

The bill, as amended, ensures that any land acquisition under this bill will be funded only by the Land and Water Conservation Fund or the Santini-Burton Act.

I urge support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Lake Tahoe is owned jointly by the State of California and the State of Nevada and is one of the largest, deepest, clearest lakes in the world. Yet the lake is experiencing an environmental crisis. Water clarity has declined from a visibility level of 105 feet in 1967 to 70 feet in 1999. Scientists believe damage to Tahoe's clarity could be irreversible within a decade.

Approximately 30 to 40 percent of the trees in the Lake Tahoe Basin are dead or dying and pose a risk to catastrophic fire. Thirty percent of the South Lake Tahoe water supply has been contaminated by MTBE, a gasoline additive. A number of factors have contributed to the basin's and lake's deterioration, among them land disturbance, erosion, air pollution, fertilizers, runoff, and boating activity.

Following a Presidential forum, the Tahoe Regional Planning Agency estimated that it will cost $900 million over the next 10 years to restore the lake. Since 1980, Nevada and California contributions to the effort have exceeded $230 million. In 1997, Nevada authorized a bond issuance of $82 million over a 10-year period. California has appropriated $60 million of a $275 million commitment. In addition, a coalition of 18 businesses and environmental groups have also pledged to raise $300 million.

H.R. 3388 would authorize $300 million, a third of the total cost on a matching basis over 10 years for environmental restoration projects at Lake

Tahoe. The bill requires the Secretary of Agriculture to develop a priority list of projects to address air quality, fisheries, noise, recreation, scenic resources, soil conservation, forest health, water quality, and wildlife. The bill would require that the Secretary give priority to projects involving erosion and sediment control, acquisition of environmentally sensitive land, fire risk reduction in urban areas and urban-wildland interface, MTBE cleanup, and management of parking and traffic.

This is a very healthy and ambitious agenda. These projects would account for $200 million. Another million dollars will be granted to the Tahoe Regional Planning Authority and local utility districts to address well and water contamination.

Finally, the bill would authorize $1 million to local authorities for erosion control activities, water quality, and soil conservation projects on non-Federal land. Much of this activity requires extensive consultation with State, regional, and local authorities.

I note that the bill is virtually identical to the one of Senator FEINSTEIN's passed in the Senate on October 5. There is no reason why we should not be taking up that bill and sending it to the President.

Although I do not support the limited acquisition authority in the bill, I support this legislation; and I urge my colleagues to do the same.

I also want to say that I think that certainly the local governments and the private business community should be commended for the efforts that they are undertaking to dramatically alter the activities, many of which I think will, in fact, be enhanced when they are completed, but will provide for better transportation, for less contamination of the lake, for greater setbacks and protections of the lake, which is one of the great, great natural assets of our two States and one in which the people of both Nevada and California have a great deal of pride in.

I would urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. DOOLITTLE) whose district includes that portion of Lake Tahoe. It was his vision, hard work, and leadership on this issue that is going to reward us with a preservation of the water quality of Lake Tahoe. I want to thank him for his efforts in this regard.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3388, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BEND FEED CANAL PIPELINE PROJECT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2425) to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

The Clerk read as follows:

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Feed Canal Pipeline Project Act of 2000".

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the "District"), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 per centum of the total, and shall be non-reimbursable. The District shall receive credit from the Secretary toward the District's share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated $2,500,000 for the Federal share of the activities authorized under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2425 will enable the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon, and for other purposes.

The Federal cost share of the costs of the project shall not exceed 50 percent of the total. The legislation authorizes $2,500,000 for this project.

I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this legislation, and I urge its passage.

Mr. WALDEN of Oregon. Mr. Speaker, today I rise in strong support of S. 2425, the Bend Feed Canal Pipeline Project Act of 2000. This bill was sponsored in the Senate by my good friend, Senator SMITH of Oregon, and I sponsored the companion legislation in the House.

S. 2425 would authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project in Oregon.

The Bend Feed Canal is built on pumice and other porous volcanic rock. Because of the porous rock, over 20 cubic feet per second of water is lost over the length of the Bend Feed Canal. This loss causes the Tumalo Irrigation District (District) to use all available water, and in drought years even that is not enough to supply the needs of its irrigators. The existing Bend Feed Canal has several segments currently piped. This creates a dangerous situation as a person falling into an open section of the canal will soon find themselves approaching a piped section which would mean almost certain death. Although the beginning .of each piped section has a trash rack, with the urbanization of Bend and the development around the Bend Feed Canal, the risk to small children is great.

This legislation will allow the District to replace six segments of open canal with pipeline. In addition to the water conservation benefits, once the project is complete the District will have increased system reliability and the customers in the area will have fewer safety concerns. This is a very important step for a once largely rural community that is experiencing rapid growth.

The Bend Feed Canal Pipeline Project Act of 2000 is supported by the Tumalo Irrigation District and the Oregon Water Resources Congress.

The District would pay 50% of the costs of the project. The total cost of the project is expected to be approximately $4 million.

Mr. Speaker, I strongly support S. 2425. It is a good bill for the irrigators and it is good bill for the Bend community.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2425.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2882) to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

The Clerk read as follows:

S. 2882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Water Supply Enhancement Act of 2000".

SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

SEC. 5. WATER RIGHTS

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2882 will enable the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my strong support for S. 2882, the Klamath Basin Water Supply Enhancement Act of 2000. This bill was sponsored in the Senate by Senator GORDON SMITH of Oregon, and I sponsored the companion bill on the House side with my good friend WALLY HERGER of California. I would like to thank Chairman Young of the Resources Committee and Chairman DOOLITTLE of the Water and Power Subcommittee for helping bring this bill to the floor.

The Klamath Project in Oregon and California was one of the earliest federal reclamation projects. The Secretary of the Interior authorized development of the project on May 15, 1905, under provisions of the Reclamation Act of 1902. The project irrigates over 200,000 acres of farmland in south-central Oregon and north-central California. The two main sources of water for the project are Upper Klamath Lake and the Klamath River, as well as Clear Lake Reservoir, Gerber Reservoir, and Lost River, which are located in a closed basin. The total drainage area is approximately 5,700 square miles. The Klamath River is subject to an interstate compact between the States of Oregon and California.

There are also several wildlife refuges in the basin that are an important part of the western flyway. There are suckers in Upper Klamath Lake on the Endangered Species List that require the lake to be maintained at certain levels throughout the summer. There are also salmon in the Klamath River for which federal agencies are seeking additional flow. It is my understanding that there will be significant additional flow requirements next year.

S. 2882, as amended by the Senate, would authorize the Bureau of Reclamation to conduct feasibility studies to determine what steps can be taken to meet the growing water needs in the Klamath River Basin (Basin) of Oregon and California. The outcome of these studies will help to determine the future water use of the residents and wildlife that surround this area. It will simply evaluate the feasibility of increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

It is important to note that there were severe shortages of water in the Basin this year. However, this was not a drought year. The shortages are symptoms of a much larger problem in the Basin. If a solution is not found soon, a drought could have devastating effects on farmers in the area and on the wildlife that depends upon certain flow levels.

S. 2882 is an extremely important bill to people of the Klamath Basin. I support this measure and urge its immediate passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2882.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

STUDY OF RESOURCES IN SALMON CREEK WATERSHED

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2951) to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The Clerk read as follows:

S. 2951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper

Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) COST SHARE.—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2951, a bill to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The study would allow the Secretary of the Interior to build on an independent study commissioned by the Confederated Tribes of the Colville Reservation and the local irrigation district to restore and enhance fishery resources, especially the endangered Upper Columbia Spring Chinook and Steelhead, while maintaining or improving the availability of water supplies for irrigation practices.

S. 2951 passed the Senate on October 13. I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in support of S. 2951. This legislation would authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. The purpose of the study is to explore ways to improve salmon migration while maintaining irrigation for area farms.

Mr. Speaker, this legislation is very similar to my legislation passed by the House and Senate earlier this year to study the potential benefits of replacing water currently removed from the Yakima River with water drawn from the Columbia River in order to benefit salmon. These two pieces of legislation highlight our commitment to saving the salmon in Central Washington without tearing down our dams and destroying our way of life. This common sense legislation is a locally derived solution that will greatly improve habitat and salmon survival while respecting historic water rights in my district.

Salmon Creek is a tributary of the Okanogan River in my district in Central Washington. During irrigation season, water is released from the reservoirs to provide water needed by local farms. However, the diversion of the creek waters causes approximately 4.3 miles of Salmon Creek to dry up during the later months of the irrigation season. This creek has historically provided habitat for several threatened and endangered salmon species.

The Okanogan Irrigation District in Okanogan County, Washington and the Confederated Tribes of the Colville Reservation have worked together to study and develop a series of projects to restore natural fish runs in Salmon Creek while protecting irrigation for over 5000 acres of orchards and farms. As a result of this collaborative effort, the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation have developed a proposal that would move the intake system for the Okanogan Irrigation District from Salmon Creek to the Okanogan River. These projects, which are frequently referred to as "pump exchanges," allow irrigation districts to terminate withdrawals from over appropriated rivers and streams and secure water from more abundant rivers further downstream from the initial intake point.

This legislation authorizes the study of both the pump exchange and other irrigation improvements that could return as much as 11,000 acre feet of water to Salmon Creek. The bill would limit the federal government's share of the total cost of the feasibility study to 50 percent, and the Congressional Budget Office estimates that implementing S. 2951 would cost about $250,000 in fiscal year 2001. The Administration testified in favor of this legislation during a hearing in the Senate Committee on Energy and Natural Resources Subcommittee on Water and Power.

This feasibility study offers Okanogan County residents hope for the protection and improvement of what is left of their hard-hit economy. More than 262 jobs have been lost in the Okanogan Basin in recent months due to declines in the forest products industry. Additionally, falling apple prices have resulted in the loss of 80 jobs from the recent closure of an apple packing facility in Tonasket, Washington. This is compounded by the possibility that the National Marine Fisheries Service (NMFS) will shut down irrigation facilities, as they have elsewhere in my district, due to inadequate stream flow in local rivers and creeks for endangered fish species. As more than 5000 acres of orchards and fields are served by the Okanogan Irrigation District, an irrigation shutdown would be devastating.

Once again, I thank you for this opportunity to express my support for authorizing this essential fish restoration study provided in S. 2951. I commend the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation for their proactive approach to restoring salmon and steelhead populations and maintaining water deliveries to irrigators. I urge my colleagues to support this common sense local solution to improve the water resources in Salmon Creek.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2951.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3595) to increase the authorization of appropriations for the Reclamation of Safety of Dams Act of 1978, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 4 (43 U.S.C. 508)—

(A) in subsection (a), by striking "or from nonperformance of reasonable and normal maintenance of the structure by the operating entity";

(B) in subsection (c), by—

(i) inserting after "1984" the following: "and the additional $380,000,000 further authorized to be appropriated by amendments to that Act in 2000";

(ii) striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iii) in the first sentence of paragraph (3), as so redesignated, inserting "irrigation," after "Costs allocated to the purpose of", and inserting "without regard to water users' ability to pay" before the period at the end; and

(C) in subsection (d), by inserting before the period at the end the following: ": Provided further, That the Secretary is authorized to expend payments of such reimbursable costs made pursuant to a repayment contract at any time prior to completion of construction";

(2) in section 5 (43 U.S.C. 509), by—

(A) inserting after "levels)" the following: "and, effective October 1, 1997, not to exceed an additional $380,000,000 (October 1, 2000, price levels),";

(B) striking "$750,000" and inserting "$1,200,000 (October 1, 2000, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein,"; and

(C) striking "sixty days (which" and all that follows through "day certain)" and inserting "30 calendar days"; and

(3) in section 2 (43 U.S.C. 506), by inserting "(a)" before "In order to", and by adding at the end the following:

"(b) Prior to selecting a Bureau of Reclamation facility for modification, the Secretary shall

notify project beneficiaries in writing of such selection and solicit their interest in participating in evaluating the facility for modification. If requested by the project beneficiaries, the Secretary, acting through the Commissioner of the Bureau of Reclamation, is authorized to negotiate an agreement with project beneficiaries for the cooperative oversight of planning, design, cost containment, procurement, construction, and management of the modifications. Prior to submitting the modification reports required by section 5, the Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries. Within 30 days after receiving such recommendations, the Secretary shall provide to the project beneficiaries a written response detailing proposed actions to address the recommendations. The Secretary's response to the project beneficiaries shall be included in the modification reports required by section 5.

"(c) Following submission of the reports required by section 5, project beneficiaries who wish to receive regular information concerning the status and costs of modifications shall notify the Secretary in writing. During the construction phase of the modifications, the Secretary shall keep such beneficiaries informed of the costs and status of such modifications. The Secretary shall consider, and where appropriate implement, alternatives recommended by project beneficiaries concerning the cost containment measures and construction management techniques needed to carry out such modifications.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would increase the authorized cost ceiling for the Bureau of Reclamation's dam safety program. The program is designed to ensure that its facilities operate in a safe and reliable condition to protect the public, property, and natural resources downstream of reclamation structures.

Since the introduction of this bill, members of the Subcommittee on Water and Power have worked to ensure that project beneficiaries are informed of the costs and status of dam safety modifications. This legislation requires the Secretary to provide the costs and the status of the modifications if the project beneficiaries notify the Secretary in writing of their interest in this information.

In addition, the legislation requires the Secretary to consider and, where appropriate, implement containment and construction management techniques and recommendations provided by the project beneficiaries regarding costs.

I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. The bill amends the Reclamation Safety of Dams Act of 1978 to increase the authorized cost ceiling for the Reclamation Safety of Dams Act by $380 million.

The bill also makes important changes pertaining to reimbursable costs. The amendment affords local projects beneficiaries an opportunity to negotiate an agreement with the Bureau of Reclamation, allowing for local participation in the oversight of dam safety project planning, design, cost containment, and other matters.

It should be clearly understood, however, that the public safety responsibilities of the Secretary pursuant to this Act are not diminished or affected in any way by these procedures allowing for full participation by the project beneficiaries.

I urge adoption of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3595, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MIWALETA PARK EXPANSION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The Clerk read as follows:

Senate amendments:

Page 3, strike out lines 6 through 10 and insert:

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110–99–01, dated September 17, 1999.

Page 3, line 14, strike out "purposes—" and insert "purposes as described in paragraph 2(b)(1)—".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1725, as amended and introduced by my colleague the gentleman from Oregon (Mr. DEFAZIO).

A significant amount of effort has gone into the preparation of this bill, and I would like to begin by commending the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) for their diligence in bringing this legislation to the floor.

The Miwaleta Park, located in Oregon, is a 30-acre area jointly managed by the Bureau of Land Management and Douglas County.

□ 1515

The title to this park and surrounding area is currently held by the BLM; and under H.R. 1725, the title and all rights and interests to this land would be transferred to Douglas County for the purpose of building a public campground.

I reiterate my support for H.R. 1725 and ask for support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1725.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1725.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HERITAGE ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

The Clerk read as follows:

H.R. 4794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Washington-Rochambeau Revolutionary Route National Heritage Act of 2000".

SEC. 2. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.

(a) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of

Representatives, a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau during the American Revolutionary War.

(b) CONSULTATION.—In conducting the study required by subsection (a), the Secretary shall consult with State and local historic associations and societies, State historic preservation agencies, and other appropriate organizations.

(c) CONTENTS.—The study shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including its relationship to the American Revolutionary War;

(2) identify alternatives for National Park Service involvement with preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified pursuant to paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4794 requires the Secretary of the Interior to complete a resource study of the 600-mile route used by George Washington and General Rochambeau during the Revolutionary War. The extensive route travels through nine different States and stretches from Massachusetts to Virginia.

The study will identify the full range of resources and historic themes associated with the route and identify alternatives for a National Park Service involvement with the preservation and interpretation of the route.

Compared to those of the Civil War, there just are not that many designated historic sites associated with the Revolutionary War. We need to protect these very important Revolutionary War sites as well. Thus, I urge my colleagues to support H.R. 4794.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000. I want to commend our colleague, the gentleman from Connecticut (Mr. LARSON), for all of the work he has done on this legislation. There is bipartisan support by every Member who represents the areas crossed by this road.

Mr. LARSON. Mr. Speaker, I rise today in support of my bill H.R. 4794, the Washington-Rochambeau Revolutionary Route National Heritage Act of 2000.

At the outset, Mr. Speaker, I wish to deeply thank the gentleman from Alaska, Chairman YOUNG, and the gentleman from California, Mr. MILLER, for all of their efforts to bring this bill to the floor today. I also would like to thank and commend my colleagues Mr. GILCHREST and Ms. KELLY, who helped to have this bill placed on the House Calendar, and the other co-sponsors of this bill.

Earlier this year, I received a letter from Hans DePold, a constituent of mine and a Member of the Sons of the American Revolution. The letter asked for my help in preserving a very special piece of history for all Americans, a route traveled by General George Washington and General Rochambeau during the American Revolution. It is from this correspondence and several meetings with Mr. DePold that I decided to introduce this piece of legislation. Since the introduction of H.R. 4794, I have received letters of support from States across this Nation urging the preservation of this Route.

Almost 220 years after the Yorktown campaign, which was the decisive battle in the Revolutionary War, few Americans are unaware of the assistance from America's French Allies. In 1780, George Washington's army dwindled to less than 3,000 and assistance was desperately needed. Fortunately, 5,000 troops from the French expeditionary army, led by General Rochambeau, landed in Newport, Rhode Island to assist General Washington. At Rochambeau's urging, Washington abandoned his original plan to face the British in New York, and the combined army continued south to Yorktown, Virginia. General Rochambeau was vital in advising Washington and in guiding the "end-game" strategy that implemented the Yorktown Campaign.

The Washington-Rochambeau Revolutionary Route is just another example of our Country's rich history. The troops traveled through 9 states up and down the East Coast and it is this route these soldiers took that has become known as the Washington-Rochambeau Revolutionary Road.

When the troops passed through Connecticut, many buildings served as inns or officers housing. Seven towns and cities in my Congressional District have been documented as Washington Rochambeau sites. But my District and the State of Connecticut only represent a small piece of the larger story. There has been no comprehensive effort since 1957 to mark this route in its entirely.

This bill would authorize the National Park Service to conduct a resource study for the 600 miles that extend through Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia. The study would identify the means of preservation and interpretation of the Route for the education of the public.

The Secretary will also consult with the State and Local historic associations and other appropriate organizations. This bill will help in preserving this route, which serves as a reminder of how Americans won their freedom.

This legislation has bipartisan support and the co-sponsorship of every member who represents the district where the WRRR travels through.

I applaud the hard work and vision of the members of The Connecticut Society of the Sons of the American Revolution, Russell Wirtalla, Vice President of the New England Region Sons of the American Revolution, and Hans DePold, Washington-Rochambeau Revolutionary Route Committee of Correspondence. My sincere thanks and admiration also goes to Dr. Jacques Bossiere Chairman of the Washington Rochambeau Revolutionary Route Committee, Dr. James Johnson, Executive Director of the Washington Rochambeau Revolutionary Route Committee and Serge Gabriel, President of Souvenir Francais, Connecticut. In addition I would like to recognize, John Shannahan and Mary M. Donahue of the Connecticut Historical Commission, Dr. Robert A. Selig an eminent historian on Rochambeau's Cavalry, and Marolyn Paulis, President of the Connecticut State Society of the Daughters of the American Revolution. It would be remiss of me to not also recognize the work and support of Jay Jackson, Chancellor and Dr. David Musto, President of the Society of the Cincinnati in the State of Connecticut. Much gratitude is also extended to Larry Gall of the National Park Service and Steve Elkinton, Director of National Park Service Historic Trails.

I would also like to offer my gratitude for the support of the Ambassador of France to the United States, François Bujon de l'Estang.

Mr. Speaker, I submit for the RECORD a letter of support from François Bujon de l'Estang, the Ambassador of France to the United States, and urge my colleagues to support this legislation.

AMBASSADE DE FRANCE
AUX ETATS-UNIS,
Washington, June 29, 2000.

Hon. JOHN B. LARSON,
Member of Congress, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. LARSON: Thank you for taking the initiative to introduce a legislation to commission the Secretary of Interior and the National Park Service to complete a resource study of the Washington-Rochambeau Revolutionary Road, the six hundred mile trail traveled by the American and French generals en route to the decisive battle of Yorktown.

I commend you for paving the way to a proper commemoration of an important page of the shared history of our nations. The Washington-Rochambeau alliance is a reminder to us of how long and deep the relationship between our two countries has been. All events that remind us of the importance of the historical links uniting our nations should be encouraged.

Sincerely,
FRANÇOIS BUJON DE L'ESTANG.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4794.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988 AMENDMENTS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, as amended.

The Clerk read as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting "(1) Effective"; and

(2) by adding at the end the following:

"(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior.".

SEC. 2. OVERTIME PAY FOR CERTAIN FIREFIGHTERS.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 439 would amend the National Forest and Public Lands of Nevada Enhancement Act to adjust a boundary of the Toiyabe National Forest in Nevada, thereby transferring the jurisdiction of the land from the Secretary of Agriculture to the Secretary of the Interior. This legislation has local support, as well as support from the administration. Senate 439 was favorably reported by the full committee on June 7, 2000, by voice vote.

Senate 439, as amended, also includes the Wildland Fire Firefighters Pay Equity Act of 1999, introduced by the gentleman from California (Mr. POMBO). One of the problems faced during the catastrophic fire season of 2000 was a shortage of properly trained fire fighting crews. This language will go far to address this particular problem by allowing fire fighters to earn the standard time-and-a-half overtime rate for time spent fighting fires, regardless of their pay base.

Mr. Speaker, I ask all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

"A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.".

A motion to reconsider was laid on the table.

ASSISTING IN ESTABLISHMENT OF INTERPRETATIVE CENTER AND MUSEUM NEAR DIAMOND VALLEY LAKE IN SOUTHERN CALIFORNIA

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2977) to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The Clerk read as follows:

S. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 2977 is to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in Southern California. Diamond Valley Lake is the result of a joint effort by State and local authorities to address possible water shortage problems in Southern California. This Senate bill has House companion legislation introduced by the gentleman from California (Mr. CALVERT), who deserves credit for his hard work and leadership on this bill.

Mr. Speaker, S. 2977 provides recreational and educational opportunities to the region by assisting in the funding for the design, construction, furnishing, and operation of an interpretive center and museum.

The center and museum will be known as the Western Center for Archeology, and will house an assortment of archeological remains which were excavated during the construction of the reservoir. The Western Center will also be available to provide storage and state-of-the-art curation services for other valuable artifacts that many Federal agencies have been unable to care for in recent years.

This bill also provides funding to share in the cost of the design, construction, and maintenance of a trails system around Diamond Valley Lake and the surrounding areas. The trails will provide nonmotorized recreation for visitors to the area.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know if this is a very good bill or not, to tell you the truth. There is no Federal connection to this project at all. None of the facilities, the land, are federally owned or operated; and I do not quite know why the Federal Government is spending money here when we have a multibillion dollar backlog in maintenance and construction on our Federal lands and our national parks, and why we would now be spending money on a completely non-Federal project here to construct recreational facilities and design of a visitors center.

I know that the gentleman from California (Mr. CALVERT) and Senator FEINSTEIN support this legislation. I do not know if it is the best idea, but we will let it go at that.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2977.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 34 suspensions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 p.m.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2440) to amend title 49, United States Code, to improve airport security, as amended.

The Clerk read as follows:

S. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Security Improvement Act of 2000".

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator's efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking ", as the Administrator decides is necessary to ensure air transportation security,";

(2) in subparagraph (D) by striking "as a screener" and inserting "in the position for which the individual applied"; and

(3) by adding at the end the following:

"(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

"(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

"(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

"(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

"(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

"(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

"(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

"(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

"(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

"(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.".

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting "(or found not guilty by reason of insanity)" after "convicted";

(2) in clause (xi) by inserting "or felony unarmed" after "armed";

(3) by striking "or" at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

"(xiii) a felony involving a threat;

"(xiv) a felony involving—

"(I) willful destruction of property;

"(II) importation or manufacture of a controlled substance;

"(III) burglary;

"(IV) theft;

"(V) dishonesty, fraud, or misrepresentation;

"(VI) possession or distribution of stolen property;

"(VII) aggravated assault;

"(VIII) bribery; and

"(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or"; and

(5) in clause (xv) (as so redesignated) by striking "clauses (i)-(xii) of this paragraph" and inserting "clauses (i) through (xiv)".

SEC. 3. IMPROVED TRAINING.

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRAINING STANDARDS FOR SCREENERS.—

"(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559

et seq.), the Administrator shall issue a final rule on the certification of screening companies.

"(2) CLASSROOM INSTRUCTION.—

"(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

"(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

"(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

"(A) complete 40 hours of on-the-job training as a security screener; and

"(B) successfully complete an on-the-job training examination prescribed by the Administrator.".

(b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

"(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.".

SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

"(1) ENFORCEMENT.—

"(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

"(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

"(2) IMPROVEMENTS.—The Administrator shall—

"(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

"(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

"(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

"(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

"(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

"(F) improve the execution of the Administrator's quality control program by January 31, 2001; and

"(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.".

SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

"(C) MANUAL PROCESS.—

"(i) IN GENERAL.—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

"(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

"(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment.".

SEC. 7. AIRPORT NOISE STUDY.

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking "**GENERAL ACCOUNTING OFFICE**";

(2) in subsection (a) by striking "Comptroller General of the United States shall" and inserting "Secretary shall enter into an agreement with the National Academy of Sciences to";

(3) in subsection (b)—

(A) by striking "Comptroller General" and inserting "National Academy of Sciences";

(B) by striking paragraph (1);

(C) by adding "and" at the end of paragraph (4);

(D) by striking "; and" at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.".

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking item relating to section 745 and inserting the following:

"Sec. 745. Airport noise study.".

SEC. 8. TECHNICAL AMENDMENTS.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking "15" and inserting "18".

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking "40126" each place it appears and inserting "40128";

(2) in section 804(b) by striking "40126(e)(4)" and inserting "40128(f)"; and

(3) in section 806 by striking "40126" and inserting "40128".

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code or Federal Regulations (or any subsequent similar regulation)."; and

(2) by adding at the end the following:

"(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.''.

SEC. 9. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last March the Subcommittee on Aviation held a hearing on aviation security, and at that time it heard some disturbing testimony.

For example, the General Accounting Office testified that although security screeners have detected about 10,000 guns over the last 5 years, weapons still often pass through airport checkpoints undetected. This is not surprising, given the repetitive, monotonous, stressful job that the screeners have. Moreover, screener pay is very low, only about $6 or $7 an hour. Some only get minimum wage. Most could probably make more working in a fast food restaurant. As a result, turnover exceeds 100 percent at most large airports; and at one airport, turnover of security screeners topped 400 percent a year.

But it is not turnover that is the problem. For example, the DOT Inspector General told us that even though Congress has authorized about $350 million for the purchase of explosive detection systems, airlines often do not use this equipment as much as they could. The IG also testified that the list of 25 crimes that disqualified one from being a security screener did not include such serious crimes as burglary, bribery, and felony drug possession.

As a result of that hearing, the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN), along with some of my colleagues on the Subcommittee on Aviation, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI); and the gentleman from California (Mr. GARY MILLER), introduced H.R. 4529. That bill expanded the list of crimes that would disqualify one from being a security screener.

In the Senate, Senator HUTCHISON of Texas introduced a similar bill. That bill, S. 2440, passed the Senate on October 3. Mr. Speaker, S. 2440 not only expands the list of disqualifying crimes, it also attempts to plug some of the other holes in our aviation security system that hearings have revealed.

Let me emphasize that I believe that our aviation system is safe. There has not been a hijacking of a U.S. airline flight since 1991, and that hijacker did not actually have a weapon as he claimed, so he was arrested. However, as recent events demonstrate, it remains a dangerous world for Americans, and aviation is still a tempting target for terrorists. That is why it is so important to maintain a strong aviation security system, and that is why passage of this bill is so important.

This bill will take several steps to improve aviation security. For one, it will mandate fingerprint checks for all employees who will have access to the airfield or who will be responsible for screening passengers and their baggage. Previously, fingerprint checks were required only where a background investigation revealed gaps in a person's employment history.

To expedite these fingerprint checks, the bill expands the electronic fingerprint transmission project into an aviation industry-wide program. Each airport, airline, and screening company will have the option of deciding whether they want to participate in this new program.

This bill, like the original House bill, also expands the list of crimes that would disqualify a person from working as a screener or getting a job with an airport that would provide access to the airfield.

Another important feature of this bill is the directive to make greater use of explosive detection systems.

Taxpayers have already spent millions on these systems, and we want to make sure that they are fully utilized. FAA and the airlines have been relying on a profiling system to ensure that suspicious bags are examined by an explosive detection system. However, there is no guarantee that this profiling is 100 percent effective.

Increasing the number of bags randomly selected for further examination improves the odds that a 1-in-a-million bag with a bomb will be discovered.

In short, while security in this country is good, it could be better. By upgrading screener training and making other changes that I have described, this bill will make it better, and it will do this at very little cost to the FAA, the airlines, and the airports.

Therefore, I urge passage of this legislation, and I will include a more detailed section-by-section summary of the bill in the RECORD at this point.

SECURITY BILL—S. 2440

SECTION-BY-SECTION SUMMARY

Section 1 is the short title.

Section 2 changes the system and requirements governing criminal history record checks (i.e. fingerprint checks).

Subsection (a) expands the electronic fingerprint pilot program.

Paragraph (1) directs FAA to develop the electronic fingerprint transmission pilot project into an aviation industry-wide program within 2 years. This may require airports to purchase new equipment but will expedite the fingerprint checking process.

Paragraph (2) makes clear that small airports do not have to buy the new equipment or participate in the electronic fingerprint transmission program if it would be too costly. They can continue to do the fingerprint checks under the current slower process.

Subsection (b) describes the implementation of the new fingerprint transmission program.

Paragraph (1) directs the FAA to report to Congress within 1 year on the FAA's progress in making this program available throughout the aviation industry.

Paragraph (2) requires the FAA to notify Congress if the fingerprint transmission program will not be operational within 2 years as required by subsection (a)(1).

Subsection (c) requires that fingerprint checks be done for anyone applying for a job as a security screener, a screener supervisor, or that will allow unescorted access to the air field. This requirement takes effect within 30 days at category X airports and within 3 years at all other airports. During the first 3 years, the person can be temporarily employed without the fingerprint check if the fingerprints have been submitted and an employment or background investigation has been done and found no cause for suspicion. This temporary employment without a fingerprint check can last 45 days within 2 years of enactment and 30 days during the third year of enactment. After that, all new employees must have a fingerprint check before beginning work. Applicants who are subject to the fingerprint check do not have to also undergo an employment or background investigation as was formerly the case. Government employees and others with access to the air field, who are exempted under FAA rules from fingerprint checks, will not be subject to them as a result of this bill.

Subsection (d) lists additional crimes that would disqualify a person from being a security screener.

Section 3 calls for improved training.

Subsection (a) adds a new subsection (e) to section 44935 of title 49 establishing new training standards for screeners.

Paragraph (e)(1) requires FAA to issue a final rule for the certification of screening companies by May 31, 2001. This is the rule that was previously mandated by section 302 of public law 104–264, 110 Stat. 3250.

Paragraph (e)(2) requires this rule to prescribe 40 hours of classroom instruction, or an equivalent program, before a person can be a security screener.

Paragraph (e)(3) requires that a person complete 40 hours of on-the-job training and pass an on-the-job exam before exercising independent judgment as a security screener.

Subsection (b) directs FAA to work with airlines and airports to ensure that computer-based training devices for screeners are conveniently located and easily accessible.

Section 4 adds a new subsection (g) to section 44903 of Title 49 to tighten access controls to the airfield.

Paragraph (g)(1) requires FAA to publish a list of sanctions for disciplining employees who violate airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach. Airports, airlines and screening companies shall include the sanctions in their security programs.

Paragraph (g)(2) requires FAA to work with airlines and airports to improve airport access controls by January 31, 2001.

Section 5 calls for better security at air traffic control facilities. This applies only to those facilities that are staffed, not to those that merely house equipment.

Subsection (a) requires FAA to improve security at ATC facilities so that they all can get security accreditation by April 30, 2004.

Subsection (b) requires annual reports from the FAA on the progress being made in getting its facilities accredited, including the percentage that have been accredited.

Section 6 requires FAA to increase the number of checked bags that are selected for screening by explosive detection systems (EDS). The purpose of this requirement is to increase utilization of explosive detection systems at those airport terminals where they are installed. However, the requirement is not intended to require an increase in the number of "selectees" when an air carrier instead employs a bag match system—even if the carrier serves an airport in which explosive detection equipment is installed.

Section 7 transfers responsibility for a noise study mandated by section 745 of AIR 21 (P.L. 106-181, 114 Stat. 115) from the General Accounting Office to the National Academy of Sciences.

Section 8 makes several technical changes.

Subsection (a) changes the total number of members of the Management Advisory Council to conform to the number that were added by AIR 21.

Subsection (b) changes incorrect cross references in the National Parks Air Tour Management Act of 2000.

Subsection (c) rewrites section 723 of Air 21 dealing with restrictions on scheduled charters to remove double negatives and make it more understandable.

Section 9 states that the bill becomes effective 30 days after enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2440, the Airport Security Improvement Act of 2000. Mr. Speaker, S. 2440 makes several needed changes to the Federal Aviation Administration's airport security program.

In March of this year, the House Subcommittee on Aviation held a hearing on aviation security. During that hearing, both the General Accounting Office and DOT's Inspector General highlighted certain weaknesses in FAA's security program. Significantly, both the GAO and IG uniformly described security screener performance as a "weak link" in the aviation system.

Millions of passengers and pieces of baggage pass through our airports each day. Therefore, it is important to maintain passenger screening check points and to ensure that the screeners that operate them are qualified. However, high turnover, low wages, and lack of adequate training hinders security screening performance.

To remedy this situation, S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule to certify screening companies and enhance screener training. As part of this effort, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will help to ensure a proficient and highly qualified screening workforce.

In addition, the IG has found that FAA's background investigative procedures are often ineffective and that vulnerabilities exist in airport access control. To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or as screening supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Mr. Speaker, S. 2440 requires that FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry-wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

To ensure that all potential areas of vulnerability are addressed, S. 2440 directs the FAA to work with responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. Mr. Speaker, S. 2440 also requires airport operators and air carriers to develop programs that award compliance with the access controls procedures, penalize noncompliance, and hold individuals accountable for their actions.

Finally, the GAO testified that although many FAA-certified explosive detection machines have been installed, many of these machines are underutilized. To maximize EDS usage, S. 2440 directs the FAA to require certain air carriers to develop a manual process whereby extra bags would be selected to go through EDS screening.

Congress must continue to oversee FAA's progress in resolving these very significant and complex security issues. I urge my colleagues to support S. 2440.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) and I have, I think, adequately demonstrated that it is not easy to say "security screener" 10 times in a row.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2330, the Airport Security Improvement Act of 2000. S. 2440 makes several needed changes to the Federal Aviation Administration's (FAA) airport security program.

Whenever I consider aviation security, I first reflect on the Pan American World Airways flight 103. On December 21, 1988, the world of aviation security changed forever when a terrorist bomb tore apart a Boeing 737 killing all 259 passengers and crew, and 11 residents of the small town of Lockerbie, Scotland. This terrorist act propelled the families of those victims on a tireless mission to prevent such future tragedies, culminating in the creation of the President's Commission on Aviation Security and Terrorism, on which I served as a commissioner.

The Commission's 1990 report found the nation's civilian aviation security system to be seriously flawed, and made 64 recommendations to correct those flaws. First and foremost among its recommendations was that the FAA aggressively pursue a research and development program to produce new techniques and equipment that will detect small amounts of explosives in an airport operational environment. I introduced legislation implementing the Commission's recommendations. My legislation was enacted in the Aviation Security Improvement Act of 1990. Six years later, spurred by initial concerns that a terrorist act was responsible for the TWA 800 explosion off Long Island, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The Gore Commission, as it was known, made 31 recommendations for enhancing aviation security. Again, Congress acted swiftly and, in the 1996 FAA Reauthorization Act, included measures to heighten security.

Since the passage of the 1996 FAA Reauthorization Act, Congress has provided more than $350 million for deployment of security equipment, and more than $250 million in research funds. Recently, the Wendell H. Ford Aviation Investment and Reform Act (AIR 21), which was signed into law by the President on April 5, authorized $5 million annually for the Department of Transportation (DOT) to carry out at least one project to test and evaluate innovation security systems. In addition, AIR 21 authorized such sums as may be necessary to develop and improve security screener training programs and such sums as may be necessary to hire additional inspectors to enhance air cargo security programs.

To date, the FAA has installed 92 FAA-certified explosive detection ("EDS") machines at 35 airports, 553 explosive trace detection devices at 84 U.S. and foreign airports, and 18 advanced technology bulk explosives detection x-ray machines at eight airports. In addition, the FAA has deployed 38 computer-based training device platforms at 37 airports. The General Accounting Office (GAO) has commented, however, that at many airports EDS machines are underutilized. S. 2440 directs the FAA to require those air carriers whose EDS machines are underutilized to develop a manual process whereby extra bags would be selected to go through EDS screening.

While deploying EDS equipment is a critical component to increase aviation security, with millions of passengers and pieces of baggage passing through our airports each day, it is also of paramount importance to maintain passenger-screening checkpoints and ensure that the screeners that operate them are well qualified. In March of this year, the House Aviation Subcommittee held a hearing on aviation security. During that hearing, both the GAO and DOT's Inspector General uniformly described security screener performance as the "weak link" in the aviation system. The FAA and the airlines share the responsibility to ensure optimal performance of security screeners. However, high turnover, low wages, and lack of adequate training hinder security screener performance.

S. 2440 directs the FAA to finalize by May 1, 2001, its proposed rule that would implement the Gore Commission recommendations to certify screening companies, and enhance screener training. In addition, S. 2440 mandates minimum training standards for screeners: 40 hours of classroom training and 40 hours on the job. Certification of screening companies and mandatory training requirements will go a long way toward ensuring a proficient and highly qualified screening workforce.

In addition, the Inspector General has made some very startling findings regarding the ineffectiveness of FAA's background investigative procedures, and the vulnerabilities in airport access control. An Inspector General study of security procedures at six airports concluded that compliance with existing FAA regulations was lax. Of the 35 percent of employee files reviewed, the IG found no evidence that a complete background investigation had been performed. Despite this failure, airport identification cards were issued to these employees. In addition, 15 percent of the files reviewed showed an unexplained employment gap, but with no requisite criminal background check being performed.

To ensure effective background investigations, S. 2440 requires criminal history record checks for those individuals who apply for a position as a screener or a screener supervisor, or who apply for a position that allows for unescorted access to secured areas of an airport. Importantly, S. 2440 adds several crimes, including illegal possession of a controlled substance, to the list of crimes that would disqualify an individual from holding a security-sensitive position.

Further, S. 2440 requires the FAA, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, to expand its electronic fingerprint transmission pilot project into an aviation industry wide program. This program will allow for a quick turnaround on criminal background checks for individuals applying for screener or other security-sensitive positions.

The FAA must take a holistic view toward its security responsibilities to ensure that all areas of vulnerability are addressed. However, the airlines and airports also share in that responsibility—and should not put cost considerations above passenger safety. S. 2440 directs the FAA to work with all responsible parties to eliminate access control weaknesses, requiring airport operators and air carriers to adopt training programs so that all employees are aware of the importance of complying with the access control procedures. S. 2440 also requires airport operators and air carriers to develop programs that award compliance with access controls procedures, penalize noncompliance, and hold individuals accountable for their actions.

I made a promise when I was on the President's 1990 Commission on Aviation Security and Terrorism that I would not let that Report gather dust on a shelf. Passage of S. 2440, in combination with the AIR 21 provisions, is just another milestone on the infinite continuum of enhancing aviation security.

We must remain vigilant in our oversight of the FAA's progress in resolving these very significant and complex security issues. We owe it to the American traveling public both here and abroad. I urge my colleagues to support this critical piece of legislation.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2440, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DEDICATION OF JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate Concurrent Resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

The Clerk read as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term "sponsor" means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 139 authorizes use of the Capitol grounds for the dedication ceremony of the National Japanese-American Memorial on November 9, 2000, or on such date that the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the National Japanese-American Memorial Foundation, the sponsor of the event, to negotiate the necessary arrangements for carrying out the events in complete compliance with the rules and regulations governing the use of the Capitol grounds. The event will be free of charge and open to the public.

In 1991, former Congressman and now Secretary Mineta introduced House Joint Resolution 271 authorizing the Go For Broke National Veterans Association Foundation to establish a memorial to honor Japanese-American patriotism during World War II. This measure had the support of 132 cosponsors and unanimously passed the House and the Senate. In 1995, the Committee on Transportation and Infrastructure reported legislation transferring land between the Architect of the Capitol, the Department of the Interior, and the District of Columbia for the purpose of setting aside a parcel of land suitable for this memorial.

The memorial, which was authorized by Congress and is privately funded, occupies a triangular Federal park just south of the Capitol at Louisiana and

New Jersey Avenues and D Street, Northwest. This memorial will help us all better understand Japanese-Americans' World War II experiences. I would encourage all members to attend this important dedication ceremony. I support this measure, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 139, a resolution to authorize the use of the Capitol grounds on November 9 for the dedication of the National Japanese-American Memorial to Patriotism. The memorial is to be constructed on a prominent site located at the intersection of New Jersey Avenue and Louisiana Avenue, just a few yards from the Capitol. The event will be free of charge, open to the public, and will be arranged and conducted on the conditions prescribed by the Architect of the Capitol and the Capitol Police Board.

I support the resolution and urge my colleagues to also support the resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, which authorizes the use of the Capitol grounds for the dedication of the National Japanese-American Memorial to Patriotism. As with all events on the Capitol Grounds, this event will be open to the public and free of charge.

The Transportation and Infrastructure Committee, and its predecessor, the Public Works and Transportation Committee, has a long, proud history associated with this Memorial and the event. In 1991, our former Committee colleague, the gentleman from California, Norman Mineta, introduced House Joint Resolution 271. This Joint Resolution, which Congress adopted in October 1992, authorized the Go For Broke National Veterans Association to establish a memorial in the District of Columbia to honor Japanese American patriotism in World War II.

In November 1995, I had the honor of introducing H.R. 2636, co-sponsored by the gentleman from California, Mr. MATSUI, and the gentleman from New York, Mr. KING. The bill authorized the transfer of certain parcels of property to establish and build the memorial. In 1996, the bill was passed as part of the Omnibus Parks and Lands Management Act of 1996 (P.L. 104–333). Finally, today, nine years after then-Congressman Norman Mineta began this process, we authorize use of the Capitol grounds for the dedication ceremony and celebration to open the National Japanese-American Memorial to Patriotism on November 9, 2000.

The Memorial honors the patriotism of Japanese Americans who served the armed forces of the United States during World War II. More than 33,000 Japanese-Americans were drafted or volunteered for U.S. military service during the war. The Japanese-American 100th/442nd Regimental Combat Team is one of the most highly decorated military units in American history. Its members received more than 18,000 individual decorations. Just last week, this body considered and passed a bill to name the new courthouse in Seattle, Washington, after just one of this unit's many heroes, William Kenzo Nakamura.

Mr. Speaker, this beautiful Memorial is more than a fitting tribute to World War II veterans of Japanese ancestry. It also recognizes one of our nation's darker moments—the sacrifices of approximately 120,000 Japanese-Americans who were interned as a matter of "military necessity" for up to four years during the War. One of those interned was my friend, Norm Mineta. We came to Congress together 25 years ago and I will never forget his story. He was only 11 years old when he and his family were forced from their California home at gunpoint. Norm was wearing his Cub Scout uniform and carrying his baseball, bat, and glove. Before he boarded the evacuation train, a Military Police officer confiscated his bat because it could be used as a weapon. Norm and his family would spend the next 18 months interned in the Heart Mountain concentration camp, outside Cody, Wyoming.

Many, like our former colleague, now-Secretary of Commerce Mineta, although placed in internment camps during the war, never lost their faith in America. They lost their jobs, their homes, and their livelihoods, but they clung to their belief in the justice of the American system. At a time when so many were faced with terror and adversity, they held in their hearts a steadfast belief in the American system. It is fitting that this Memorial to Japanese-American Patriotism is within a stone's throw of the U.S. Capitol.

I support the resolution and wish to extend my thanks to Secretary Mineta, the gentleman from California, Mr. MATSUI, and the gentleman from Hawaii, Senator INOUYE, for their perseverance in their long struggle to create this Memorial, and their many contributions to our country.

I urge adoption of the resolution.

Mr. SHOWS. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate Concurrent Resolution, S. Con. Res. 139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I wanted to address what I think is one of the important issues in this election, and I would hope everybody all over the country would ask the candidates that are running for the United States Senate, or for the U.S. House of Representatives, or for the President, do they have a plan that will keep Social Security solvent.

Social Security, which is probably one of our most important, most successful programs in the United States, now pays over 90 percent of the retirement benefits to almost one-third of our retirees. Social Security is important. The longer we put off developing a solution for Social Security, the more drastic that solution.

I first came to Congress in 1993. I introduced my first Social Security bill that year; and then in 1995, 1997 and 1999, I introduced a Social Security solvency bill that was actually scored by the Social Security Administration, scored to keep Social Security solvent for the next 75 years.

□ 1615

It is interesting that in the earlier years there were less changes, and we needed less money from the general fund to accommodate the continuation of Social Security. In other words, putting off that bill, missing our opportunity for the last 8 years has meant that the changes are going to be more dramatic. Somehow we have got to do it without reducing benefits for existing or near-term retirees and somehow we have got to do it with yet again increasing taxes on working Americans.

I am going to go through a few charts very quickly. This is, of course, a picture of President Franklin Delano Roosevelt. When he created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

A lot of people have said, well, Social Security somehow is going to solve the problem and so maybe I do not need to save. So where we have ended up in this country is having a lower savings than most any of the other industrialized countries in the world. Somehow because savings and investment are important, we need to refurbish and encourage savings and investment; and we need to save Social Security to the full extent of its benefits.

How do we do that? That is the question. That is the argument in this election year. The system is stretched to its limits. 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2015. So as the baby boomers retire, these are the higher wage earners now, so since Social Security taxes are based on how much one's income is, they go out of the high paying-in mode, if you will, and start taking the higher benefits, because benefits are also indexed to how much one paid in during one's working life. So the problem is Social Security trust funds go broke in 2013 although the crisis could arrive much sooner.

I want to spend a little time on the crisis arriving much sooner, because it is 2015 up here when tax revenues are going to be short of paying benefits. Then the question is, or I could say the problem, where does the money come from to start supplementing those benefits over and above tax increases? What should make us all very nervous, Mr. Speaker, is that, in the past, in 1978, in 1977 and again in 1983, what we did when we ran into a financial problem of being short money, we reduced benefits and increased taxes.

Let us not put it off. Let us not do it again. It is too much of a burden. It is too disruptive for the economy to yet again increase taxes on the American worker.

Insolvency is certain. It is not some wild-eyed, green-shaded economist predicting insolvency. We know how many people there are, and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in in taxes. We know how much they are going to take out in benefits. It is all a strict formula. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075; $120 trillion.

Who knows what $120 trillion is? Most of us in this Chamber certainly do not. But our annual budget is approaching $1.9 trillion. That is the annual budget, $1.9 trillion. But for the next 75 years, between 15 and 75, it is going to take $120 trillion more than what is coming in in Social Security taxes to accommodate the benefits that we have promised the American people.

One thing that needs to be done is we need to start getting a better return on that investment that employees and employers are paying into Social Security.

The demographics are part of what is causing the insolvency. Our pay as you go retirement system will not meet the challenge of demographic change.

Let me just state, before we get to how many workers are paying in their taxes for each retiree, that when this system started in 1935, when we started Social Security, the average age, the average life-span was 62 years. That meant that most people paid into Social Security taxes all their lives but did not take out Social Security benefits. So that pay as you go worked very well in those years.

But what is happening now, there are fewer workers paying in every year because of the reduction in birth rate, because life-span is increasing. In 1940, for example, there were 38 workers paying in their Social Security taxes that was immediately sent out, it almost goes out the same week that Treasury gets it, 38 people paying in their Social Security tax to accommodate every one retiree. Today there are three workers paying in their Social Security tax to pay the benefits for that one retiree. By 2025, the estimate is that there will be two workers. So there is a tremendous burden on those two workers. If the benefits in today's dollars are, some of the average is $1,200 a month, for that $1,200 a month, that means in today's dollars each one of those workers is going to have to chip in $600 a month to pay for the retirement benefits.

Again, we are not talking about touching the insurance portion of Social Security. The disability insurance is never being considered to be invested in anything else. It is an insurance program. Whether it is Governor Bush's plan or my plan or the plan of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Texas (Mr. STENHOLM), it never touches that portion that is the insurance portion of Social Security.

I was trying to represent how serious the unfunded liability is for Social Security. So this chart sort of represents what I call a bleak future of future deficits. Because of the large tax increases in 1983 when we started having problems coming up with the money, we really jacked up those taxes, those payroll taxes for Social Security in 1983.

So that means that there is more money coming in to Social Security than is needed to pay benefits. But that runs out in the year 2015. I think it is, I am trying to think of the best word, maybe unconscionable is a good word, to start promising more benefits now in Social Security or to stand aside and not do anything to solve Social Security because all of this red most likely is going to have to be paid with tax increases.

We cannot borrow $120 trillion because the economists say to borrow that much from the private sector would totally disrupt the economy. But really there are only three choices. We either increase taxes, reduce benefits, or we borrow from the private sector. So to do nothing I think puts a huge burden on our kids and our grandkids.

Some have said, well, the economy is great, the economic growth will solve the Social Security problem. Social Security benefits, however, are indexed to wage growth. That means the more money one makes now one pays in more Social Security taxes now, but eventually one's benefits are also going to be higher.

So in the long run, economic expansion and higher wages are a short-term benefit, but it leaves a long-term hole. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

Growth makes the numbers look better now but leaves that larger hole to fill later. The administration has used these short-term advantages as an excuse to do nothing.

I think it is unfair, I think it is, in a way, untruthful for anybody to suggest that somehow because we do not hit the problem until 2015, another 14 years from now, that we do not have to worry about it now, because, again, to put off this problem not to take advantage of the surpluses while we have them is going to be just a huge burden on future young people and their taxes.

It is now predicted that to pay Social Security, Medicare and Medicaid, it would take 47 percent payroll tax within the next 40 years. So if we do nothing, no changes, no better return on the money coming in, payroll taxes could go up to 47 percent to cover the cost of Medicare and Medicaid and Social Security.

There is no Social Security account with one's name on it. The Supreme Court, on two decisions now, have said, look, the Social Security tax is a tax. Any benefits that people decide to give to seniors or the disabled is a decision of Congress and the President. There is no relation, there is no entitlement to Social Security benefits. So what should make us all a little nervous is, when times really get tough, will Congress and the President decide to reduce benefits, or will they increase taxes, or will they do both?

This is a quote that I brought from President Clinton's Office of Management and Budget: These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense.

This is the trust fund they are talking about. They are the claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

In the trust fund, for the last 40 years, up until the last 5 years, we have been taking all the Social Security surplus and spending it on other government programs. So a lot of people, as I give talks in my district and throughout the country, they said, well, look, if government would just keep its hands off those trust funds, we would be okay.

Government has got to keep its paws off the trust funds, but it is still not enough that we will get into. We have got to do more. What we did 3, 4 years ago in this Congress is we started saying, look, we are going to slow down the growth of government. We are going to save and put aside the Social Security trust funds.

I introduced a bill 3 years ago that said we are not going to spend any of the Social Security surplus, and we started implementing that. We called it a lockbox for the Social Security surplus. But what it does is it makes sure that we do not spend any of the Social Security surplus for other government programs. We do not expand government that is going to be demanded for that increased expansion in the future. That is a good start.

This year to draw the line in the sand, our Republican conference said, well, we need public support, again, if we are not going to increase spending so much and let this government bureaucracy continue to grow as fast as it has grown in the past.

So this year what we did is we came up with another sort of gimmick, but it is going to do the job. It says we are going to take 90 percent of all of the surplus, Social Security and so-called on budget surplus, and we are going to use 90 percent of all that total surplus to pay down the debt held by the public, and only 10 percent is going to be available for spending.

Now, there is enough public support on that, that these appropriation bills we are going to pass in the next, hopefully this week, but within the next 2 weeks is going to live within that commitment to use 90 percent of the surplus to pay down the debt held by the public.

I am concerned with the suggestion, in fact this is the Vice President's suggestion on Social Security that we pay down the debt held by the public and then we use that interest savings, what we are paying in interest of what we owe on the $3.4 trillion that is the debt held by the public.

Let me just give my colleagues a quick note on that. The total debt of this country is $5.6 trillion. Of that $5.6 trillion, $3.4 trillion is the so-called Treasury bills. It is what Treasury has its weekly auctions. When one buys a bond or any other Treasury paper, that is the debt held by the public. That accounts for $3.4 trillion out of the $5.6 trillion total.

The rest, there is about a trillion that is owed to the Social Security Trust Fund and then another trillion that is owed to all of the other 120 trust funds in government. So we are still sort of playing creative financing games. We have got to be careful about doing that.

But the Vice President has suggested pay down this debt and then accommodate what he suggests that will save Social Security until 2057. The problem is that it is going to take $46.6 trillion between now and 2057 to accommodate the shortfall, the shortage, where we need another $46.6 trillion over and above what is coming in in Social Security taxes.

□ 1630

And so to pay down this amount cannot accommodate the need for that many dollars over and above taxes. So I think it is, I guess some people have been using the words "fuzzy math." This is fuzzy math.

This is another way of depicting what the problem is if we simply rely on the $260 billion a year that we are now using to service the debt held by the public. $260 billion a year. It may be reasonable to say, well, we can add another IOU to the trust fund to the amount of $260 billion a year, but here the blue shade at the bottom represents the $260 billion a year for the next 57 years. Still, the difference between that $260 billion a year in total leaves a shortfall of $35 trillion that is needed over and above the $260 billion in interest. So it still is not going to accommodate the needs. So to not be totally up front with the American people, I think, is unfair.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. I mentioned the $120 trillion over the next 75 years. If we put $9 trillion into a savings account now, earning a real 7 percent, then it will be worth the $120 trillion as we need it over the next 75 years. But we need, today, an unfunded liability of coming up with $9 trillion today and putting it into that kind of an interesting bearing account if we are to have enough money.

The Social Security trust fund contains nothing but IOUs in a steel box in Maryland. Again, the challenge is coming up with the money we need to pay these benefits. To keep paying promised Social Security benefits, the payroll tax, if we make no changes in the program, no systemic changes, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one of these should be acceptable to this body or the President or the other Chamber, and that is why it is important that we move ahead.

I have introduced Social Security legislation, as I mentioned, that does not have any tax increase, that does not reduce the benefits for seniors or near-term seniors, very similar to what Governor Bush has suggested that we do with Social Security to make sure that we get a better return on investment.

I wonder if my colleagues can guess how much the average retiree will get back, in their retirement years, of the money they and their employer put into Social Security; 1.9 percent, on average. Some get back a negative return.

Just a mention of the Social Security lockbox. It is maybe a little gimmicky, but it accomplished our goal this past year in saying, look, we are not going to spend any of the Social Security surplus for anything except Social Security or to pay down the debt held by the public. And the Vice President, by the way, as an officer of the United States Senate, I am sure could help us get that bill through the Senate. We passed it in this Chamber, sent it to the Senate; and now, as I understand it, there has been a threat of a filibuster. So the Vice President could help us get that bill passed and into law so that the lockbox is locked in.

I mentioned the return of Social Security. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent for the marketplace. So over the last 100 years, the equity market has given a real return of 7 percent. But looking at this chart, we see the light blue over here that shows that minorities actually have a negative return. One reason for that is that, for example, a young black male on average is going to have a life-span of 62 years.

So that means that they die before they are eligible for their Social Security benefits. So they pay in all their life and do not get anything in return. If there was a retirement account in their individual name, at least it would go into their estate and the government could not mess around with the benefits in the future. The average is 1.9 percent return for the average retiree; and again, the market average for a real return on investments is 7 percent.

I am going to get a little more into this. This is another way of expressing that Social Security is a bad investment right now. The insurance part for disability is good, and that needs to be totally saved. That cannot be privately invested. It has to stay in the same system as it is. It is working well. But the rest of Social Security, as an investment, is not good.

For example, if a person retired 5 years ago, they would have had to live 16 years after retirement to break even with what that individual and his or her employer paid into Social Security. By 2005, they would have to live to be 23 years. Remember, at one time there were 38 people working for every retiree. If someone retired in 1940, in 2 months they got back everything they and their employer put into it. But for our kids and our grandkids, if they retire after 2015 and 2025, they will have to live 26 years after retirement to break even. It is not a good investment. How can we do better than the 1.9 percent? A CD gives better than 1.9 percent.

This is the picture I have on my wall of my office. When I come out to vote, I look at my grandkids. Bonnie and I have nine grandkids, and I think they really are the generation at risk. It is easy for politicians to make all kinds of promises now and to do more things for more people so that they can get elected to office, but part of the decision has got to be what are our high standards of living, and doing what we think we deserve now, going to do to our kids and our grandkids in terms of the obligation that they are going to have in taxes or paying off our bills.

I am a farmer from Michigan, and it has always been a goal in our farm community to just try to pay down the mortgage to let our kids have a little better start than we might have had. But in this Congress, in this government, what we are doing is increasing the debt, increasing the mortgage on our kids and our grandkids. Let us not do this.

I will do this for practice now, in case my family is looking. This is my oldest, Nick Smith; this is my youngest, Frances, and Claire and Emily, and George is a tiger, and here is Henry and James, and Selena. I might show that again, because I would hope that every grandparent, I would hope every grandparent, Mr. Speaker, considers the implication of not doing anything and just saying, well, Social Security is important, we have to put it first, but they have to come up with a plan. It should be scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

Just look what we have done on tax increases and think what is going to happen in the future if we continue to depend on tax increases on working Americans. In 1940, the rate was 2 percent, 1 percent for the employee, 1 percent for the employer; a total of 2 percent on the first $3,000 for a total of $60 a year taxes for Social Security. By 1960, that went up to 6 percent, 3 percent for the employee, 3 percent for the employer, first $4,800; total a year $288. In 1980, we jumped the taxes again because benefits were jacked up and people said, well, we need more money. So again we imposed this tax on the American worker of 10.16 percent of everything they made, and so the base was $25,900; the total tax by the employee and the employer went up to $2,631. Today, our taxes are 12.4 percent on the first $76,000, and the $76,000 is indexed for inflation. So that $76,000 base goes up every year.

So I think the question is, if we keep putting this problem off, like we have in the past, are we going to do the same thing we did in 1977 and 1983, reduce benefits and increase taxes? I am concerned that the temptation to do that is going to be great, and that is why it is so important that during these good times, where we have a surplus, not in Social Security but in the general fund, that we use that surplus now. We do not spend it on expanded government, but we use it to make sure that we keep Social Security safe. And that means we have to introduce bills.

In the legislation that I introduced, what I did was I started out allowing 2.5 percent, or the equivalent of 2.5 percent of the taxes to be invested in a private retirement account that can only be used after retirement; that can only be invested in safe investments, index funds or other safe investments determined by the Secretary of the Treasury. So it is only for retirement; it does not go out of Social Security. Like Governor Bush's proposal, it does not go out of Social Security; it supplements Social Security.

There have been suggestions that one way to do it, and we could do this, is that for every $4 an individual makes on their investments, they would lose $3 of Social Security benefits. So it can be a fail-safe system, and what we have to accomplish is a return of better than the 1.9 percent.

This pie chart is part of the problem. We have raised social security taxes so high that 76 percent of American workers pay more in the Social Security tax than they do in the income tax; 78 percent of American workers now, if we add the Medicare to it, 78 percent of the American workers pay more in the FICA payroll reduction tax than they do in the income tax. So when we talk about income tax changes, somehow we have also got to get to the top of the discussion priorities: What do we do about the FICA tax? Are we just going to continue increasing the FICA tax to accommodate the demand for more spending by this Congress?

These are the six principles of Social Security. Senator ROD GRAMS from Minnesota has these criteria. I have these criteria in my bill. Governor Bush has these criteria in his proposal.

Number one, protect current and future beneficiaries; two, allow freedom of choice; three, preserve the safety net; four, make Americans better off, not worse off; five, create a fully funded system; and, six, no tax increases, and no reduction in benefits for seniors or near-term retirees.

Personal retirement accounts. How much of a risk is it? In the first place, they do not come out of Social Security. They are part of the Social Security benefit. They become part of the Social Security retirement benefits and an offset to the fixed program; yet everybody would have the option whether to go into this kind of an investment where they can invest and own their own retirement account or whether they stay in the same system. A worker will own their own retirement account. It is limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

This was a chart I got from Senator GRAMS: no new taxes. I think that has to be paramount. The burden on social security taxes on so many working families today is already way too high.

A little more on personal retirement accounts. If, for example, if an individual is able to invest 2 percent of their earnings, if John Doe makes an average of $36,000 a year, he can expect monthly payments of $6,000 rather than the $1,280 from Social Security, if he has his own PRA to supplement it.

I think it is good that when we passed the Social Security bill in 1935 there were provisions that said counties and States do not have to opt into Social Security. They could develop their own retirement system if they were a county employee or a State employee. Several counties in the United States, Galveston County, Texas, being one of them, opted to go into personal savings accounts.

□ 1645

Employees of Galveston County, Texas, that opted out of Social Security, here is what they are getting: Death benefits $75,000. Social Security would pay a burial benefit of $253. The disability benefits $1,280 for Social Security. The Galveston plan is accommodating $2,749. For retirement benefits Social Security is the same as disability, $1,280. The Galveston plan is paying $4,790 a month for their retirees.

Spouses and survivor benefits under the Galveston County plan: This is a young lady by the name of Wendy Colehill that used her death benefits check of $126,000 to pay for her husband's funeral and to get a college education.

I just put this up here just to try to emphasize that those kind of personal investments can do much better for us. And so, there has got to be a safety net for everybody. I mean, we are not a society that is going to let old people go hungry or go without shelter, but we have got to look for ways that are going to supplement the income coming in for these retirees.

She says, "Thank God that some wise men privatized Social Security here in Galveston. If I had regular Social Security, I would be broke."

San Diego is another county that has opted out of Social Security. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current Social Security system, that employee would get $1,077 a month under Social Security. So $3,000 compared to $1,000.

The difference between San Diego's system of PRAs and Social Security is the more than the difference in a check, it is also the difference between ownership and dependence. It is the difference between having that money there, that it is your money, that if you die before retirement age, it goes into your estate. It means that, with the Supreme Court decisions, that there is no guarantee that politicians do not mess around with that money that you have expected in your retirement.

Even those who oppose PRAs, I thought this was an interesting quote. I got this from Senator Grams also. This is a letter from Senators Barbara Boxer, Dianne Feinstein, and Senator Ted Kennedy to President Clinton saying let San Diego keep their PRA program and not use a technicality to force them back into Social Security. And they said in the letter to President Clinton, "Millions of our constituents will receive higher retirement benefits from their current public pension than they would under Social Security."

I am wrapping this up with the last three charts. This again is what other countries are doing by privatizing, well ahead of America. Even these countries that are socialist countries have now gone to privatization.

The British workers chose PRAs with 10 percent returns. And who could blame them. They have got a two-tier system. But two out of three of the British workers enrolled in the second tier, Social Security system chose to enroll in the personal retirement accounts. The British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of PRAs in Britain exceeds nearly $1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries combined.

The U.S. trails other countries in saving its retirement system. Of course Chile was one of the early countries. In the 18 years since Chile offered the PRAs, 90 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland offer workers the PRAs.

I represented the United States Public Pension Retirement Program in an international meeting in Europe 3 years ago. I was really, and I am not sure if the word is impressed or astounded, at the number of countries throughout the world that is moving their public pensions to have some real investments with some of that money that is coming in.

We have got countries now that are paying up to a 40 percent payroll tax to cover their senior benefits and a tremendous pressure not only on the workers and how much money they get, but a tremendous pressure on the cost of the goods they produce. So it puts those countries at a real competitive disadvantage when they have to add to the cost of products they sell enough to pay their workers to survive and still take almost half of it for their senior retirement program.

I want to save this one. This is the average rate of return on stocks in the last 100 years. But this is based on a family income of $58,000. The returns on a PRA, the three colors, the light blue is 2 percent of your earnings, the pink is 6 percent of your earnings, and the purple is 10 percent of your earnings. And so, you can see that in 20 years you can take 10 percent of your earnings and have it valued at $274,000. If you were to leave that in for 40 years, it would be worth $1,389,000.

The point is that you can be an average income worker and you can retire as a wealthy retiree because of the magic of compound interest. And that means the long-term investments.

I drew this chart which represents what you would have paid in if you had left the money in for 30 years. Any year in our history, a 30-year period put around the worst depressions that we have had in the last 100 years is still going to end up with a positive return of almost three percent. The average is 2.6 percent. So, on average, leaving that investment in the equity stock markets for 30 years, it is a 2.6 return.

We have got to have provisions where you do not have to bounce out and cash in all at once. And I do this in my legislation. It has got to be done in any legislation we have. We have got to continue the safety net. We have got to continue having options for those individuals that decide they want to stay in the same system. But we have also got to have an opportunity where individuals have that ownership, have that control by having their own accounts without the chance that Government is going to mess around with it later. And we have got to have the criteria in developing any plan that we do not have yet again another tax increase, that we do not have any benefit cuts for seniors or near-term retirees.

If anybody would like to see the details of my Social Security proposal and probably more than you ever wanted to know about Social Security, this is my website: www.house.gov.NickSmith/welcomehtml.

If you go to one of the search engines and you do "Nick Smith on Social Security," it should come up here on my website.

Mr. Speaker, I think we have come a long way in terms of the lockbox, not spending the Social Security surplus. I think this year we are doing it again by saying we are going to take at least 90 percent of the total surplus and put that 90 percent for either Social Security for the time being, use it to pay down the debt held by the public, and only argue about the other 10 percent.

There is a danger of Government growing faster than it should simply because politicians get on the front page of the paper and on the television set when they take home pork barrel projects.

I think if there is anything I would ask the public, Mr. Speaker, to do in this campaign when they are talking to the representatives running for Federal office is to pin them down on Social Security. It is something that we cannot afford to give up.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shows) to revise and extend their remarks and include extraneous material:)

Mr. Davis of Illinois, for 5 minutes, today.

Mrs. Mink of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. LaTourette) to revise and extend their remarks and include extraneous material:)

Mr. Porter, for 5 minutes, today and October 24.

Mr. Canady of Florida, for 5 minutes, October 25.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1854. An act to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; to the Committee on the Judiciary.

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; to the Committee on International Relations.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 24, 2000, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10663. A letter from the Associate Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations [Docket No. FV00–956–1 IFR] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10664. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Time Limited Tolerances for Pesticide Emergency Exemptions [OPP–181051A; FRL–6749–7] (RIN: 2070–AD15) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10665. A letter from the Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment—received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10666. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, Veterans Benefits Administration, transmitting the Department's final rule—Reservists Education: Monthly Verification of Enrollment and Other Reports (RIN: 2900–AI68) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10667. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Official Foreign Travel—received October 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10668. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 110–1110; FRL–6889–8] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10669. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 108–1108; FRL–6890–3] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10670. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 116–1116a; FRL–6890–4] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10671. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Arizona: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6888–7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10672. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6889–7] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10673. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP) for the State of Alabama—Call for 1-hour Attainment Demonstration for the Birmingham, Alabama Marginal Ozone Nonattainment Area [AL–200018; FRL–6892–2] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10674. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6892–8] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10675. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Wisconsin [WI99–01–7330a, FRL–6891–3 received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10676. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Addition (RIN: 3150–AG32) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10677. A letter from the Secretary, Department of Agriculture, transmitting a report on the Strategic Plan for FY 2000—2005; to the Committee on Government Reform.

10678. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, and DC–10–40 Series Airplanes, and Model MD–11 and –11F Series Airplanes [Docket No. 99–NM–162–AD; Amendment 39–11750; AD 2000–11–02] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 and MD–90–30 Series Airplanes, and Model MD–88 Airplanes [Docket No. 99–NM–161–AD; Amendment 39–11749; AD 2000–11–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2000–NM–312–AD; Amendment 39–11914; AD 2000–20–03] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900C, 1900C (C–12J), and 1900D Airplanes [Docket No. 2000–CE–02–AD; Amendment 39–11905; AD 2000–19–04] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600) and CL–600–2A12 (CL–601) Series Airplanes [Docket No. 99–NM–26–AD; Amendment 39–11902; AD 2000–19–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the Program Anaylst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with Rolls-Royce RB211–524G/H and RB211–524G-T/H-T Engines [Docket No. 99–NM–76–AD; Amendment 39–11540; AD 2000–02–22] (RIN:2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–305–AD; Amendment 39–11911; AD 2000–19–10] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Rolls-Royce RB 211 Series Engines [Docket No. 2000–NM–140–AD; Amendment 39–11910; AD 2000–19–09] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines [Docket No. 2000–NE–11–AD; Amendment 39–11912; AD 2000–20–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109K2 and A109E Helicopters [Docket No. 2000–SW–21–AD; Amendment 39–11917; AD 2000–20–06] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 99–NM–329–AD; Amendment 39–11855; AD 2000–16–01] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines [Docket No. 2000–NE–38–AD; Amendment 39–11913; AD 2000–20–02] (RIN: 2120–AA64) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the Secretary, Department of Labor, transmitting a draft of proposed legislation entitled the "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Ways and Means.

10691. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of

Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000-50] received October 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10692. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a draft of proposed legislation to reduce and eliminate the issuance of certain securities due to the current and projected budget surplus; jointly to the Committees on Education and the Workforce, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 3312. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs; with amendments (Rept. 106-994 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 3312 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on October 20, 2000]

H.R. 1552. Referral to the Committee on Resources extended for a period ending not later than October 25, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 25, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 25, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 25, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 25, 2000.

[Submitted October 23, 2000]

H.R. 3312. Referral to the Committee on Government Reform extended for a period ending not later than October 23, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDIN (for himself, Mr. Stark, Mr. Menendez, Mr. Levin, Mr. Lewis of Georgia, Mr. Becerra, Mr. Doggett, and Ms. Roybal-Allard):

H.R. 5524. A bill to amend the Internal Revenue Code of 1986 to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.R. 5525. A bill to extend the temporary office of bankruptcy judge established for the district of South Carolina; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mr. Smith of New Jersey):

H. Con. Res. 433. Concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 464: Mr. Cox.

H.R. 1093: Mr. Pomeroy and Mr. McCollum.

H.R. 1411: Mr. Cox.

H.R. 1456: Mr. Souder.

H.R. 3275: Mr. Gejdenson.

H.R. 3514: Mr. Sabo, Mr. Frelinghuysen, Mr. Reyes, and Mr. Camp.

H.R. 3576: Mr. Bonilla.

H.R. 3677: Mr. LaTourette.

H.R. 3700: Mr. Gutierrez.

H.R. 4025: Mrs. Christensen.

H.R. 4353: Ms. Eshoo.

H.R. 4467: Mr. Blunt.

H.R. 4538: Mr. Bonior and Ms. Carson.

H.R. 4740: Mr. Cardin and Mr. Udall of Colorado.

H.R. 5250: Mr. Payne and Mr. Frank of Massachusetts.

H.R. 5268: Mr. Kennedy of Rhode Island.

H.R. 5276: Mr. Rush.

H.R. 5306: Mr. Burton of Indiana.

H.R. 5345: Mr. Udall of Colorado and Mr. Rush.

H.R. 5472: Mr. Porter and Mr. Rush.

H.R. 5506: Mr. Matsui.

H.R. 5511: Mr. Farr of California and Mr. Delahunt.

H. Con. Res. 426: Mr. Klink, Mr. Hayes, Mr. Bishop, Mr. Gonzalez, Mr. Cummings, and Mr. Tanner.

H. Res. 517: Ms. Carson.

EXTENSIONS OF REMARKS

IN MEMORY OF CHRISTINE VEST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. KUCINICH. Mr. Speaker, my colleague, Mr. LATOURETTE, and I are saddened to learn of the passing of Christine Vest, a tireless advocate for railroad safety. Mrs. Vest passed away last Thursday, October 19, 2000, at the age of 42.

Mrs. Vest turned a personal tragedy into a public crusade. About 3 years ago, her 16-year-old son Jeffrey Vest was tragically killed by a train. Christine Vest became relentless in her effort to bring railroad safety to the forefront of public consciousness. She played an important role in ensuring that the acquisition of Conrail by CSX and Norfolk Southern railroads incorporated safety features that were essential to the people of the Greater Cleveland area, the State of Ohio, and the nation.

Along with her daughter Stephanie, Christine Vest could be found wherever there was an opportunity to spread the word about train safety. She and Stephanie volunteered with a national rail safety program called Operation Lifesaver, an organization that provides public education about railroad safety. Mrs. Vest spoke in schools and rode specially chartered trains to inform students, public officials, and community workers about steps they can take to make railroad tracks safer to the general public. She spoke before the Ohio House of Representatives, successfully urging approval of funding for railroad crossing gates.

Mrs. Vest was born in Eastlake, Ohio, and graduated from Eastlake North High School in 1975. She was active in the Harvey High School Booster Club. In addition to her daughter Stephanie, she is survived by her husband Charles, a son Matthew, her mother, Gerrie Smith, two grandchildren, three brothers, and a sister.

Mr. Speaker, I ask our colleagues to join me in remembering Christine Vest. Our thoughts and prayers are with the Vest family at this time.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. LEACH. Mr. Speaker, last year, after nearly two decades of work, the United States Congress passed the Financial Modernization Act to bring our Nation's banking and securities laws in line with the realities of the marketplace. In the few days left for legislation in this Congress, an analogous opportunity presents itself to modernize the Commodity Exchange Act that governs the trading of futures and options.

At issue is the question of whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear on the horizon.

Legislation of this nature involves different committees with different concerns and sometimes competitive jurisdictional interests. From the perspective of the Committee on Banking and Financial Services, I would like to express my respect for the initial Committee on Agriculture product. That Committee's product, led by the gentleman from Texas (Chairman COMBEST) and the gentleman from Illinois (Mr. EWING), reflected a credible way of dealing with a number of concerns that have developed during much of the last decade as derivatives-related products have grown. Nonetheless, the Committee on Banking and Financial Services believes that some modifications to H.R. 4541, the Commodity Futures Modernization Act, were in order and in July, a number of clarifying approaches were adopted on a bipartisan manner.

The fact is that the CEA, or Commodity Exchange Act, is an awkward legislative vehicle designed in an era in which financial products of a nature now in place were neither in existence nor much contemplated. Indeed, the Commodities Future Trading Commission was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Because of anachronistic constraints established under the Commodity Exchange Act, legal uncertainty exists for trillions of dollars of existing contractual obligations. This bill resolves this uncertainty for the benefit of customers of many of these products, but it does not fully resolve the legal certainty issue for some kinds of future activities.

While I would have wished that more could have been achieved, it should be clear that no additional legal uncertainty is created under this bill and progressive strides have been made on fundamental aspects of the legal certainty issue.

Here, I think it particularly appropriate to thank the staffs of the committees of jurisdiction and express my appreciation for the work of professionals at the Fed, Treasury and SEC who have added so much to the legislative process. But, above all, I believe this body owes a debt of gratitude to Mr. EWING whose dedication and hard work have reflected so well on this Congress.

While not all of the additions offered by the Banking Committee were adopted, the bill includes a number of provisions added by the Committee. These include a new section that excludes from the CEA nonagricultural swaps if the swap is entered into between persons who are eligible participants and the terms of the swap are individually negotiated and a new section to clarify that nothing in the CEA implies or creates any presumption that a transaction is or is not subject to the CEA or CFTC jurisdiction because it is or is not eligible for an exclusion or exemption provided for under the CEA or by the CFTC. In addition, other amendments have been added to conform this proposal to last year's financial modernization law.

With regard to Section 107 of the proposed legislation, this provision excludes transactions done among eligible contract participants, where the material economic terms of the agreement are individually negotiated between the parties thereto.

The market for swap agreements has grown exponentially over the past decade, but this growth has been restrained by legal uncertainty in the U.S. stemming from confusion as to whether the Commodity Exchange Act, which was designed to regulate floor-traded fungible contracts, should also apply to the individually tailored swaps. Section 107 makes it clear that swap agreements are not futures contracts. When parties negotiate and enter into a swap agreement under the provisions of Section 107, such a contract will not be subject to the Commodity Exchange Act. Furthermore, this provision makes it clear that such contracts are excluded without regard to whether the parties use a master agreement, confirmation, credit support annex, or other standardized forms to establish the legal, credit, or other terms between them. As long as the eligible parties have the ability to alter the material economic terms of the agreement, the contract is excluded from the Commodity Exchange Act.

Finally, included in the bill are provisions written by the Banking Committee concerning the clearing of derivatives by banks and other regulated entities. Some of these provisions amend the Bankruptcy Code and I thank Chairman HYDE for allowing these provisions to move forward. Inserted below is an exchange of letters between the two Committees on this matter.

For all the reasons stated above, Mr. Speaker, I urge my colleagues to support the legislation before us. Although not perfect, this proposal is far superior to current law, and I urge its adoption.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY
Washington, DC, September 6, 2000.

Hon. James A. Leach,
Chairman, Committee on Banking and Financial Services, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LEACH: I am writing in regard to H.R. 4541, the Commodity Futures Modernization and Financial Contract Netting Improvement Act of 2000, which your Committee ordered to be reported on July 27, 2000.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is my understanding that H.R. 4541, as ordered to be reported, contains language in Section 116(d) and in Title 2 of the bill that comes within the Judiciary Committee's jurisdiction over bankruptcy law pursuant to Rule X of the House Rules. It is also my understanding that Section 116(d) makes technical and conforming changes to the Bankruptcy Code with respect to certain multilateral clearing organizations and that the language in Title 2 of the bill is substantively similar to Title X of H.R. 833, the Bankruptcy Reform Act of 1999, which the House passed, as amended, on May 5, 1999. Therefore, in view of this language and in the interest of expeditiously moving H.R. 4541 forward, the Judiciary Committee will agree to waive its right to a sequential referral of this legislation. By agreeing not to exercise its jurisdiction, the Judiciary Committee does not waive its jurisdictional interest in this bill or similar legislation. This agreement is based on the understanding that the Judiciary Committee's jurisdiction will be protected through the appointment of conferees should H.R. 4541 or a similar bill go to conference. Further, I request that a copy of this letter be included in the Congressional Record as part of the floor debate on this bill.

I appreciate your consideration of our interest in this bill and look forward to working with you to secure passage.

Sincerely yours,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND
FINANCIAL SERVICES,
Washington, DC, September 6, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR HENRY: This letter responds to your correspondence, dated September 6, 2000, concerning H.R. 4541, the Commodity Futures Modernization and Financial Contract Netting Improvement Act of 2000, which the Committee on Banking and Financial Services ordered to be reported on July 27, 2000.

I agree that the bill, as reported, contains matter within the Judiciary Committee's jurisdiction and I appreciate your Committee's willingness to waive its right to a sequential referral of H.R. 4541 so that we may proceed to the floor.

Pursuant to your request, a copy of your letter will be included in the Congressional Record during consideration of H.R. 4541.

Sincerely,

JAMES A. LEACH,
Chairman.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. MARKEY. Mr. Speaker, I rise in support of the motion to suspend the rules and pass the bill, H.R. 4541.

I reluctantly intend to vote for this bill today, despite the fact that I have some very serious concerns about both the process that has brought this bill to the floor and some of its provisions.

Let me speak first to the process. In the Commerce Committee, Democratic members worked cooperatively with the Republican majority to craft a bipartisan bill that addressed investor protection, market integrity, and competitive parity issues raised by the original Agriculture Committee version of the bill. As a result, we passed our bill with unanimous bipartisan support. Following that action, we stood ready to work with members of the Banking and Agriculture Committees to reconcile our three different versions of the bll and prepare it for House floor action. But after just a few bipartisan staff meetings, the Democratic staff was told that Democrats would henceforth be excluded from all future meetings, and that the Republican majority leader was going to take the lead in drafting the bill. What's more, we were also told the chairman of the Senate Banking Committee was invited into those negotiations—despite the fact that this bill comes within the Agriculture Committee's jurisdiction over in the Senate and the Senate has not even passed a CEA bill. In fact, the Senate Agriculture Committee decided not to include the swaps provisions sought by the chairman of the Senate Banking Committee when the committee reported S. 2697, because these proposals were viewed as so controversial.

We then went through a period of several weeks in which the Republican majority staff caucused behind closed doors. The product that resulted from those negotiations was so seriously flawed that it was opposed by Treasury, the SEC, the CFTC, the New York Stock Exchange, the NASDAQ, and all of the Nation's stock and options exchanges, the entire mutual fund industry, and even some of the commodities exchanges. Democrats, the administration, the CFTC, and the SEC suggested a number of changes to fix the many flaws in this language, and over the last several days many of them have been accepted. That is a good thing. But I would say to the majority, if you had simply continued to work with us and to allow our staffs to meet with your staffs, we could have resolved our differences over this bill weeks ago. We shouldn't have had to communicate our concerns through e-mails and third parties. We really should be allowing our staffs to meet and talk to each other.

Having said that, let me turn to the substance of this bill. There are two principal areas I want to focus on—legal certainty and single stock futures.

With regard to legal certainly, I frankly think this whole issue is overblown. Congress added provisions to the Futures Trading Practices Act of 1992 that give the CFTC the authority to exempt over-the-counter swaps and other derivatives from the Commodities Exchange Act—without having to even determine whether such products were futures. I served as a conferee when we worked out this language, and it was strongly supported by the financial services industry.

Now we are told we need to fix the "fix" we made to the law back then. But, I would note that when former CFTC Chair Brooksley Born opened up the issue of whether these exclusions should be modified, she was quickly crushed. The other financial regulators immediately condemned her for even raising the issue and the Congress quickly attached a rider to an appropriations bill to block her from moving forward. The swaps industry was never in any real danger of having contracts invalidated on the basis of the courts declaring them to be illegal futures. They were only in danger of having the CFTC "think" about whether to narrow or change their exemptions. But the CFTC was barred from doing even that!

What we are doing in this bill is saying—O.K.—we are going to take OTC swaps between "eligible contract participants" out of the CEA. They are excluded from the act.

Now, I don't have any problem with that. If the swaps dealers feel more comfortable with a statutory exclusion for sophisticated counterparties instead of CFTC exemptive authority, and the Agriculture Committee is willing to agree to an exclusion that makes sense, that's fine with me. However, I am not willing to allow "legal certainty" to become a guise for sweeping exemptions from the antifraud or market manipulation provisions of the securities laws. That is simply not acceptable.

While some earlier drafts of this bill would have done precisely that, the bill we are considering today does not. That is a good thing, and that is why I am willing to support the legal certainty language today. However, I do have some concerns about how we have defined "eligible contract participant"—that is, the sophisticated institutions that will be allowed to play in the swaps market with little or no regulation.

The bill before us today lowers the threshold for who will is an "eligible contract participant" far below what the Commerce Committee had allowed. I fear that this could create a potential regulatory gap for retail swap participants that ultimately must be addressed.

The term "eligible contract participant" now includes some individuals and entities, who should be treated as retail investors—those who own and invest on a discretionary basis less than $50 million in investments. These are less sophisticated institutions and individuals, and they are more vulnerable to fraud or abusive sales practices in connection with these very complex financial instruments. If Banker's Trust can fool Procter and Gamble and Gibson Greetings about the value of their swaps what chance does a small municipal treasurer or a small business user of one of these products have?

For example, under one part of this definition, an individual with total assets in excess of only $5 million who uses a swap to manage certain risks is an "eligible contract participant" for that swap. I think that threshold is simply too low.

I don't believe that removal of these retail swap participants from the protections of the CEA makes sense, unless the bill makes clear that other regulatory protections will apply.

To this end, the Commerce Committee version of H.R. 4541 would have required that certain individuals or entities who own and invest on a discretionary basis less than $50 million in investments, and who otherwise would meet the definition of "eligible contract participant," would not be "eligible contract participants" unless the counterparty for their transaction was a regulated entity, such as a broker-dealer or a bank. That helps assure that they are not doing business with some totally fly-by-night entity, but with someone who is subject to some level of federal oversight and supervision. It is not a guarantee that the investor still won't be ripped off. But it helps make it less likely.

The bill we are considering today weakens this requirement. The Commerce provision only applies to governmental entities as opposed to individual investors; the threshold for application of the provision to such entities is lowered to $25 million; and the list of permissible counterparties to the swap is expanded to include some unregulated entities.

I believe the original Commerce Committee investor protection provision should be fully restored. Moreover, the bill should clarify explicitly that counterparties who may enter into transactions with retail "eligible contract participants" are subject for such transactions to the antifraud authority of their primary regulators.

I also have some concerns with the breadth of the exemption in section 106 of this bill, and its potential anticompetitive and anticonsumer effects. There may be less anticompetitive ways to address an energy swaps exemption in a way that provides for fair competition and adequate consumer protections in this market. Such a result would be in the public interest. What is currently in the bill is not, and I would hope that it could be fixed as this bill moves forward.

Let met now turn to the provisions of this bill that would allow the trading of stock futures. These new

Now, I have serious reservations about the impact of single stock futures on our securities markets. In all likelihood, these products are going to be used principally by day traders and other speculators. Now, there is nothing inherently wrong with speculation. It can be an important source of liquidity in the financial markets. But one of the purposes of the federal securities laws has traditionally been to control excessive speculation and excessive and artificial volatility in the markets, and to limit the potential for markets to be manipulated or used to carry out insider trading or other fraudulent schemes.

I am concerned about the prospect for single stock futures to contribute to speculation, volatility, market manipulation, insider trading, and other frauds. That is why it is so important for the Congress to make sure that if these products are permitted, that they are regulated as securities and are subject to the same types of antifraud and sales practice rules that are otherwise applied to other securities. I think that this bill, if the SEC and the CFTC properly administer it, can do that.

First, with respect to excessive speculation, the current bill provides that the margin treatment of stock futures must be consistent with the margin treatment for comparable exchange-traded options. This ensures that (1) stock futures margin levels will not be set at dangerously low levels and (2) stock futures will not have unfair competitive advantage vis-à-vis stock options.

The bill provides that the margin requirements for security future products shall be consistent with the margin requirements for comparable option contracts traded on a securities exchange registered under section 6(a) of the Exchange Act of 1934.

A provision in the bill directs that initial and maintenance margin levels for a security future product shall not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of the Exchange Act of 1934. In that provision, the term lowest is used to clarify that in the potential case where margin levels are different across the options exchanges, security future product margin levels can be based off the margin levels of the options exchange that has the lowest margin levels among all the options exchanges. It does not permit security future product margin levels to be based on option maintenance margin levels. If this provision were to be applied today, the required initial margin level for security future products would be 20 percent, which is the uniform initial margin level for short at-the-money equity options traded on U.S. options exchanges.

Second, with respect to market volatility, the bill subjects single stock futures to the same rules that cover other securities, including circuit breakers and market emergency requirements.

Third, with respect to fraud and manipulation, the bill subjects single stock futures to the same type of rules that are in place for all other securities. These include the prohibitions against manipulation, controlling person liability for aiding and abetting, and liability for insider trading.

Fourth, among the bill's most important provisions are those requiring the National Futures Association to adopt sales practice and advertising rules comparable to those of the National Association of Securities Dealers. Under the bill, the NEA will submit rule changes related to sale practices to the SEC for the Commission's review. Because investors can use single stock futures as a substitute for the underlying stock, they will expect and should receive the same types of protections they receive for their stock purchases. It is significant that in its new role, the NFA will be subject to SEC oversight as a limited purpose national securities association. The SEC is very familiar with the sales practice rules necessary to protect investors. I expect the NFA to work closely with the SEC to ensure such protections apply to all investors in security futures products regardless of the type of intermediary—broker-dealer or futures commission merchant—that offers the product.

Fifth, the bill applies important consumer and investor protections found in the Investment Company Act of 1940 to pools of single stock futures. This ensures that investors in pools of single stock futures will enjoy the same protections as other investors in other funds that invest in securities.

In addition to these provisions, the bill also addresses a number of other important matters. It allows for coordinated clearance and settlement of single stock futures. It assures that securities futures are subject to the same transaction fees applicable to other securities. It requires decimal trading. And it provides Treasury with the authority to write rules to assure tax parity, so that single stock futures do not have tax advantages over stock options.

In addition to these provisions, the bill represents a substantial change from the status quo in which the SEC and the CFTC have shared responsibility for ensuring that all futures contracts on securities indexes meet requirements designed to ensure, among other things, that they are not readily susceptible to manipulation.

This bill gives the CFTC the sole responsibility for ensuring that index futures contracts within their exclusive jurisdiction meet the standards set forth in this bill. Most important among these requirements is that a future on a security index not be readily susceptible to manipulation. Because the futures contract potentially could be used to manipulate the market for the securities underlying an index, it is critical that the CFTC be vigilant in this responsibility. Relying solely on the market trading the product to assess whether it meets the statutory requirements is not enough.

In particular, the CFTC should consider the depth and liquidity of the secondary market, as well as the market capitalization, of those securities underlying an index futures contract. Perhaps even more importantly, the CFTC should require that a market that wants to offer futures on securities indexes to U.S. investors—whether it is a U.S. or foreign market—have a surveillance sharing agreement with the market or markets that trade securities underlying the futures contract. The CFTC should require that these surveillance agreements authorize the exchange of information between the markets about trades, the clearing of those trades, and the identification of specific customers. This information should also be available to the regulators of those markets.

Finally, if a foreign market or regulator is unable or unwilling to share information with U.S. law enforcement agencies when needed, they should not be granted the privilege of selling their futures contracts to our citizens.

There is one other important matter that I had hoped would be satisfactorily resolved today, but unfortunately, it has not. Last night, the Republican staff deleted language that appeared in earlier drafts that would have amended section 15(i)(6)(A) of the Securities Exchange Act of 1934 to clarify that single-stock futures, futures based on narrow stock indices, and options on such futures contracts ("security futures products") are not "new hybrid products". I believe that this deleted language should have been reinserted into the legislation.

Let me explain why. Currently, a new hybrid product is defined as a product that was not regulated as a security prior to November 12, 1999, and that is not an identified banking product under section 206 of the Gramm-Leach-Bliley act. Unless an amendment to the definition is made, security futures products potentially would fall within this definition.

Section 15(i) of the 1934 act provides that the Securities and Exchange Commission must consult with the Federal Reserve Board before commencing a rulemaking concerning the imposition of broker-dealer registration requirements with respect to new hybrid products. Section 15(i) also empowers the Federal Reserve Board to challenge such a rulemaking in court.

This provision was never intended to apply to situations where the Congress has decided by law to expand the definition of securities. What we are doing today in this bill is establishing a comprehensive regulatory system for the regulation of security futures products. Under this system, it is clear that intermediaries that trade securities futures products must register with the

H.R. 4541 rests on a system of joint regulation. That means that both the SEC and the CFTC are assigned specific tasks designed to maintain fair and orderly markets for these security futures products.

Amending the language on page 170 to exclude securities regulation of security futures only because they are sold by banks would create an anomalous result. A bank selling securities futures could register with the CFTC as a futures commission merchant but, unlike other entities, it might not have to notice register with the SEC. Effectively, half of the regulatory framework that the SEC and CFTC negotiated over with the Congress for many months would disappear. There is no public interest to be served in eliminating SEC oversight over issues such as insider trading frauds, market manipulation, and customer sales practice rules just because a bank traded the security.

The role of the Federal Reserve Board with respect to new hybrid products would be at odds with the regulatory structure for security futures products under H.R. 4541. There is no reason to undermine the structure of H.R. 4541 by giving the Federal Reserve Board a role in the regulation of broker-dealers that trade securities futures products.

If this provision remains in the bill, I believe that in order to comply with the intent of Congress, as expressed in title II of this bill, the SEC would have to proceed by rule to require all bank Futures Commission Merchants seeking to sell single stock futures to, at minimum, notice register with the SEC. In addition, the CFTC would have to bar bank futures commission merchants from selling the product unless they have notice registered with the SEC. This is a convoluted way of dealing with a drafting problem that we could and should fix right now, but it is the only way to prevent gaping loopholes from opening up that could harm investors.

Because there has been an effort over the last several days to address some of the concerns that Democrats have had about tax parity, swaps language in section 107 of the bill, mutual fund language, and numerous other important provisions, I am reluctantly going to vote for this bill today. It is not the bill I would have crafted. It still contains some serious flaws. But it is a much better bill than the bill that passed out of the Agriculture Committee.

However, I must also say that if, when this bill goes over to the other body, some of the outrageous and anticonsumer provisions that were deleted from the House bill in recent days are to be restored, or other equally objectionable new provisions are added, I will fight hard to defeat this bill. And so, I would suggest to the financial services industry and to the administration, if you really want to get this bill done this year, you need to forcefully resist anticonsumer or anticompetitive changes to the legal certainty language, the tax parity language, the single stock futures language, and instead strengthen the consumer and market integrity and competitive provisions of the bill in the manner I have just described.

I look forward to working with Members on the other side of the aisle and in the other body to achieve that goal. And I hope that we can have more of a direct dialog on this bill as it moves forward than we have had over the last few weeks.

CONGRATULATING RICHARD JOHNSON OF WOODSTOCK, CONNECTICUT ON WINNING THE BRONZE MEDAL IN ARCHERY AT THE 2000 SUMMER OLYMPICS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. GEJDENSON. Mr. Speaker, today I join the residents of Woodstock, Connecticut in congratulating Richard "Butch" Johnson for his continued success in the sport of archery. During the 2000 Summer Olympics in Sydney, Australia, Mr. Johnson won the bronze medal in team archery. This follows his gold medal performance in the 1996 Olympic games.

Over the past year, Mr. Johnson has built a tremendous record of achievement. He won the National Target Championship, the National Indoor Championship and the Gold Cup. He was the runner up in the U.S. Open. During the Pan Am Games in 1999, Mr. Johnson won the bronze medal in individual competition and a gold medal as part of the U.S. archery team. His performance in the Olympics is a crowning moment in a year of many victories.

Mr. Johnson is clearly one of the best archers in America and the world. He is an incredible competitor and a great ambassador for his community, the State of Connecticut and our nation. I am proud to join with his neighbors and friends in Woodstock in celebrating his Olympic bronze medal performance. We wish him much success in the years to come.

TRIBUTE TO ART EDGERTON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Ms. KAPTUR. Mr. Speaker, I wish to pay tribute to an extraordinary man from my district, Mr. Art Edgerton. Art unexpectedly passed from this life on Tuesday, September 26, 2000 in his home in Perrysburg, Ohio. Art exemplified artistry, humanitarianism, and zest in every aspect of his being.

Well known to Northwest Ohioans, Art was a most talented and accomplished musician who made his mark nationwide. Though he began his professional career as a drummer at the tender age of nine, Art's piano playing was legendary and he played with various bands through the early 1950s. Even after settling in Toledo, Ohio and pursuing other employment, Art continued playing the piano, entertaining audiences in his adopted hometown.

In 1957, Art entered into a new career, that of broadcasting. Beginning as a part time disc jockey with the former WTOL radio station, he soon transitioned to a report for both radio and television covering civic affairs. Art broke into this field at a time when his race and his disability made this pursuit very difficult. Still he persevered, enduring prejudice with grace, covering the 1963 March on Washington and, blind since birth, taking notes in Braille. An early colleague best summed up Art's style: ". . . a very accomplished reporter. He was extremely sensitive at a time when being a black reporter presented him with a lot of obstacles." The colleague noted how it was not easy for many people to accept Arts' use of Braille writing as he reported an event, and highlighted "Art's ability to maintain his composure and to deal fairly with everyone he dealt with, even if they didn't deal fairly with him." Even as he continued in his journalism and music careers, Art took on a new challenge in the late 1960's becoming an administrative assistant in the external affairs office of the University of Toledo and later, the Assistant Director for Affirmative Action.

Active in community affairs as well, Art served as Board President of the Ecumenical Communications Commission of Northwest Ohio, Board Member of the Greater Toledo Chapter of the American Red Cross, member of the President's Committee on Employment of the Handicapped, President of the Northwest Ohio Black Media Association, and the National Association of Black Journalists. In 1995 he was inducted into that organization's Regional Hall of Fame. Among all of his awards and accolades, Art was perhaps most proud of receiving the 1967 Handicapped American of the Year Award which was presented to him personally by Vice President Hubert Humphrey. Coming from an unhappy childhood in which his parents could not accept his blindness, his wife explained why this particular award affected him so deeply, "With his upbringing, how he had to scuffle, he just figured he would never be recognized. The fact that somebody recognized what he done gave him that much more determination to continue and do better."

Mr. Speaker, Art Edgerton was a friend and a trusted advisor throughout the years I have served in this House. I shall miss deeply, as will our entire community. He made us better through his caring and talents spirit. He always advocated for the rights of people with disabilities. Exceedingly gracious, completely endearing, unfailingly honest, yet with a core of steel, Art Edgerton was a man among men. We offer our profoundest and heartfelt condolences to his wife of 35 years, Della, his sons Edward and Paul, his grandchildren and great-grandchildren. May their memories of this truly great man carry them forward.

IN HONOR OF THE GRAND OPENING OF THE POLISH NATIONAL ALLIANCE'S NEW BUILDING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize the Polish National Alliance of Council 6, in Garfield Heights, Ohio. The Grand Opening of the Alliance's magnificent new building is on Saturday, October 21, 2000.

The Polish National Alliance is the largest ethnic fraternity in the world. Established in 1880, the PNA was formed to unite the members of the Polish immigrant community in America behind the dual causes of Poland's independence and their own advancement into mainstream American society. In 1885, the Alliance established an insurance program for the benefit of its members. Throughout its nearly 120-year-long heritage, the Alliance has grown to include education benefits for its members, newspapers promoting harmony and the Polish National cause, and has worked to promote Poland's independence. Since World War I, the PNA and its members have given generously to help meet the material and medical needs of Poland's people, as well.

Today, the Alliance has grown enormously in both numbers and influence, with a proud record of serving the insurance needs of more than two million men, women and children since 1880. As one of over nine-hundred local lodge groups, the Polish National Alliance Council 6 has carried on the great tradition and character of the PNA.

I ask that my colleagues join with me to commend the Polish National Alliance for years of service to both the local and national Polish communities, and also the diverse world community at-large. I rise to wish them many more years of accomplishments and achievements in their new building.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF UNION CITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the 75th anniversary of Union City, NJ, the city I love, the city that allowed me to enter public service, and the city I proudly serve to this day.

Since it was founded on June 1, 1925, Union City has become home to people of varying ethnicity, many of whom made the difficult journey from their native land to build a new life in America, the land of opportunity. As a result, Union City represents the best of America, reflecting the melting-pot diversity that contributed to our Nation's great success.

Union City's 75th anniversary is a wonderful time to celebrate the history and future of a city whose culture is so rich in diversity. Union City's ethnic makeup includes Germans; Italians; Irish; Armenians; Puerto Ricans; Cubans; South Americans; Central Americans; Haitians; Asian Indians; Koreans; and Arabs; as well as many others.

With a population of approximately 60,000 individuals, living and working in 1.4 square miles, Union City is an amazing example of diversity in harmony. The residents of Union City proudly share their experiences, and I am proud to have had the opportunity to share my life with them.

Today, I ask my colleagues to join me in recognizing the 75th anniversary of Union City.

IN HONOR OF FRANK KOPLOWITZ ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Ms. ESHOO. Mr. Speaker, today I honor an outstanding American, a devoted husband, a loving father, an exceedingly proud grandfather and a superb friend on the occasion of his 80th birthday—Frank Koplowitz.

Born in New Britain, Connecticut on October 17, 1920, Frank has dedicated much of his life serving to our nation in the Air Force. Upon graduating from high school, he began studying airplane engine mechanics. He received his wings and graduated as a Second Lieutenant after his training at the University of Montana in Missoula and subsequent training in Santa Ana, California. During World War II, he was sent to overseas to England where he flew 37 missions as a bombardier with the 486th B.G. of B17s. On his 22nd mission, he was shot down over France and despite head injuries and a hospital stay, he requested that he be returned to his crew to finish his missions. He was awarded the D.F.C. and the Air Medal with six Clusters.

Frank continued his service in the Air Force Reserve for 26 years and retired as a Lieutenant Colonel. In addition to his service to our nation, he is a respected businessman who was in the jewelry manufacturing business for over fifty years. Today he remains active in many charitable organizations such as the Masonic Order and the City of Hope.

Mr. Speaker, Frank Koplowitz is an authentic American hero, a distinguished member of our community and an individual who is genuinely loved and admired by everyone who has met him and knows him. It's a privilege to have the opportunity to pay tribute to him on the occasion of his eightieth birthday and to recognize him for his profound contributions to our nation. We are indeed a better country because of him.

IN HONOR OF DR. PAUL GREENGARD, 2000 NOBEL PRIZE WINNER IN MEDICINE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mrs. MALONEY of New York. Mr. Speaker, I enthusiastically rise today to honor Dr. Paul Greengard, the 2000 Nobel Prize winner in medicine, who resides and teaches in my district. Dr. Greengard received the Nobel Prize for his discovery of how dopamine—a human neurotransmitter that controls one's movements, emotional responses, and ability to experience pleasure and pain—affects the central nervous system. His advancements in the field of neuroscience have greatly increased our understanding of the relationships between neurobiological chemicals and some of the world's most widespread neurological disorders, such as Parkinson's Disease, Alzheimer's Disease, and Schizophrenia. Such an achievement is one I hold in tremendous regard and I truly hope my colleagues recognize the importance of Dr. Greengard's groundbreaking discovery.

Neurological diseases touch most every human being in some way. As the founder and Co-Chair of the Congressional Working Group on Parkinson's Disease, I am especially energized by Dr. Greengard's research. I sincerely hope that medical and academic professionals, buoyed by Dr. Greengard's achievements, continue their pursuit of uncovering the causes of the most pressing neurological disorders.

Dr. Greengard is a genuinely fascinating individual. He currently serves as the head of the Laboratory of Molecular and Cellular Neuroscience at The Rockefeller University in New York City and is the director of the Zachary and Elizabeth M. Fisher Center for Research on Alzheimer's Disease, also at Rockefeller. The Fisher Center, where I serve as a member of the Board of Trustees alongside Fisher CEO Michael Stern, is an extraordinarily valuable research center where Dr. Greengard has made pioneering discoveries in neuroscience which provide a more conceptual understanding of how the nervous system functions at the molecular level. His research into the abnormalities associated with Dopamine serves as a window through which scientists can examine the effects that Dopamine has on psychiatric disorders of human beings, such as substance abuse and Attention Deficit Disorder.

Dr. Greengard has dedicated his life to scientific exploration. Since 1953, when he received his Ph.D. in biophysics from Johns Hopkins University, Dr. Greengard has worked as a scientific professional in every sense of the word. From his days as a scholar at Cambridge University in London, and years as a professor of pharmacology at Yale University, Dr. Greengard has possessed a passion for knowledge into the scientific basis of human existence. His life is nothing short of an admirable testament to the joy of scholarship and the rewards of knowledge.

Mr. Speaker, I am immeasurably proud to have such an esteemed American living and working within my district. Dr. Greengard's Nobel Prize is a well-deserved honor and a tremendous reward for his dedication and tireless pursuit of scientific truth.

CONGRATULATING MIRIAM LOPEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to warmly congratulate Miriam Lopez for her new position as President of the Florida Bankers Association.

After obtaining a Masters in Business Administration from the University of Miami, Miriam began her career as a commercial loan officer with Southeast First National Bank of Miami. In 1985, she became President and CEO of TransAtlantic Bank becoming responsible for all the daily operations of the bank.

Previously, she held senior positions with Republic National Bank and Intercontinental Bank.

Being active in civic and charitable organizations, Miriam is a member of the finance council of the Archdioceses of Miami, Board Member of the Downtown Development Authority, and St. Thomas University Board of Directors. She was appointed to the Florida Comptroller's Banking Sunset Task Force and the State of Florida International Affairs Commission. Among her illustrious honors, the Coalition of Hispanic American Women nominated Miriam for the Vivian Salazar Quevedo "Women of the Year" Award.

Since 1992, Miriam became part of the American Bankers Association. She served on the Community Bankers Council and on its executive committee. She also chaired the American Bankers Association Community Council and its Banking Advisor Program.

With a personal and professional interest in furthering education for public school children in our area, Miriam frequently addresses educational forums and community groups on the value of education, savings, and honesty.

We are privileged to have her as the first Cuban-American woman President of the Florida Bankers Association and to have the benefit of her banking expertise. It is my great pleasure to join Miriam's family, especially her husband, Peter, friends, and colleagues in celebrating this special occasion. We all wish her continued success in her future endeavors.

H.R. 5159 AMENDING TITLE 38 TO PROVIDE TAX RELIEF FOR THE CONVERSION OF COOPERATIVE HOUSING CORPORATIONS INTO CONDOMINIUMS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce an important piece of legislation. There are some in my district and around the country who would like to convert their cooperative housing units into condominiums but do not because section 216 of the Internal Revenue Code unfairly taxes such conversions.

During the late 1950's and early 1960's the first high-rise apartments were built in Hawaii. Developers formed cooperative housing corporations for ownership. In a cooperative, a corporation owns the land and building, and individuals and families purchase a share in the corporation that grants them the right to live in a particular unit. This enabled homeowners to own their apartments rather than rent them, making home ownership possible for more individuals and families.

As construction of high rise apartments increased, Hawaii enacted the nation's first condominium property laws. Condominiums permit a unit holder to own the unit directly rather than indirectly as stock in a cooperative corporation. Condominiums proved easier to finance and were better received by the public. The vast majority of high-rise apartment buildings constructed since 1963 have been condominiums rather than cooperatives.

The cooperatives that were constructed before condominium laws were enacted have a number of finance and marketing problems. Many banks in Hawaii will not lend more than 70 percent of a cooperative's purchase price, compared with up to 90 percent for a condominium. In addition, banks have generally used an amortization rate of 15 years, compared to 30 years for condominiums, and charge 1 percent more interest for cooperative housing loans. Furthermore, the sale price of a condominiums can be 15 to 40 percent higher than a similar cooperative apartment. Finally, Private Letter Ruling No. 8445010 the IRS recognized that unit holders in cooperatives have greater difficulty acquiring mortgages. These differences discourage the purchase of shares from cooperatives and making selling a unit nearly impossible.

As a result of these shortcomings many who invested in cooperative housing want to convert their ownership form. This is accomplished through converting cooperative housing corporations into condominiums. In a conversion the cooperative corporation dissolves and reconstitutes itself as a condominium with the share holders owning their apartment directly. No substantive change in ownership is involved. The Internal Revenue Code discourages conversions because it treats the dissolution of the cooperative corporation as a taxable event. Prior to the 1986 Tax Reform Act (P.L. 99–514) corporations dissolved without taxation. This became a classic way in which corporations bought and sold one another without paying a tax on the capital gains. This bill protects against this tax loophole. When a cooperative corporation dissolves in the process of conversion, the original basis of the property remains the basis for the condominium building. Individual unit holders also retain as their basis the price paid for a share purchased in the cooperative corporation. In the future, if the new owners of the building or an individual condominium owner sell their deed the gain in value over the original basis will be taxed.

The IRS and Congress have recognized that this tax is unfair. In Private Letter Ruling No. 8812049 the IRS agreed that the conversion tax was severe because a tenant-stockholder continues to live in the same unit and incurs the same cost. Congress also agreed that this conversion tax was excessive and amended the Internal Revenue Code eliminating the tax incurred by unit holders along as the unit was their primary residence. While this amendment did not repeal the tax at the corporate level (the major impediment to cooperative conversions) the amendments repealed in 1997. Since 1997 cooperative corporations and individual unit holders that want to convert to condominiums and benefit from higher lending rates, longer amortization periods, lower interest rates and a higher market value have been discouraged by the Internal Revenue Code which requires them to update the original basis.

This bill eliminates the unfair conversion tax at the corporate and individual level that do not include a transfer of ownership. It also ensures that no tax loopholes created by requiring that the original basis be assumed by the tenant and property owners. On passage of this bill cooperatives retain the option of conversion.

I urge my colleagues to cosign this bill and end this unfair tax.

HIGH COST OF PRESCRIPTION DRUGS

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Ms. STABENOW. Mr. Speaker, for the past six months, I have been reading letters on the floor of the House of Representatives from senior citizens from all over the State of Michigan.

These seniors have shared their stories with me about the high cost of prescription drugs. They all have one thing in common: these seniors rely solely on Medicare for their health insurance, so they do not have any prescription drug benefit.

They must pay for their prescription drugs themselves, and with the high prices, they often are forced to make the decision between buying the prescription drugs they need or buying food or heating their homes.

We must enact a voluntary, Medicare prescription drug benefit that will provide real help for these seniors.

This week, I will read a letter from a senior in Lansing, MI, who asked that she remain anonymous.

TEXT OF THE LETTER

It seems every time I see a doctor, I am given a new prescription. I now take six a day. They cost close to $200 a month. I also take six non-prescription drugs a day.

We really need some help. It is very hard for a retired senior on a fixed income.

I sometimes skip a pill to make them last a little longer.

In these economic good times, it is a national tragedy that seniors are putting their health at risk and skipping the medications they need because they cannot afford them.

The 106th Congress will soon adjourn. Our days to enact prescription drug reform are numbered.

I support the Democratic plan that will provide a voluntary, real Medicare prescription drug benefit.

COMMUNICATION FROM PHARMACIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter from the pharmaceutical manufacturer, Pharmacia. This letter was written in response to my October 3rd letter to the company's President & Chief Executive Officer, Fred Hassan.

My recent letter, submitted to the Congressional Record on October 3rd, provided evidence that Pharmacia for many years has been reporting and publishing inflated and misleading price data and has engaged in other improper, deceptive business practices in order to manipulate and inflate the prices of certain drugs. The price manipulation scheme has been executed through Parmacia's inflated representations of average wholesale price ("AWP") and direct price ("DP"), which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. This pricing scheme by Pharmacia and other drug companies is estimated to have cost taxpayers over a billion dollars.

Unfortunately, Pharmacia's recent letter provides no meaningful explanation for the company's actions which have overcharged Americans and put patient safety at grave risk. Instead, President Hassan places the blame on the Department of Health and Human Services' difficult reimbursement policies. In this letter he states: "As you know, Medicare and Medicaid reimbursement policies are considerably complex" and "From my perspective, it is the designing of a system to replace the current system that to date has proven to be difficult." The alleged complexity of Medicare's reimbursement system is no excuse for Pharmacia deliberately publishing inflated and misleading price data and engaging in other deceptive business practices—business practices which the letter fails to mention.

Contrary to Mr. Hassan's accusation, Medicare's current reimbursement method is simple. Medicare pays 95% of a covered drug's average wholesale price (AWP). Regardless of the merits of the system, Pharmacia, and other drug companies, have abused this system by reporting inflated drug prices—plain and simple.

I appreciate the fact that Mr. Hassan is taking the issues I raised in my letter "very seriously" and is "continuing to investigate" the allegations made in my letter. But I firmly believe that the blame for reporting misleading—and possibly fraudulent—price data as well as engaging in other deceptive company practices must not and cannot be placed on HHS' reimbursement policies. Mr. Hassan writes that the "current system has proven to be untenable. . . ." It is the pricing practices of companies like his that have made it untenable.

Pharmacia's behavior overcharges taxpayers—particularly patients—and endangers the public health by influencing the practice of medicine. It is for all of these reasons that I have called on the FDA to conduct a full investigation into such drug company behavior.

The letter from Pharmacia follows:

PHARMACIA CORPORATION,
Peapack, NJ, October 16, 2000.

Re: Your Letter of October 3, 2000
Hon. FORTNEY PETE STARK,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STARK: I am the President, Chief Executive Officer, and a member of the Board of Directors of Pharmacia Corporation ("Pharmacia"). For your information, Pharmacia was created earlier this year upon the merger of Pharmacia & Upjohn, Inc., and Monsanto Company.

In my capacity as Chief Executive Officer of Pharmacia, I write to acknowledge receipt of your letter of October 3, 2000, addressed to Pharmacia & Upjohn, Inc., and to address preliminarily the issues that you raise regarding the reporting and publishing of certain price data for several prescription medications sold by Pharmacia.

Initially, I want to provide you with my personal assurance that Pharmacia takes the issues raised in your letter very seriously. For your information, Pharmacia has actively provided information regarding our pricing practices to a number of investigative bodies. Also, the Company is committed to continuing to work with the appropriate authorities until any differences that may exist in the understanding of this matter are resolved.

As to the particulars of your letter, you should know that Pharmacia is continuing to investigate the allegations made in your letter, as well as those that have been reported recently in various news media regarding the pharmaceutical industry's practices in the area of reimbursement.

As you know, Medicare and Medicaid reimbursement policies are considerably complex. Indeed, in correspondence from the administrator of the Health Care Financing Authority ("HCFA"), it was publicly noted in a letter addressed to the Honorable Tom Bliley, Chairman, Commerce Committee, U.S. House of Representatives, that HCFA has been "actively working to address drug payment issues, both legislatively and through administrative actions, for many years." In fact, Ms. DeParle, the HCFA Administrator, notes that her Agency tried several alternative approaches in the early 1990's but that none were adopted. In fact, in 1997, the Administration proposed to pay physicians and suppliers their so-called "acquisition costs" for drugs, but the proposal was not adopted. Instead, the Balanced Budget Act of 1997 reduced Medicare payments for covered drugs from 100% to 95% of the average wholesale price or "AWP".

From my perspective, it is the designing of a system to replace the current system that to date has proven to be difficult. Indeed, the current system has proven to be untenable and we would welcome the opportunity of working with you, Congress, HCFA, and any other interested regulatory agencies and stakeholders to develop reimbursement guidelines that are simple, transparent, and representative of the current market conditions.

Finally, I want you to know that—in accordance with your request—I will share your letter and this response with the members of Pharmacia's Public Issues and Social Responsibility Committee of the Board of Directors. In addition, Pharmacia will continue to participate constructively in the public dialogue with regard to whether changes will be made in this arena either legislatively or through administrative action.

Sincerely,

FRED HASSAN.

HONORING MRS. CLEOTILDE CASTRO GOULD

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. UNDERWOOD. Mr. Speaker, From a pool of very worthy candidates, the Guam Humanities Council elected to bestow the 2000 Humanities Award for Lifetime Contribution upon Mrs. Cleotilde Castro Gould, a retired educator and well-known local storyteller. This very distinguished award honors the contributions of individuals who, over the years, have worked towards the promotion and advancement of local culture and traditions. To Mrs. Gould, the conferral of this honor is both timely and well deserved.

Mrs. Gould is primarily known as an educator and as a specialist on Chamorro language and culture. In 1974, she played a key role in the formation of the Guam Department of Education's Chamorro language and Culture program. She served as the program's director until her recent retirement. Her many talents include that of singing, songwriting and creative writing. She is a talented singer of Kantan Chamorrita (Chamorro Songs) and has written several songs made popular by local island performer, Johnny Sablan. In the 1980's, she obtained funding to document the Kantan Chamorrita song form. The result was a video record of the ancient call-and-response impromptu song form which is practiced today by few remaining artists.

However, her claim to fame is that of being a storyteller. Her great talent in conveying ancient Chamorro legends to the younger generation has placed great demand on her skills throughout the island's many schools. Mrs. Gould has represented the island as a storyteller in a Pacific islands tour sponsored by the Consortium of Pacific Arts and Cultures and she employed the same talent in 1988 as part of the Guam delegation to the Pacific Festival of Arts in Australia. In addition, Mrs. Gould is also the writer and creator of the Juan Malimanga comic strip. A daily feature in the Pacific Daily News, Guam's daily newspaper, the strip and its characters embody the Chamorro perspective and our local tendency to use humor in order to get points across or to express criticism in a witty and non-confrontational manner. Mrs. Gould is one of my best friends and favorite colleagues in education. She represents the best in that indomitable Chamorro spirit.

Through her song lyrics, the Comical situations she has concocted, and the lessons brought forth by her storytelling, Mrs. Gould has touched a generation of children, young adults and students. Her exceptional ability to communicate with people form a wide range of age and educational backgrounds has enabled her to pass on the values and standards of our elders to the younger generation. Her life has been dedicated towards the preservation of our island's culture and traditions. For this she rightfully deserves commendation.

Also worthy of note are several distinguished island residents, who, in their own ways, have made contributions to our island. Dirk Ballendorf, a professor of History and Micronesian Studies, through his scholarly work and research, has provided the academic community a wide body of material on the history and culture of our island and our region. Professor Lawrence Cunningham, the author of the first Chamorro history book, has been largely instrumental in the inclusion of Guam History in the secondary school curriculum and the participation of island students in local and national Mock Trial debate competitions. Professor Marjorie Driver's translation of documents pertaining to the Spanish presence in the Mariana Islands has generated enthusiasm among the local community and brought about a desire to get reacquainted with their heritage and traditions. The Reverend Dr. Thomas H. Hilt, the founder of the Evangelical Christian Academy, has fostered the development of a generation of students and donated his time and efforts providing assistance and counsel to troubled kids. Local banker, Jesus Leon Guerrero, founder of the first locally chartered full service bank on Guam, the Bank of Guam, has made great contributions towards the economic, political, and social transformation of Guam. Newspaperman Joe Murphy has written a daily newspaper column for the last thirty years and has provoked our thoughts and encouraged us to get involved in our island's affairs and concerns. The director of the Guam Chapter of the American Red Cross, Josephine Palomo, in addition to her invaluable assistance during disaster related situations, has established a program which encourages involvement among the island's senior citizens in social and healthful activities. Professor Robert F. Rogers, through his scholarly work and provision of guidance and advise to political science majors in the University of Guam, has fostered the development of policy and leadership within our region. Finally, former Senator Cynthia Torres, one of the first women to be elected to the Guam Legislature, has made great contributions towards the advancement of women and vulnerable members in our island society.

On behalf of the people of Guam, I commend and congratulate these wonderful people for their contributions. Their passion and dedication has gone a long way towards the development of a new generation who, like them, will dedicate their lives and their work towards the humanities. To each and everyone of these individuals, I offer my heartfelt gratitude. Si Yu'os Ma'ase'.

CHAIRMAN'S FINAL REPORT CONCERNING THE NOVEMBER 13 SUBCOMMITTEE ON FORESTS AND FOREST HEALTH HEARING IN ELKO, NEVADA

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. GIBBONS. Mr. Speaker, last year on November 13th, the Subcommittee on Forests and Forest Health held a hearing in Elko, Nevada to study the events surrounding the closure of the South Canyon Road by the Forest Service. After a thunderstorm washed out parts of the road in the Spring of 1995, the agency prohibited the community of Jarbidge from repairing it—going so far as to initiate criminal action against the county. At this hearing, we learned that it wasn't just parts of the road that washed away in that storm but also the Federal Government's failure to use common sense. The South Canyon Road has been used by local residents since the late 1800s—to now keep the citizens of Elko County from maintaining and using what is clearly theirs is a violation of the statute commonly referred to as RS 2477. This is an issue of national significance, demonstrating ongoing attempts by the Federal Government, particularly under this Administration, to usurp the legal rights of States and Counties. So for this reason, the subcommittee has done extensive research into the fundamental questions concerning the South Canyon Road, specifically: who has ownership of the road and who has jurisdiction over the road? Subcommittee Chairman CHENOWETH-HAGE has compiled her research into this, her final report on the November 13th hearing. I would now respectfully ask that it be submitted into the RECORD of this 106th Congress.

CHAIRMAN'S FINAL REPORT—HEARING ON THE JARBIDGE ROAD, ELKO COUNTY, NEVADA, SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

PREFACE

By invitation of Congressman Jim Gibbons of Nevada, the Subcommittee on Forests and Forest Health held an oversight hearing in Elko Nevada on November 13, 1999, on a dispute between Elko County and the United States Forest Service (USFS). The County of Elko claimed ownership of a road known as the Jarbidge South Canyon Road by virtue of their assertion of rights under a statute commonly referred to as RS 2477. The USFS asserted they do not recognize the county's ownership rights and claimed jurisdiction over the road under the Treaty of Guadalupe Hidalgo, the proclamation creating the Humboldt National Forest, the Wilderness Act, the Federal Land Policy and Management Act (FLPMA), the Endangered Species Act, and the Clean Water Act. This issue came to a head when the USFS directed its contractor to destroy approximately a one-fourth mile section of the Road, thus preventing its use by parties claiming private rights of use which could be accessed only by the Road. Also, access to the Jarbidge Wilderness Area was closed off by the action of the USFS.

Chairman Chenoweth-Hage submits this final report to members based on the testimony given and records available to the Subcommittee. Representatives of the USFS failed to defend their position from a legal standpoint, submitting no legal analysis that justified their position. Instead, they simply "ruled" that they did not recognize the validity of the County's assertion to the road.

The investment of time in the historic perspective leading up to the County's assertion was fruitful, yielding numerous clearly worded acts of Congress, backed up in a plethora of case law. I have attempted to bring that historic perspective to this report, because the Congressional and legal background cannot be ignored if we are to view the western lands issues in the framework Congress and the courts have intended.

I therefore submit my final report on the hearing on the Jarbidge Road.

Summary: The Basic Questions of Ownership and Jurisdiction

The dispute over the Jarbidge South Canyon Road (Road) between Elko County, Nevada and the United States Forest Service (USFS) involves two basic questions:

1. Who has ownership of the road?
2. Who has jurisdiction over the road?

Ownership is defined as control of property rights.

Jurisdiction is defined as the right to exercise civil and criminal process.

The United States argues that when the Humboldt National Forest was created in 1909, the road in question became part of the Humboldt National Forest. The United States argues that the Humboldt National Forest is public land owned by the United States and the USFS, as agent for the United States, has both ownership and jurisdiction. The United States has responded to the RS 2477 issue (Section 8, Act of July 26, 1866) by arguing that no RS 2477 road which was established in a national forest after the creation of the national forests, was valid, and all roads within the national forest fall under USFS jurisdiction after passage of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

Evidence was presented by Elko County in an effort to establish proof of ownership of the Jarbidge South Canyon Road. This evidence includes documents and oral testimony, showing that the road was established in the late 1800s on what had been a pre-existing Indian trail used by the native Shoshone for an unknown period of time prior to any white settlement in the area.

Elko County claims jurisdiction over the Jarbidge South Canyon Road by virtue of evidence that the road was created to serve the private property interests of the settlers in the area. Elko County cites various private right claims to water, minerals, and grazing which the road was constructed to serve.

The crucial factor in determining which argument is correct is to determine whether the federal land upon which the Road exists is "public land" subject to federal ownership and jurisdiction or whether the federal land upon which the Road exists is encumbered with private property rights over which the state of Nevada and private citizens exercise ownership and

In any dispute of this kind, it is essential to review, not only prior history, but also the public policy of the United States as expressed in acts of Congress and relevant court decisions.

I. Breaking Down the Principles of Ownership

A. The law prior to Nevada Statehood.

1. The Mexican cession and "Kearney's Code."

Nevada became a state on October 30, 1864. Prior to that time the area in question was part of the territory of Nevada. The territory of Nevada had been created out of the western portion of the territory of Utah. Utah Territory has been a portion of the Mexican cession resulting from the Mexican War of 1845–46. U.S. Brigadier General of the Army of the West, Stephen Watts Kearney, instituted an interim rule, commonly referred to as "Kearney's Code," over the ceded area pending formal treaty arrangement between the U.S. and Mexico. The Mexican cession was formalized two years later with the Treaty of Guadalupe Hildago, February 2, 1848.

Mexico recognized title of the peaceful/Pueblo (or "civilized") Indians (either tribally or as individuals) to the lands actually occupied or possessed by them, unless abandoned or extinguished by legal process (i.e. treaty agreements). The Mexican policy of inducing Indians to give up their wandering "nomadic, uncivilized" life in favor of a settled "pastoral, civilized" life, was continued by Congress after the 1846 session and was the very basis of the government's Indian allotment and reservation policy. Mexico and Spain retained the mineral estate under both private grants and public lands as a sovereign asset obtainable only by express language in the grant or under the provisions of the Mining Ordinance.

2. The acquisition by the U.S.

When the area was ceded to the U.S., the U.S. acquired all ownership rights in the lands which had been previously held by the Mexican government. This included the mineral estate and the then unappropriated surface rights. Indian title, where it existed, remained with the respective Indian tribes. All other private property existing at the time of the cession, was also recognized and protected. Kearney's Code also recognized all existing Mexican property law and continued, in force, the laws "concerning water courses, stock marks and brands, horses, enclosures, commons and arbitrations", except where such laws would be repugnant to the Constitution of the United States. The Supreme Court of the United States, has upheld the validity of Kearney's Code, stating that Congress alone could have repealed it, and this it has never done.

In 1846, the area where the Jarbidge South Canyon Road presently exists was acquired by the United States. The United States, like Mexico, retained the mineral estate, while the surface estate was open to settlement. Settlement of the surface estate continued under United States jurisdiction in much the same way it had proceeded under Mexican jurisdiction. Towns, cities and communities grew up around agricultural and mining areas.

3. The characteristics of the land and custom of settlement under Mexican law.

The Mexican cession, which is today the southwestern portion of the United States, consisted primarily of arid lands, interspersed with rugged mountain ranges. These mountain ranges were the primary source of water supply for the arid region. The water courses were part of the surface estate. Control or development of the land by settlers for either agricultural uses or mining depended on control of the water courses.

The most expansive (and most common) method of settlement under the Mexican "colonization" law was for the individual settler to establish a cattle and horse (ganado de mejor) or sheep and goat (ganado de menor) farm, known as a "rancho" or ranch. These ranches were large, eleven square leagues or "sitos" (approximately one-hundred square miles). The individual settler (under local authorization) would acquire a portion of irrigable crop land and an additional allotment of nearby seasonal/arid (temporal or agostadero) land and mountainous land containing water sources (canadas or abrevaderos) as a "cattle range" or "range for pasturage." Four years of actual possession gave the ranchero a vested property right that could be sold (even before final federal confirmation or approval of the survey map (diseno). Control of livestock ranges depended on lawful control of the various springs, seeps and other water sources for livestock pasturage and watering purposes. Arbitration of disputes over water rights and range boundaries (rodeo or "round-up" boundaries) were adjudicated by local authorities (jueces del campo or "judges of the plains").

4. Mexican customs of settlement were maintained under U.S. rule.

This same settlement pattern of appropriate servitudes or rights (servidumbres) for pasturage adjacent to water courses, continued after the area was ceded to the United States in 1846. One of the first acts of the California legislature after the Mexican cession was to re-enact, as state law, the previous Mexican "jueces del campo" or "rodeo" laws governing the acquisition and adjudication of range (or pasturage) rights on the lands within the state.

The new settlers on lands in the Mexican cession after 1846, were not trespassers on the lands of the U.S., since Kearney's Code had continued in effect all the previous laws pertaining to water courses, livestock, enclosures and commons (stock ranges). Under Mexican law, water rights, possessory pasturage rights, and right-of-ways were easement rights. Mexican land law was based on a split-estate system (surface/mineral titles and easements) which the United States Courts were unfamiliar with and for which no federal equivalent law existed. Problems in sorting agricultural (rancho) titles/rights from mining titles/rights quickly became apparent when the courts began the adjudication of Spanish and Mexican land claims. Congress (like Spain and Mexico) had previously followed a policy of retaining mineral lands and valuable mines as a national asset.

5. Congress further defines and codifies settlement customs through the Act of 1866 with the establishment of mineral and surface estate rights.

There was no law passed by Congress to define the settlement process for the western mineral lands until Congress addressed this problem by a series of acts beginning in the 1860's. Key among the split-estate mining/settlement laws was the Act of July 26, 1866. Congress established a lawful procedure whereby the mineral estate of the United States could pass into the possession of private miners. Private mining operations could then turn the dormant resource wealth of these lands into active resource wealth for the benefit of a growing nation.

The 1866 Act also dealt with the surface estate of the mineral lands. The act clearly recognized local law and custom and decisions of the court, which had been operating relative to these lands and extended these existing laws and customs into the future. The 1866 Act created a general right-of-way for settlers to cross these lands at will. It also allowed for the establishment of easements.

At this point, it is important to note the definitions of these key terms:

A right-of-way is defined as the right to cross the lands of another.

An easement is defined as the rights to use the lands of another.

Sections 8 and 9 of the 1866 Act are the seminal U.S. law defining the rights of ownership in the Jarbidge South Canyon Road. Section 8, which was later codified as Revised Statute 2477, deals with the establishment of "highways" across the land. The term highways as used in the 1866 Act refers to any road or trail used for travel. The right-of-way portion of this act was an absolute grant for the establishment of general crossing routes over these lands at any point and by whatever means was recognized under local rules and customs.

Section 9 of the Act of July 26, 1866, "acknowledged and confirmed" the right-of-way for the construction of ditches, canals, pipelines, reservoirs and other water conveyance/storage easements. Section 9 also guaranteed that water rights and associated rights of "possession" for the purpose of mining and agriculture (farming or stock grazing) would be maintained and protected.

B. The Law After Nevada Statehood.

1. The states adopt Mexican settlement customs, as affirmed by Kearney's Code and 1866 Act.

Once settlers in an area had exercised the general right-of-way provisions of the 1866 Act to establish permanent roads or trails, those roads or trails then, by operation of law, became easements (which is the right to use the lands of another). The general right-of-way provisions of the 1866 Act gave Congressional sanction and approval to the authorization of Kearney's Code respecting water courses, livestock enclosures and commons, and local arbitration respecting possessory rights. All of the states and territories, west of the 98th meridian ultimately adopted water right-of-way related range/trail property laws similar to the former Mexican laws in California, New Mexico, and Arizona. These range rights were "property" recognized by the Supreme Court.

2. The Supreme Court upholds states' adoption of settlement customs and attached range rights.

In Omaechevarria v. Idaho, it was held that all Western states had adopted range law similar to Idaho's, that those laws were a valid exercise of the state's constitutional police power and did not infringe on the government's underlying property interest. Grazers took possession and control of certain range areas primarily by gaining lawful control of water courses. The water courses were under the jurisdiction of State and Territorial government by authority of Kearney's Code and the 1866 Act. The general right-of-way provision of the 1866 Act became an easement for grazing, the bounds of the easement being determined by the exterior boundaries of the area the grazier could effectively possess and control.

3. Only the states possess the authority to define property.

As a general proposition, the United States, as opposed to the several states, is not possessed of a residual authority enabling it to define property in the first instance. The United States has performed the role of agent over lands which are lawfully owned by the union of states, or the United States. Individual States in the southwest, established laws deriving from local custom and court decisions (common law) for determining property rights. These were the local laws, customs, and decisions of the court affirmed by Congress in the Act of July 26, 1866. The Act extended this principle to all the western states and conferred a license on settlers to develop property rights in both the mineral estates and surface estate of the mineral lands of the United States.

C. Congress Affirmation of Local Laws and Customs Regarding Ownership.

1. Congress has passed numerous Acts recognizing surface and mineral estate rights.

The argument of the United States claiming ownership of the Jarbidge South Canyon Road raises a perplexing question. To arrive at the conclusion that the United States Forest Service owns the Road based on the Mexican cession to the United States in 1846, is to ignore local law, custom, court decisions, and the Congressional Act that confirmed those local laws, customs, and court decisions in 1866. The United States in its reach to claim all title

1. The Mining Act of 1872, confirming lawful procedure for citizens to acquire property rights in the mineral estate of federal lands;

2. The Act of August 30, 1890, which confirmed private rights and settlement then existing on the surface estate of federal lands;

3. The General Land Law Revision Act of March 3, 1891, which further confirmed existing private rights (settlement) on the land;

4. The Act for Surveying Public Lands of June 4, 1897, also known as the Forest Reserve Organic Act which excluded all lands within Forest Reserves more valuable for agriculture and mining and guaranteed rights

to access, the right to construct roads and improvements, the right to acquire water rights under state law, and continued state jurisdiction over all persons and property within forest reserves.

2. The courts insist that these laws must be read on pari materia (all together).

The courts have stated repeatedly that laws relating to the same subject (such as land disposal laws) must be read in pari materia (all together). In other words, FLPMA or any other land disposal act cannot be read as if it stands alone. It must be read together with all its parts and with every other prior land disposal act of Congress if the true intent of the act is to be known.

3. Each of these Acts contain "savings" clauses protecting existing right, including FLPMA.

All acts of Congress, relating to land disposal contain a savings clause protecting prior existing rights. FLPMA contains a savings clause protecting prior existing property rights. There is an obvious reason for this. Any land disposal law passed by Congress without a savings clause would amount to a "taking" of private property without compensation. This could trigger litigation against the United States and monetary liability on the part of the U.S.

II. Determining the Ownership of Jarbidge South Canyon Road

A. Executive order creating Humboldt National Forest, Where the Road Resides, and relevant Congressional acts contain a savings clause protecting Preexisting rights.

The Presidential Executive Order which created the Humboldt National Forest contained a savings clause, protecting all existing rights and excluding all land more valuable for agriculture and mining. The Road was in existence long before there was a Humboldt National Forest. The Road was a prior existing right, having been confirmed by the Act of 1866 and related subsequent acts of Congress as well as court decisions. The Road was never a part of the Humboldt National Forest, and could not be made a part of the Humboldt National Forest without triggering the Fifth Amendment of the Constitution of the United States dealing with "takings" and "compensation."

The Wilderness Act which created the Jarbidge Wilderness Area also contained a savings clause protecting prior existing rights.

B. The United States makes errant arguments claiming ownership of the Road.

1. The U.S. argument regarding "public lands" resulting from Mexican cession logically fails on its face.

The U.S. argues that the Mexican cession of 1846, ratified in the Treaty of Guadalupe Hidalgo in 1848, conveyed the Road and the land of the Road crosses to the United States, which some 150 years later remain "public land" unencumbered by private rights. If this argument is valid, the myriad other roads, highways, towns, cities, ranches, farms, mines and other private property which did not exist in the southwest in 1846 but which exists today also remain the sole property of the United States. One cannot logically reach the first conclusion without accepting the later.

2. The true nature of "public lands."

"Public Lands" are "lands open to sale or other dispositions under general laws, lands to which no claim or rights or others have attached." The United states supreme court has stated: "It is well settled that all land to which any claim or rights of others has attached does not fail within the designation of public lands." FLPMA defines "public lands" to mean "any land and interest in land owned by the United States within the several states and administered by the secretary of the Interior through the bureau of Land Management." the mineral estate of lands within the exterior boundaries of National forests are administered by the secretary of the Interior through the bureau of Land Management.

The mineral estate in the Humbolt National Forest where no claims or rights have attached is "public land" according to FLPMA. The mineral estate in these lands is still open to disposition under the mining laws of the United States. Private agricultural and patented mineral lands, as well as surface estate rights in grazing allotments or subsurface rights in unpatented mining claims are not public lands within the definition set forth in FLPMA.

The Road is bounded on both sides by mining claims and lawfully adjudicated grazing allotments. This fact is clear from the testimony and the evidence presented to the Subcommittee. The record shows that mining, grazing rights and water rights as well as general access right-of-ways were established on these lands in the late 1800's and preceded the establishment of the Humboldt National Forest and the Jarbidge Wilderness Area by many years. No evidence has been submitted to the record showing any lawful extinguishment of these rights which would effect a return of the area in question to "public land" status, giving rise to a trespass against the United States.

3. The United States errantly cites FLPMA as extinguishing RS 2477 rights.

The United States has also argued that no RS 2477 road could be created in a national forest after the date of creation of the national forest. They cite FLPMA as authority for this argument. This does, however, ignore the fact that FLPMA applies to all federal lands. FLPMA itself confirms all prior existing roads, whose origins predate October 21, 1976.

The United States claims that FLPMA allows the USFS to permit right-of-ways, and thus gives them the right to exercise control over existing roads in the national forest. However, FLPMA was amended in 1985 to clarify that the USFS has no authority to impose regulations on prior existing roads that would diminish the scope and extent of the original grant. Any regulatory control of an existing RS 2477 road diminishes the scope and extent of an existing right. The regulatory control of right-of-ways cited by the United States only applies to right-of-ways created after October 21, 1976.

Nothing in the law allows the USFS to usurp control over right-of-ways, existing prior to October 21, 1976, or to change the definition of a road which had existed prior to 1976. Congress clarified this issue in Section 198 of the Department of Interior Appropriations Bill for 1996: "No final rule or regulation of any agency of the federal government pertaining to the recognition, management, or validity of a right-of-way, pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act."

III. Establishing Jurisdiction

A. Determining whether State or Federal Government has jurisdiction is key.

The USFS has threatened arrest and criminal prosecution of various individuals in the road dispute. The USFS has threatened litigation against Elko County for Elko County's attempt to defend against a "taking" of its property and jurisdiction. The United States and its agency, the USFS claims to have jurisdiction over the matter involved in this dispute. Jurisdiction differs from ownership, in that ownership is the control of property rights and usually vests in individuals and corporate entities, while jurisdiction is the right to exercise civil and criminal process, a right which usually vests in government. The question in this dispute is: does the United States have jurisdiction? Or does Elko County as a subdivision of the state of Nevada have jurisdiction?

B. The establishment of jurisdiction depends on proper use of the term "Public Lands."

The United States makes its claim to jurisdiction on the premise that the national forests are public lands subject to the jurisdiction of the United States. The term "public lands" has a lawful definition. When used in a dispute over lawful rights, the lawful definition of "public lands" must be used. In recent years, this term has been widely misused by the government to encompass all lands for which the federal government has a management responsibility. In reality, the lawful definition of "public lands" are "lands available to the public for purchase and/or settlement." The courts have repeatedly held that when a lawful possession of the public lands has been taken, these lands are no longer available to the public and are therefore no longer public lands.

Possession of the mineral estate in public lands could be lawfully taken under the mining acts. Where valid mining claims exist, that land is no longer public land. Possession of the surface estate could be lawfully taken under various pre-emption and homestead acts of Congress. Possession and settlement of the surface estate for grazing areas on the mineral lands of the United States derived from the general right-of-way provisions of the Act of July 26, 1866 and was confirmed by the Act of August 30, 1890. Congress revised the land laws to conform to the intent of the Act of August 30, 1890 with the passage of the General Land Law Revision

1. Congress has withdrawn the lands from the public domain through various Acts.

Congress provided for the withdrawal of lands from the public domain as forest reserves in Section 24 of the Act of March 3, 1891. The intent of Congress as expressed in the 1891 and 1897 Acts was to protect timber stands (from exploitation by large, rapacious timber and mining corporations) in order to provide a continued supply of wood for settlers and by so doing improving watershed yields to provide a continuous water supply for appropriation by settlers. These Acts also contained numerous survey and administrative provisions providing for the identification and adjudication of prior existing private property rights within the exterior boundaries of the reserves. When the forest reserves were withdrawn from the public lands, the lands within the reserves were only available to the public for purchase or settlement after the date of the withdrawal if they were more valuable for agricultural (stock grazing) or mining purposes, and if they were not already occupied by prior possession.

2. The adjudicatory process.

The adjudication applied to rights established, whether for homesteads, roads, ditches, or range easements, prior to their withdrawal as forest reserves. Adjudication of the prior rights on the forest reserves resulted in lawful recognition of rights to lands within the exterior boundaries of the forest reserves (later renamed as national forests after 1907). For example, homesteads in fee simple, absolute title, and water right and right-of-way related surface estate rights in the form of grazing allotments were some of the lawful rights recognized. Homesteads, grazing allotments, and mining claims ceased being public lands upon their adjudication by property authority.

On national forest/reserves being established for a split-estate purpose of providing timber for settlers (and enhancing water yield), miners and ranchers could only cut or clear timber for fuel, fences, buildings and developments related to the mining or agricultural use of the claims or allotments.

D. The proper adjudication of the Humboldt National Forest belongs to the State.

1. Grazing allotments cover the entire forest.

The Humboldt National Forest was adjudicated prior to 1920. The grazing allotments were identified and confirmed as a private property right to the surface state of the forest reserves. These grazing allotments cover the entire Humboldt National Forest, including the area traversed by the Road. The Road traverses the lawfully adjudicated Jarbidge Canyon allotment.

2. The Supreme Court has confirmed state jurisdiction.

On May 19, 1907, the U.S. Supreme Court held in the case of *Kansas* v. *Colorado* that the United States was only an ordinary proprietor within the state of Colorado and subject to all the sovereign laws of the state of Colorado. The court ruled that forest reserves were not federal enclaves subject to the doctrine of exclusive legislative jurisdiction of the United States. Local peace officers were to exercise civil and criminal process over these lands. Forest Service rangers were not law enforcement officers unless designated as such by state authority. The USFS had no general grant of law enforcement authority within a sovereign State. The court has also held that a right-of-way and related improvements (as well as vehicles on the right-of-way) within a federal reservation were private interests separate from the government's title to the underlying land and that the United States had no legislative (civil or criminal) jurisdiction without an express cession from the state.

The Court has held that when the United States disposes of any interest in federal lands that there is an automatic relinquishment of federal jurisdiction over that property. By clear and identical language, Congress has stated in the Organic Act of June 4, 1897, the Eastern Forests (Week's) Act of 1911, and the Taylor Grazing Act of 1934, that there was no intention to retain federal jurisdiction over private interests within national forests. The courts have consistently upheld the ruling in *Kansas* v. *Colorado* since 1907. Even standing timber within a national forest (once sold under a timber contract) ceases to be federal property subject to federal jurisdiction.

CONCLUSION

As laid out in this report and in the hearing record, un-rebutted evidence presented in the Road dispute clearly demonstrates that the United States and its agent, the US Forest Service, have no claim to ownership of the Road. Control of property rights to the road clearly vests in the state of Nevada and Elko County on behalf of the public who created the road under the general right-of-way provisions of the Act of 1866. Even if Elko County disclaimed any interest in the road, the individual owners whose mines, ranches and other property are accessed by the road may have a compensable property right in the road.

Futher, the state of Nevada and its subdivision (Elko County) have lawfully exercised jurisdiction over the Road. This jurisdiction would appear to include the right to maintain the road under the laws of the state of Nevada.

Federal rules and regulations cannot extinguish property which derives from state law. For the USFS to implement regulations under the Endangered Species Act, Clean Water Act or any other federal authority, which would divest citizens of their property is to trigger claims for compensation by the affected citizens. For the USFS to institute criminal action against Elko County for exercising its lawful jurisdiction over the road and the land adjacent to the Road is a usurpation of power upon which the US Supreme Court has long since conclusively ruled.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 24, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 25

9 a.m.

Armed Services

To resume hearings on issues related to the attack on the U.S.S. *Cole;* to be followed by a closed hearing (SH-219).

SH-216

10 a.m.

Foreign Relations

European Affairs Subcommittee

Near Eastern and South Asian Affairs Subcommittee

To hold joint hearings to examine the Gore and Chernomyrdin diplomacy; to be followed by a closed hearing.

SD-419

SENATE—*Tuesday, October 24, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 3:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, Virginia.

PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Shall we pray.

We speak to You today, gracious God, as fall colors peak in Washington, DC, and election campaigns peak across the country. While both nature and Government anticipate new seasons, we recognize afresh that You hold nature to Yourself but allow us to govern ourselves. We embrace both processes with grateful hearts.

We ask Your comfort for the pain and grief felt in so many homes on every continent this day. From Norfolk to Israel, from Belfast to equatorial Africa, wherever families weep their losses, we pray that You would wrap Your arms around the hurting and hold them with a grip like all eternity.

In time of bounty as a nation, Lord, never let us forget that we are always needy in spirit. Thank You for calling us to love You with all our heart, all our soul, and all our strength, for it encourages us also to appreciate each other. May that ideal ring true across our great land and be nurtured among the very able and gifted men and women who represent us here.

While we await the outcome of the Presidential campaign, help our Senators to steadfastly execute their responsibilities. May they find grace and peace in the midst of intensity generated by pressured agendas and races for Senate seats. Today in this Chamber may they be granted wisdom beyond their years and grace beyond their differences that through the intensity of debate and decision, the people will benefit.

We ask these things in the Name above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DON NICKLES, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 5 p.m. today. As a reminder, the Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes will occur tomorrow and, as usual, Senators will be notified as those votes are scheduled. It is the leadership's intention to complete all business by the end of the week. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for a period not to exceed beyond the hour of 5 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Wyoming, Mr. THOMAS, or his designee, is recognized to speak for up to 15 minutes. Under the previous order, the Senator from Illinois will be recognized after the Senator from Wyoming.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 964.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 964) entitled "An Act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the "Comptroller General") determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Bosque Redondo Memorial Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the "Long Walk";

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term "Memorial" means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

SEC. 301. SENSE OF THE CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are Federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7000 memorials in 50 States.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

TITLE IV—CONVEYANCE OF KINIKLIK VILLAGE

SEC. 401. CONVEYANCE OF KINIKLIK VILLAGE.

(a) That portion of the property identified in United States Survey Number 628, Tract A, containing 0.34 acres and Tract B containing 0.63 acres located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less, and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628 shall be offered for a period of 1 year for sale by quitclaim deed from the United States by and through the Forest Service to Chugach Alaska Corporation under the following terms:

(1) Chugach Alaska Corporation shall pay consideration in the amount of $9,000.00.

(2) In order to protect the historic values for which the Forest Service acquired the land, Chugach Alaska Corporation shall agree to and the conveyance shall contain the same reservations required by 43 CFR 2653.5(a) and 2653.11(b) for protection of historic and cemetery sites conveyed to a Regional Corporation pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act.

(b) Notwithstanding any other provision of law, the Forest Service shall deposit the proceeds from the sale to the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102–154 and may be expended without further appropriation in accordance with Public Law 102–229.

TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

SEC. 501. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Richmond National Battlefield Park Act of 2000".

(b) DEFINITIONS.—In this title:

(1) BATTLEFIELD PARK.—The term "battlefield park" means the Richmond National Battlefield Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the City of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the City of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the City of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the City of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the City of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the City of Richmond, Virginia.

SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the City of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled "Richmond National Battlefield Park Boundary Revision", numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the City of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the City of Richmond for use as a visitor center for the battlefield park.

SEC. 505. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the City of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 507. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (chapter 113; 16 U.S.C. 423j–423l) is repealed.

TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM

SEC. 601. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 602. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOSING THE SESSION

Mr. REID. Mr. President, both the Senator from Wyoming and I are gratified that the Senator from Oklahoma is presiding today. We certainly look forward to closing this session.

From the minority's perspective, we are ready to vote as soon as possible. We know how Senator STEVENS has worked very hard to wrap up these final three appropriations bills. We hope it can be done expeditiously.

In recognition of the fact that once we agree on what the final plan is going to be, it usually takes a day or so to understand, that people need that time to read the bill and to make sure that final legislation is what we want, I hope tomorrow can be a full, complete day. We look forward to moving on a day-by-day basis with 24-hour continuing resolutions. The only way we are going to get out of here is to continue working. I hope if we don't make the Friday deadline, as the Senator from Wyoming indicated, which I hope we can do, that we will continue working through the weekend until we finish with the election on the national level and the State level only 2 weeks from now.

What we are doing here doesn't seem to be getting a lot of attention anyway, with all the problems around the world, the Presidential election, Middle East problems. It seems to me it would be to everyone's benefit to try to resolve some of the outstanding issues which are important at this stage only to Members who serve in Congress. I hope that is wrong, but it appears that is the case.

I repeat, for the third time today, the minority is willing and able to do whatever is possible to move these bills along to finality.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

COMPLETING THE WORK OF THE 106TH CONGRESS

Mr. THOMAS. Mr. President, I, too, am anxious that we complete the work we have before us. We still have three important appropriations bills to put together. I hope we can deal with respect to the issues and move away from some of what has happened, where we have sought, in some cases, to make an issue more than to reach a solution.

In fairness to the Congress and to our associates, since Labor Day there has been a substantial amount of progress made. I will review some of it to assure you that we have been doing some very helpful and useful work.

For example, repeal of the telephone excise tax: This was a tax that was implemented during the Spanish-American War on telephones. I suspect it had exhausted itself by this time and finally was repealed.

The Safe Drug Reimportation Act, which, of course, is a part of a solution to pharmaceutical costs: In the case of Canada, for example, pharmaceuticals that are exported there are under price controls by the Government and therefore are less expensive than they are in the United States. This authorizes those drugs to be reimported and hopefully to be resold at a price less than what we have had in the United States. One of the issues is to ensure that those drugs are indeed bona fide and are indeed safe and will be the kinds of drugs that we would receive absent the reimportation.

Permanent normal trade relations with China: An interesting issue, one that is sometimes thought to be a big gift for China. The fact is, in terms of our trade with China, the restrictions they have had against our goods have been much greater than the restrictions we have had against theirs; in agriculture, for example, a 40-percent tariff on beef.

If this is implemented, we will have a reduction in the barriers for us to be shipping goods to China. We have had a good deal of discussion in some campaigns about trade and whether or not the effects of trade are valuable to the United States. Of course, about 40 percent of agricultural products are sold overseas. Obviously, those markets are very important to us, but we need to ensure that it is done as fairly as can be and that we are treated well in this exchange. That, of course, is the reason for organizations such as WTO.

Legislation on H-1B visas was passed which allows for more high-tech people to enter this country to take jobs we are not able to fill. I think one of the very important things that goes with that is it emphasizes and funds some additional training for students in this country so that rather than hiring foreign people to fill these jobs, we will also be training people here to be hired for those jobs. I think that is terribly important.

We have done some things with the Children's Health Act; for instance, the Cancer Prevention Treatment Act, which is one bill that is particularly important to me. My wife is very involved in the Race For A Cure and doing things as to breast cancer.

The Rural Schools and Communities Health Determination Act is one that I think is very important. The real issue we have had on education in this Chamber has not been the amount of money the Federal Government spends but, rather, how it can be spent, and one of the obstacles has been that this administration has insisted that as the Federal money goes out, there are certain things tied to it that are required to be done. We on this side of the aisle have said, yes, we want to strengthen education, but we believe local educators, school boards, and State school departments should have the authority to make those kinds of decisions. Certainly, the needs in Wyoming are different from those in New York. So we certainly needed to do that, and we have indeed done that.

The Violence Against Women Act was an act we passed again so that it stays in effect, which is one of the most important aspects. We have done some things with the Water Resource Development Act, which is still in play but has been passed through this Congress. It has water development projects in it, the emphasis being on the Everglades. A good deal of authorization money is made available to the Everglades, which is one of our very important ecological activities.

NASA authorization and DOD authorization are continued, and we have done the Interior appropriations, which took into account some of the discussion involved with the CARA Act, but it didn't make it in defined spending—not with 15 years of mandatory spending, but it did provide additional funds for activities such as stateside parks and maintenance of Federal parks.

It was kind of disappointing to me when we received the budget from the administration. I happen to be chairman of the Parks Subcommittee. Despite our acknowledgment of the need for infrastructure for parks, the budget provided more money for acquisition of new parks than for the maintenance of the parks we have now. So we need to make sure we deal with those issues.

We have had energy and water and Treasury-Postal.

My point is that we have done a great deal this year. Of course, there are always many more things to do. The issues that probably have dominated more time than anything are the issues that most people are concerned about, such as education. We talked about education for 5 weeks here this year. I have already indicated the different view. I was disappointed, frankly, in the way that progressed. We could have resolved that long ago. But the difference in view was on who has control of the spending, and it really was held up more as an issue for this election. That is too bad. I think we have a substantial amount of that taking place.

Social Security: It is interesting that Social Security now becomes one of the prime issues in the election—and indeed it should be. It is something that is extremely important to most everyone, of course. The proposal out there would ensure that those receiving benefits now would continue to receive them and those close to receiving benefits would have no change. But when you take a long look at Social Security, it is clear that unless something is done over time, then young people, such as these pages, who will pay taxes in their first paycheck, probably will not be able to line up for benefits. A change must be made.

It is interesting that that is one of the Presidential issues talked about the most. But during the past 8 years, really nothing has been done about it by this administration. That is interesting. The options, of course, are to do nothing or to try to make changes. One of the changes could be to increase taxes. That is not a very popular proposal. Reducing benefits is equally unpopular.

We can take a portion of those dollars and let them be in the account of people for themselves, let them invest it in the private sector and raise the return from about 2 percent to whatever it would be in the market, which would be substantially more than 2 percent. It is too bad that hasn't been changed. We have talked about keeping all the money there, and we are determined to do that. I think we have had five or six votes on a lockbox. All of that has been turned down because it seemed to be more important at that point to make an issue rather than find a solution.

We have had a good deal of discussion over a Patients' Bill of Rights, of course. We have had it before a conference committee. The Presiding Officer is a leader in that, and he has worked very hard to find a solution. But really, it turns on a relatively singular issue, and that is, where do you go with your appeal? Some would like to go directly to court. Others of us would like to see in the interim a professional medical person be able to make those choices, and make them quickly, rather than the trial lawyers. So that has been a difficult issue.

Tax relief is something that, of course, is very important to all people. I find a lot of folks in Wyoming who are very interested in the repeal of the estate tax because we have lots of farms, ranches, and small businesses which people have spent their lives developing. The estate tax comes along and pretty well wipes out the profits they have made on efforts that have already been taxed. We passed that measure and the marriage penalty repeal. The marriage penalty clearly needed to be repealed. It provided that two people, singly, on the same salary, paid less taxes than they would if they were married. That isn't right. These, of course, were both vetoed by the President. So we didn't solve those issues. They are still there to be considered.

So I think in many ways we have had a very successful session. The amount of activity by the Congress is not always the measurement of success. I am one who believes there ought to be a limited role in the Federal Government and that that role is reasonably well defined, of course, in the Constitution. This is a United States of America. The implication, and I believe the better purpose, was for a limited role of the Federal Government. Obviously, there are things that are very appropriate—not only appropriate, but necessary—for the Federal Government to do.

On the other hand, I find as I move around in my State more and more people are saying, wait a minute, there are a lot of things here the Federal Government is involved in that it need not be involved. This economy that we have, which has been good to us over the last 12, 13 years, is a result of people being able to do things for themselves in the private sector, being able to have more of their own money to invest, using their initiative to compete.

So I think we ought to really examine in each of our minds what we think the role of the Federal Government ought to be and where we want to be over a period of time with respect to the division of power among the Federal Government, State governments, local governments and, most of all, of individuals. And then, as we move forward through all these programs, we ought to measure those things against that goal and see if, indeed, they are the kinds of things that contribute to the attainment of the way we see it.

Are there different views about that? Of course. There are people who believe the Federal Government should be involved in many things, and we have seen over the last decade sort of a turn to the Federal Government on most every issue that arises. We have found that the Federal Government is not the best place to resolve many things.

I don't mean to be in opposition to better government; certainly the role of defense; no one else can do that; interstate types of things we have to do; research we have to do. But there is a measure of balance that we should have.

I am hopeful as we complete this year and move into another cycle after this year that we can take time to really evaluate where we want to go and where we want to be when it is over.

I look forward to a very productive week. I, too, hope we are able to put together our packages and over the period of the next 3 days come to some conclusions. I hope we can basically try to stay within the spending limits that we have set for ourselves. The fact that we have a surplus seems to be an incentive to spend more money for whatever is there. And obviously we have to take a look at all kinds of issues. But we ought to really take a look at that surplus. Where does it belong? It seems to me that the surplus very clearly needs to be set aside. The money that goes to Social Security ought to be left in Social Security.

I think we have to certainly fund adequately those things that we determine are legitimate activities of the Federal Government. I think then we ought to really address ourselves to paying down the debt. I hope we will take a look at paying down the debt the way all of us take a look at home mortgages, and say we have—whatever it is—$3 trillion of publicly held debt that we want to pay off. Let's set it up to pay it off in 15 years. It takes so much every year, and that is part of budgeting. If we just say we will pay it off whenever we get a good opportunity, it never happens. I hope we can continue that effort.

Finally, there is, hopefully, money left from that surplus. That ought to go back to the people who paid it. We ought not to be asking taxpayers to pay in more money than really is necessary to perform the functions of government. It ought to be spent in the private sector so we can continue this fairly prosperous society.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIZABETH HANAHAN OLIVER

Mr. BYRD. Mr. President, Elizabeth Hanahan Oliver was born in Rocky Mount, NC and grew up in Washington, DC where she graduated from George Washington University.

"Beth" Shotwell, as she was known during much of the time that she worked on Capitol Hill, began her employment in the office of Representative Horace R. Kornegay of North Carolina in the early 1960's. She then joined the staff of Senator Mike Mansfield, later becoming Chief Clerk of the Democratic Policy Committee. She served in that post through the terms of three Democratic Majority Leaders, Senator Mansfield, myself, and Senator George Mitchell. After her marriage to G. Scott Shotwell ended in divorce, she married former Secretary of the Senate, Francis R. "Frank" Valeo, in 1985.

In 1989, after 27 years of service to the Congress, Beth Shotwell retired. This year on September 22, she passed away at her home in Chevy Chase, Maryland. She had been battling cancer for several years.

"Beth" Shotwell Valeo was an excellent employee of the Senate. She was a dependable, reliable asset to the members of this body. Her staff loved her and worked hard under her direction. "Beth" relished her work and she revered the Senate.

She was probably proudest of her contribution to the Commission on the Operation of the Senate, and the efficiency that the recommendations of that Commission brought to this institution. Beth also had a large hand in computerizing the compilation of members' voting records, an innovation which has helped Members and staff immeasurably.

On the personal side, Beth was a lover of life with varied interests and a curious intellect. She appreciated music. She liked to needlepoint. She often rescued homeless animals. What a noble person. She enjoyed boating. She liked scuba diving, and she delighted in travel.

I shall always remember her as a tall, attractive woman, who seemed disciplined, polite, and very dedicated to her work in the Senate. In her life and in her work she was the best of the best. I was shocked and saddened to hear of her passing at far too young an age. My wife and I extend our deepest condolences to her daughters Rebecca and Abigail, her two sisters Abbie Smith and Ann Duskin, her brother Skip Oliver, Jr. of Fairfax Station, and her husband Frank.

In this autumn time of falling leaves, some words from Robert Frost come to mind:

> Nature's first green is gold,
> Her hardest hue to hold.
> Her early leaf's a flower;
> But only so an hour.
> Then leaf subsides to leaf.
> So Eden sank to grief,
> So dawn goes down to day.
> Nothing gold can stay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes. The Senate is in morning business.

CREDIBILITY IN THE PRESIDENTIAL RACE AND SOCIAL SECURITY

Mr. DORGAN. Mr. President, I wish to comment today on this issue of credibility with respect to the Presidential race in our country. I know there has been a lot of discussion about credibility on one side or another. I wish to talk about the issue of credibility with respect to Social Security.

Some while ago, Governor Bush of Texas, who is running for President, suggested we should take about $1 trillion—about one-sixth of the tax moneys that are coming into the Social Security system—and invest it in private individual accounts in the stock market.

On May 30th, Senator SCHUMER and I were joined by twenty of our colleagues in sending a letter to Governor Bush asking how that added up and how he would replace the $1 trillion that would be a shortfall in the Social Security trust fund used to pay the Social Security benefits of those who are retired. We have not yet received a reply in the intervening months. And the Presidential debates did nothing to illuminate what might or might not be on the mind of the Governor with respect to that $1 trillion.

But this is not a case of double-entry bookkeeping, as understood by politicians, where you can use the same money twice. You cannot use the same money twice. If you take $1 trillion—or one-sixth of the tax money that would go into the Social Security trust fund—and say, we are going to take that money and invest it in private accounts in the stock market, then you have $1 trillion less in the Social Security trust fund with which to pay benefits for those who are retired. The question is, How do you make up that difference?

A great many studies have been done on this issue. Let me cite one. Last week, a distinguished group of Social Security experts—one of my favorites, Henry Aaron, at the Brookings Institution, who I think is a remarkable and wonderful economist, Alan Blinder, Alicia Munnell, and Peter Orszag—released an update to their report about what this plan would mean of diverting Social Security trust fund money into private accounts.

They point out that it could very well mean less in Social Security benefits for those who have the private accounts later, and that some $1 trillion in the Social Security system, that would be expected to be available, would no longer be available because that $1 trillion was moved.

There is an interesting comment from Governor Bush about this proposal. This is not a question of whether he proposes to do this. He says:

> . . . and one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollars —a trillion dollars out of that $2.4 trillion surplus.

So he says he is going to take $1 trillion out of the Social Security trust fund and use that to establish private accounts for current workers.

Now, Allan Sloan had an article in today's Washington Post which I thought was interesting. He said:

> If you ever wanted living proof of what a fool you would be to entrust your personal financial fate—or the nation's—to the stock market, you sure got it last week. On Wednesday the Dow plummeted more than 400 points before you could finish your first cup of coffee.

He said:

> Sorry to disappoint you, but if you're looking for rationality, don't look at the stock market. At least not on a day-to-day basis. And don't look to the markets to bail out the Social Security "trust fund" or to make everyone in the United States rich.

He says:

> If we put a big chunk of the Social Security trust fund into stocks, as many people suggest, the national budget will be hostage to short-term stock movements.

Aside from the issue of the credibility of saying to our senior citizens, "It is going to be in the Social Security trust fund" and then saying to the younger workers, "I will take the same $1 trillion and allow you to have private accounts in the stock market with it"—aside from the credibility of having $1 trillion that is missing and no one forcing Governor Bush to answer the questions: What are you going to do with the $1 trillion? What is it going to be? How are you going to fill a hole that exists in Social Security if you take the $1 trillion and allow private accounts to be invested in the stock market?—aside from that question, which I think is very important, the other point is this: If you look at 20-year periods in this country, there have been 108 20-year periods in which one can calculate a rate of return on a dollar invested in U.S. securities. In six of those periods, the return was less than 2 percent; and in only eight of those periods, the return was 11 percent or more.

The point is, instead of having a Social Security plan that provides some security of income when you retire, you might find—with Governor Bush's plan, assuming that the $1 trillion was made up someplace, assuming you did not have a $1 trillion hole, which now exists in the Governor's proposal—you might still find yourself having retired and having private accounts in your name and having much less money than you ever expected or ever would have received under the Social Security system because you don't retire on an average date, you retire on an actual date. You retire on a specific day. Who knows what the stock market is going to be doing in that particular period. It is not the case, as economists have demonstrated, that there will always be good news for everyone with respect to these private accounts.

But let me, again, go back to the central question: What about the $1 trillion? If someone in this Chamber said they would like to take $1 trillion out of this trust fund and use it for something else, logically someone would stand on the floor of the Senate and say, but if you are going to take it out of this trust fund and use it for something else, what are you going to do for this trust fund where the money is needed? That is the logical question to ask Governor Bush. And we did. And there has been no answer. Because the $1 trillion will be gone from the trust fund. He knows it. We know it.

So if there is a question of credibility on these issues, it seems to me it would be wise to at least question the credibility of someone who wants to take $1 trillion out of the Social Security trust fund and use it for private accounts and then say: Oh, by the way, it all adds up. It does not add up.

I went to a high school with only nine seniors in my senior class. We did not necessarily take advanced mathematics, but we took enough math to understand how to add these numbers. We did not discuss "trillions" in my school, but we discussed it enough to understand that if you take one-something here and move it over here, it is gone in the first location.

Politics, apparently, these days does not require one to reconcile; it does not require one to add and subtract in a traditional way. I think the American people will want to know the consequences of that. You cannot do both. You cannot promise that which you promised to senior citizens for their retirement and then say: By the way, that money is going to be promised to workers for private accounts in the stock market under your name. You cannot promise both. To those who do so, I would say, retake your accounting exam, and remember double-entry bookkeeping does not mean you can use the same money twice. That's a pretty simple lesson, it seems to me, for political dialog in this country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDIA CONCENTRATION FOLLOWING PASSAGE OF THE TELECOMMUNICATIONS ACT

Mr. DORGAN. Mr. President, in 1996, the Congress passed the Telecommunications Act. I was involved in the passage of that act. I served on the Commerce Committee, and we wrote the first rewrite of the telecommunications law in some 60 years.

One of the contentious areas in that debate was the ownership limits on television and radio stations. The ownership limits on television and radio stations in this country were established over the years because we wanted to promote localism in radio and television stations, local ownership, local control, so that people living in an area would have some notion that those who were distributing information over their television and radio stations would have some idea of local responsibility.

It is interesting what has happened since 1996. When we had that debate in 1996, the Commerce Committee took all the limits off radio stations. You could own as many as you want. They took the limits that existed on television stations and increased it.

I authored an amendment on the floor of the Senate to change what happened inside the Commerce Committee. I offered an amendment saying I didn't think that was the right way to go. We didn't need bigger ownership groups owning the radio and television stations. The amendment would have restored the ownership limits on television stations in this country.

We had a rollcall vote, and I won with Senator Dole leading the opposition. It was a surprise to everyone, but I won. Then a Senator on the other side asked for permission to change his vote. He changed his vote because he wanted it to be reconsidered at some point. That was at 4 o'clock in the afternoon. And then dinner intervened. About 7 or 8 o'clock that evening, as I recall, they asked for reconsideration of the vote, and four or five Members of the Senate had some sort of epiphany over the dinner hour and discovered their earlier vote was wrong and they really had to change their vote, so I lost.

I understand how things work here. I understand what happened over the dinner hour. People didn't have bandages and visibly broken arms, but clearly pressure was applied because over a period of 3 or 4 hours people changed their votes, and I lost. We have no ownership national limits on radio stations, and the ownership limits on television stations have been dramatically relaxed. The number of television stations you could own has increased.

Let me show a chart on radio stations. In 1996, we had the top 10 companies in this country owning roughly 400 radio stations. Clear Channel had 57 stations. This total was about 400 radio stations for the top 10 companies. Let me show you what this looks like today on this chart. These are the top 10. Between them, they now own well over 2,000 radio stations. Clear Channel owns over a thousand by itself following its merger with AM/FM. I won't go through the rest of them. You can see what is happening—a massive concentration. They are buying up radio stations all over the country.

In 1996, Clear Channel wasn't in North Dakota. Now they own numerous stations in the State. In Minot, ND, a former broadcaster called me and said: Do you know what is happening? They own all the radio stations except the two religious ones. I said: How could that be?

It was approved because the Minot service area was considered the same as the service area with Bismarck because their signals overlap. Therefore, it was one market and in a community like Minot, with 40,000 people, one company can essentially own all the radio stations.

The question is: What do they do with those? What kind of localism exists when you have a company whose headquarters is somewhere else controlling a thousand radio stations? Does that matter? It sure does to me. It ought to matter to the Senate. How about television stations?

On this chart, the yellow bar represents the situation in 1996 when we passed the Telecommunications Act. For example, the number of stations Paxson had was 11, and now Paxson has 60 as the red bar indicates. That doesn't describe, incidentally, the management alliances that existed. It is much more aggressive than this chart indicates.

In television and radio stations, we are galloping toward concentrated ownership in a very significant way. I think this Congress ought to ask itself: Is this what we intend? Is this what we want to have happen? Don't we want local ownership in this country with radio and television stations? Do people in our communities not have a voice in what is broadcast on their radio stations? Does their voice have to extend to a city 2,000 miles away where the owner of their radio station resides?

I think the Congress ought to have a good discussion about that. Where does it end? Do we end up with several companies owning almost all the radio stations? In one of our largest cities, two companies will bill over 80 percent of all the billing from radio stations—two companies. Is that competition? I don't think so.

I raise the question because I intend to meet with the FCC and send them a letter and meet with others. I don't mean to be pejorative with Clear Channel. I've never met with them, but they are the largest group in radio ownership. They were approved for the merger with AM/FM. They have well over a thousand stations. Where does this end? Is it good for this country to demolish the notion of localism in broadcasting? I don't think so. I don't think it is good for television or radio. These are public airwaves and they attach to it, in my judgment, the responsibility of certain kinds of public good that must be presented by broadcasters when they accept the responsibility of using the airwaves.

So I raise that question today, and I intend to visit with the National Association of Broadcasters, and especially with the Federal Communications Commission, to ask them if this is really what was intended, is this what Congress wants, and is it something that we think marches in the right direction? Frankly, I don't think so. I hope we can discuss this as we turn the corner next year and talk about public policy and whether we think concentration of radio and television stations is something that should alarm all of us. I believe it should.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I ask unanimous consent to speak for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. CRAIG. Mr. President, my colleague from North Dakota has just left the floor. I was off the floor for a few moments, but I know he talked about the Presidential campaign and the proposal by the Governor from Texas to reform Social Security, especially for the young people of our country as it relates to their future participation in it and the amount of money they will ultimately pay into it versus that which they get out.

I thought I would come to the floor for a few moments to share with the Senate several experiences I have had over the last couple of years dealing with Social Security. About a year ago, I did a series of town meetings across my State called senior-to-senior. I invited high school seniors and senior citizens to come together in the same place to talk about Social Security.

Every time you go to a high school, one of the top two or three questions asked is about Social Security. Now, my guess is that the average American would not believe a senior in high school would be that interested in Social Security. But they have probably heard their mom or dad saying you really ought to not plan on Social Security; it is certainly not going to be there when you get to be your grandparents' age. That has been a fairly standard refrain across America for the last decade. Why? Why would parents of today suggest to their young people not to expect to get a Social Security benefit? Largely because they have been told it would go bankrupt, that it would create so much liability that it could never pay for itself.

What I think they failed to recognize is that since the Social Security reforms of the mid-1980s, Social Security has been building a reserve trust fund and we are taking in more than we are paying out. But sometime in the near future—sometime in the future of the Senator from Idaho and the Senator from North Dakota—when we get to be Social Security age along with other baby boomers, there is going to be a peak of Social Security liability, or Social Security obligation. It will be some $7 trillion-plus. That is a fact. We know that.

But we also know that the seniors of today and immediately tomorrow, at least for the next decade or two, are well protected because of the reforms we made in that system in the mid-1980s and the very dramatic tax increases that workers and employers have paid since that time. Social Security is strong today. But we didn't do it by cutting benefits very much, we did it by dramatically raising taxes on the working men and women of this country.

If you want to keep this cycle up, if you do not want to make it self-supporting, and if you do not want it to yield what the other annuities and private annuities are yielding, then you keep it up and you say to the young people: You are going to pay in hundreds of thousands of dollars of your wages in taxes, and for every dollar you put in during your lifetime, you are going to get only three quarters back.

Is that being very honest with the young people of America today? They are going to work all of their lives and put all of their money in, and they are going to be taxed at an even higher rate. And in return, even the likelihood of getting back a 5-, 4-, or 3-percent return just isn't going to be there.

Yet you can say to them: If you invest in private investment funds, the average return over the last 100 years invested in the industry of this country is about a 10-percent analyzed rate.

Young people aren't dumb. They are pretty darned bright. With today's Internet and their ability to calculate, to communicate, and to invest independently, they pretty well understand that what their parents are telling them has some truth, makes some sense.

Social Security may be there. But it is not a very good investment unless you are paying for your parents' retirement—or, should I say "enhanced income," because your parents paid for your grandparents. The only problem is that every senior in high school today can expect a 20-percent increase in their taxes over what their parents are paying today, when they get to be their parents' age, to fund the current Social Security system.

That is why Social Security has become a debate issue in this Presidential campaign. And it darned well should be. No responsible Presidential candidate is going to stand out there and say all is well. It is well for the immediate future—for the next decade or two. But for young people today to invest in this system without significant reform in it is not only bad policy, it is bad politics.

But I hope we reside on the side of good policy and ultimately good politics. It tends to go hand in hand.

It has been fascinating for me to watch the debate between Governor Bush and Vice President GORE, with GORE saying Bush is going to bankrupt Social Security and Bush suggesting that what GORE might do would simply increase the system's liability and increase the debt burden on future citizens. Where does the balance lie?

I really believe it is time for this Senate and this Government to investigate the opportunity to take a small piece of Social Security taxes and allow taxpayers to invest them in what we call personal savings accounts.

I always notice when the Senator from North Dakota or others talk about this issue, they only talk about investments in the stock market. But that is not Governor Bush's proposal. It was Bill Clinton who said invest it in the stock market.

What Governor Bush has consistently said for the last month is personal accounts invested somewhat like the Federal retirees have—like the Senator from North Dakota and the Senator from Idaho have, which means they don't invest their individual accounts in individual stocks. They have categories of investment that are high risk, moderate risk, and low risk. Yes, some of that money is invested in the stock market, because that is where you invest money—you invest it in the economy of this country—but some is also invested in private and government bonds and other less risky investments.

We all know the demographics. We will soon have a record number of seniors in this country. What we are suggesting is that, as we shift back and forth, as older people get older and younger people move into the system, that over the next few decades we transform the system; we adjust it. Over that period of time, we can create less dependency on the American taxpayer and as future retirees—if we adjust it properly—increasingly rely on their individualized account. That makes awfully good sense.

Here is what doesn't make good sense to me. When Vice President began to talk about his Social Security proposals—increasing benefits for widows, and increasing benefits for stay-at-home parents by attributing earnings to them while they stay at home—oh, did that sound like good politics in an election year. My guess is it is pretty good politics in an election year. But the question is, Is it good policy for the Social Security system? Does it keep Social Security stable? Does it keep it well funded? Or down the road does Mr. GORE—if he becomes President and long after he has left—create such a liability that the person who will be serving here from Idaho long after I am gone has to say to the young people and wage earners of this country that we are either going to have to cut your benefits or raise your taxes? My guess is that is exactly what is going to happen. Let me for a few moments suggest why.

Everybody wants to help moms and widows, especially during election years. But, Mr. President, let me suggest to you that Social Security is the wrong tool for that job.

The Gore Social Security surplus scheme would fail to provide meaningful assistance to the people they are targeting to aid. Worse, it would increase the Social Security's unfunded liability by almost a third; reduce Social Security trust fund balances by hundreds of billions of dollars; and simply accelerate the cash-flow problem in which Social Security will find itself in the near decades if we don't make reasonable reforms.

Social Security is one of the few Federal programs that already takes stay-at-home parents into account. In the current system, married spouses generally receive about the same Social Security benefits regardless of whether they worked full time, part time, or took a break in child rearing and did not work at all.

For example, in 1996, women who received Social Security benefits based upon their own work record received an average of $675 in benefits while women whose benefits were based on their husbands' work record received $569. What I am saying is women who stayed at home received almost the same benefit.

Let's remember that Social Security is not designed to be the sole source of retirement income. It was designed to be supplemental income, and it should be understood to be just that. Nevertheless, for many seniors, Social Security is their sole source of income. For those seniors, our first priority should be to ensure we don't further endanger the program by adding additional obligations on top of the ones we already cannot afford.

If the Vice President wants to help mothers, why didn't he embrace the tax relief the Senate Marriage Tax Relief Act would have provided? That would have been immediate relief. Instead, his proposal takes a program already under financial stress, and it would put it, in my estimation, at substantially greater financial risk.

What does it cost? Everybody has seen what the Vice President has proposed for Social Security. And yet, while the short-term cost of Governor Bush's proposal has been discussed—there has been a trillion dollar figure floated around—Nobody wants to talk about what the Vice President's plan will cost.

This is what we believe and this is what others believe the Vice President's plan will cost. The Vice President said it would just cost a few billion over the next 10 years. While the Social Security Administration has not estimated the motherhood proposal, economist Henry Aaron offered a seat-of-your-pants estimate in Slate Magazine of about 0.25 percent of taxable wages. That is about $150 billion over the next 10 years. Meanwhile, Vice President's GORE's proposal to increase widow's benefits would constitute about 0.32 percent of taxable wages, according to the report of the 1994 through 1996 Advisory Council on Social Security, Volume 1: "Findings and Recommendations." That translated into about $166 billion over the next 10 years.

Now the Vice President has put a limit on his benefits so it would cost maybe a little bit less than that. The bottom line is, if you spread this concept out over the lifetime of the beneficiary, we truly are talking about these proposals costing trillions of dollars. He doesn't propose to raise taxes. He proposes a finance scheme which simply advances the liability and expands the liability into future generations.

If you are going to raise benefits in Social Security, at least have the political integrity to propose a tax increase to offset the benefits so you don't stress out the trust funds beyond where they currently are and you don't create outyear liabilities.

But then again, how could you be all things to all people and propose this great benefit, if on the backside you looked the worker in the eye and said, "And now you are going to have to pay for it"?

So, once again, it is a Ponzi scheme. We shift a little around and we move a little over here. Now, the Governor from Texas has different approach. He clearly recognizes that by setting aside a couple of percentage points and allowing them to be invested within a fixed universe of investments, that we begin to build for the future of Social Security by compounding our investment income instead of compounding our liabilities and our debts by adding to the benefit structure.

If we are going to improve the condition of widows and spouses, let's do it in a way that is realistic and honest. If we want to use Social Security as that vehicle, then at least provide a revenue flow that effectively justifies those benefits in the outyears, the several hundreds of billions of dollars that ultimately the motherhood proposal and the proposal that relates to widow's benefits would cost. That is what we ought to be talking about. That is the fair way to do it.

The amount of new liabilities required under the Vice President's proposal is truly staggering. Some economists have suggested it is in the trillions of dollars. A trillion here, a trillion there adds up to be real money. In the past, those involved in public policy—and, more importantly, those involved in the electorial process—said that Social Security is off limits unless you are willing to increase benefits. Don't talk about new taxes, only add to the benefit structure.

Thank goodness, a few years ago Congress stopped that. We reformed Social Security, and we said we are going to leave it alone.

As a result, we stabilized it. We made the tough votes in the mid-1980s. We raised the taxes dramatically on the working men and women of this country—but we stabilized the system. So today, I say don't add benefits to that system unless you are clearly willing to offset those benefits by revenue flows.

The Governor is talking about an idea, a concept that he would work with the Congress of the United States. Recognizing we are in historic surpluses at this moment, there is a unique opportunity to reform the Social Security system so we can go to the young men and women entering the workforce in this country and say, in your lifetime, your Social Security annuity will amount to something very significant instead of getting back just three quarters for every $1 you pay in.

For my parents, Social Security has been a tremendous benefit. For their parents, it was a windfall. For me, it will be about a break even for the amount of money I have invested my lifetime. For my children, unless we reform it as the Governor from Texas has proposed, it will be one very bad investment. I don't want to ask that of my children. Certainly the Senator from North Dakota and I are better thinkers than that. We ought to be able to come together to devise a system that doesn't create outyear liabilities of the kind the Vice President is proposing.

Those are the real issues. Sure, it is worthy of a Presidential debate. That is where it ought to be debated. Clearly, the facts and figures ought to be well established. At the same time, I am pleased there is a candidate out there who isn't willing to live in the shell of the past and the concept of a system that was crafted way back in the 1930s, under a Bismarckian plan that simply said it is going to work because you will never live out its benefit cycle. Thank goodness my parents will live it out. People are living longer.

Because of the demographics of this country today, it is critically important that the Congress develop the political will to reform Social Security, to establish personal savings accounts underneath a governing body to ensure sound investments and the security of the system. That makes good sense to me. And it sounds, by the numbers out there, it is making even better sense to Americans.

I want my children to have a strong Social Security supplemental income system for them so they receive a healthy return instead of a three quarters for the dollar. That makes good sense. They can do it in the private sector. Why aren't we smart enough to design a plan so we can do it in the public sector?

I yield the floor.

Mr. DORGAN. Mr. President, this, I think, is the debate we ought to have in this country on the subject of Social Security. I am pleased to hear the Senator from Idaho describe the plan proposed by Governor Bush and describe the proposal by Vice President GORE on the issue of Social Security.

If you read history, you will find there are people for the last nearly 70 years who have predicted that Social Security won't work, will go broke, and won't be there when they retire. Decade after decade, people predicted that in every community around this country, especially the small towns of North Dakota.

There are people living better lives because the Social Security Program provided them something called "security." Does it provide for all their needs? No. But it is a bedrock security for their retirement years. They invested in it when they were working and now they have Social Security in their retirement years. The word "security" in Social Security is not some accident. People understood that the purpose of Social security is just that—security. It is the economic baseline of retirement, the one means of financial support that Americans can count on.

As I indicated, there are people who, every decade, have said the sky is falling with respect to this program. There are some who never supported this program in the first place. They wouldn't have supported Social Security because philosophically they didn't believe Government ought to do anything, and they didn't support Medicare because philosophically they thought the Government shouldn't do anything.

What would America be like today if we had an aging population without Medicare or Social Security? This country would not be as good a country as it is without those two important programs.

People are living longer and better lives. That has placed some stress on both Social Security and Medicare, but do not let anybody tell anybody else that the problem is that these programs do not work. These programs work and work well. People are growing older and living better lives in this country. This is a problem born of success.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will be happy to yield, of course.

Mr. CRAIG. I know proper procedure, Mr. President, is to ask the question, but it is important to suggest this Senator did not say Social Security does not work. Quite the opposite. I believe it has worked.

What I talked about today is who pays for it because what the Senator from North Dakota is suggesting, I think—and I agree with him, the tremendous benefit that has come, but he has also seen the doubling and the quadrupling of taxes on the working people to pay for that benefit.

I suggest this to the Senator from North Dakota. I think it is important. CBO has just scored the Gore transfers within his plan. They have suggested those transfers are around $40 trillion over the next 54 years. If that is true, 40 trillion bucks would have to flow out of other sources, such as the general fund, because we know the Vice President is not talking about a tax increase. The question is, How do you handle it? Do you create higher Government debt? Do you do direct investments? The Senate voted 99–0 against Government investments.

So the legitimate question in this debate is not whether Social Security has successfully benefitted current and past retirees. The Senator from North Dakota and I just flat agree that it has. Senator DORGAN and I know of too many cases of individual citizens who find that Social Security is almost their sole source of income. Thank goodness it is there. I am talking about is the growing tax burden on our children. We are imposing a 20-percent payroll tax liability on the young working men and women in this country and we have to be extremely cautious.

Mr. DORGAN. Mr. President, I reclaim my time.

Mr. CRAIG. Mr. President, $40 trillion in 54 years. Where do we get it, and how do we handle it?

Mr. DORGAN. I reclaim my time. Mr. President, $40 trillion —I do not know how big the school of the Senator from Idaho was. I assume he did not study a trillion, nor did I. There ought to be rules when one starts talking about trillions of dollars. If you extend it for two centuries, you can probably come up with hundreds and hundreds of trillions of dollars, but it is largely irrelevant.

The issue is this: We have a Social Security program and a Medicare program. Both of them have some funding challenges in the outyears—not next year, not in the next 10 years. For Social Security, it is well beyond the next three decades, but there are challenges.

Why do we have these challenges? This is good news. Let's not grit our teeth and wring our hands and wipe our brow over good news. People are living longer and better lives. Good for them and good for us. This is good news. This is born of success.

If you want to solve the Social Security problem and Medicare problem, go back to the old mortality rates. At the turn of the last century in 1900, if you lived in this country, you were expected to live on average to age 48. Now people are going to live 30 years longer on average. That is good news. Good for us. That causes some difficulties in Social Security and Medicare. This is not a big problem. We can solve this problem.

Let me describe something the Senator from Idaho needs to know. The Senator from Idaho never did address the question of the $1 trillion hole. He sort of went over it like: "Well, people say a trillion dollars but" and then went on.

If you are going to take money out of the current revenue base for Social Security and say to young people who are now working—you can use it for private accounts, then what happens to the estimated $1 trillion over 10 years you took from over here which was to be used to pay benefits for current beneficiaries of Social Security?

I have served in this Congress with my colleague from Idaho and others. Over the years, we have put in place $100 billion a year in incentives for private savings and private investments. We have SEPs. We have traditional and Roth IRAs and 401(k)s. We have them all, and more. We say to people: If you put some money away in savings under certain conditions, you will have a tax benefit, a tax credit, a tax deduction. We spend $100 billion a year in reduced taxes by providing incentives for people to create and open private accounts, to invest in the stock market, and to invest in other things. We do that. I support it. I think it makes good sense for this country. But that is not the same as Social Security.

The word "security" ought to mean something. That is the bedrock, the foundation of retirement funds that we do as a country. The Senator from Idaho asks the question—I want to answer it—he asks the question about the issues that the Vice President has raised on the widow's benefit to surviving spouses and also of the issue of the motherhood penalty.

The Vice President proposes to solve those, which I think makes some sense. I assume the Senator from Idaho will agree that the issue of the widow's benefit, to increase the widow's benefit to 75 percent of the couple's previously combined Social Security benefit, makes sense. He knows and I know all kinds of retired women around this country living by themselves who are struggling mightily to make ends meet with a pittance in their assistance check, and we need to do better than that. The Vice President proposes we do better than that.

The Senator from Idaho asks: Where does he get the money? I will tell him where he gets the money. Then I will ask where does George Bush get the $1 trillion because I would like to hear an answer to that.

Where does Vice President GORE get the money? He does not propose a massive $1.5 trillion in tax breaks, most of which goes to upper income folks. He proposes a smaller tax cut to working families and uses the difference to reduce the Federal debt. When we reduce the Federal debt every year, we have a surplus and will get to the point when we wipe out the indebtedness. When we wipe out the Federal debt, the third largest expenditure in the Federal budget, which is interest on the debt, will no longer exist. And that money which we now pay for interest on the Federal debt, the Vice President proposes be put into the Social Security system to help pay for the two issues the Senator from Idaho just described and provide increased solvency for the Social Security system. The answer is very simple. The Senator asks where does the money come from? It comes from reducing the Federal debt, eliminating interest on the debt as cost to the Federal budget, plowing that back into the Social Security system to help mothers, widows, and to increase and promote solvency in the system. That is the answer. It is a very simple answer.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I appreciate the indulgence of the Senator from Iowa. I will try to finish before 5 minutes. I want to finish this point. The Senator from Iowa is on the floor and I know wants to speak. Let me finish this point because I think it is so important.

The difference in priorities here is a priority. I am not saying one candidate is a bad person and the other candidate is a good person. Those who aspire to be President of this country have different priorities. Governor Bush says he supports a very large tax cut right up front even before we have the surpluses. We have all these economists telling us we are going to have 10 years of surpluses. Most cannot remember their telephone numbers, and they are telling us what is going to happen in this country 8 years down the road. Nonsense.

We would be very smart to be more conservative than that. What we ought to do, as Vice President Gore suggests, is use a substantial portion of that estimated surplus to pay down indebtedness. If during tough times you run up the Federal debt, during good times you ought to pay it down. One of the advantages of doing that is you reduce the third largest item in the Federal budget—that is interest on the debt—and use that for another purpose. That is exactly the answer to the question the Senator raises.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I want to make one additional point. What brought me to the floor today was this discussion of $1 trillion that is proposed to be taken from the trust funds of Social Security that is now used to pay benefits to those who are now retired and to be used instead for private accounts for working men and women. My point is this: We already spend $100 billion a year to incentivize private investment accounts. I am all for that.

In fact, as far as I am concerned, we can increase that and probably will. Vice President Gore suggests Social Security-plus to keep Social Security, do not threaten the base of Social Security at all, do not take money and divert it, but then on top of Social Security say we are going to provide even more incentives for those who want to invest in private savings accounts.

My point is this, very simple: When the issue of credibility is raised about all of these claims and counterclaims, there is a serious credibility issue of taking $1 trillion out of the current trust fund over the next 10 years, $1 trillion that would otherwise go into the trust funds to pay current benefits to those who are retired, and saying at the same time: It is available for private accounts for other people. As I said before, when you take bookkeeping in high school or college, they do not teach you "double entry" means you can use the same money twice. Yet that is exactly what has happened with this proposal.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will yield just for a moment.

Mr. CRAIG. For 1 minute only.

The Vice President starts the benefit, accrues the debt into the trust fund, and then you have an increased debt over in the trust fund of Social Security. An increased debt because the new benefits are going out.

On the other hand, I believe Governor Bush is proposing the following: He will take $1 trillion out of a $2.4 trillion surplus to create these personal accounts. It is not current money to pay for current programs. No. No. The Senator from North Dakota and I agree that under current law, and under current benefit rates, Social Security is building a trust fund surplus that will peak at $2.4 trillion.

Therein lies the difference. Those are the facts. The Gore plan is a Ponzi scheme, Mr. President. It is a Ponzi scheme.

Mr. DORGAN. Let me reclaim my time. I am generous to yield and always yield when asked to yield. But this notion of a Ponzi scheme—the definition of "Ponzi," it seems to me, is a description that says: The surplus that is going to go into the Social Security system each year, for a while, is somehow available for some other purpose.

We have a deliberate surplus going into Social Security. Why? Because it is needed, as the Senator from Idaho knows, to meet the day when baby boomers retire. We are going to need that money.

What is going to happen is, if you follow his proposal, or the Governor's proposal, and you take that money out, when you need it later, it is not going to be there.

So I do not want anybody to stand up on the floor and say: Oh, yes, there is a surplus right now. By the way, that is unobligated. Somebody can come and grab that, and it will not matter. That surplus is delivered.

I happened to be on the Ways and Means Committee in the House when we passed the Social Security reform plan. We did it to deliberately create a surplus to meet the needs when the baby boomers retire.

When the Second World War ended, the folks came back from fighting for this country's liberty and freedom, and they created the largest baby crop in the history of our country. They are called "war babies." There was this outpouring of love and affection, I guess, and we had the largest baby crop in American history.

When that largest baby crop in American history retires, we are going to have a substantial need for all of the surplus we have designed to put into that trust fund now.

My point is, if you take that out now, by saying it is not obligated, that we do not need it, I just say you are wrong. You can stand up and holler "Ponzi" all you want.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. But you are wrong if you take that position.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I want to add to what the Senator from North Dakota is saying. I am sorry the Senator from Idaho has left.

Basically, the Senator from Idaho said Vice President GORE's proposals would—I do not know if he used the word "bankrupt," but they would destroy the Social Security surplus, et cetera.

I say to the Senator from North Dakota, the actuaries of the Social Security Administration did a study. They said the Gore plan that would apply the interest savings, improve the widow's benefits, and end the motherhood penalty, would, in total—when you take the total package—extend the Social Security trust fund solvency to over 50 years. That is from the actuaries themselves.

So if my friend from Idaho were here, I would make sure he heard that. Maybe he did.

EDUCATION IN TEXAS

Mr. HARKIN. Mr. President, today a very interesting release was made of a study on education in Texas by the Rand Corporation. I will read some parts from this.

I ask unanimous consent that the executive summary of the Rand Corporation's study that was released today be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. What did this Rand study show? Let me read the first couple paragraphs:

> What Do Test Scores in Texas Tell Us?
>
> Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that recorded extraordinary gains in math and reading scores.
>
> The team's report, an issue paper titled "What Do Test Scores in Texas Tell Us?", raises "serious questions" about the validity of those gains [in Texas]. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading.

It continues:

> To investigate whether the dramatic math and reading gains on the TAAS [the Texas Assessment of Academic Skills] represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress. The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eighth graders during comparable four-year periods.

According to the Rand study: The "stark differences" between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

"We do not know the source of these differences," the researchers state. But one reasonable explanation, consistent with survey and observation data, is that "many schools are devoting a great deal of class time to highly specific TAAS preparation." While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that "schools with relatively large percentages of minority and poor students may be doing this more than other schools."

Then it went on to say: Other features of the Texas test also may contribute to the false sense that the racial gaps are closing.

Let me read now what Governor Bush has said about the Texas tests. According to Governor Bush:

> One of my proudest accomplishments is I worked with Republicans and Democrats to close that achievement gap in Texas.

Bush said that on "Larry King Live."

The Rand study shows this claim is false. The achievement gap is not closing; it is actually increasing in Texas.

Bush says that:

> Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans.

That is from a George Bush press conference.

The Rand study shows that the tests cited by Bush to support this claim are biased, the gains are the product of teaching to the test, and that claims of success far exceed the actual results.

Here is another Bush quote:

> And our State provides some of the best education in the nation, not measured by us, but measured by the Rand Corporation, or other folks who take an objective look as to how states are doing when it comes to educating children.

Bush said this in a live web chat on August 30.

Governor Bush was citing the Rand Corporation as an independent, outside organization to look at what States are doing and what they are doing in educating their children.

Here the Rand Corporation came out with their finding today. "I think the, quote, 'Texas miracle' is a myth," Stephen Klein, a senior Rand researcher who helped lead the study, told Reuters in a phone interview. He said: the "Texas miracle" is a myth.

So much for what George Bush is saying about the "Texas miracle" in education. What it shows is that Texas set up its own tests, called the TAAS, the Texas Assessment of Academic Skills. They administered those, put rewards out there for how well you do on these tests.

So what did they start doing in those schools? They taught to the test, especially in schools that had a high proportion of minority students. But when measured against the national test—that is not biased, that is generally accepted around the Nation as the test to measure achievement—the Texas test falls short. It showed that the gap is not closing. It is actually widening, especially when it comes to the gap between white students and students of color.

George Bush's claim that great progress in education has been made in Texas is simply a myth. I am glad the Rand Corporation study came out at this time. The American people deserve to know this, that the exaggerations of George Bush on education are clearly just that—terrible, gross exaggerations of what is actually happening in Texas, when he cites the Rand Corporation and then the Rand Corporation comes out and says, wait a minute, this is a myth. There are serious questions about the validity of the gains in Texas, stark differences between the stories told by Texas and by national testing.

It is obvious to me. George Bush keeps talking about taking tests and taking tests, but when you measure against the nationally respected NAEP test, Texas falls far short. So much for that exaggeration. Mr. Bush believes so much in taking tests; he should take an exaggeration test. He would flunk it. So much for education.

We were down at the White House earlier. We are sitting here now, almost a month into the new fiscal year. We have not passed our appropriations bills that fund education. We have no money for class size reduction, no money for rebuilding and modernizing our schools, no money for building new schools, no money for teacher training, no money for job training. We are a month into the new fiscal year. The last bill to be worked on is our education bill. The leadership on the Republican side said this year that education was their No. 1 priority. Yet it is the last bill to get through the Congress.

Finally, the Governor of Texas was quoted in today's Washington Post as saying that the Vice President has blocked reform for the past 7½ years. This is the exact quote from the newspaper:

> "For 7½ years the vice president has been the second biggest obstacle to reform in America," Bush added. "Now he wants to be the biggest, the obstacle in chief."

That is kind of a cute line, I have to admit. He says that the Vice President and President Clinton have blocked reform for the last 7½ years. He has his little chant: They have had their chance. They have not led. We will. It is a catchy little phrase.

I have been watching George Bush. He has a lot of catchy phrases. It makes one wonder: What country has George Bush been living in for the last 8 years? Look at the record. During the Reagan and Bush years, we had record deficits. Our debt quadrupled in this country during those years, low job growth, low economic growth. Bill Clinton and AL GORE took us from the depths of a Republican-made recession to the heights of the longest peacetime economic expansion in this Nation's history, balanced our budgets; it took us from record deficits of $290 billion a year—that is what it was in 1992, a $290 billion deficit—and the surplus this year will be $237 billion, the largest surplus in our Nation's history.

We are now on track to eliminate the public debt by 2012. The Clinton and Gore team, in contrast to what George Bush is saying, created 22.2 million new jobs, an average of 242,000 new jobs every month. That is the highest number of jobs ever created under a single administration. Unemployment is now at the lowest rate in 30 years. Under the Reagan and Bush years, the number of people on welfare rose by 2.5 million, an increase of 22 percent. But under Bill Clinton and AL GORE, we ended welfare as we knew it. We have moved 7.5 million people off of welfare, a decrease of 50 percent. Today we have the lowest number of welfare recipients since 1968.

George Bush is saying: They are big spenders; they wanted to spend all this money. The size of Government has grown.

Let's look at the record.

Bill Clinton and AL GORE have shrunk spending. Today, Federal Government spending as a share of the economy, of our gross product, has dropped to its lowest level since 1966. It is right at about 18.5 percent, the lowest level since 1966.

AL GORE was the head of reinventing government, which has saved us approximately $136 billion since he took over. How? There are now 377,000 fewer Federal Government employees than in 1993. We now have the smallest Federal workforce since 1960. Yet under George Bush in Texas, the size of the Texas government has grown. They have more people working for government. Under Clinton and GORE, we have reduced the size of the Government by 377,000 people to the lowest level since 1960. Those are the irrefutable facts.

Crime has been reduced. It has dropped for 7 years in a row, the longest consecutive decline in crime ever recorded. The environment has improved. During this time of economic growth, our environment has improved. They have set the toughest smog and soot standards ever. We have cleaned up over 500 toxic waste dumps. We have protected over 650 million acres of public lands, more than any administration since Franklin Roosevelt was President.

We have made new investments in our schools. We have begun an initiative to hire 100,000 more teachers to reduce class size. We have opened up slots for 200,000 new Head Start students. We have connected classrooms across America to the Internet. We have expanded afterschool, summer school, and college prep programs.

Evidently, George Bush does not think much of these results. Maybe these aren't the kinds of reforms in which he is interested. I guess Governor Bush would rather take us back to the old days of deficits, debts, and recession. Tax breaks for the rich; tough breaks for everyone else.

In essence, what Governor Bush wants to do is return to the failed policies of the past. Let's move beyond that. Those failed policies of the past brought us deficits, brought us more debt, brought us recession, but the economic programs of the Clinton-Gore administration have brought us the greatest prosperity we have known since World War II.

That is the record. Those are the facts. No amount of catchy little phrases or platitudes uttered by Governor Bush can erase that record.

Lastly on education, the Rand study shows that the Texas miracle is really a Texas myth.

EXHIBIT NO. 1

WHAT DO TEST SCORES IN TEXAS TELL US?

Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that has recorded extraordinary gains in math and reading scores.

The team's report, an issue paper titled What Do Test Scores in Texas Tell Us? raises "serious questions" about the validity of those gains. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading. Finally, it suggests some steps that states can take to increase the likelihood that their test results merit public confidence and provide a sound basis for educational policy.

To investigate whether the dramatic math and reading gains on the TAAS represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress (NAEP). The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eight graders during comparable four-year period.

The RAND team—Stephen P. Klein, Laura Hamilton, Daniel McCaffrey and Brian M. Stecher—generally found only small increases, similar to those observed nationwide, in the Texas NAEP scores. Meanwhile, the TAAS scores were soaring. Texas students did improve significantly more on a fourth-grade NAEP math test than their counterparts nationally. But again, the size of this gain was smaller than their gains on TAAS and was not present on the eighth-grade math test.

The "stark differences" between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

"We do not know the source of these differences," the researchers state. But one reasonable explanation, consistent with survey and observation data, is that "many schools are devoting a great deal of class time to highly specific TAAS preparation." While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that "schools with relatively large percentages of minority and poor students may be doing this more than other schools." Other features of the TAAS also may contribute to the false sense that the racial gaps are closing.

Problems with statewide tests are not confined to the TAAS or Texas, the authors observe. To lessen the likelihood of invalid scores on such tests, they recommend that states:

Reduce the pressure associated with high-stakes testing by using one set of measures for decisions about individual students and another set for teachers and schools;

Replace traditional paper-and-pencil multiple choice exams with computer-based tests that are delivered over the Internet and draw on banks of thousands of questions;

Peridocially conduct audit testing to validate score gains; and

Examine the positive and negative effects of the testing programs on curriculum and instruction.

In July, RAND released a detailed analysis by David Grissmer and colleagues that compared the NAEP scores of 44 states, including Texas. That study and today's issue paper are not directly comparable. They differ in scope, focus and data. Grissmer et al. found that Texas ranked high in achievement when comparing children from similar families. Both found at least some gains in the NAEP scores in Texas. Grissmer et al. suggested that the Texas accountability regime, of which TAAS is a part, might be a "plausible" explanation for the state's NAEP gains, but added that more research is needed before a linkage can be made. What Do Test Scores in Texas Tell Us? represents an important contribution to that research effort. It is also the latest in a continuing series of RAND analyses involving high-stakes testing issues.

STATEMENT OF RAND PRESIDENT AND CEO, JAMES A. THOMSON

The issue paper on Texas Education and Test Scores that RAND issued today is already the subject of intense controversy, as we expected. I want to underscore several points:

This research was thoroughly reviewed by distinguished external and internal experts. We stand behind the quality of both this paper and of our July report on the meaning of national test scores across the country, which also sparked considerable controversy.

The timing of the release of both reports was based on the same, constant RAND standard; we release our work as soon as the research, review and revision processes are complete. We don't produce findings for political reasons, we don't distribute them for political reasons and we don't sit on them for political reasons. This is a scrupulously nonpartisan institution.

The July study—Improving Student Achievement: What State NAEP Scores Tell Us—also touched on Texas schools and received widespread press play. Both efforts draw on NAEP scores. The new paper suggests a less positive picture of Texas education than the earlier effort. But I do not believe that these efforts are in sharp conflict. Together in fact they provide a more comprehensive picture of key education issues.

The July report differed in scope (it covered almost all states, not just Texas), in methodology (it adjusted states' NAEP scores for family characteristics, such as racial and socioeconomic differences), and most of all in focus. It sought to explain why student achievement scores vary so widely across the states even after those demographic adjustments are made. The team that researched the new Issue Paper on the other hand focused on Texas and its statewide testing program. Texas was studied because the state exemplifies a national trend toward using statewide exams as a basis for high-stakes educational decisions.

From the Texas standpoint, the good news is that the state ranks high in adjusted student achievement. Our July study correlates this with specific ways that resources are allocated to high-leverage programs, such as pre-kindergarten, one of the features of the Texas reform effort. The bad news is that the statewide testing system in Texas needs improvement. The Issue Paper team suggests ways this can be done in Texas and other states.

Mr. HARKIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, as I have done every day we have been in session, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court of Appeals; that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter; that debate on the nomination be limited to 2 hours equally divided; and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. At the request of the majority leader and in my individual capacity as a United States Senator, I object.

Mr. HARKIN. Mr. President, every day I raise it and every day the Republican majority objects. It is still a shame that Bonnie Campbell has been tied up in that committee since May. She has had her hearing. She has done a great job running the Violence Against Women office. Everyone agrees on that. She would be an outstanding circuit court judge. No one doubts her qualifications. Yet the Judiciary Committee refuses to report out her name.

It is really a disservice to her and to our country, and it is really a disgrace on this body that her name continues to be bottled up in the Judiciary Committee.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN EXCERPT FROM PAT CONROY'S UPCOMING BOOK, "MY LOSING SEASON"

Mr. THURMOND. Mr. President, I was recently given a copy of an excerpt from a yet unpublished book written by South Carolina native and former Citadel graduate, Mr. Pat Conroy. This essay is an insightful tribute to the men and women who served their country in times of conflict, and I would like to take this opportunity to bring this exceptional essay to the attention of my colleagues.

Mr. Conroy's composition recounts the experiences of a courageous man who answered his nation's call to serve in the armed forces during a time of conflict, and the intense pride he had in his country even during the most dire of circumstances as a POW. It also recounts how, through the author's interaction with this patriotic individual, Mr. Conroy arrived at the realization that duty to one's country is an obligation that comes with the privilege of being a citizen.

This dramatic composition honors those who accepted their duty with courage and dignity, and I ask unanimous consent that this poignant essay be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MY HEART'S CONTENT

(By Pat Conroy)

The true things always ambush me on the road and take me by surprise when I am drifting down the light of placid days, careless about flanks and rearguard actions. I was not looking for a true thing to come upon me in the state of New Jersey. Nothing has ever happened to me in New Jersey. But came it did, and it came to stay.

In the past four years I have been interviewing my teammates on the 1966-67 basketball team at the Citadel for a book I'm writing. For the most part, this has been like buying back a part of my past that I had mislaid or shut out of my life. At first I thought I was writing about being young and frisky and able to run up and down a court all day long, but lately I realized I came to this book because I needed to come to grips with being middle-aged and having ripened into a gray-haired man you could not trust to handle the ball on a fast break.

When I visited my old teammate Al Kroboth's house in New Jersey, I spent the first hours quizzing him about his memories of games and practices and the screams of coaches that had echoed in field houses more than 30 years before. Al had been a splendid forward-center for the Citadel; at 6 feet 5 inches and carrying 220 pounds, he played with indefatigable energy and enthusiasm. For most of his senior year, he led the nation in field-goal percentage, with UCLA center Lew Alcindor hot on his trail. Al was a battler and a brawler and a scrapper from the day he first stepped in as a Green Weenie as a sophomore to the day he graduated. After we talked basketball, we came to a subject I dreaded to bring up with Al, but which lay between us and would not lie still.

"Al, you know I was a draft dodger and antiwar demonstrator."

"That's what I heard, Conroy," Al said. "I have nothing against what you did, but I did what I thought was right."

"Tell me about Vietnam, big Al. Tell me what happened to you," I said.

On his seventh mission as a navigator in an A-6 for Major Leonard Robertson, Al was getting ready to deliver their payload when the fighter-bomber was hit by enemy fire. Though Al has no memory of it, he punched out somewhere in the middle of the ill-fated dive and lost consciousness. He doesn't know if he was unconscious for six hours or six days, nor does he know what happened to Major Robertson (whose name is engraved on the Wall in Washington and on the MIA bracelet Al wears).

When Al awoke, he couldn't move. A Viet Cong soldier held an AK-47 to his head. His back and his neck were broken, and he had shattered his left scapula in the fall. When he was well enough to get to his feet (he still can't recall how much time had passed), two armed Viet Cong led Al from the jungles of South Vietnam to a prison in Hanoi. The journey took three months. Al Kroboth walked barefooted through the most impassable terrain in Vietnam, and he did it sometimes in the dead of night. He bathed when it rained, and he slept in bomb craters with his two Viet Cong captors. As they moved farther north, infections began to erupt on his body, and his legs were covered with leeches picked up while crossing the rice paddies.

At the very time of Al's walk, I had a small role in organizing the only antiwar demonstration ever held in Beaufort, South Carolina, the home of Parris Island and the Marine Corps Air Station. In a Marine Corps town at that time, it was difficult to come up with a quorum of people who had even minor disagreements about the Vietnam War. But my small group managed to attract a crowd of about 150 to Beaufort's waterfront. With my mother and my wife on either side of me, we listened to the featured speaker, Dr. Howard Levy, suggest to the very few young enlisted marines present that if they get sent to Vietnam, here's how they can help end this war: Roll a grenade under your officer's bunk when he's asleep in his tent. It's called fragging and is becoming more and more popular with the ground troops who know this war is bullshit. I was enraged by the suggestion. At that very moment my father, a marine officer, was asleep in Vietnam. But in 1972, at the age of 27, I thought I was serving America's interests by pointing out what massive flaws and miscalculations and corruptions had led her to conduct a ground war in Southeast Asia.

In the meantime, Al and his captors had finally arrived in the North, and the Viet Cong traded him to North Vietnamese soldiers for the final leg of the trip to Hanoi. Many times when they stopped to rest for the night, the local villagers tried to kill him. His captors wired his hands behind his back at night, so he trained himself to sleep in the center of huts when the villagers began sticking knives and bayonets into the thin walls. Following the U.S. air raids, old women would come into the huts to excrete on him and yank out hunks of his hair. After the nightmare journey of his walk north, Al was relieved when his guards finally delivered him to the POW camp in Hanoi and the cell door locked behind him.

It was at the camp that Al began to die. He threw up every meal he ate and before long was misidentified as the oldest American soldier in the prison because his appearance was so gaunt and skeletal. But the extraordinary camaraderie among fellow prisoners that sprang up in all the POW camps caught fire in Al, and did so in time to save his life.

When I was demonstrating in America against Nixon and the Christmas bombings in Hanoi, Al and his fellow prisoners were holding hands under the full fury of those bombings, singing "God Bless America." It was those bombs that convinced Hanoi they would do well to release the American POWs, including my college teammate. When he told me about the C-141 landing in Hanoi to pick up the prisoners, Al said he felt no emotion, none at all, until he saw the giant American flag painted on the plane's tail. I stopped writing as Al wept over the memory of that flag on that plane, on that morning, during that time in the life of America.

It was that same long night, after listening to Al's story, that I began to make judgments about how I had conducted myself during the Vietnam War. In the darkness of the sleeping Kroboth household, lying in the third-floor guest bedroom, I began to assess my role as a citizen in the '60s, when my country called my name and I shot her the bird. Unlike the stupid boys who wrapped themselves in Viet Cong flags and burned the American one, I knew how to demonstrate against the war without flirting with treason or astonishingly bad taste. I had come directly from the warrior culture of this country and I knew how to act. But in the 25 years that have passed since South Vietnam fell, I have immersed myself in the study of totalitarianism during the unspeakable century we just left behind. I have questioned survivors of Auschwitz and Bergen-Belsen, talked to Italians who told me tales of the Nazi occupation, French partisans who had counted German tanks in the forests of Normandy, and officers who survived the Bataan Death March. I quiz journalists returning from wars in Bosnia, the Sudan, the Congo, Angola, Indonesia, Guatemala, San Salvador, Chile, Northern Ireland, Algeria. As I lay sleepless, I realized I'd done all this research to better understand my country. I now revere words like democracy, freedom, the right to vote, and the grandeur of the extraordinary vision of the founding fathers. Do I see America's flaws? Of course. But I now can honor her basic, incorruptible virtues, the ones that let me walk the streets screaming my ass off that my country had no idea what it was doing in South Vietnam. My country let me scream to my heart's content—the same country that produced both Al Kroboth and me.

Now, at this moment in New Jersey, I come to a conclusion about my actions as a young man when Vietnam was a dirty word to me. I wish I'd led a platoon of marines in Vietnam. I would like to think I would have trained my troops well and that the Viet Cong would have had their hands full if they entered a firefight with us. From the day of my birth, I was programmed to enter the Marine Corps. I was the son of a marine fighter pilot, and I had grown up on marine bases where I had watched the men of the corps perform simulated war games in the forests of my childhood. That a novelist and poet bloomed darkly in the house of Santini strikes me as a remarkable irony. My mother and father had raised me to be an Al Kroboth, and during the Vietnam era they watched in horror as I metamorphosed into another breed of fanatic entirely. I understand now that I should have protested the war after my return from Vietnam, after I had done my duty for my country. I have come to a conclusion about my country that I knew then in my bones but lacked the courage to act on: America is good enough to die for even when she is wrong.

I looked for some conclusion, a summation of this trip to my teammate's house. I wanted to come to the single right thing, a true thing that I may not like but that I could live with. After hearing Al Kroboth's story of his walk across Vietnam and his brutal imprisonment in the North, I found myself passing harrowing, remorseless judgment on myself. I had not turned out to be the man I had once envisioned myself to be. I thought I would be the kind of man that America could point to and say, "There. That's the guy. That's the one who got it right. The whole package. The one I can depend on." It had never once occurred to me that I would find myself in the position I did on that night in Al Kroboth's house in Roselle, New Jersey: an American coward spending the night with an American hero.

TRIBUTE TO LIEUTENANT COMMANDER CLAYTON O. MITCHELL, JR., CIVIL ENGINEER CORPS, UNITED STATES NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I take this opportunity to recognize and bid farewell to an outstanding naval officer, Lieutenant Commander Clayton O. Mitchell, Jr., upon his departure from my staff. Lieutenant Commander Mitchell has truly epitomized the "Can Do" spirit of the Seabees and Navy core values of honor, courage, and commitment during his assignment as a Navy Legislative Fellow on my staff. He has been a valued team member who has had an enduring impact upon the State of Mississippi. He will be sorely missed.

Lieutenant Commander Mitchell reported to my staff from Naval Mobile Construction Battalion Seventy Four, a Seabee battalion homeported in my home State of Mississippi. As operations officer for the "Fearless" Seabees of NMCB 74, he directed the military and construction operations for the unit at 11 deployment sites throughout the Atlantic coast, Caribbean, and Central America in addition to leading disaster recovery efforts in the aftermath of hurricane Georges. He spearheaded recovery operations which helped clear roads and restore vital services at Construction Battalion Center Gulfport and the Mississippi Gulf Coast within 24 hours.

Lieutenant Commander Mitchell is a 1985 industrial engineering graduate of California Polytechnic State University (Cal-Poly), San Luis Obispo. He was commissioned as an Ensign through the Officer Candidate School at Newport, Rhode Island after working two years as an engineer for Rockwell International. He began his career as a Navy Civil Engineer Corps officer with Chesapeake Division, Naval Facilities Engineering Command as the Assistant Resident Officer in Charge of Construction, Andrews AFB, Maryland. He then reported to Naval Mobile Construction Battalion Forty for two nine month deployments which included Assistant Officer in Charge, Detail Sigonella, Sicily and Officer in Charge, Detail Diego Garcia, British Indian Ocean Territories.

After his first Seabee tour with NMCB Forty, Lieutenant Commander Mitchell then attended the University of California at Berkeley, earning a Master of Science degree in civil engineering. He followed Berkeley with an assignment to the United States Naval Academy as Shops Engineer in the Public Works Department, directing a 270 member workforce responsible for the Academy's facilities maintenance, transportation, and utilities operations.

His next challenge was as Facilities Planning Officer, Public Works Center, Yokosuka, Japan. In this capacity, he directed a host nation construction program with over $1.7 billion in projects under design and/or construction. He spearheaded execution of some of the Navy's most critical projects in Japan, including the delivery of 854 family housing units with the completion of the $1 billion Ikego family housing complex and a $41 million carrier pier at Yokosuka. For nine months during this tour, Lieutenant Commander Mitchell also served as Staff Civil Engineer to the Commander, U.S. Naval Forces Japan, where he was the Navy's "go to" man for facilities and civil engineering issues.

Lieutenant Commander Mitchell has also made a significant impact in the various communities in which he has served. He directed a Mids'N'Kids tutorial/mentorship program, providing Annapolis youth with a midshipman sponsor and access to Naval Academy facilities on a weekly basis during the school year. As treasurer for the Samuel P. Massie Educational Endowment, he distributed over $35,000 in scholarship awards to Maryland college and university students. In 1995, he was recognized as the "Volunteer of the Week for Father's Day" by the Annapolis Capitol newspaper for his contributions in the community. In 1997, he was recognized by Black Engineer magazine with an "Engineer of the Year: Special Recognition Award" as one of the nation's promising young engineers of the future.

On my staff, he has established himself as a consummate professional providing guidance and oversight on a plethora of Department of Defense issues ranging from Defense health care, military construction, shipbuilding, and various weapons systems programs. His efforts also yielded over $100 million in research, development, test, and evaluation funds for Mississippi Universities.

Lieutenant Commander Mitchell is married to the former Karen Elaine Blackwell of Washington, D.C. and their family includes daughter, Kendra and son, Austin. He is a registered professional engineer in the Commonwealth of Virginia and a Seabee Combat Warfare qualified officer who enthusiastically returns to his Navy. I have appreciated greatly Lieutenant Commander Mitchell's contributions to my team and wish him fair winds and following seas in the future.

TRIBUTE TO STEPHEN C. NUNEZ, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding NASA Manager, Stephen C. Nunez, upon his departure from my staff. Mr. Nunez was selected as a NASA Congressional Fellow to work in my office because of his knowledge of the aerospace industry, NASA programs, and NASA's John C. Stennis Space Center in my home state of Mississippi. It is a privilege for me to recognize the many outstanding achievements he has provided for the United States Senate, NASA, and our great Nation.

During his NASA fellowship, Mr. Nunez worked on legislation affecting NASA, the aerospace industry, and veterans. He worked hard to ensure the NASA Authorization Bill and the VA-HUD and Independent Agencies Appropriation Bill for fiscal year 2001 included legislative provisions that will lead to the next generation of reusable launch vehicles. These initiatives will reduce the cost of getting payloads into orbit by a factor of 10. These provisions also support specific programs aimed at fostering the development of a robust U.S. propulsion industry, which includes rocket engine testing at the Stennis Space Center. Specifically, he helped ensure that NASA's Space Launch Initiative was fully funded in fiscal year 2001 at $290 million.

Mr. Nunez also worked to ensure that legislative provisions were included in both bills to support robust funding of the Commercial Remote Sensing Program to enable a $10 billion commercial remote sensing industry by 2010. He assisted greatly in the economic development in the State of Mississippi by bringing Aerospace companies and Mississippi Economic Development officials together.

Mr. Nunez worked with former Congressman G. V. "Sonny" Montgomery to enhance the educational benefits of the Montgomery G.I. bill through S. 1402, the "Veterans and Dependents Millennium Education Act." He also worked with the Veterans Administration to open more Community Based Outpatient Clinics in Mississippi.

Mr. Nunez began his aerospace career as a contract engineer supporting the Space Shuttle Main Engine Test Program at NASA's Stennis Space Center shortly after graduating from Mississippi State University, where he received a Bachelor of Science degree in Civil Engineering. He joined NASA as a systems engineer supporting various propulsion development programs at Stennis Space Center, including the Space Transportation Main Engine and Space Shuttle Main Engine. He then took on additional responsibilities as Chief Engineer for various component and hybrid motor development test programs, including the first ever successful tests of a turbopump-fed hybrid motor. His next challenge was project lead for test program support of Boeing's Phase I Evolved Expendable Launch Vehicle Low Cost Concept Validation Program. The test program support was completed under budget and ahead of schedule. This program demonstrated water recovery of a Space Shuttle Main Engine propulsion module and culminated in a successful hot fire test after the propulsion module was dropped into the Gulf of Mexico.

Mr. Nunez is no stranger to Washington, D.C. where he served a one year detail to the Associate Administrator for the Office of Space Flight at NASA Headquarters. Prior to starting his Congressional Fellowship, Mr. Nunez served as X-33 Project Manager at Stennis Space Center where he was responsible for all reusable launch vehicle initiatives there totaling $35 million. As X-33 Project Manager, he led a team of engineers and technicians in the successful test firing of the X-33 Linear Aerospike Engine, whose success has been a major highlight of the X-33 Program.

A native Mississippian, Mr. Nunez is married to the former Cynthia Marlene Cuevas of Leetown, Mississippi. They have one son, Stephen C. Nunez, II. Mr. Nunez is a registered Professional Engineer in Mississippi who looks forward to returning to the NASA team. I will truly miss his talents and expertise, and wish him all the very best as he helps NASA's efforts to advance human space flight in the 21st century.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 24, 1999:
Yvetta Boyland, 30, Memphis, TN;
Andy Carr, 18, Atlanta, GA;
Chun Man Choi, 27, New Orleans, LA;
Javier Cortez, 29, Houston, TX;
Anthony Jackson, 38, Dallas, TX;
Ricky Harris, 22, Oakland, CA;
Mary Mata, 16, Fort Worth, TX;
Matthew Nimene, 39, Minneapolis, MN;
Robert D. Steward, 29, Chicago, IL; and
Jones Tiran, 21, Dallas, TX.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 20, 1999:
Rossi Anderson, 37, Houston, TX;
Melvin Axler, 75, Miami-Dade County, FL;
Steve Gaitan, 19, Miami-Dade County, FL;
Michael Hanton, 24, Philadelphia, PA;
Darrion Johnson, 28, Chicago, IL;
Roasiare Morneault, 58, Hollywood, FL;
Rafel Stokes, 41, Detroit, MI;
Carlos Thomas, 23, Washington, DC;
Richard Washington, 20, Chicago, IL;
Manuel Watkins, 14, Dallas, TX;
Betty Weaver, 56, Detroit, MI;
Albert Winters, 24, Washington, DC;
Shavon Young, 16, Irvington, NJ; and
Unidentified male, San Francisco, CA.

October 21, 1999:
Alexander Bednar, 87, Seattle, WA;
Kwame Bellentine, 24, Miami-Dade County, FL;
Calvin Berry, 29, Detroit, MI;
Antonio Davis, 20, Washington, DC;
Jerry Dodd, 35, Chicago, IL;
Vivian C. Geary, 72, New Orleans, LA;
Devon Gross, 19, Wilmington, DE;
Judith Herbert, 57, Denver, CO;
Orlando Jones, 24, St. Louis, MO;
Edward Morris, 29, Atlanta, GA;
Marilyn Starr, 42, Dallas, TX;
Nichole Thomas, 19, St. Louis, MO;
Richard Wilson, 27, St. Louis, MO; and
Kirk C. Wint, 25, Chicago, IL.

October 22, 1999:
Antonio Crawley, 20, Houston, TX;
Juan Maldonado, 38, Chicago, IL;
David Marshall, 18, Washington, DC;
Thomas McEvoy, 47, Miami-Dade County, FL;
Martin McCinigley, 35, Philadelphia, PA;
Tita-Marie Murray, 36, Washington, DC;
Huey M. Rich, 29, Chicago, IL;
Eugene Richardson, 20, Baltimore, MD;
Timothy Spain, 22, Atlanta, GA;
Donald Storeball, 20, Detroit, MI;
Unidentified Male, 37, Honolulu, HI; and
Unidentified Male, 36, Newark, NJ.

October 23, 1999:
Juan Castellonos, 29, Dallas, TX;
Deandre Clark, 4, Gary, IN;
Clyde K. Edwards, 23, Oklahoma City, OK;
Lu Hu, 24, Houston, TX;
Walter Joseph Kurtz, 45, Baltimore, MD;
Timothy Lockett, 32, Baltimore, MD;
Timothy Massey, 26, Baltimore, MD;
Juan Pina, 28, Dallas, TX; and
Walter L. Weber, 77, North Little Rock, AR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

COMMENDING SOUTH DAKOTA FARM, CONSERVATION, WILDLIFE, AND ENVIRONMENTAL GROUPS

Mr. JOHNSON. Mr. President, I rise today to offer sincere thanks and gratitude for the cooperation and leadership demonstrated this year in South Dakota by a large coalition of farm, conservation, wildlife, and environmental groups in my great State. These groups have taken an almost unprecedented step to cooperate in solving a problem concerning the treatment of wetlands in the context of production agriculture in South Dakota.

Their cooperation led to the adoption of a pilot project—the Conservation of Farmable Wetland Act of 2000—negotiated through Congress by Senator DASCHLE and me whereby farmed wetlands in a six-state region can become eligible for enrollment in the Conservation Reserve Program (CRP).

When it comes to conservation policy and the federal farm program, many issues are hotly debated. Perhaps nowhere has this become more evident than in the administration and policy implications of managing wetlands on farmground in South Dakota and the entire country. A real battle over the management of farmed wetlands has waged over the years between farmers—who own and farm the productive land where these wetlands are located—and conservation groups—who believe these wetlands should be maintained in their natural state.

Earlier this year, over thirty South Dakota groups struck an agreement in principle regarding the treatment of wetlands with some constructive ideas to signify a cease fire of sorts in this battle over the management of wetlands. Their agreement in principle expressed support for financial assistance for farmers and landowners who voluntarily chose to commit the wetlands on their private lands—primarily land in crop production—to conservation under CRP. The farmable wetlands targeted in their agreement are located in low-lying draws or waterways that run through crop fields and carry runoff and topsoil into creeks and rivers in wet years. In dry years, these wetlands are farmed. Currently, grass filter strips surrounding these farmed wetlands qualify for CRP, but not the actual wetland acreage.

Mr. President, I ask unanimous consent that the agreement in principle and name of every group signing the agreement be printed at this point in the RECORD, and that my statement continue in the RECORD at the conclusion of the agreement in principle and list of groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Agreement in Principle Between Central Plains Water Development District; Clay County Conservation District; Clay County Farm Bureau; Delta Waterfowl Foundation; Ducks Unlimited, Inc., East Dakota Water Development District; Flandreau Santee Sioux Tribe; Izaak Walton League, Kempeska Chapter; Izaak Walton League, South Dakota District; James River Water Development District; National Audubon Society; Sierra Club-East River Group; Sierra Club-Living River Group; South Dakota Association of Conservation Districts; South Dakota Corn Growers Association; South Dakota Department of Agriculture; South Dakota Department of Environment and Natural Resources; South Dakota Department of Game, Fish and Parks; South Dakota Farm Bureau; South Dakota Farmers Union; South Dakota Grassland Coalition; South Dakota Lakes and Streams Association, Inc.; South Dakota Pork Producers Council; South Dakota Resources Coalition; South Dakota Soybean Association; South Dakota Stock Growers; South Dakota Water Congress; South Dakota Wheat Inc.; South Dakota Wildlife Federation; The Wildlife Society, South Dakota Chapter; Turner County Conservation District; U.S. Fish and Wildlife Service; Vermillion Basin Water Development District; and Vermillion River Watershed Authority.

PURPOSE

This memorandum is made by the organizations listed above, hereinafter called the partners, to express support for financial assistance to landowners who voluntarily choose to maintain wetlands on private lands and retire them from crop production in the Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana. The people of this partnership are united in their belief that programs should be available that compensate landowners who voluntarily commit their wetlands to conservation. We offer specific suggestions that certain wetlands be eligible for enrollment under the USDA Conservation Reserve Program, continuous sign up for buffers and filter strips and that incidental, after harvest grazing be better accommodated on these filter strips and buffers.

BACKGROUND

The Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana is a unique region of diverse wetlands on an agricultural, prairie landscape. Wetlands in this region function as habitat for wildlife and they retain runoff waters, sediments and pollutants. They interact with ground water and they play a role in protection of the quality and quantity of water used in homes, farms, ranches and industry throughout the region and beyond.

Most wetlands in the region are small, temporary wetlands. They typically hold water for only a few weeks after spring runoff and for short periods of time after heavy precipitation events. Many non-depressional wetlands in the region are the headwaters of major streams and rivers that reach across the North American continent. When they are dry, most temporary wetlands in agricultural fields are farmed.

The Prairie Pothole Region is also a region of deep rich soils and is recognized worldwide for its strong, diverse agricultural industry and abundant wildlife resources, which are second to none.

For decades wetland interests have often differed with agriculture and other development interests. While wetlands are valuable to society for the functions they provide, the cost of maintaining these values is often borne by those who own or farm the land. In the Prairie Pothole Region, most of the land is privately owned by farmers and ranchers, some whom find wetlands to be a hindrance to the efficient use of their land for cropping. In recent years they have been bound by legislation which prevents them from converting wetlands for agricultural development while retaining Federal farm benefits.

The USDA Conservation Reserve Program, established by the Food Security Act of 1985, provides annual payments to landowners who voluntarily retire qualifying lands from agricultural production for 10 or 15 years. Later farm acts provided for continuous CRP sign ups for environmentally sensitive lands and lands that contribute to water quality improvement such as riparian buffers and filter strips around wetlands.

In the Prairie Pothole Region, continuous sign up CRP for filter strips and buffers has not been widely used. One major obstacle to participation is that present USDA rules allow enrollment of a buffer or filter strip around a wetland, but have no provision for including the wetland acreage within the buffer or filter strip to be enrolled for payment. While this may be appropriate for lakes, rivers and deep permanent wetlands, it is not a good fit for the small frequently farmed wetlands of the Prairie Pothole Region.

In the prairie states, like elsewhere, farmers and ranchers typically move livestock into harvested grain fields to feed on waste grain and other crop residues. In fields where there are CRP filter strips or buffers, livestock grazing after harvest also graze the dormant grass of the filter strips and buffers unless they are fenced out. To avoid the need for this fencing, present USDA rules permit incidental grazing on buffers and filter strips, in conjunction with after harvest grazing of crop residues, for no more than two months. CRP payments are reduced by 25% for years when such grazing takes place.

In many years, winter weather sets in soon after harvest is complete and two months is an adequate time limit for after harvest grazing and incidental filter strip and buffer grazing. During open winters, however, when little or no snow falls, crop residue grazing may take place for more than two months. During these winters, incidental livestock use of those portions of fields enrolled in CRP filter strips and buffers could put the operator out of compliance with CRP rules.

Under the present rules, a person may enroll land around a wetland in a filter strip or buffer, but the wetland within must be excluded from the rental payment, even if that wetland is one that is frequently farmed when dry and the owner may be physically able to farm it, no payment is made for the wetland acreage.

To make the wetland protection measures of the continuous sign up CRP wetland buffer and filter strips more effective, USDA rules need to be changed so that frequently farmed wetlands are included in the continuous sign up CRP program in addition to the surrounding filter strip or buffer.

RECOMMENDATIONS

The partners recommend to the USDA that continuous sign up CRP rules be amended to allow wetlands with a cropping history, regardless of size, to be enrolled in the CRP along with adequate buffers and filter strips to protect the quality of water entering and leaving the enrolled wetlands. We also recommend that restrictions on duration of incidental grazing of filter strips and buffers, associated with after harvest grazing, be removed and that payment rates be adjusted for those years when grazing occurs.

These rule changes will allow participating landowners to realize a degree of compensation for income lost by leaving these wetlands uncultivated when dry and will allow farm operators to graze crop residues in certain years without fencing out buffers and filer strips enrolled in continuous enrollment CRP. This suggested change does not imply that filter strip or buffer grazing be allowed during the growing season, nor on other CRP acres.

We further recommend that USDA modify their specifications for filter strips around wetlands and buffer strips along riparian areas to make them more compatible with today's farming practices and machinery. We recommend that maximum allowable widths of these strips be adjusted with consideration for farmability of adjacent cropland and to protect wetlands and enhance wildlife habitat.

We recommend that USDA re-evaluate soil group rental payments for wetlands, filter strips and buffers for the continuous sign up CRP. Present rental rates do not adequately address the true value of wetland soils which are on the low end of rental payment schedules. Present soil rental rates do not take into account severance factors associated with the relatively small acreage that would be enrolled in a wetland/filter strip continuous CRP.

We recommend that selected members of the partner agencies and organizations listed in this agreement shall have input into USDA policy before final CRP rules are issued to assure that these recommendations are considered.

SOUTH DAKOTA CRP-WETLANDS AGREEMENT IN PRINCIPLE SIGNATORIES

Roger Strom, Clay County Conservation District.

Jerry Schmitz, Clay County Farm Bureau.

Lloyd Jones, Delta Waterfowl Foundation.

Jeff Nelson, Ducks Unlimited, Inc.

Jay Gilbertson, East Dakota Water Development District.

Wes Hansen, Flandreau Santee Sioux Tribe.

Ken Madison, Izaak Walton League, Kempeska Chapter.

Chuck Clayton, Izaak Walton League, South Dakota Division.

Darrell Raschke, James River Water Development District.

Genevieve Thompson, National Audubon Society.

Jeanie Chamness, Sierra Club, East River Group.

John Davidson, Sierra Club, Living River Group.

Gerald Thaden, South Dakota Association of Conservation Districts.

Ron Olson, South Dakota Corn Growers Association.

Darrell Cruea, South Dakota Department of Agriculture.

Nettie Myers, South Dakota Department of Environment and Natural Resources.

John Cooper, South Dakota Department of Game, Fish, and Parks.

Michael Held, South Dakota Farm Bureau.

Dennis Wiese, South Dakota Farmers Union.

Ron Ogren, South Dakota Grassland Coalition.

Don Marquart, South Dakota Lakes and Streams Association, Inc.

Mari Beth Baumberger, South Dakota Pork Producers Council.

Lawrence Novotny, South Dakota Resources Coalition.

Delbert Tschakert, South Dakota Soybean Association.

Bart Blum, South Dakota Stockgrowers.

Rick Vallery, South Dakota Wheat, Inc.

Chris Hesla, South Dakota Wildlife Federation.

Ron Schauer, Wildlife Society, South Dakota Chapter.

Dennis Johnson, Turner County Conservation District.

Carl Madsen, U.S. Fish and Wildlife Service.

Amond Hanson, Vermillion Basin Water Development District.

Lester Austin, Vermillion River Watershed Authority.

David Hauschild, Central Planes Water Development District and South Dakota Water Congress.

Mr. JOHNSON. Mr. President, given that over thirty groups and several more individuals were active participants in this historic agreement in South Dakota—it is impossible to aptly recognize every single one that deserves credit for this achievement. However, I cannot overlook the efforts of two real champions of this agreement and pilot project—two individuals who worked closely with me to make sure their idea developed from a South Dakota agreement to a six-state pilot project that the 106th Congress enacted and that the President will sign into law.

Paul Shubeck, a Centerville, South Dakota farmer and Carl Madsen, a Brookings, South Dakota private lands coordinator for the Fish and Wildlife Service developed this plan and helped negotiate its path through Congress.

Paul Shubeck greatly impressed me with his ability to shepherd this proposal, not only within a diverse coalition of South Dakota groups who normally do not tend to agree on wetlands matters, but also at the national level where he consistently advocated on behalf of the American family farmer who just wants a chance to produce a crop on his land and protect the environment all at the same time. Paul's drive and ability to compromise were key to the success of our pilot project.

Carl Madsen was a real source of passion for this project and provided us with a sense for the big picture—how our pilot would and could work in South Dakota and other parts of the United States. Carl's deep knowledge of wetlands and conservation policy provided us with critical technical assistance to ensure this pilot project was a credible, practical program.

Many, many more individuals and groups in South Dakota and the United States provided direct assistance to this effort Mr. President, and I want them all to know I am deeply grateful.

Earlier this year Mr. President, Senator DASCHLE and I urged Secretary Dan Glickman and the United States Department of Agriculture (USDA) to implement the South Dakota agreement in principle on an administrative basis. While USDA was supportive of the concept, they were reluctant to implement such a program without a clearer understanding of the purpose and implications of the program.

In response, on July 7, I brought a top USDA official to a farm near Renner, South Dakota where we met with several groups and individuals to discuss how to conserve these critical wetlands yet compensate farmers for taking the wetlands out of crop production. It was there that some suggested a pilot project would be the best route to take. Then, on July 27, Senator DASCHLE and I introduced S. 2980 to create a South Dakota pilot project permitting up to 150,000 acres of farmable wetlands into CRP.

Once S. 2980 was introduced, national conservation, wildlife, and farm organizations took interest and requested that we expand the pilot to cover more than South Dakota. The proposal adopted by Congress is the result of weeks of negotiations between Senator DASCHLE, myself, USDA, Senator LUGAR who serves as the Chairman of the Senate Agriculture Committee, and several national groups who now support the pilot. The changes resulted in expanding this program to the Prairie Pothole Region of the United States, including South Dakota, North Dakota, Minnesota, Nebraska, Iowa, and Montana. It is limited to 500,000 acres in those states, with an assurance that access be distributed fairly among interested CRP participants.

I truly believe this pilot project will provide landowners an alternative to farming these highly sensitive wetlands in order to achieve a number of benefits including; improved water quality, reduced soil erosion, enhanced wildlife habitat, preserved biodiversity, flood control, less wetland drainage, economic compensation for landowners for protecting the sensitive wetlands, and diminished divisiveness over wetlands issues.

Moreover, the pilot project is consistent with the purpose of CRP, and, if successful, could serve as a model for future farm policy as we look toward the next farm bill. I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. I have introduced the Flex Fallow Farm Bill Amendment to achieve some of these objectives. It is my hope that the success on our pilot project can serve as a model to once again bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Finally, I fully understand the successful adoption of this wetlands pilot project—no matter how important—will not put an end to the ongoing debate over the management of wetlands on farmland. Yet, I really hope that everyone engaged in the debate considers how effective we can be when we cooperate and compromise on this important issue.

HERITAGE HARBOR MUSEUM NATIVE AMERICAN HISTORY

Mr. L. CHAFEE. Mr. President, today I rise to thank the chairman of the Senate Appropriations Subcommittee on Treasury and General Government, Senator CAMPBELL, for including funds for the National Historical Publications and Records Commission to provide a grant to the Heritage Harbor Museum in Providence for the development of the museum's Native American Story exhibit.

The funds will be used by the Museum and the local Native American community to research and catalog the history of the area's Native Americans in a cross-cultural context. As the chairman knows, Heritage Harbor revolves around the telling of our nation's history in an integrated environment. The museum will not focus on one ethnic or religious group but strive to present the independent and coexisting histories of many of our nation's peoples.

The task ahead for Heritage Harbor is a complex one, and I appreciate the committee underscoring the federal interest in the project by providing these funds. In order for the Native American perspective to be presented effectively, the museum will not only research records, data and artifacts, but it will also catalog the research and present it in formal exhibit fashion.

Is it the understanding of the Chairman that these funds are intended to be used for research and cataloging as well as exhibit presentation?

Mr. CAMPBELL. That is my understanding.

Mr. L. CHAFEE. Again, I thank the Senator for his interest in this project, and I look forward to inviting you to Rhode Island to see the results of the museum's effort.

PASSAGE OF S. 1854

Mr. LEAHY. Mr. President, last Thursday, the Senate passed the Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the "Hart-Scott-Rodino Antitrust Improvements Act," that will make significant improvements to this important antitrust law. Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Act of 1976 (HSR), requires companies that plan to merge to notify the Justice Department's Antitrust Division and the Federal Trade Commission of their intention and submit certain information. HSR pre-merger notifications provide advance notice of potentially anti-competitive transactions and allow the antitrust agencies to block mergers before they are consummated, which is easier than undoing them after-the-fact.

Since passage of the Hart-Scott-Rodino Act, this law has worked well to help the American economy flourish, despite larger and more complex mergers and consolidations within and among different industries. The Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the "Hart-Scott-Rodino (HSR) Antitrust Improvements Act," will update this law and make it work even better.

Specifically, the substitute would raise the minimum threshold for the "size of the transaction" required to provide HSR notifications from $15,000,000 to $50,000,000. Thus, no pre-merger filing will be required if the transaction is valued at less than $50,000,000. A pre-merger filing would always be required if the size of the transaction is valued at more than $200,000,000. With regard to transactions valued at between $50,000,000 and $200,000,000, the amendment would require pre-merger filing if the total assets or net annual sales of one party are over $100,000,000 annually while the other party's total assets or net annual sales are over $10,000,000 annually. The thresholds may be adjusted by the FTC every three years to reflect the percentage change in the gross national product for that period. These threshold changes are supported by the antitrust agencies.

The remaining part of the substitute directs the Federal Trade Commission and the DOJ's Antitrust Division to implement regulations to improve the manner in which these agencies obtain information as part of the review of a proposed merger. The antitrust agencies do not object to these parts of the substitute amendment.

As explained in more detail below, this substitute addresses the most significant flaws in the original bill.

To appreciate the issues addressed in the bill, the pre-merger review procedures currently in effect must be understood. Upon receipt of the merger notification, the agency takes a "quick look" and determines whether to open a Preliminary Investigation, PI. A PI may take from a few weeks to several months to determine whether to close the PI or proceed with a Second Request or Civil Investigative Demand, CID, for additional information. Second Requests were issued in only 2.5 percent of reported transactions in 1999.

Under statutory time limits, the Second Request must be made within 30 days from the initial filing. In addition, only a single Second Request is allowed so it must be complete. This Second Request extends the waiting period before the merger may be completed for up to 20 days from the time that all responsive documents are submitted to the agency. Second requests for voluminous documents, combined with the requirement that "all responsive documents" have been supplied by the companies to the agency, can cause substantial delays in the waiting period and the time when a merger may be completed.

To address business concerns over broad second requests and the delay such requests may cause, the original bill substantially limited the scope of agencies' second requests and authorized judicial review of both the scope of and compliance with these critical requests, as detailed below.

First, the original bill would have limited the scope of second requests to information or documents "not unreasonably cumulative or duplicative" and that "do not impose a burden or expense that substantially outweighs the likely benefit of the information to the agency." The antitrust agencies raised significant, valid questions about whether these limitations were workable. In particular, at the time a second request is issued, an agency generally cannot evaluate the cost/benefit tradeoff because it does not know the costs of production, and has only limited knowledge about the potential benefits of the information for the investigation (in part because the anticompetitive issues are often still indefinite). The documents themselves provide this information.

The bill would also have required the antitrust agency to provide, with each second request, a specific summary of the competitive concerns presented by the proposed acquisition and the relation between such concerns and the second request specifications. The antitrust agencies questioned this requirement because anticompetitive concerns are still often general and evolving at the time a second request is issued. Consequently, a specific summary may not be possible at that time and would likely be incomplete since additional competitive concerns may be discovered during the investigation. Furthermore, according to the agencies, this requirement was unnecessary since they ordinarily provide a general explanation of their concerns and provide more specific information as it develops, in face-to-face conferences between parties (or their counsel) and investigating staff.

Second, the original bill would have limited the agencies' ability to claim that the production of documents in response to a second request is deficient only if the deficiency "materially impairs the ability of the agency to conduct a preliminary antitrust review." This proposed standard for claiming deficiency (that is, for requiring further document production) is higher than the ordinary standard for discovery and would limit the agency's ability to investigate, especially given HSR's stringent time frames and the fact that the second request is the single opportunity to seek information in a premerger review. This could have seriously harmed the agency's posture in court, as courts often examine the entire substance of the agency's case even in a preliminary injunction action.

Finally, the original bill would have authorized a merging company to seek review by a magistrate judge of both the scope of the second request and any claim of deficient production. The magistrate was required to apply the scope and deficiency standards described above, which impose more limits on antitrust agencies than general civil discovery rules. Moreover, magistrates were unlikely to be familiar with the types of information that form the basis for the complex antitrust analysis required in predicting likely future competitive effects of a proposed transaction—a shortcoming with possible adverse consequences for antitrust agencies seeking relevant information for an investigation since this experience is particularly important in light of HSR's special time constraints and the agencies' single opportunity to seek documents prior to the merger.

The substitute amendment eliminates these three problematic procedural limitations on the second request investigation process contained in the original bill. Instead, the Hatch-Leahy-DeWine-Kohl substitute amendment directs the agencies to reform the merger review process to eliminate unnecessary delay, costly duplication and undue delay. In addition, the agencies are directed to designate senior officials within the agencies to review the second requests to determine whether the requests are burdensome or duplicative and whether the request has been substantially complied with by the merging companies.

These changes are consistent with reforms that the FTC and Antitrust Division already have underway. Indeed, the FTC on April 5, 2000, and the Antitrust Division the next day, announced their adoption of new procedures and other initiatives to improve the premerger "second request" investigation process to make the process more efficient for both businesses and the agencies. I commend both agencies for their efforts in this regard and look forward to working with them to ensure that implementation of their regulations proceeds smoothly.

The Hatch-Leahy-DeWine-Kohl substitute amendment also imposes a reporting requirement on the FTC to provide the Congress with information on the number of HSR notices filed and on the reviews conducted by the antitrust agencies.

The antitrust agencies did not support the fee structure in the Committee reported bill since, in their view, the level of fees authorized in the substitute amendment would not provide them with the ability to collect sufficient fees to meet their budget request for FY 2001. Although these agencies are funded by direct appropriations and not by their fees, the reality is that the appropriations to these agencies usually corresponds to the level of the fees collected. Nevertheless, the Committee reported bill authorized the collection of sufficient fees to be revenue neutral and at a level that would enable the agencies, according to the CBO, to collect fees at a level amounting to an increase of ten percent over the agencies' last year's budget.

The Hatch-Leahy-DeWine-Kohl substitute amendment eliminates reference to the revised fee structure. I intend to work with my colleagues and the antitrust agencies, as I have in the past, to ensure that they receive all the funding necessary to support their mission and carry out their important work through the appropriations process.

THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. WYDEN. Mr. President, I am pleased to be the original cosponsor of the Savage Rapids Dam Act of 2000, introduced by my friend and colleague from Oregon, Senator GORDON SMITH.

This legislation is another good example of the Oregon way: bringing together varied interests to get win-win results for all stakeholders. Born out of controversy concerning the detrimental effects of the Savage Rapids Dam on fish passage and survival, this legislation is now supported by the Grants Pass Irrigation District, Waterwatch, Oregon's Governor Kitzhaber, Trout Unlimited, and various Oregon river guide and sport fishing concerns.

The winners under this legislation are Oregon's environmental and agricultural interests. The legislation begins the important process of restoring salmon habitat on the Rogue River, while retaining access to necessary irrigation water from the Rogue River for the Grants Pass Irrigation District. The legislation authorizes the acquisition by the Secretary of Interior of the Savage Rapids Dam for the purpose of removing the Dam to promote the recovery of coastal salmon. But prior to that acquisition, the legislation directs the Secretary of Interior, through the Bureau of Reclamation, to design and install modern electric irrigation pumps for the Grants Pass Irrigation District so they may continue to access Rogue River water for crop irrigation, as they have done since 1921.

This legislation is good for irrigators: by maintaining water accessibility, it will help sustain local agricultural businesses. It is good for fish because it takes important steps toward habitat restoration by authorizing Dam removal as well as the monitoring, mitigation, and restoration activities necessary to restore the fish population in on the Rogue River.

I look forward to continuing to improve the legislation with my colleagues in the Senate and the stakeholders at home. As I work over the recess and on into the next Congress on this issue, I know, eventually, we will have another win for the Oregon way.

RESOLUTION FOR SUBPOENA TO SECRETARY RICHARDSON

Mr. LEAHY. Mr. President, during the last presidential debate, Governor Bush told the American people, as he has frequently during the campaign, that if he and Republicans are in control, there will be a more even-handed, cordial and respectful atmosphere in Washington and less partisan politics. I know that Governor Bush has tried to cast himself as a Washington outsider, so maybe he has not been paying attention to how the Republican majority here in Washington has been doing things these past few years. A resolution on the agenda for the final two meetings of the Judiciary Committee in this Congress might help bring Governor Bush up to speed.

That resolution proposed by the Republican leadership of the Judiciary Subcommittee on Administrative Oversight and the Courts sought to authorize issuance of a subpoena compelling Department of Energy Secretary Bill Richardson to testify before the Subcommittee about the investigation and prosecution of Wen Ho Lee and provide thirteen different categories of documents. Under the proposed resolution, if by November 8, 2000, Secretary Richardson did not agree to testify and provide the demanded documents, the subpoena would be authorized. This resolution was ultimately not brought to a vote due to the lack of the requisite quorum, sparing the Judiciary Committee from making an unnecessary and embarrassing demand for which the only enforcement mechanism is a contempt trial in the Senate.

It might appear from the targets of this subpoena resolution, namely, Secretary Richardson and the Department of Energy, that the Judiciary Committee and the Subcommittee on Administrative Oversight and the Courts are charged with oversight of the Department of Energy (DOE). In fact, the Republicans have proposed this resolution as part of the Subcommittee's oversight of the Justice Department. While the Department of Energy may have information helpful to an understanding of the Justice Department's handling of the Lee case, the manner in which the Republican majority has chosen to proceed both with regard to Secretary Richardson and other matters before the Subcommittee have been marked by an unprecedented political intervention in pending criminal matters and second-guessing of the handling of certain cases by federal agencies.

For example, the majority on the Senate Judiciary Committee has broken from tradition and called line assistants to testify before the Subcommittee, questioned federal judges about pending cases over which they are presiding, attempted to exact assurances that particular cases will be handled particular ways, and made public internal and confidential recommendations by senior prosecutors to the Attorney General on how to proceed in ongoing investigations. The Subcommittee's earlier intervention in the Waco matter prompted a rebuke from Special Counsel Jack Danforth, who wrote to the Senate Judiciary Committee twice in September, 1999, requesting that the Committee "conduct its inquiries in a way that does not undermine the work of the Special Counsel." I should note that the Subcommittee on Administrative Oversight and the Courts persisted in seeking documents from the Department of Justice on the Waco matter, and that 250 boxes of Waco documents produced by the Department of Justice sit largely unopened in Judiciary Committee offices.

Let me help bring Governor Bush up to speed with the most recent example of how the majority is conducting itself. Sponsors of this subpoena resolution made it sound as if a subpoena were necessary because Secretary Richardson had been dodging a discussion of the Lee case since March 2000. Indeed, a sponsor of the subpoena resolution stated at a Judiciary Committee meeting on October 5, 2000, that "[t]he efforts to secure Secretary Richardson's attendance go back to March of this year when we requested his appearance and he declined, with comments about his unavailability on a specific date."

Yet, as some Republicans have even acknowledged, from December 1999 until just six weeks ago when Dr. Lee pled guilty, the Committee was honoring FBI Director Freeh's urgent request that the Committee suspend review of Dr. Lee's case during the pendency of the criminal prosecution so as not to compromise the case.

When former Senator Danforth testified to Congress about his independent investigation of the tragic raid on the Branch Davidian compound in Waco, Texas, he commented that, "We have totally overblown our willingness to just trash people." Senator Danforth said about those who make reckless claims of government misconduct and who grandstand on matters of public importance: "The wrong information was presented to the American people and it caused a real shaking of confidence of people in their government . . . When people make dark charges—I mean really, really serious charges—the people who make the charges should bear some kind of burden of proof before we all buy into them." His words have not been sufficiently heeded by the majority in this Congress, as this unwarranted and scurrilous subpoena resolution directed at Secretary Richardson makes clear.

Governor Bush may also not be aware of the following: Despite Director Freeh's request that the Congress suspend the Lee hearings during pendency of the case, and the Judiciary Committee's honoring of that request, an interim report on the Lee matter was issued by a Republican Member in March 2000. He did so over the written objections of a Member of his own party, who expressed concern about the haste of issuing the report despite an incomplete investigation and the lack of a consensus in the Judiciary Committee about key matters.

The Committee's suspension of its inquiry into this matter was lifted only six weeks ago, September 13, 2000, when Dr. Lee pled guilty and was sentenced. The March 2000 hearing to which Secretary Richardson was invited, but for which he had a conflict, was not about the facts of Dr. Lee's case, but legislation on which the Judiciary Committee was then working.

It might help Governor Bush size up the source of partisan bickering in Washington if he were aware of how the Senate Judiciary Committee was rushing to issue a subpoena to a cabinet secretary, even though Members of his own party acknowledge that the complete story of the Lee matter will not and cannot come out for some time. I concur with Senator GRASSLEY's comments on October 3, 2000, at a hearing conducted by the Subcommittee on Administrative Oversight and the Courts on the Lee matter: "For now, Dr. Lee's side of the story is on hold. That is because his attorneys have asked that his side be told only after he is debriefed by the government. We also asked to interview Judge Parker about his views of the case but Judge Parker declined our invitations, so the public is not going to get the full picture, which may not come into view for some time yet."

Nonetheless, for Secretary Richardson, a high-ranking member of this Administration, the Judiciary Committee was asked to authorize a subpoena and get him before Congress immediately in an apparent effort to make it seem as though he is dodging congressional oversight, even though by Senator GRASSLEY's candid admission that Congress will not have the full picture of Dr. Lee's case "for some time."

In fact, the investigation of Dr. Lee remains open with intense debriefings ongoing. The agencies involved are rightfully sensitive that the debriefings of Dr. Lee are not complete and concerned that public discussion of the case not jeopardize the debriefings or future steps in the case.

Republicans have not shown similar interest in oversight of other open criminal matters about which the American people might truly want all the facts immediately and certainly before Election Day. For example, no effort by the majority has been made to get to the bottom of "Debategate," the mailing of Bush debate preparation materials to the Gore campaign. That incident might be a third-rate mail fraud, but it might also be serious campaign misconduct of the type we saw during the Watergate scandal. Some have speculated that it was a dirty trick by the Bush campaign to set up the Vice President. I have heard nothing from the Republicans about the matter. I have heard no outrage that Governor Bush and his campaign aides are not being put under oath or dragged before grand juries to get to the bottom of the scandal. In contrast to the majority's preference to investigate rather than legislate, their silence on the Debategate case is deafening. On that investigation, the Republicans are happy to allow the ongoing criminal investigation to take its course. But not here, where the important debriefings of Dr. Lee are sensitive and ongoing.

The fact is that in the six short weeks since Dr. Lee pled guilty, the Department of Energy has been extremely cooperative, just as the Department of Energy was cooperative with other committees' previous reviews of the Lee matter.

At the first hearing on the matter after Dr. Lee pled guilty, the Judiciary Committee's joint hearing with the Senate Committee on Intelligence on September 26th, Deputy Secretary T.J. Glauthier of the Department of Energy appeared to testify in place of Secretary Richardson because the Secretary was testifying before another committee. Secretary Richardson agreed to testify at that afternoon's closed session when he would be available, but no such afternoon session was conducted. At the second hearing on September 27th, DOE Security Chief Edward Curran appeared to testify.

At the third hearing on October 3rd, DOE computer specialist Ronald Wilkins appeared to testify. In addition, the Subcommittee on Administrative Oversight and the Courts heard from Los Alamos officials Dr. Stephen Younger and former officials Robert Vrooman and Notra Trulock. In sum, Department of Energy has provided witnesses before a total of 11 House and Senate committees and has provided testimony 37 times in hearings and briefings on the Lee case and related espionage and security matters in the past two years.

Moreover, the thirteen categories of documents called for in the subpoena resolution—to the extent not already produced—were requested only a few days before the subpoena was sought. A chronology of the relevant events shows that the Department of Energy has made and is making every effort to produce documents.

On November 17, 1999, the Republicans on the Judiciary Committee approved a resolution to issue subpoenas to five cabinet secretaries, including Secretary Richardson, containing a general request for all documents related to Wen Ho Lee and three other matters. Because the Judiciary Committee a few short weeks later, in December 1999 honored Director Freeh's request that the Committee suspend inquiry of the Lee matter, no subpoena was ever issued and forwarded, and it is unclear whether that document request was ever communicated to the Department of Energy.

On September 13, 2000, Dr. Lee pled guilty and was sentenced.

On September 28, 2000, Senator SPECTER wrote to DOE requesting that five pages of a DOE Inspector General report be declassified, but making no other request for documents. My understanding is that the request was honored.

On September 29, 2000, Senator SPECTER wrote a letter directly to Secretary Richardson enclosing follow-up written questions to DOE's Security Chief Edward Curran, who testified before the subcommittee on September 27th. Neither the letter to Secretary Richardson nor the questions to Mr. Curran contained any request for documents.

On October 3, 2000, Senator SPECTER wrote to both Secretary Richardson and the Attorney General requesting documents relating to Dr. Lee's claim of racial profiling that the prosecution would have been required to submit to

Judge Parker for in camera review had Dr. Lee not pled guilty. DOE has produced materials in response to that request.

On October 5, 2000, Secretary Richardson met with Senator SPECTER and discussed the case. My understanding is that Senator SPECTER's staff thereafter orally requested five documents or files from DOE Chief Larry Sanchez.

On October 12, 2000, Senator SPECTER asked the Judiciary Committee to approve a resolution authorizing a subpoena for Secretary Richardson's testimony. That resolution contained no request for documents.

Finally, on the evening of October 16, 2000, Senator SPECTER wrote a letter to Secretary Richardson listing the thirteen categories of documents sought by the subpoena resolution.

Despite that record of the DOE's good faith, on October 19, 2000, less than two weeks since Senator SPECTER's office made an oral request of Mr. Sanchez for five documents or files and just three days since Senator SPECTER submitted his list of thirteen categories of documents, the Republicans sought a resolution seeking issuance of a subpoena. The Department of Energy has made three deliveries of materials over the past two weeks, and I have no doubt that the Department of Energy will continue to comply with these document requests and act in good faith. Moreover, I understand that Secretary Richardson has met recently with Senator SPECTER and with Chairman HATCH to discuss the facts of the case. Far from dodging congressional oversight, the Secretary has made himself available for such meetings in the midst of recent crises over the price of oil.

The sponsors of the subpoena resolution advanced three reasons to justify its issuance. They claimed that the Judiciary Subcommittee on Administrative Oversight and the Courts needs to hear immediately from Secretary Richardson so that he may (1) respond to allegations that the Department of Energy was to blame for the delay between April 1999, when Dr. Lee's residence was searched and evidence of his downloading was seized, and December 1999, when he was indicted; (2) explain why his signature was purportedly on the order to put Dr. Lee in leg irons; and (3) respond to allegations made by DOE's former intelligence chief Notra Trulock at an earlier Congressional hearing that he had been told by New York Times reporter James Risen that Secretary Richardson had leaked Dr. Lee's name. Based on the record, as I understand it, these three claims are unsupportable. First, between April and December 1999, numerous agencies participated in sorting out a hugely complex case, analyzing a million computer files, interviewing a thousand people, and assessing the sensitive question of how to prosecute Dr. Lee in a public courtroom without publicly disclosing the nuclear secrets that he downloaded.

As to the second claim, Secretary Richardson wrote to the Attorney General certifying, as required by a federal regulation, that national security would be threatened if Dr. Lee communicated classified information to a confederate, and requesting that she direct prison authorities to implement whatever measures might be appropriate to prevent such communication while Dr. Lee was in custody. Secretary Richardson did not order leg irons. To the contrary, Secretary Richardson noted his understanding that "the conditions of [Dr. Lee's] confinement are in no respect more restrictive than those of others in the segregation unit of the detention facility," and he emphasized his concern that Dr. Lee's civil rights be scrupulously honored.

As to the third claim, my understanding is that, immediately after the hearing at which Mr. Trulock testified, Mr. Risen walked up to Mr. Trulock and said that he had never told Mr. Trulock any such thing about Secretary Richardson. In addition, Secretary Richardson has already categorically denied the allegation.

These reasons are hardly a basis for taking the extraordinary step of authorizing the issuance of a subpoena for a member of the President's cabinet.

At the Judiciary Committee's meeting on October 19, 2000, it was suggested that Chairman HATCH might have the authority to issue a subpoena for Secretary Richardson pursuant to a resolution which the Republicans on the Committee approved in November 1999. The Democrats opposed that resolution in part because a subpoena might interfere with the ongoing investigation of Dr. Lee. Over the Democrats' objection, that partisan resolution was rushed through the Judiciary Committee by the majority precipitously and was never executed. Indeed, just a few weeks later, Director Freeh made his urgent request that the Committee suspend its inquiry into the Lee matter during the pendency of the criminal case.

As it related to the Department of Energy, the partisan resolution authorized issuance of a subpoena to Secretary Richardson for documents, not his personal appearance. As for the documents, the resolution authorized issuance of a subpoena for all documents related to DOE's investigation of Dr. Lee and identified just two particular documents that were sought. That resolution did not identify the thirteen categories of documents for which authorization was sought in the last meetings of the Judiciary Committee.

Since the Judiciary Subcommittee on Administrative Oversight and the Courts began its oversight of the Justice Department, no fewer than nine subpoenas have been authorized for cabinet secretaries, not including a subpoena for Secretary of State Madeleine Albright in connection with Elian Gonzalez which was authorized and later rescinded.

If the American people want to test the credibility of Governor Bush's claim about the kinder and gentler America that he claims only a Republican-led government can bring to our nation, they should examine the record of the oversight efforts by Republican-led Judiciary Committee and its Subcommittee on Administrative Oversight and the Courts.

ADDITIONAL STATEMENTS

CELEBRATING THE PUBLICATION OF EARLY ART AND ARTISTS IN WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, I rise today to address a subject very close to my heart. Not long after my wife, Sharon, and I settled in West Virginia, my father presented me with a wonderful painting of the Kanawha River by Frederic Edwin Church, one of America's greatest nineteenth-century landscape painters. Thoroughly delighted with the painting, I became curious to know more about West Virginia's art history. What I discovered was a rich and varied tradition of artists, musicians and authors. Indeed, we in West Virginia have much to be proud of in the fields of fine art, music and literature, as well as theater, dance and architecture.

However, there has persisted a distinct lack of documentation of West Virginia's artistic tradition. That is, until now, with the publication of the groundbreaking book, Early Art and Artists in West Virginia. Compiled and narrated by Dr. John A. Cuthbert, in cooperation with West Virginia University Press, this book is the first of its kind. This wonderful compendium finally establishes a foundation upon which we can begin to explore the history of art in West Virginia, and examine the important contributions the state has made to the world of fine art.

Dr. Cuthbert offers us a richly illustrated explanation of the development of portrait and landscape painting, as well as lesser genres in the state. He has also compiled a directory of nearly one thousand artists who are a part of this special history, providing both teachers and scholars with an invaluable tool for further study. From the many visiting and native artists who worked in the panhandles in the early nineteenth century, to the members of the Hudson River School who delighted in the state's virgin forests several decades later, all are present in this remarkable volume.

The lovely portrait of Sophie B. Colston that graces the book's cover is but a sample of the caliber of their work. Set in a landscape that every West Virginian will recognize, this masterpiece by Berkeley County's William Robinson Leigh suggests the underlying message of this book—that sophistication and elegance have long been a part of the state's celebrated mountain folk culture.

Since receiving Church's study of the Kanawha River from my father, I have continued to be intrigued by the fine art inspired by and produced in my adopted state. Few American communities the size of Charleston and Wheeling can boast symphony orchestras as accomplished as those found in these cities. Rebecca Harding Davis, Melville Davisson Post, Pearl S. Buck, Davis Grubb and Jayne Anne Phillips are but a few of the West Virginians who have contributed to the great canon of American literature. This uplifting part of our heritage deserves to be much better known. Early Art and Artists in West Virginia is a remarkable contribution toward this end. Thank you, John Cuthbert and West Virginia University Press, for this wonderful and important book.•

IN RECOGNITION OF THE RETIREMENT OF DR. JAMES HENDRICKS

• Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. James Hendricks, who is retiring this year from a career in education which spanned 43 years, and included 33 years of dedicated service to Northern Michigan University in Marquette, Michigan. For the past 22 years, Dr. Hendricks has served as Director of the School of Education there, and in this capacity he has illustrated to fellow professors and students alike that, while there is no single formula for successful education, there is a single foundation—caring deeply for each and every student in the classroom.

Dr. Hendricks grew up on a farm in rural Indiana. As a child, his interests were extremely atypical. He loved the opera and classical music, and often chose to read a book during recess while his classmates played games. His experiences at school were to help him later in life, as he gained a sensitivity towards children with different interests, and developed educational strategies with the goal of "just and inclusive classrooms."

Dr. Hendricks graduated from the University of Indiana, where he studied English, Philosophy, History and Spanish, in 1957. Following his graduation, he turned down a job at his local bank to teach elementary school in Southport, Indiana. He immediately knew that he had made the right decision, and it did not take long for him to fall in love with teaching. His goal during those years was to help "all children find a happiness in being in that classroom."

Recognizing a need to further his own education, Dr. Hendricks returned to the University of Indiana after three years of teaching in Southport. In 1962, he received his Master's Degree in History and Education. He then spent three years in Bloomington as both a graduate assistant and research fellow before coming to Marquette to serve as an Assistant Professor at Northern Michigan from 1965–67.

In 1968, he returned to the University of Indiana, and received his Doctoral Degree in History and the Philosophy of Education. Following this, he accepted a position as Assistant Professor in the Department of Education at Portland State University, and during his time there helped the university set up its educational doctoral program. In 1969, Dr. Hendricks returned to Marquette and the faculty of Northern Michigan University.

During Dr. Hendricks' tenure at Northern Michigan, the Education Department has been rejuvenated. Admission standards for students have been elevated and the curriculum has been deepened. From the time that they decide they want to be teachers, students are required to gain hands-on experience in classrooms throughout Marquette County, where they learn from proven teachers, as well as from students. In addition, veteran elementary and secondary school teachers have joined the University's faculty in an effort to assist student teachers. All of this equates to students graduating the Education Department who are experienced and knowledgeable enough to immediately handle the pressure and responsibility of having their own classroom.

Dr. Hendricks' good works within the community were surpassed only by those of his wife, Sandra. Mrs. Hendricks greatly impacted the City of Marquette with her volunteerism, while at the same time remaining a devoted mother to the couple's three children. Before her death in 1998, she spent time baking brownies for cancer patients at Beacon House in Marquette, and then brightening their days by hand delivering the goods and staying to chat with the patients. She loved Christmas and each year sponsored the Alternative Gifts Fair, which benefitted Third World artists. The event still takes place each December at St. Paul's Episcopal Church.

Mr. President, I applaud Dr. Hendricks on an extraordinary career in education. The key to his success has been nothing more than a strong desire to see his Department and his students succeed to the utmost of their potential. Because of this desire, the Northern Michigan University Education Department not only has a profound impact on the quality of education offered to students in the Upper Peninsula, but throughout the entire State of Michigan. On behalf of the United States Senate, I thank Dr. James Hendricks for the many beneficial things he accomplished during his career, and wish him the best of luck in retirement.•

NATIONAL HISTORY DAY

Mr. LEAHY. Mr. President, I rise today to recognize an outstanding history education program in Vermont and throughout the United States. National History Day is a year-long nonprofit program through which students in grades 6–12 research and create historical projects related to a broad theme, culminating in an annual contest. This year's National History Day theme, Frontiers in History: People, Places, Ideas, encompasses endless possibilities for exploration. Each year more than 500,000 students participate in this nationwide event that encourages students to delve into various facets of world, national, regional, or local history and to produce original research projects.

By encouraging young Vermonters to take advantage of the wealth of primary historical resources available to them, students are able to gain a richer understanding of historical issues, ideas, people and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, posters, maps, artifacts, sound recordings and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem solving skills that will help them manage and use information.

In June I had the pleasure of meeting with the 25 winners of this year's Vermont History Day contest here in Washington as they participated in the national contest held at the University of Maryland. These impressive students represent the great benefit of fostering and encouraging academic curiosity in our youth. Every student in Vermont should have the opportunity to participate in this enriching experience. I commend the coordinator of our state program, the Vermont Historical Society, for its commitment to expanding History Day in Vermont. The National History Day program is a truly great asset to Vermont educators and students in their quest for educational excellence.

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The message also announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3595. An act to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5086. An act to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 1508. An Act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1509. An Act to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

S. 2440. An Act to amend title 49, United States Code, to improve airport security.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Licensing Operation of a Non-Federal Launch Site; request for comments on handling of solid propellants and cooperation with the NRSB; docket No. FAA–1999–5833 [10–19/10–23]" (RIN2120–AG15) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Federal Airways in the vicinity of Dallas/Fort Worth; TX; docket No. 00ASW–6 [10–16/10–23]" (RIN2120–AA66) (2000–0246) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1 600 1A11 and CL 600 2A12 Series Airplanes; docket No. 99–NM–26 [10–16/10–23]" (RIN2120–AA64) (2000–0501) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 Series Airplanes; docket No. 2000–NM–286 [10–11/10–23]" (RIN2120–AA64) (2000–0499) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket No. 2000–NM–312 [10–16/10–23]" (RIN2120–AA64) (2000–0498) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11287. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–55) received on October 23, 2000; to the Committee on Finance.

EC–11288. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Greece; to the Committee on Foreign Relations.

EC–11289. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a waiver and certification of statutory provisions regarding the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC–11290. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 1999 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expenses of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

Coast Guard nominations beginning Janet B. Gammon and ending Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

Coast Guard nominations beginning Mark S. Telich and ending Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 3230. A bill to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs; considered and passed.

By Mr. KYL (for himself and Mr. McCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S.J. Res. 55. A joint resolution to change the Date for Counting Electoral Votes in 2001; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 381. A resolution designating October 16, 2000, to October 20, 2000, as "National Teach For America Week"; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER):

S. Res. 382. A resolution recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina; considered and agreed to.

By Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DeWINE, and Mr. DODD):

S. Con. Res. 155. A concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

THE RURAL RENTAL HOUSING ACT OF 2000

Mr. EDWARDS. Mr. President, I rise to introduce legislation to promote the development of affordable, quality rental housing for low-income households in rural areas. I am pleased, along with Senator JEFFORDS and Senator LEAHY, to introduce the "Rural Rental Housing Act of 2000."

There is a pressing and worsening need for quality rental housing for rural families and senior citizens. As a group, residents of rural communities are the worst housed of all our citizens. Rural areas contain approximately 20 percent of the nation's population as compared to suburbs with 50 percent. Yet, twice as many rural American families live in bad housing than in the suburbs. An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

Substandard housing is a particularly grave problem in the rural areas of my home state of North Carolina. Ten percent or more of the population in five of North Carolina's rural counties live in substandard housing. Rural housing units, in fact, comprise 60 percent of all substandard units in the state.

Even as millions of rural Americans live in wretched rental housing, millions more are paying an extraordinarily high price for their housing. One out of every three renters in rural America pays more than 30 percent of his or her income for housing; 20 percent of rural renters pay more than 50 percent of their income for housing.

Most distressing is when people living in housing that does not have heat or indoor plumbing pay an extraordinary amount of their income in rent. Over 90 percent of people living in housing in the worst conditions pay more than 50 percent of their income for housing costs.

Unfortunately, our rural communities are not in a position to address these problems alone. They are disproportionately poor and have fewer resources to bring to bear on the issue. Poverty is a crushing, persistent problem in rural America. One-third of the non-metropolitan counties in North Carolina have 20 percent or more of their population living below the poverty line. In contrast, not a single metropolitan county in North Carolina has 20 percent or more of its population living below the poverty line. Not surprisingly, the economies of rural areas are generally less diverse, limiting jobs and economic opportunity. Rural areas have limited access to many forces driving the economy, such as technology, lending, and investment, because they are remote and have low population density. Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment. Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

Given the magnitude of this problem, it is startling to find that the federal government is turning its back on the situation. In the face of this challenge, the federal government's investment in rural rental housing is at its lowest level in more than 25 years. Federal spending for rural rental housing has been cut by 73 percent since 1994. Rural rental housing unit production financed by the federal government has been reduced by 88 percent since 1990. Moreover, poor rural renters do not fair as well as poor urban renters in accessing existing programs. Only 17 percent of very low-income rural renters receive housing subsidies, compared with 28 percent of urban poor. Rural counties fared worse with Federal Housing Authority assistance on a per capita basis, as well, getting only $25 per capita versus $264 in metro areas. Our veterans in rural areas are no better off: Veterans Affairs housing dollars are spent disproportionately in metropolitan areas.

To address the scarcity of rural rental housing, I believe that the federal government must come up with new solutions. We cannot simply throw money at the problem and expect the situation to improve. Instead, we must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private and nonprofit sectors to make headway. We must leverage our resources wisely to increase the supply and quality of rural rental housing for low-income households and the elderly.

Senator JEFFORDS, Senator LEAHY, and I are proposing a new solution. Today, we introduce the Rural Rental Housing Act of 2000 to create a flexible source of financing to allow project sponsors to build, acquire or rehabilitate rental housing based on local needs. We demand that the federal dollars to be stretched by requiring State matching funds and by requiring the sponsor to find additional sources of funding for the project. We are pleased that over 70 housing groups from 26 states have already indicated their support for this legislation.

Let me briefly describe what the measure would do. We propose a $250 million fund to be administered by the United States Department of Agriculture (USDA). The funds will be allotted to states based on their shares of rural substandard units and of the rural population living in poverty. We will leverage federal funding by requiring states or other non-profit intermediaries to provide a dollar-for-dollar match of project funds. The funds will be used for the acquisition, rehabilitation, and construction of low-income rural rental housing.

The USDA will make rental housing available for low-income populations in rural communities. The population served must earn less than 80 percent area median income. Housing must be in rural areas with populations not exceeding 25,000, outside of urbanized areas. Priority for assistance will be given to very low income households, those earning less than 50 percent of area median income, and in very low-income communities or in communities with a severe lack of affordable housing. To ensure that housing continues to serve low-income populations, the legislation specifies that housing financed under the legislation must have a low-income use restriction of not less than 30 years.

The Act promotes public-private partnerships to foster flexible, local solutions. The USDA will make assistance available to public bodies, Native American tribes, for-profit corporations, and private nonprofit corporations with a record of accomplishment in housing or community development. Again, it stretches federal assistance by limiting most projects from financing more than 50 percent of a project cost with this funding. The assistance may be made available in the form of capital grants, direct, subsidized loans, guarantees, and other forms of financing for rental housing and related facilities.

Finally, the Act will be administered at the state level by organizations familiar with the unique needs of each state rather than creating a new federal bureaucracy. The USDA will be encouraged to identify intermediary organizations based in the state to administer the funding provided that it complies with the provisions of the Act. These intermediary organizations can be states or state agencies, private nonprofit community development corporations, nonprofit housing corporations, community development loan funds, or community development credit unions.

This Act is not meant to replace, but to supplement the Section 515 Rural Rental Housing program, which has been the primary source of federal funding for affordable rental housing in rural America from its inception in 1963. Section 515, which is administered by the USDA's Rural Housing Service, makes direct loans to non-profit and for-profit developers to build rural rental housing for very low income tenants. Our support for 515 has decreased in recent years—there has been a 73 percent reduction since 1994—which has had two effects. It is practically impossible to build new rental housing, and our ability to preserve and maintain the current stock of Section 515 units is hobbled. Fully three-quarters of the Section 515 portfolio is more than 20 years old. Currently $60 million of the $115 million appropriation in fiscal year 2000 is used to preserve existing stock.

The time has come for us to take a new look at a critical problem facing rural America. How can we best work to promote the development of quality rental housing for low-income people in rural America? My colleagues and I believe that to answer this question, we must comply with certain basic principles. We do not want to create yet another program with a large federal bureaucracy. We want a program that is flexible, that fosters public-private partnerships, that leverages federal funding, and that is locally controlled. We believe that the Rural Rental Housing Act of 2000 satisfies these principles and will help move us in the direction of ensuring that everyone in America, including those in rural areas, have access to affordable, quality housing options.

Mr. President, I request that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a pressing and increasing need for rental housing for rural families and senior citizens:

(A) Two-thirds of extremely low-income and very low-income rural households do not have access to affordable rental housing units.

(B) More than 900,000 rural rental households (10.4 percent) live in either severely or moderately inadequate housing.

(C) Substandard housing is a problem for 547,000 rural renters, and approximately 165,000 rural rental units are overcrowded.

(2) Many rural United States households live with serious housing problems, including a lack of basic water and wastewater services, structural insufficiencies, and overcrowding:

(A) 28 percent, or 10,400,000, rural households in the United States live with some kind of serious housing problem.

(B) Approximately 1,000,000 rural renters have multiple housing problems.

(C) An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

(3) One-third of all renters in rural America are paying more than 30 percent of their income for housing:

(A) 20 percent of rural renters pay more than 50 percent of their income for housing.

(B) 92 percent of all rural renters with significant housing problems pay more than 50 percent of their income for housing costs, and 60 percent paying more than 70 percent of their income for housing.

(4) Rural economies are often less diverse, and therefore, jobs and economic opportunity are limited:

(A) Factors existing in rural environments, such as remoteness and low population density, lead to limited access to many forces driving the economy, such as technology, lending, and investment.

(B) Local expertise is often limited in rural areas where the economies are focused on farming and/or natural resource-based industries.

(5) Rural areas have less access to credit than metropolitan areas:

(A) Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment.

(B) Often, credit that is available is insufficient, leading to the need for interim or bridge financing.

(C) Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

(6) The Federal Government investment in rural rental housing has dropped during the last 10 years, as—

(A) Federal spending for rural rental housing has been cut by 73 percent since 1994; and

(B) Rural rental housing unit production financed by the Federal Government has been reduced by 88 percent since 1990.

(7) To address the scarcity of rural rental housing, the Federal Government must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private sector, including nonprofit organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE RURAL AREA.—The term "eligible rural area" means a rural area with a population of not more than 25,000, as determined by the most recent decennial census of the United States, and located outside an urbanized area.

(2) ELIGIBLE PROJECT.—The term "eligible project" means a project for the acquisition, rehabilitation, or construction of rental housing and related facilities in an eligible rural area for occupancy by low-income families.

(3) ELIGIBLE SPONSOR.—The term "eligible sponsor" means a public agency, an Indian tribe, a for-profit corporation, or a private nonprofit corporation—

(A) a purpose of which is planning, developing, or managing housing or community development projects in rural areas; and

(B) that has a record of accomplishment in housing or community development and meets other criteria established by the Secretary by regulation.

(4) LOW-INCOME FAMILIES.—The term "low-income families" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(5) QUALIFIED INTERMEDIARY.—The term "qualified intermediary" means a State, a State agency designated by the Governor of the State, a private nonprofit community development corporation, a nonprofit housing corporation, a community development loan fund, or a community development credit union, that—

(A) has a record of providing technical and financial assistance for housing and community development activities in rural areas; and

(B) has a demonstrated technical and financial capacity to administer assistance made available under this Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) STATE.—The term "State" means the States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

SEC. 4. RURAL RENTAL HOUSING ASSISTANCE.

(a) IN GENERAL.—The Secretary may, directly or through 1 or more qualified intermediaries in accordance with section 5, make assistance available to eligible sponsors in the form of loans, grants, interest subsidies, annuities, and other forms of financing assistance, to finance the eligible projects.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, an eligible sponsor shall submit to the Secretary, or a qualified intermediary an application in such form and containing such information as the Secretary shall require by regulation.

(2) AFFORDABILITY RESTRICTION.—Each application under this subsection shall include a certification by the applicant that the house to be acquired, rehabilitated, or constructed with assistance under this section will remain affordable for low-income families for not less than 30 years.

(c) PRIORITY FOR ASSISTANCE.—In selecting among applicants for assistance under this section, the Secretary, or a qualified intermediary, shall give priority to providing assistance to eligible projects—

(1) for very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)); and

(2) in low-income communities or in communities with a severe lack of affordable rental housing, in eligible rural areas, as determined by the Secretary; or

(3) applications submitted by public agencies, Indian tribes, private nonprofit corporations or limited dividend corporations in which the general partner is a non-profit entity whose principal purposes include planning, developing and managing low-income housing and community development projects.

(d) ALLOCATION OF ASSISTANCE.—In carry-out out this section, the Secretary shall allocate assistance among the States, taking into account the incidence of rural substandard housing and rural poverty in each State and the State's share of the national total of such indices.

(e) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), assistance made available under this Act may not exceed 50 percent of the total cost of the eligible project.

(2) EXCEPTION.—Assistance authorized under this Act shall not exceed 75 percent of the total cost of the eligible project, if the project is for the acquisition, rehabilitation, or construction of not more than 20 rental housing units for use by very low-income families.

SEC. 5. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—The Secretary may delegate authority for distribution of assistance to one or more qualified intermediaries in the State. Such delegation shall be for a period of not more than 3 years, and shall be subject to renewal, in the direction of the Secretary, for 1 or more additional periods of not to exceed 3 years.

(b) SOLICITATION.—

(1) IN GENERAL.—The Secretary may, in the discretion of the Secretary, solicit applications from qualified intermediaries for a delegation of authority under this section.

(2) CONTENTS OF APPLICATION.—Each application under this subsection shall include—

(A) a certification that the application will—

(i) provide matching funds from sources other than this Act in an amount that is not less than the amount of assistance provided to the applicant under this section; and

(ii) distribute assistance to eligible sponsors in the State in accordance with section 4; and

(B) a description of—

(i) the State or the area within a State to be served;

(ii) the incidence of poverty and substandard housing in the State or area to be served;

(iii) the technical and financial qualifications of the applicants; and

(iv) the assistance sought and a proposed plan for the distribution of such assistance in accordance with section 4.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000,000 for each of fiscal years 2001 through 2005.

Mr. LEAHY. Mr. President, I rise today to offer my support for the Rural Rental Housing Act of 2000. This bill takes a much needed step toward reestablishing the federal government's commitment to quality affordable housing in rural areas and I am proud to be a cosponsor of this legislation.

The need for a new federal matching grant program to encourage the production, rehabilitation and acquisition of rural rental housing has never been more evident than it is today. Families across the country in small towns, where property is often high and resources scarce, are finding themselves with fewer and fewer options for a safe and affordable place to live. In my home state of Vermont, like many other states across the country, we are in the middle of an affordable housing crisis. Housing costs are soaring and rental vacancy rates are alarmingly low. For those fortunate enough to find an apartment it is increasingly difficult to afford the rent that the market demands. Recent studies suggest that while the need for rental units continues to grow in Vermont, estimated production levels are drastically inadequate to meet demand.

Despite this trend, the federal government has consistently scaled back their commitment to production and rehabilitation of rental housing. Rural rental production has dropped nearly 88% since 1990, and the funding for subsidized housing has fallen by 73% since

1994. This decline has made it difficult to produce new housing and maintain the current obligations and existing stock. In Vermont roughly 4,091 rental units were produced with federal assistance between 1976 and 1985, but during the next ten years this number fell to under two thousand—nearly half of what was produced the decade before, despite the rising need.

Nationally it is estimated that 2.6 million households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity. Unfortunately, rural areas often have less appeal for investment from financial institutions and are often isolated from social services that are more accessible in urban areas to help address these problems.

The Rural Rental Housing Act will provide $250 million dollars for a matching federal grant program to be administered by the United States Department of Agriculture to address this situation. These funds will complement existing programs run by the Rural Housing Service at USDA and will be used in a variety of ways to increase the supply, the affordability, and the quality of housing for the most needy residents, the lowest income families and the elderly. Most importantly the program is designed to be administered at the state and local level and to encourage public-private partnerships to best address the unique needs of each state.

I encourage my colleagues to support this legislation and am committed to work with Senator EDWARDS to reintroduce this bill in the 107th Congress.

Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

TO ESTABLISH A TAX CREDIT FOR PUBLIC TELEVISION DIGITAL TRANSMISSION CONVERSIONS

Mr. KERREY. Mr. President, we often use the tax code as a tool to reward certain taxpayer behaviors. Today, I am pleased to introduce a bill that would reward the behavior of individuals or groups who step forward to help finance the digital transmission conversions of the 348 public television stations across the United States.

Mr. President, public television is an extremely important public good, which brings creative, non-commercial TV programming of the highest quality to citizens in all 50 states, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa. Public television is available to 99 percent of American homes—and serves nearly 100 million people each week.

Throughout the U.S., 171 noncommercial, educational licensees operate 348 PBS member stations. Of the 171 licensees, 87 (51%) are community organizations, 55 (32%) are colleges or universities, 21 (12%) are state authorities and 8 (5%) are local educational or municipal authorities.

As my colleagues may remember, regulations promulgated by the FCC, pursuant to the Telecommunications Act of 1996, require all public television stations to convert their analog transmission equipment and systems to digital transmission by May 1, 2003. This is a very expensive—though important—Federal government mandate. The mandate is particularly burdensome for public television stations because, as non-profit entities, they rely primarily on the charitable donations of their viewers for financial sustenance.

In some states, all of the public television transmission equipment is operated and managed by an umbrella organization. In Nebraska, for example, Nebraska Educational Telecommunications (NET) operates nine transmitters and seventeen translators across the state. The cost of simultaneously replacing all of this equipment in a large, but sparsely populated, state is particularly burdensome.

I have been working with public broadcasters in the State of Nebraska to reduce the financial burden imposed by this government mandate. The legislation I am introducing today is the product of our discussions.

This legislation will provide a tax credit to individuals or groups that provide funding for the purchase or construction of qualified conversion equipment for a qualified public TV digital conversion project. Qualified conversion equipment would include: transmission towers, transmission equipment, production equipment (including cameras, recorders, software and editing systems), retransmission equipment, and transformers. The proposed tax credit is equal to the full cost of the conversion equipment, but the taxpayer will be limited to ⅙th of the credit each year over a six-year period. The individuals or groups who fund these conversions would not be able to charge rents for use of the equipment or claim depreciation for the equipment—the tax credit would be the sole benefit.

I am confident that citizens and groups across the United States would take advantage of this tax credit for the benefit of their local public television stations. While time is running out for action on this legislation during the 106th Congress, I am hopeful that the 107th Congress will work together with the next Administration to alleviate the financial burden on public television stations through the enactment of this legislation.

Mr. KYL (for himself and Mr. MCCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA WATER SETTLEMENTS ACT OF 2000

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the largest water claims settlement in the history of Arizona. The affected parties have been negotiating for several years, and they are getting very close to finalizing these settlement agreements. They still have much work to do; but I am confident that a comprehensive settlement of these issues will be achieved. Therefore, we are introducing this bill today so that all interested Arizonans and others can have time to analyze the proposed language and make suggestions for changes that will enable us to submit a consensus bill early in the next session of Congress.

There are a few major issues that have not been resolved. To the extent that the parties are close to agreement on certain issues, we have included language in the bill that attempts to capture the essence of where the negotiations stand at the moment. For example, although differences remain, the parties are relatively close to agreement on the process to be followed in negotiating intergovernmental agreements. The legislation will have to be changed, therefore, before it is reintroduced in the next Congress, to precisely reflect the agreement reached between the parties. In addition, the timing of the waivers to be issued by the Gila River Indian Community is tied to, among other things, a transfer of a minimum amount of federal funds from the Lower Colorado River Basin Development Fund into the Gila River Indian Community Settlement Development Trust Fund. The relevant parties recognize that the settlement agreement needs more definition of uses of the funds and the precise timing of the transfers, and that the ultimate legislative language will reflect that consensus.

There are other issues that have not been resolved. For example, Section 213 of the bill has been left open for the resolution of the "Upper Gila Valley" (including the City of Safford) issues. Those negotiations are continuing, but have not progressed enough to produce language that can be included in this version of the bill. In addition, Title IV of the bill has been left open for a possible settlement of the claims of the San Carlos Apache Tribe. We will work with the parties over the next few months to ensure that, prior to its reintroduction next year, the bill is modified to reflect the ultimate resolution of these issues. Of course, if those parties choose to litigate their differences, rather than settle them by negotiation, we will not include titles for them in the final bill.

Mr. President, I am submitting for the RECORD a statement supporting this legislation signed by all eight members of the Arizona Congressional delegation. I am also submitting a letter of support from Arizona Governor Jane Dee Hull. I ask unanimous consent that these statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE ARIZONA CONGRESSIONAL DELEGATION REGARDING THE ARIZONA WATER SETTLEMENTS ACT OF 2000, OCTOBER 24, 2000

We are pleased to announce that legislation was introduced today to resolve issues relating to the repayment obligations of the State of Arizona for construction of the Central Arizona Project (CAP), allocation of remaining CAP water (including the use of nearly 200,000 acre-feet of water to satisfy the water rights claims of the Gila River Indian Community, the Tohono O'odham Nation, and other Arizona Indian tribes), and other issues, including final settlement of all claims to waters of the Gila River and its tributaries.

Legislation is needed to codify several aspects of the settlement of these various water related issues. Although not all water users have reached agreement on all issues, negotiations are continuing at a rapid pace. We, therefore, expect that all of the remaining differences will be resolved and settlement agreements will be signed by the parties in the next two months. When final agreements are signed, we intend to introduce the final version of legislation to effectuate those settlements. In the meantime, we have introduced this first version of legislation to demonstrate our commitment to the settlement process, and to allow all interested parties the time to suggest changes to precisely reflect the terms of the settlement.

One of the purposes of this legislation is to implement the settlement (in lieu of adjudication) of all of the water rights claims to the Gila River and its tributaries. Once this legislation is enacted, and the presiding judge approves the settlement, water litigation over rights to the waters of the Gila River, which has been ongoing since 1978, will be terminated. Resolution of this case, and of other issues addressed in the settlement agreements, will help to ensure that there is a more stable and certain water supply for the various water users. This is a significant benefit to the citizens of Arizona, the tribes, and the United States.

The legislation will also resolve several issues. For example, it will effectuate a settlement of litigation between the state and federal government over the state's repayment obligation for construction of the Central Arizona Project. It also amends the Colorado River Basin Project Act of 1968 to authorize the Secretary of the Interior to expend funds from the Lower Colorado River Basin Development Fund to construct irrigation distribution systems to deliver CAP water to the Gila River Indian Community and other CAP water users.

In addition, this legislation authorizes the reallocation of 65,647 acre-feet of CAP water for use by Arizona communities, and the reallocation of nearly 200,000 acre-feet for the settlement of Indian water claims.

We compliment the parties for their hard work and their commitment to resolving these difficult and sometimes contentious issues. We hope and expect that all parties will continue to negotiate in good faith to resolve the remaining issues.

Since the parties have not yet completed their negotiations, this bill is, of necessity, also a work in progress. We point out that some of the provisions in the bill may have to be modified (e.g. Section 207 has not been totally agreed to by all interested parties), and other provisions will have to be added (e.g. resolution of conflicts involving water users in the Upper Gila Valley, the City of Safford, and the San Carlos Apache Tribe).

We note that, while Interior staff have been active in the ongoing negotiations and have served on the committees drafting the bill, the Department of the Interior has not had an opportunity to vet some sections of this draft prior to its introduction. One reason for introducing this bill now rather than waiting until the final settlement agreement has been completed, is to enable Secretary Babbitt to analyze and comment upon the draft legislation before he leaves office in January. Secretary Babbitt has been a major participant in the negotiations over the last two years; and his input into the final legislation will be very important to the successful conclusion of the process.

In summary, our intention is to initiate public discussion of the issues and elicit constructive comments on this bill. Our plan is to reintroduce a modified form of this bill early in the 107th Congress. We expect that the necessary settlement agreements will be complete and signed prior to reintroduction. In relation to the Gila River Indian Community Settlement, we expect that all of the participants named in the attached list will support the settlement agreement, and the implementing legislation. Section 213 has been left open for additional parties to the agreement.

We hope that agreement can be reached to settle the claims of the San Carlos Apache Tribe. Title IV has been left open for this purpose. However, if the San Carlos Tribe cannot reach agreement with the other parties, including the United States, it is our intention to proceed without Title IV. A separate San Carlos settlement will have to be pursued at a later date.

We pledge our continuing effort to work with the parties to successfully conclude these historic settlements.

John McCain, U.S. Senator; Bob Stump, Member of Congress, Jon Kyl, U.S. Senator; Jim Kolbe, Member of Congress; Ed Pastor, Member of Congress; Matt Salmon, Member of Congress; J.D. Hayworth, Member of Congress; John Shadegg, Member of Congress.

SETTLEMENT PARTICIPANTS

Gila River Indian Community.

United States—Department of the Interior; Department of Justice.

State of Arizona/Arizona Department of Water Resources.

Central Arizona Water Conservation District.

Salt River Project.

Roosevelt Water Conservation District.

ASARCO.

Phelps Dodge.

City of Mesa.

City of Chandler.

City of Scottsdale.

City of Peoria.

City of Glendale.

City of Phoenix.

Maricopa Stanfield Irrigation and Drainage District.

Central Arizona Irrigation and Drainage District.

San Carlos Irrigation and Drainage District.

Town of Coolidge.

Hohokam Irrigation and Drainage District.

Gila Valley Irrigation District.

Franklin Irrigation District.

City of Safford.

Town of Kearney.

Graham County Utilities.

Arizona State Land Department.

Arizona Water Company.

City of Tempe.

Arizona Game and Fish.

City of Casa Grande.

Town of Gilbert.

Town of Florence.

Town of Duncan.

Buckeye Irrigation Company.

Roosevelt Irrigation District.

New Magma Irrigation and Drainage District.

STATE OF ARIZONA,
October 11, 2000.

Hon. JON KYL,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR KYL: I commend you for the introduction of the draft legislation the Arizona Water Settlements Act of 2000. This bill will maintain the momentum toward the completion of negotiations on difficult water issues concerning the Central Arizona Project, the Gila River Indian Community, the Tohono O'odham Nation, and the San Carlos Apache Tribe.

The Central Arizona Project is the lifeblood of Arizona. Confirming the repayment settlement between the United States and the Central Arizona Water Conservation District will benefit all of Arizona's taxpayers. Confirming the agreement between the Secretary of the Interior and the Arizona Department of Water Resources on the allocation of CAP water will provide for Arizona's future.

It is my understanding that when this legislation is reintroduced in the next congressional session, the parties will approve the Gila River Indian Community settlement agreement. The Governor of the State of Arizona has traditionally been a signatory to Indian water rights settlements and I expect to be a signatory to the Gila settlement. However, I want to emphasize that I will only support a complete settlement of the Gila River Indian Community claims. For example, the economic well being of the upper Gila River Valley communities and agricultural interests is of great interest to the State of Arizona. I understand that much work remains to revolve these upper valley issues and I urge all the participants to reach an agreement as part of the overall settlement.

Again, I commend your efforts to move the process along, and I look forward to our continued work together on Arizona water resource issues.

Sincerely,

JANE DEE HULL,
Governor.

Mr. McCAIN. Mr. President, I am pleased to join my colleague, Senator KYL, as a co-sponsor to this important legislation, the Arizona Water Settlements Act of 2000, to ratify a negotiated settlement for Central Arizona Project water allocations to municipalities, agricultural districts and Indian tribes in the state of Arizona. This settlement reflects extensive negotiations by state, federal, and tribal parties.

Let me begin by commending the extraordinary commitment and diligence by all parties involved in these negotiations to reach this pivotal stage in the settlement process, which as I understand is near conclusion. I also praise my colleague, Senator JON KYL, and the Interior Secretary, Bruce Babbitt, for their front-line leadership in facilitating the settlement process. From my previous role in legislating past agreements, I recognize how challenging these negotiations can be, and I appreciate their personal commitment to this settlement process.

This legislation is vitally important to Arizona's future because it will finally bring certainty and stability to Arizona's water supply by completing the final adjudication of the Gila River. Repayment obligations of the state of Arizona for construction of the Central Arizona Project (CAP) will be addressed as part of this bill. Pending water rights claims to the Gila River and its tributaries by various Indian tribes and non-Indian users will be permanently settled and allocated.

I join Senator KYL, and the rest of the Arizona delegation, in sponsoring companion bills today to express our strong support for continuation and conclusion of this settlement process. While much of the negotiations have successfully resulted in consensus language among the various parties, it is important to emphasize that this bill does not reflect the final settlement agreement. All parties recognize that the provisions of this bill are likely to change as the negotiations continue and additional parties settle remaining claims. We fully expect that settlement negotiations will continue with a final agreement ratified in the 107th congressional session.

Mr. President, my sponsorship of this bill indicates my strong support for the settlement process and I expect that further negotiations will be carried out in good-faith among all parties. However, I want to be clear that my support today is not a full endorsement of all the provisions in this preliminary bill.

This is a particularly important point as several provisions in this bill are not typical of language included in past Indian water settlement agreements ratified by the Congress. These noted provisions are intended to prescribe future off-reservation Indian trust land acquisitions for the Gila River Indian Community, one of the primary Indian parties to the settlement. Inclusion of these provisions is intended to address water management concerns of the state in the event that the tribe removes lands from either public or private use to be added into federal Indian trust land status.

Mr. President, Indian trust land acquisitions are the subject of much debate nationwide. In fact, the Department of Interior has proposed modifications to its existing regulations to address many of the same concerns raised by the state parties regarding potential impacts to resource management, loss of tax revenues, or other impacts to neighboring communities. These regulations have not been finalized to date.

Despite my support for the overall settlement, I believe it unwise to include ad hoc language that applies restrictions to only one particular tribe when overall changes to the underlying federal law governing Indian trust land acquisitions have not been settled. Such modifications to federal Indian trust land policies should also be guided by the review and advice of the congressional committees of jurisdiction. I hope that continuing discussions on this matter will result in a resolution that respects both the rights of the Indian tribes and the state of Arizona, consistent with applicable laws.

Mr. President, we introduce this bill today as an expression of our commitment to the various parties to successfully achieve conclusion to this process. The Arizona Water Settlements Act will be a historic accomplishment and one that will ultimately benefit all citizens of Arizona, the tribal communities, and the United States.

ADDITIONAL COSPONSORS

S. 1570

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1570, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs.

S. 2789

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2938

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3067

At the request of Mr. JEFFORDS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3145

At the request of Mr. BREAUX, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3181

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 138

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. RES. 340

At the request of Mr. REID, the name of the Senator from Minnesota (Mr.

WELLSTONE) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

SENATE CONCURRENT RESOLUTION 155—EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE UNITED STATES SHOULD ACTIVELY SUPPORT THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU TOWARD AN IMMEDIATE AND FULL RESTORATION OF DEMOCRACY IN THAT COUNTRY

Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DEWINE, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress—

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

SENATE RESOLUTION 381—DESIGNATING OCTOBER 16, 2000, TO OCTOBER 20, 2000, AS "NATIONAL TEACH FOR AMERICA WEEK"

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual "Teach For America" week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as "National Teach For America Week"; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

SENATE RESOLUTION 382—RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD FOR THEIR PARTICIPATION AND EFFORTS IN PROVIDING LEADERSHIP AND COMMAND AND CONTROL OF THE UNITED STATES -SECTOR OF THE MULTINATIONAL STABILIZATION FORCE IN TUZLA, BOSNIA-HERZOGOVINA

Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER) introduced the following resolution; which was considered and agreed to:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

AMENDMENTS SUBMITTED

GUAM OMNIBUS OPPORTUNITIES ACT

MURKOWSKI AMENDMENT NO. 4334

Mr. SMITH of New Hampshire (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes; as follows:

Strike all after the enacting clause and insert:

"SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

"(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Excepts as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

"(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

"(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

"(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

"(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100-77 (42 U.S.C. 11411).

"(c) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Administrator' means—

"(A) the Administrator of General Services; or

"(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

"(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

"(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

"(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figures 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extent that the Federal Government holds title to such lands.

"(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339, 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

"(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

"(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

"(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

"(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

"(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

"(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

"(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

"(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

"(3) to real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

"(4) to real property on Guam that is declared excess as a result of a base closure law; or

"(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

"(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

"(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

"SEC. 2. COMPACT IMPACT REPORTS.

"Paragraph 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of

Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

"SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

"(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99-239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

"(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

(1) by striking 'or' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

(3) by adding at the end the following new paragraph:

'(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.".

KORCZAK ZIOLKOWSKI POSTAGE STAMP LEGISLATION

DASCHLE AMENDMENTS NOS. 4335–4337

Mr. SMITH of New Hampshire (for Mr. DASCHLE) proposed three amendments to the bill (S.Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: "My fellow chiefs and I would like the white man to know that the red man has great heroes, too.";

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

AMENDMENT NO. 4337

Amend the title so as to read: "Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.".

MILITARY WORKING DOGS EUTHANIZATION TERMINATION LEGISLATION

ROBB AMENDMENT NO. 4338

Mr. SMITH of New Hampshire (for Mr. ROBB) proposed an amendment to the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2582. Military working dogs: transfer and adoption at end of useful working life

"(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

"(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

"(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

"(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

"(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

"(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2582. Military working dogs: transfer and adoption at end of useful working life.".

SMALL WATERSHED REHABILITATION ACT OF 1999

HARKIN AMENDMENT NO. 4339

Mr. SMITH of New Hampshire (for Mr. HARKIN) proposed an amendment to the bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws; as follows:

On page 2, line 5, strike "1999" and insert "2000".

On page 8, lines 6 and 7, strike "no benefit-cost" and all that follows through "be required" and insert "a benefit-cost ratio greater than 1 shall not be required".

On page 8, line 20, after the period, insert the following: "In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.".

On page 8, strike lines 21 through 25 and insert the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

"(1) $10,000,000 for fiscal year 2001;

"(2) $10,000,000 for fiscal year 2002;

"(3) $15,000,000 for fiscal year 2003;

"(4) $25,000,000 for fiscal year 2004; and

"(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike "2000 and 2001" and insert "2001 and 2002".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Rhode Island (Mr. L. CHAFEE) as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000.

UNITED STATES MINT NUMISMATIC COIN CLARIFICATION ACT OF 2000

Mr. SMITH of New Hampshire. I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5273, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5273) to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.S. 5273) was read the third time and passed.

ROBERT S. WALKER POST OFFICE

Mr. SMITH of New Hampshire. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 3194, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3194) was read the third time and passed, as follows:

S. 3194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the "Robert S. Walker Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert S. Walker Post Office".

CALENDAR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the following legislation; further, that the Senate proceed en bloc to their consideration in the following bills at the desk: H.R. 4450, H.R. 4451, H.R. 4625, H.R. 4786, H.R. 4315, H.R. 4831, H.R. 4853, H.R. 5229.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD, with the above all occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING

The bill (H.R. 4450) to designate the facility of the United States Postal Service located at 900 East Fayette Street, Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

The bill (H.R. 4451) to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

GERTRUDE A. BARBER POST OFFICE BUILDING

The bill (H.R. 4625) to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

SAMUEL P. ROBERTS POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

LARRY SMALL POST OFFICE BUILDING

The bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ROBERTO CLEMENTE POST OFFICE

The bill (H.R. 4831) to designate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

ARNOLD C. D'AMICO STATION

The bill (H.R. 4853) to designate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

RUTH HARRIS COLEMAN POST OFFICE BUILDING

The bill (H.R. 5229) to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building", which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

GUAM LAND RETURN ACT

Mr. SMITH of New Hampshire. I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2462, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4334

(Purpose: To amend the Guam Omnibus Opportunities Act)

Mr. SMITH of New Hampshire. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MURKOWSKI, proposes an amendment numbered 4334.

The amendment is as follows:

Strike all after the enacting clause and insert:

"SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

"(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

"(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

"(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

"(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

"(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100–77 (42 U.S.C. 11411).

"(c) DEFINTIONS.—For the purposes of this section:

"(1) The term 'Administrator' means—

"(A) the Administrator of General Services; or

"(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

"(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101.510), or similar base closure authority.

"(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

"(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extend that the federal government holds title to such lands.

"(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339. 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

"(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

"(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

"(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

"(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

"(B) If the parties reach and agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

"(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

"(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

"(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

"(3) to real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

"(4) to real property on Guam that is declared excess as a result of a base closure law; or

"(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

"(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

"(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

"SEC. 2. COMPACT IMPACT REPORTS.

"Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decenial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

"SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

"(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

"(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

"(1) by striking 'or' at the end of paragraph (5);

"(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

"(3) by adding at the end the following new paragraph:

"'(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.".

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, as amended, and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4334) was agreed to.

The bill (H.R. 2462), as amended, was read the third time and passed.

COMMENDING ARCHBISHOP DESMOND TUTU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 31, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 31) commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 31) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 31

Whereas the Immortal Chaplains Prize for Humanity was established by the Immortal Chaplains Foundation to honor the memory of the four "Immortal Chaplains" of World War II, Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; Lieutenant John P. Washington, Catholic; and Lieutenant Clark V. Poling, Dutch Reformed;

Whereas witnesses have verified that during the approximate 18 minutes the United States Army transport Dorchester was sinking on February 3, 1943, after being torpedoed off the coast of Greenland, the four chaplains went from soldier to soldier calming fears and handing out life jackets and guiding men to safety and when there were no more life jackets, they removed their own life jackets and gave them to others to save their lives and were last seen arm-in-arm in prayer on the hull of the ship;

Whereas many of the 230 men who survived owed their lives to these four chaplains, and witnesses among them recounted the unique ecumenical spirit and love for their fellow man these four demonstrated;

Whereas the Immortal Chaplains Prize for Humanity was created to ensure that the spirit of these Chaplains is celebrated through a living memorial to be awarded to those who have been willing to put their lives in danger to grant assistance to persons of a different creed or color;

Whereas Archbishop Desmond Tutu served as Chairman of the Truth and Reconciliation Commission in South Africa, which performed a historical role and set a precedent in revealing the truth about atrocities committed in the past and providing the means of a peaceful resolution for the pain suffered by that nation;

Whereas Archbishop Desmond Tutu continues to defend the rights of the downtrodden of many nations, exhibiting compassion to those of different races and religious beliefs; and

Whereas it is proper and desirable to recognize that Archbishop Desmond Tutu's actions are in keeping with the spirit of the "Immortal Chaplains": Now, therefore, be it

Resolved, That the Senate commends Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

NATIONAL TEACH FOR AMERICA WEEK

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381, submitted earlier today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 381) designating October 16, 2000, to October 20, 2000, as "National Teach For America Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual "Teach For America" week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as "National Teach For America Week"; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 340, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) designating December 10, 2000, as "National Children's Memorial Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 10, 2000, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

REFERRAL OF S. 1456, FOR RELIEF OF ROCCO A. TRECOSTA, TO CHIEF JUDGE OF U.S. COURT OF FEDERAL CLAIMS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 231, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 231) referring S. 1456 entitled "A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida" to the chief judge of United States Court of Federal Claims for a report thereon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 231

Resolved,

SECTION 1. REFERRAL.

S. 1456 entitled "A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Rocco A. Trecosta of Fort Lauderdale, Florida.

RECOGNIZING THE LATE BERNT BALCHEN FOR HIS MANY CONTRIBUTIONS TO THE UNITED STATES ON THE CENTENARY OF HIS BIRTH

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 36, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 36) recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 36) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 36

Whereas Bernt Balchen, as co-pilot and navigator with Floyd Bennett and under the sponsorship of Joseph Wanamaker, flew the Ford trimotor monoplane "Josephine Ford" on a flying tour to more than 50 American cities in 1926, thereby promoting commercial aviation as a safe, reliable, and practical means of transport;

Whereas in 1927 Bernt Balchen, piloting the first flight to carry United States mail over the Atlantic Ocean, flew the aircraft "America" to France under weather conditions so adverse that he was forced to set the aircraft down in the surf off Normandy at night, a maneuver that he executed so skillfully that he saved all on board the aircraft;

Whereas on November 29, 1929, Bernt Balchen, while participating in the first expedition of Admiral Richard Evelyn Byrd to Antarctica, became the first pilot to fly a plane over the South Pole;

Whereas Bernt Balchen was indispensable to the success of various American expeditions in Antarctica under the leadership of Admiral Byrd and Lincoln Ellsworth;

Whereas Bernt Balchen, under secret conditions and in record time, was responsible for building in Greenland in the autumn of 1941 the air base Sondre Stromfjord, then known as "Bluie West Eight", that was used for ferrying warplanes to Europe;

Whereas Bernt Balchen, as commander of "Bluie West Eight" between September 1941 and November 1943, provided his personnel with training in cold weather survival skills and rescue techniques which enabled them to carry out many spectacular rescues of downed airmen on the Greenland icecap;

Whereas Bernt Balchen, on May 7, 1943, successfully led a bombing raid that destroyed the sole German post in Greenland, a weather station and antiaircraft battery on the east coast of Greenland, thereby hindering the ability of the German armed forces to predict weather patterns in the North Atlantic and Europe;

Whereas Bernt Balchen, between March and December 1944, commanded an air transport operation that safely evacuated from Sweden at least 2,000 Norwegians, 900 American internees, and 150 internees of other nationalities and transported strategic freight and numerous important diplomats and Armed Forces officers;

Whereas Bernt Balchen, between July and October 1944, commanded a clandestine air transport operation that transported 64 tons of operational supplies from Scotland to occupied Norway in defiance of severe enemy opposition;

Whereas Bernt Balchen, between November 1944 and April 1945, commanded a clandestine air transport operation that, again in defiance of severe enemy opposition, transported from England to Sweden 200 tons of arctic equipment and operational supplies that were used to make clandestine overland transport from Sweden to Norway possible;

Whereas Bernt Balchen, during the winter of 1945, made C–47 aircraft under his command available to transport into northern Norway the communications facilities that thereafter transmitted from Norway intelligence of inestimable value to the Allied Expeditionary Force;

Whereas Bernt Balchen, as one of the founders of the Scandinavian Airlines System, pioneered commercial airline flight over the North Pole, which increased business development in Alaska and shortened the flying time necessary for international flights between the United States and points in Europe and Asia;

Whereas Bernt Balchen, from November 1948 to January 1951, commanded the 10th Rescue Squadron of the United States Air Force, which was headquartered in Alaska but ranged across the entire northern tier of North America rescuing downed airmen, and led the squadron in the development of the techniques that are now universally used in cold weather search and rescue operations;

Whereas Bernt Balchen was the individual primarily responsible for the pioneering and development of the strategic air base at Thule, Greenland, which was built secretly in 1951 under severe weather conditions and which, by extending the range of the Strategic Air Command, increased the capabilities that made the Strategic Air Command a significant deterrent to Soviet aggression during the Cold War;

Whereas Bernt Balchen, as Assistant for Arctic Activities in the Directorate of Operations of the United States Air Force, rendered expert advice on the development of concepts, procedures, and programs pertaining to the Arctic that have been consistently utilized by other agencies in planning Arctic projects and operations of national and international interest;

Whereas Bernt Balchen served brilliantly as an officer in the United States Air Force and contributed immeasurably to the mission of the Air Force and the security of the United States;

Whereas the International Aviation Snow Symposium, of which Bernt Balchen was a founder and honorary chairman, established in 1976 the Balchen Award that is presented annually to recognize excellence in the performance of airport snow and ice removal, is sought avidly by the managers of airports of all categories in the United States and Canada, and has successfully encouraged progressive improvement in cold weather airport safety and air travel;

Whereas the United States Government has awarded Bernt Balchen the Byrd Antarctic Expedition Congressional Medal, the Distinguished Service Medal, the Distinguished Flying Cross, the Legion of Merit, the Soldier's Medal, and the Air Medal, and other governments and societies have awarded Bernt Balchen various other medals and awards in recognition of his patriotism and remarkable achievement in aviation;

Whereas Bernt Balchen, a native of Norway who became a citizen of the United States on November 5, 1931, before a Federal judge in Hackensack, New Jersey, and entered the military service of the United States in the United States Army Air Corps on September 5, 1941, at all times furthered the cordial relationship between the United States of America and the Kingdom of Norway, one of America's most-cherished allies;

Whereas Bernt Balchen was buried with full military honors at Arlington National Cemetery on October 23, 1973; and

Whereas October 23, 1999, is the 100th anniversary of the birth of Bernt Balchen and is being observed as such in many commemorative events taking place in the United States and Norway: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the late Bernt Balchen is hereby recognized for his extraordinary service to the United States, including the national security.

NATIONAL SURVIVORS OF SUICIDE DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 339, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 339) designating November 18, 2000, as "National Survivors of Suicide Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, hundreds of thousands of people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 18, 2000, as "National Survivors of Suicide Day"; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

EXPRESSING THE SENSE OF CONGRESS SUPPORTING THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 155, submitted earlier today by Senator CHAFEE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 155) expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 155) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress—

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 382, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 382) recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

HONORING SCULPTOR KORCZAK ZIOLKOWSKI

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 371, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, Senator DASCHLE has three amendments at the desk to the resolution, the preamble, and the title, and I ask unanimous consent that they be considered and agreed to in the proper sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4335, 4336, and 4337) were agreed to, as follows:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: "My fellow chiefs and I would like the white man to know that the red man has great heroes, too.";

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

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AMENDMENT NO. 4337

Amend the title so as to read: "Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.".

Mr. DASCHLE. Mr. President, I am delighted that the Senate passed my resolution to urge the creation of a postage stamp honoring Korczak Ziolkowski, the visionary sculptor who began work on the Crazy Horse Memorial in the Black Hills of South Dakota over 52 years ago. I would like to take a moment to describe the man and the dream that led him to carve a mountain.

Korczak Ziolkowski was born on September 6, 1908 in Boston, Massachusetts. Orphaned at age one, he grew up in a series of foster homes and often was mistreated. Korczak later would say that his collective experiences during this difficult part of his life prepared him for sculpting the Crazy Horse memorial and enabled him to prevail over the decades of financial hardship he encountered trying to create an Indian memorial in the Black Hills.

Before coming west, Korczak was a noted studio sculptor and member of the National Sculpture Society. Although he never took a lesson in art or sculpture, his marble portrait of Polish composer and political leader Ignace Jan Paderewski won first prize by unanimous vote at the 1939 New York World's Fair. This award drew the attention of Lakota Sioux Chief Henry Standing Bear, who invited Korczak to carve a memorial to the Sioux warrior Crazy Horse in the sacred Black Hills. In his invitation letter, Chief Standing Bear wrote: "My fellow chiefs and I would like the white man to know the red man has great heroes, too."

In 1939, Korczak also traveled to South Dakota to assist Gutzon Borglum, the famed sculptor of Mount Rushmore. Korczak finally met Chief Standing Bear in 1941 and he learned more about Crazy Horse. He then returned to his sculpting career in New England, but he never stopped studying the life of Crazy Horse and the Native American tribes of North America. However, a sense of duty to his country delayed his return to South Dakota. At age 34, he volunteered for service in World War II, landed on Omaha Beach and later was wounded. After the war, Korczak turned down a government commission to create war memorials in Europe to accept Chief Standing Bear's invitation. He returned to South Dakota in 1947 and dedicated the rest of his life to sculpting the Crazy Horse Memorial.

Korczak's first year in the Black Hills was spent pioneering, building a log cabin, and constructing a massive wooden staircase to the top of the mountain he would carve. Then, on June 3, 1948, the Crazy Horse Memorial was dedicated. From its inception, Korczak said that the memorial would be a nonprofit educational and cultural project for all Native Americans. The memorial would be financed solely by the interested public, not from government funds. In fact, Korczak twice turned down $10 million in federal funds because he believed the government would never complete the memorial as he envisioned it—a sprawling campus including the Indian Museum of North America and the University and Medical Training Center for the North American Indian with the massive mountain carving at its center. Carved in three dimensions, the memorial is 563 high and 641 feet long, and upon completion will be the largest sculpture in the world.

In 1950, Korczak married Ruth Ross, a volunteer at the memorial, and had 10 children, one of whom he delivered himself. Korczak soon realized that finishing the memorial would exceed one man's lifetime, so he and Ruth prepared detailed plans for the memorial's completion. Since Korczak's death on October 20, 1982, Ruth has carried out his vision. Under her leadership, the memorial continues to grow. In 1998, 50 years after the first blast on the mountain, the completed face of Crazy Horse was dedicated, and more recently, a state of the art visitors center was opened to educate visitors about the memorial. Ruth's next task is to complete work on the head of the Sioux leader's horse, which is a staggering 20 stories tall. Completing the memorial may take decades, even generations, to complete, but I am certain that under the leadership of the Ziolkowski family and the Crazy Horse Memorial Foundation it will be completed.

Korczak Ziolkowski was a humble man. From his first days on the memorial to his death, he never took salary. He always believed that, first and foremost, the Crazy Horse Memorial was for the Native Americans. I would like to close with a quote Korczak was fond of: "When the legends die, the dreams end; when the dreams end, there is no more greatness." Korczak's legend did not die with him. His and Chief Henry Standing Bear's dream continues to inspire greatness today. Now, eighteen years after his death, it is my hope we can share his dream with all Americans by issuing a postage stamp in his honor.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the resolution, as amended, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 371), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux warrior Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korzcak Ziolowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas later that year, Korzcak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas while in South Dakota, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave warrior Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculptures aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, for the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the tallest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth and the Ziolkowski family have continued to work on the Memorial and to expand upon the dream of Korczak Ziolkowski; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski for his upcoming 100th birthday.

PROTECTING SENIORS FROM FRAUD ACT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3164, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3164) to protect seniors from fraud.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3164) was read the third time and passed, as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Seniors From Fraud Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called "mooch lists".

(10) It is estimated that 56 percent of the names on such "mooch lists" are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated "mooch lists".

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called "mooch lists" confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

ADOPTION OF RETIRED MILITARY DOGS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5314, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4338

Mr. SMITH of New Hampshire. Mr. President, I understand Senator ROBB has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. ROBB, proposes an amendment numbered 4338.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2582. Military working dogs: transfer and adoption at end of useful working life

"(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

"(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

"(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

"(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

"(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

"(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2582. Military working dogs: transfer and adoption at end of useful working life.".

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4338) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5314), as amended, was read the third time and passed.

CHANGING DATE FOR COUNTING ELECTORAL VOTES IN 2001

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S.J. Res. 55 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 55) to change the date for counting electoral votes in 2001.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 55) was read the third time and passed, as follows:

S.J. RES. 55

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, The Senate and House of

Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on the 5th day of January, 2001, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 150, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) relating to the reestablishment of representative government in Afghanistan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 150

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a "Loya Jirgah", or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency "Loya Jirgah" to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States—

(1) supports the democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a "Loya Jirgah" process that would lead to the people of Afghanistan determining their own destiny through a democratic process and free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, illicit drug production, and human rights abuses in Afghanistan.

SMALL WATERSHED REHABILITATION ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 798, S. 1762.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4339

Mr. SMITH of New Hampshire. Senator HARKIN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. HARKIN, proposes an amendment numbered 4339.

The amendment is as follows:

On page 2, line 5, strike "1999" and insert "2000".

On page 8, lines 6 and 7, strike "no benefit-cost" and all that follows through "be required" and insert "a benefit-cost ratio greater than 1 shall not be required".

On page 8, line 20, after the period, insert the following: "In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.".

On page 8, strike lines 21 through 25 and insert the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

"(1) $10,000,000 for fiscal year 2001;

"(2) $10,000,000 for fiscal year 2002;

"(3) $15,000,000 for fiscal year 2003;

"(4) $25,000,000 for fiscal year 2004; and

"(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike "2000 and 2001" and insert "2001 and 2002".

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4339) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1762), as amended, was read the third time and passed as follows:

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Watershed Rehabilitation Act of 2000".

SEC. 2. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

"SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include (A) protecting the integrity of the structural measure, or prolonging the useful life of the structural measure, beyond the original evaluated life expectancy, (B) correcting damage to the structural measure from a catastrophic event, (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate, (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure, or (E) decommissioning the structural measure, including removal or breaching.

"(2) Covered water resource project.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

"(A) This Act.

"(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

"(C) The pilot watershed program authorized under the heading 'Flood Prevention' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

"(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

"(3) Eligible local organization.—The term 'eligible local organization' means a local organization or appropriate State agency responsible for the operation and maintenance of structural measures constructed as part of a covered water resource project.

"(4) Structural measure.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project.

"(b) Cost Share Assistance for Rehabilitation.—

"(1) Assistance authorized.—The Secretary may provide financial assistance to an eligible local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

"(2) Amount of assistance; limitations.—The amount of Federal funds that may be made available under this subsection to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

"(3) Relation to land use and development regulations.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the eligible local organization, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

"(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

"(B) society can realize the full benefits of the rehabilitation investment.

"(c) Technical Assistance for Watershed Project Rehabilitation.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should an eligible local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

"(d) Prohibited Use.—

"(1) Performance of operation and maintenance.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the eligible local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

"(2) Renegotiation.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the eligible local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

"(e) Application for Rehabilitation Assistance.—An eligible local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the eligible local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

"(f) Justification for Rehabilitation Assistance.—In order to qualify for technical or financial assistance under this authority, the Secretary shall require the rehabilitation project to be performed in the most cost-effective manner that accomplishes the rehabilitation objective. Since the requirements for accomplishing the rehabilitation are generally for public health and safety reasons, in many instances being mandated by other State or Federal laws, a benefit-cost ratio greater than 1 shall not be required. The benefits of and the requirements for the rehabilitation project shall be documented to ensure the wise and responsible use of Federal funds.

"(g) Ranking of Requests for Rehabilitation Assistance.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all eligible local organizations. The approval process shall be in writing, and made known to all eligible local organizations and appropriate State agencies. In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

"(1) $10,000,000 for fiscal year 2001;

"(2) $10,000,000 for fiscal year 2002;

"(3) $15,000,000 for fiscal year 2003;

"(4) $25,000,000 for fiscal year 2004; and

"(5) $35,000,000 for fiscal year 2005.

"(i) Assessment of Rehabilitation Needs.—Of the amount appropriated pursuant to subsection (h) for fiscal years 2001 and 2002, $5,000,000 shall be used by the Secretary, in concert with the responsible State agencies, to conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

"(j) Recordkeeping and Reports.—

"(1) Secretary.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

"(2) Grant recipients.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the eligible local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.".

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4788.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4788) entitled "An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes", with the following House amendment to Senate amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

SEC. 311. COTTON FUTURES.

Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: "A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.".

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled "Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices", GAO/RCED–00–242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

"SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

"Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) assesses the general economic state of the cattle and hog industries;

"(2) describes changing business practices in those industries; and

"(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.".

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

"SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

"(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

"(A) This Act.

"(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

"(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

"(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

"(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

"(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

"(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

"(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

"(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

"(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

"(B) society can realize the full benefits of the rehabilitation investment.

"(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

"(d) PROHIBITED USE.—

"(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

"(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

"(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

"(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

"(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

"(1) $5,000,000 for fiscal year 2001;

"(2) $10,000,000 for fiscal year 2002;

"(3) $15,000,000 for fiscal year 2003;

"(4) $25,000,000 for fiscal year 2004; and

"(5) $35,000,000 for fiscal year 2005.

"(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

"(j) RECORDKEEPING AND REPORTS.—

"(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under

this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

"(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.".

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161–DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161–DI, entitled "Boundary Survey for South Carolina Forestry Commission", dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225–HI, entitled "South Carolina Forestry Commission Boardman Land Exchange", dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

"(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.".

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds of the Commodity Credit Corporation to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZING AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO PAY COSTS OF REMOVING COMMODITIES POSING HEALTH AND SAFETY RISKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3230, introduced earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3230) to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

There being no objection, the Senate proceeded to consider the bill.

GRAIN STANDARDS REAUTHORIZATION

Mr. HARKIN. The Grain Standards Act contains the Small Watershed Rehabilitation Amendments of 2000, legislation that enables the Natural Resources Conservation Service (NRCS) to provide cost-share money for local sponsors to rehabilitate dams that were built with funding from the U.S. Department of Agriculture. Before approving a project, NRCS will examine all options, including correcting damage or deterioration of the structure, upgrading the structural measure to meet changed land use conditions or safety needs within the watershed, and decommissioning the structure. Let me ask you, Mr. Chairman, is it your understanding that even though NRCS must fully evaluate every reasonable option, if a local sponsor does not wish to choose decommissioning the local sponsor can reject that option if NRCS presents it?

Mr. LUGAR. Yes. As with any of options for rehabilitation, the local sponsor can reject NRCS' offer to provide cost-share for a particular project. also, NRCS is never required to fund a project that it believes is not justified.

Mr. HARKIN. Mr. President, I recognize that this Act is silent on the requirements of a formal cost-benefit analysis. I would like to ask you, Mr. Chairman, if it is your understanding that each project should be completed using the most-effective option possible that also has the fewest environmental costs, including the options of voluntary buy-outs of at-risk structures, wetland restoration, dam decommissioning, and dam removal?

Mr. LUGAR. Yes. Although the bill is silent on cost-benefit analysis, it is expected that NRCS will follow its normal procedures including following the "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies." As part of being fiscally and environmentally responsible, NRCS should look for the most cost-effective solution with the best feasible environmental results. Further, NRCS should not fund a project if the local sponsor insists on a form of rehabilitation that does not meet these standards.

Mr. HARKIN. Under this Act, the Secretary will establish a system of approving rehabilitation requests. As part of this process, Mr. Chairman, is it correct that NRCS should give equal priority to local sponsors projects regardless of the form of rehabilitation requested?

Mr. LUGAR. Yes. The system NRCS establishes for approving a rehabilitation project should not rank projects based on the local sponsor's choice of rehabilitation, as defined in the bill.

Mr. HARKIN. The Senate has passed a substantially similar version of the Act. When the bill was reported by the Senate Agriculture Committee our report embodied the Committee's understanding of how the provisions of the bill should be carried out. Mr. Chairman, does that report still embody our understanding of the interpretation of the Small Watershed Rehabilitation Amendments of 2000?

Mr. LUGAR. Yes. Our report language should be used as legislative history of interpreting and applying this important piece of legislation.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3230) was read the third time and passed, as follows:

S. 3230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking "2000" and inserting "2003".

SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking "continental" and inserting "contiguous States of the".

(b) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking "at least 20 local agencies" and inserting "not more than 20 local agencies".

SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.

(a) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by striking the section heading and all that follows through "SEC. 17." and inserting the following:

"SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.";

and

(2) in subsection (a)(6)(C)(ii), by striking "and" at the end.

(b) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(1) by striking "(D) HEARING.—An institution" and inserting the following:

"(D) HEARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), an institution"; and

(2) by adding at the end the following:

"(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

"(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

"(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

"(III) REVIEW PROCEDURE.—The review shall—

"(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

"(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

"(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

"(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

"(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

"(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).".

(c) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(1) in clause (iii), by striking "all families" and inserting "all low-income families"; and

(2) in clause (iv), by striking "made" and inserting "reported for fiscal year 1998".

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 819, S. 2811.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2811) to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2811) was read the third time and passed, as follows:

S. 2811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

"(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

"(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

"(i) that is represented by—

"(I) any political subdivision of a State;

"(II) an Indian tribe on a Federal or State reservation; or

"(III) other federally recognized Indian tribal group;

"(ii) that is located in a rural area (as defined in section 381A);

"(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

"(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

"(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.".

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking "section 306(a)(19)" and inserting "paragraph (19) or (20) of section 306(a)".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Finance Committee and, further, the Senate proceed to their consideration en bloc: Joel Gerber and Stephen Swift to be Judges of the U.S. Tax Court; Thomas Saving and John Palmer to be Members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, to be Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and to be Members of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Gerald Shea and Mark Weinberger to be members of the Social Security Advisory Board, and Troy Cribb to be Assistant Secretary of Commerce.

I further ask consent that the Senate proceed to the consideration of the following nominations on the calendar: Nos. 693, 694, 756, 757, 758, and all nominations on the Secretary's desk in the Army and Coast Guard.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Gerald M. Shea, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2004.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Robert S. LaRussa.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Robert C. Olsen, Jr., 4781.
Rear Adm. (lh) Robert D. Sirois, 8309.
Rear Adm. (lh) Patrick M. Stillman, 0193.

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Cap. Charles D. Wurster, 3540.
Cap. Thomas H. Gilmour, 0516.
Cap. Robert F. Duncan, 3843.
Cap. Richard E. Bennis, 6591.
Cap. Jeffrey J. Hathaway, 9612.
Cap. Kevin J. Eldrige, 5421.

ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 9820.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph K. Kellogg, Jr., 7304.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jeffrey J. Schloesser, 3460.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN 1348 Army nominations (5) beginning Kirk M. Krist, and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1349 Army nominations (7) beginning James W. Lenoir, and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1350 Army nominations (9) beginning Timothy L. Bartholomew, and ending Robert E. Welch, Jr., which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1351 Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1352 Army nomination of James White, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1359 Army nominations (2) beginning Joseph C. Carter, and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of October 17, 2000

COAST GUARD

PN 1219 Coast Guard nominations (2) beginning Michael J. Corl, and ending Gregory J. Hall, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000

PN 1241 Coast Guard nominations (2) beginning Mark B. Case, and ending Robert C. Ayer, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1242 Coast Guard nominations (64) beginning Kevin G. Ross, and ending Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1368 Coast Guard nominations (41) beginning LT. CDR. Janet B. Gammon, and ending LT. CDR. Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

PN 1369 Coast Guard nominations (20) beginning CDR. Mark S. Telich, and ending CDR. Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TOMORROW

Mr. SMITH of New Hampshire. Mr. President, in closing, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 11 a.m. on Wednesday, October 25. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. to 11:45 a.m.; Senator THOMAS, or his designee, from 11:45 to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Wednesday until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. for the weekly party conferences.

The House is expected to consider the foreign operations conference report during tomorrow morning's session, and it is hoped that the Senate can begin consideration of that conference report upon reconvening at 2:15 p.m.

The Senate is also expected to have the final votes on S. 2508, the Colorado Ute Settlement Act Amendments of 2000, as well as a vote on the continuing resolution.

Therefore, Senators can expect votes during tomorrow afternoon's session.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:06 p.m., recessed until Wednesday, October 25, 2000, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2000:

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

SOCIAL SECURITY ADMINISTRATION

GERALD M. SHEA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2004.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006.

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) ROBERT C. OLSEN, JR., 4781
REAR ADM. (LH) ROBERT D. SIROIS, 8309
REAR ADM. (LH) PATRICK M. STILLMAN, 0193

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. CHARLES D. WURSTER, 3540
CAPT. THOMAS H. GILMOUR, 0516
CAPT. ROBERT F. DUNCAN, 3843
CAPT. RICHARD E. BENNIS, 6591
CAPT. JEFFREY J. HATHAWAY, 9612
CAPT. KEVIN J. ELDRIDGE, 5421

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

GRIG. GEN. ALEXANDER H. BURGIN, 9820

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH K. KELLOGG, JR., 7304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY J. SCHLOESSER, 3460

IN THE ARMY

ARMY NOMINATIONS BEGINNING KIRK M. KRIST, AND ENDING ROBERT H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING JAMES W. LENOIR, AND ENDING CHARLES L. YRIARTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING TIMOTHY L. BARTHOLOMEW, AND ENDING ROBERT E. WELCH JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 624:

To be major

ANGELO RIDDICK, 2271

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be Major

JAMES WHITE, 1236 CH

ARMY NOMINATIONS BEGINNING JOSEPH C. CARTER, AND ENDING RAYMOND M. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2000.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING MICHAEL J. CORL, AND ENDING GREGORY J. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK B. CASE, AND ENDING ROBERT C. AYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING KEVIN G. ROSS, AND ENDING CHARLES W. RAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING JANET B. GAMMON, AND ENDING THOMAS C. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK S. TELICH, AND ENDING DEBORAH A. DOMBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.

HOUSE OF REPRESENTATIVES—*Tuesday, October 24, 2000*

The House met at 10:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 898. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 150) "An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes", with amendment.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 154. Concurrent resolution to acknowledge and salute the contributions of coin collectors.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835) "An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.".

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2796) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of New Hampshire, Mr. WARNER, Mr. VOINOVICH, Mr. BAUCUS, and Mr. GRAHAM, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

REPUBLICAN CONGRESS HAS WORKED TIRELESSLY FOR AMERICA

Mr. STEARNS. Mr. Speaker, in this pivotal election, the American people will hear a lot of back and forth about who works harder for their country. Shakespeare wrote, "What's past is prologue." And I believe no other phrase can quite describe both the achievements of the Republican Congress and its vision for America's future.

In 1995 when Republicans took over here in the House of Representatives, one of the first orders of business for the new Republican majority was to declare that it was going to comply and be bound by the same laws with which all Americans are forced to comply.

We reformed the bloated, inefficient welfare system which held captive many Americans who only wanted a better life for their families. Providing a welfare-to-work incentive for both individuals and businesses, the Republican-led Congress succeeded in dropping the welfare rolls to the lowest level in history. Congress extended health insurance under the Medicaid program for millions of uninsured children, giving them the proper care and attention that they deserve. The Republicans passed health insurance portability to guarantee working Americans that if they switched jobs or lost their jobs, they could continue with their current health coverage. We reformed the Food and Drug Administration, giving people quicker access to lifesaving drugs and medical devices and providing for better food quality.

The Republican Congress enhanced criminal penalties for sexual crimes against children and established a nationwide tracking system for sexual predators. We also enhanced punishment for drug-induced rape. We boosted education by increasing funding and giving local school districts and States the flexibility to use Federal funds to best meet the needs of children.

For seniors, Mr. Speaker, we passed legislation ending the Social Security earnings limit test which unfairly penalized senior citizens for simply trying to make a living. The House also voted to roll back the 1993 Clinton-Gore tax on Social Security benefits.

We passed legislation to repeal the marriage penalty tax and the estate tax here. Sadly and unfortunately, the President vetoed both our bills and chose to turn his back on millions of Americans. We strengthened our national defense by increasing military pay and retirement benefits, enhancing health care benefits for veterans, providing the care and respect for our military which this administration has misused and forsaken.

And let us not forget the budget, Mr. Speaker. The Republicans passed the Balanced Budget Act and bound our appropriations bills to spending caps. The Nation's checkbook is in the black and we have paid down the debt by nearly $270 billion.

I would like to point out that the Democrats controlled the White House, the Senate and the House, right here in the 103d Congress. Instead of protecting Social Security, Medicare and providing for prescription drugs, the Democrats succeeded in increasing the Social Security tax on seniors, increasing the tax on gasoline, and increasing the overall tax burden on Americans. At the same time, the Democrats squandered the Social Security surplus. Before 1995, when Republicans took over here, the Democrats spent billions of dollars of the Social Security surplus as if it was a slush fund for Members of Congress.

The Republicans, in sharp contrast, have chosen to lock the Social Security surplus away, making it untouchable for anything except Social Security. Last month, the House passed the debt relief lockbox which will continue our pledge to protect 100 percent of both Social Security and Medicare while providing for $240 billion in debt reduction.

The fact is, Mr. Speaker, that the Republican Congress has worked tirelessly for the American people. We have produced real solutions here in Congress. We have fought hard and passed legislation on welfare reform, better health care, better education, tougher criminal penalties, tax relief, a stronger defense, a balanced budget, debt reduction, and Social Security protection.

We will not hear that, Mr. Speaker, from the folks on the other side. They refuse to state or admit the facts. They are afraid that the American people will see the truth, so I thought I would come on the floor this morning to set the record straight on the accomplishments of the Republican-led Congress.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for that introduction.

This represents the bleak future of Social Security. Because of the substantial tax increase on American workers, the FICA tax increase in 1983, there is now more money coming into Social Security than is needed to pay out benefits. And again a reminder that Social Security is a pay-as-you-go program. Current workers pay in their tax and it is almost immediately sent out to current beneficiaries.

Because of the tax increase in 1983, an extra surplus is coming in from the higher tax. After 2015, we go into a bleak future of somehow coming up with the funding necessary to pay benefits.

Let me just comment on this short term surplus. During this surplus over the next 10 years, there is going to be $7.8 trillion. I know this gets into statistics but bear with me. In the next 10 years, there is going to be $7.8 trillion coming into the Social Security; $5.4 trillion is going to be used to pay benefits. That leaves a surplus over the next 10 years in Social Security of $2.4 trillion.

Governor Bush has suggested that we take $1 trillion out of that $2.4 trillion and use it as a transition to set up personal retirement savings accounts. Unlike the Vice President, he is not using the same trillion twice. What he does is take $1 trillion out of the $2.4 trillion surplus. Benefits are already going to be paid. There is $2.4 trillion left over.

In contrast, the Vice President has suggested that we increase spending over the next 10 years by $2.3 trillion. So he is using that extra money to increase spending. I think in terms of the implication for our kids and our grandkids, it is much better to start solving the Social Security problem than expanding government and making these huge promises of increased spending.

Let me comment briefly on the Vice President's suggestion for saving Social Security. He is suggesting that if we use this extra money coming in in surplus, on- and off-budget a 2nd time we can pay down the debt held by the public. That is $3.4 trillion. Again the total debt, what we owe Social Security plus the other trust funds combined with the $3.4 trillion, amounts to a $5.6 trillion debt that we are going to leave our kids if we do not start paying it down.

So everybody agrees, let us start paying the $3.4 trillion of debt held by the public, down. But the Vice President is suggesting that somehow paying this $3.4 trillion down and the savings of the interest that we are paying on this amount, to about $260 billion a year, it is going to accommodate the shortfall of $46.6 trillion between now and 2057.

Let me say that again. Mr. GORE is suggesting that if we pay off this $3.4 trillion, the interest savings is $260 billion a year. I think it is reasonable to say, start using that $260 billion a year saving to apply to the shortfall in Social Security. The blue line at the bottom represents the $260 billion a year. But what is left of the shortfall even if we have the guts, if we have the intestinal fortitude to use all that interest savings and apply it to Social Security, there is still a shortfall of $35 trillion.

It is fuzzy math. It does not work. It is a tremendous disappointment to me. I have been chairman of the bipartisan task force on Social Security in this Chamber. It is a disappointment that in the last 8 years we have not moved ahead to solve Social Security. Because the longer we wait, the longer we put off a decision to fix Social Security more drastic the solution is going to have to be.

We failed in the last 8 years to move ahead on that proposal because of the lack of leadership coming out of the White House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of mercy and compassion, You oppose the proud-hearted and are attentive to the lowly.

It is better for us to humble ourselves before You than for us to be humiliated by others, or by events, or even by our own weakness. With all humility we place ourselves and our destiny in Your almighty hands.

May this proud and powerful Nation stand before You today in truth. May reflection on our history lead us to gratitude and repentance. May the present restlessness of the world, the issues placed before this Nation, and the responsibilities of this Congress bring us to honest dependence upon You, our Source of Wisdom, Patience and Judgment now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THANKS TO THOSE WHO HELP KEEP THE CAPITOL OF THE UNITED STATES FUNCTIONING

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I am retiring from the House after 21 years of service, and I want to take this opportunity to do something that I and all of us should do, and that is to thank the other people that make this House, this great institution, work.

We thank our staffs and we thank the people who work here in the Chamber, but I want to talk about the people who run the elevators; about Bonnie and Andre, and Shelly and Wendy, and John and Sheila and Sylvia, and so many more that put up with us day after day. The people who run the restaurant, the House restaurant, Sally and John and Miss Vickie, and many more. The Capitol police, who protect us with their lives. The people who run the trains, the people who clean the offices in the Capitol and keep it beautiful for ourselves and for all of the visitors. The people who repair and maintain the Capitol complex, the people from the office of the Architect of the Capitol. The people who run the congressional Federal Credit Union, our cloakroom and the floor people, Tim and Joelle, and Jim and Jay, and others. Helen and Pat in our cloakroom. Helen has been an institution, a fixture in the House. Since 1939 she has been serving Republican Members. People who run the take-outs and the restaurants and the office buildings in the Capitol complex, the barber Joe Q. The people who run the service offices, the Member services, Caroline and Juanita. The doorkeepers, the parliamentarians, the TV and radio and press people, our chaplain, the Congressional Research Service people, the legislative counsel, the people who run the House garages and there are so many others who I have not named.

There are so many who work so hard for this institution and for its Members. All of us can never thank them enough for their wonderful service to us and to this institution and to our country.

TAX PACKAGE MUST INCLUDE MINIMUM WAGE INCREASE AND HELP FOR EMPLOYERS TO BE SUCCESSFUL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last March I passed an amendment to raise the minimum wage $1 over 2 years, from $5.15 to $6.15. The minimum wage increase was then rolled in with a tax cut.

I voted for that tax cut because I believe if the boss cannot afford the wage increase, the boss will end up laying off some of the people on the bottom end of the ladder that are the very people we want to help the most. The bottom line is, what good is a pay increase if someone loses their job? Beam me up.

But let me say this: Any final agreement that does not both raise the minimum wage $1 over 2 years and also give help to the companies and employers who hire our people will be a failure.

Mr. Speaker, I yield back all the politics of class warfare at the White House.

TRIBUTE TO FORMER DISTRICT DIRECTOR AND FRIEND, JOHN J. McGUIRE

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, on Monday, October 16, John J. McGuire, my former district director in Syracuse, New York, and close personal friend, died after a long battle with brain cancer. John served as an integral part of my staff since my election to Congress in 1988. Prior to that time, he served as a compliance officer for 11 years with the Wage and Hour Division of the United States Department of Labor in Syracuse.

John McGuire, a former Marine, was a highly decorated disabled American veteran. He is a past recipient of the Veterans Service Award from the United States Department of Veterans Affairs, four Special Achievement Awards and the Federal Distinguished Career Award. After serving as a sergeant in the Marine Corps during the Vietnam War, John taught English both here in the United States and in the Balkans.

With John's death earlier this week, his wife and children lost a terrific husband and father; and I lost a neighbor, a close adviser, and a loyal friend. The Central New York community lost a tireless worker and community advocate, and the entire nation lost a dedicated public servant and true American patriot. He will certainly be missed but never forgotten.

CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. BOEHLERT submitted the following conference report and statement on the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-995)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835), to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, having met, after full and free conferences, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuaries and Clean Waters Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Estuary habitat restoration program.
Sec. 105. Establishment of Estuary Habitat Restoration Council.
Sec. 106. Estuary habitat restoration strategy.
Sec. 107. Monitoring of estuary habitat restoration projects.
Sec. 108. Reporting.
Sec. 109. Funding.
Sec. 110. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.

TITLE III—NATIONAL ESTUARY PROGRAM

Sec. 301. Addition to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—LONG ISLAND SOUND RESTORATION

Sec. 401. Short title.
Sec. 402. Innovative methodologies and technologies.
Sec. 403. Assistance for distressed communities.
Sec. 404. Authorization of appropriations.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 501. Short title.
Sec. 502. Lake Pontchartrain basin.

TITLE VI—ALTERNATIVE WATER SOURCES

Sec. 601. Short title.
Sec. 602. Pilot program for alternative water source projects.

TITLE VII—CLEAN LAKES

Sec. 701. Grants to States.
Sec. 702. Demonstration program.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Actions to be taken by the Commission and the Administrator.
Sec. 805. Negotiation of new treaty minute.
Sec. 806. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Purchase of American-made equipment and products.
Sec. 902. Long-term estuary assessment.
Sec. 903. Rural sanitation grants.

TITLE I—ESTUARY RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Restoration Act of 2000".

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;.

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities through the use of the environmental technology innovation program associated with the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably

diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries, including the area located in the Great Lakes biogeographic region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act.

(3) ESTUARY HABITAT.—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) NON-FEDERAL INTEREST.—The term "non-Federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(f)(2), a nongovernmental organization.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(10) STATE.—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary shall select estuary habitat restoration projects from a list of project proposals submitted by the Estuary Habitat Restoration Council under section 105(b).

(2) REQUIRED ELEMENTS.—Each estuary habitat restoration project selected by the Secretary must—

(A) address restoration needs identified in an estuary habitat restoration plan;

(B) be consistent with the estuary habitat restoration strategy developed under section 106;

(C) include a monitoring plan that is consistent with standards for monitoring developed under section 107 to ensure that short-term and long-term restoration goals are achieved; and

(D) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out items of local cooperation and properly maintain the project.

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal estuary management or habitat restoration plan.

(B) The technical feasibility of the project.

(C) The scientific merit of the project.

(D) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(E) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(F) Whether the project is cost-effective.

(G) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(H) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(4) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (3)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing of or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology described in subsection (c)(4)(B) shall be 85 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 106, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (d)(3); and

(B) provide for maintenance and monitoring of the project.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project to be undertaken under this title, the Secretary, in consultation and coordination with appropriate State and local governmental agencies and Indian tribes, may allow a nongovernmental organization to serve as the non-Federal interest for the project.

(g) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, upon the recommendation of the Council, determines such delegation is appropriate.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and developing recommendations concerning such proposals based on the factors specified in section 104(c)(3);

(2) submitting to the Secretary a list of recommended projects, including a recommended priority order and any recommendation as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(g);

(3) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(5) providing advice on the development of the database, monitoring standards, and report required under sections 107 and 108.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

(i) ADVICE.—The Council shall consult with persons with recognized scientific expertise in estuary or estuary habitat restoration, representatives of State agencies, local or regional government agencies, and nongovernmental organizations with expertise in estuary or estuary habitat restoration, and representatives of Indian tribes, agricultural interests, fishing interests, and other estuary users—

(A) to assist the Council in the development of the estuary habitat restoration strategy to be developed under section 106; and

(B) to provide advice and recommendations to the Council on proposed estuary habitat restoration projects, including advice on the scientific merit, technical merit, and feasibility of a project.

SEC. 106. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) ELEMENTS OF THE STRATEGY.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) PUBLIC REVIEW AND COMMENT.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) PERIODIC REVISION.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

SEC. 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) UNDER SECRETARY.—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) MONITORING DATA STANDARDS.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) COORDINATION OF DATA.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) USE OF EXISTING PROGRAMS.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) PUBLIC AVAILABILITY.—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 108. REPORTING.

(a) IN GENERAL.—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 107(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) $40,000,000 for fiscal year 2001;

(B) $50,000,000 for each of fiscal years 2002 and 2003;

(C) $60,000,000 for fiscal year 2004; and

(D) $75,000,000 for fiscal year 2005.

Such sums shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, $1,500,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) Set-Aside for Administrative Expenses of the Council.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or $1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council.

SEC. 110. GENERAL PROVISIONS.

(a) Agency Consultation and Coordination.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) Cooperative Agreements; Memoranda of Understanding.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) Federal Agency Facilities and Personnel.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) Identification and Mapping of Dredged Material Disposal Sites.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) Study of Bioremediation Technology.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) Requirements.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Restoration Act of 2000".

SEC. 202. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) Purposes.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) Definitions.—In this section, the following definitions apply:

"(1) Administrative cost.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) Chesapeake bay agreement.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) Chesapeake bay ecosystem.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) Chesapeake bay program.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) Chesapeake executive council.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) Signatory jurisdiction.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) Continuation of Chesapeake Bay Program.—

"(1) In general.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) Program office.—

"(A) In general.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

"(B) Function.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

"(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

"(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) Interagency Agreements.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) Technical Assistance and Assistance Grants.—

"(1) In general.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) Federal share.—

"(A) In general.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

"(B) Small watershed grants program.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) Non-federal share.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) Administrative costs.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(e) Implementation and Monitoring Grants.—

"(1) In general.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

"(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

"(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

"(2) Proposals.—

"(A) In general.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

"(B) Contents.—A proposal under subparagraph (A) shall include—

"(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

"(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

"(4) FEDERAL SHARE.—The Federal share of a grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—A grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

"(A) all projects and activities funded for the fiscal year;

"(B) the goals and objectives of projects funded for the previous fiscal year; and

"(C) the net benefits of projects funded for previous fiscal years.

"(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

"(3) BUDGET COORDINATION.—

"(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

"(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

"(g) CHESAPEAKE BAY PROGRAM.—

"(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

"(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

"(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

"(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

"(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

"(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

"(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

"(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

"(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—Not later than April 22, 2003, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

"(2) REQUIREMENTS.—The study and report shall—

"(A) assess the state of the Chesapeake Bay ecosystem;

"(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

"(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

"(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

"(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

"(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

"(2) REQUIREMENTS.—The study shall—

"(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

"(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.".

TITLE III—NATIONAL ESTUARY PROGRAM

SEC. 301. ADDITION TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Pontchartrain Basin, Louisiana and Mississippi;" before "and Peconic Bay, New York.".

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and inserting "$35,000,000 for each of fiscal years 2001 through 2005".

TITLE IV—LONG ISLAND SOUND RESTORATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Long Island Sound Restoration Act".

SEC. 402. INNOVATIVE METHODOLOGIES AND TECHNOLOGIES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting ", including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan" before the semicolon at the end.

SEC. 403. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

"(1) ELIGIBLE COMMUNITIES.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

"(2) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 403 of this Act) is amended—

(1) in paragraph (1) by striking "1991 through 2001" and inserting "2001 through 2005"; and

(2) in paragraph (2) by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed

$40,000,000 for each of fiscal years 2001 through 2005".

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Lake Pontchartrain Basin Restoration Act of 2000".

SEC. 502. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. LAKE PONTCHARTRAIN BASIN.

"(a) Establishment of Restoration Program.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

"(b) Purpose.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

"(c) Duties.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

"(d) Grants.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Basin.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

"(2) Program.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

"(f) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

"(2) Public education projects.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).".

TITLE VI—ALTERNATIVE WATER SOURCES

SEC. 601. SHORT TITLE.

This title may be cited as the "Alternative Water Sources Act of 2000".

SEC. 602. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

"(a) Policy.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act and all of the provisions of this section shall be carried out in accordance with the provisions of section 101(g).

"(b) In General.—The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

"(c) Eligible Entity.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

"(d) Selection of Projects.—

"(1) Limitation.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

"(2) Additional consideration.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

"(3) Geographical distribution.—Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

"(e) Committee Resolution Procedure.—

"(1) In general.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

"(2) Requirements for securing consideration.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

"(f) Uses of Grants.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

"(g) Cost Sharing.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

"(h) Reports.—On or before September 30, 2004, the Administrator shall transmit to Congress a report on the results of the pilot program established under this section, including progress made toward meeting the critical water supply needs of the participants in the pilot program.

"(i) Definitions.—In this section, the following definitions apply:

"(1) Alternative water source project.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater. Such term does not include water treatment or distribution facilities.

"(2) Critical water supply needs.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

"(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section a total of $75,000,000 for fiscal years 2002 through 2004. Such sums shall remain available until expended.".

TITLE VII—CLEAN LAKES

SEC. 701. GRANTS TO STATES.

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking "$50,000,000" the first place it appears and all that follows through "1990" and inserting "$50,000,000 for each of fiscal years 2001 through 2005".

SEC. 702. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting "Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota; Walker Lake, Nevada; Lake Tahoe, California and Nevada; Ten Mile Lakes, Oregon; Woahink Lake, Oregon; Highland Lake, Connecticut; Lily Lake, New Jersey; Strawbridge Lake, New Jersey; Baboosic Lake, New Hampshire; French Pond, New Hampshire; Dillon Reservoir, Ohio; Tohopekaliga Lake, Florida; Lake Apopka, Florida; Lake George, New York; Lake Wallenpaupack, Pennsylvania; Lake Allatoona, Georgia;" after "Sauk Lake, Minnesota;";

(2) in paragraph (3) by striking "By" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by"; and

(3) in paragraph (4)(B)(i) by striking "$15,000,000" and inserting "$25,000,000".

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 801. SHORT TITLE.

This title may be cited as the "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

SEC. 802. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Commission.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

(6) MEXICAN FACILITY.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

SEC. 804. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 20 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Maintenance by the owner of the Mexican facility at all times throughout the term of the contract of a 20 percent equity position in the capital structure of the Mexican facility.

(I) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility, with such annual payment to maintain the owner's 20 percent equity position throughout the term of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(K) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(L) The use of competitive procedures, consistent with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(M) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(N) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this section and the contract.

(O) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (N) to facilitate the monitoring and evaluation required under subsection (d).

(P) Offsets or credits against the payments to be made by the Commission under this section to reflect an agreed upon percentage of payments that the owner of the Mexican facility receives through the sale of water treated by the facility.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 805. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated a total of $156,000,000 for fiscal years 2001 through 2005 to carry out this title. Such sums shall remain available until expended.

TITLE IX—GENERAL PROVISIONS

SEC. 901. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—The head of each Federal Agency providing financial assistance under this Act, to the extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 902. LONG-TERM ESTUARY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Commerce (acting through the Under Secretary for Oceans and Atmosphere) and the Secretary of the Interior (acting through the Director of the Geological Survey) may carry out a long-term estuary *assessment project (in this section referred to as the "project") in accordance with the requirements of this section.*

(b) PURPOSE.—The purpose of the project shall be to establish a network of strategic environmental assessment and monitoring projects for the Mississippi River south of Vicksburg, Mississippi, and the Gulf of Mexico, in order to develop advanced long-term assessment and monitoring systems and models relating to the Mississippi River and other aquatic ecosystems, including developing equipment and techniques necessary to implement the project.

(c) MANAGEMENT AGREEMENT.—To establish, operate, and implement the project, the Secretary of Commerce and the Secretary of the Interior may enter into a management agreement with a university-based consortium.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $1,000,000 for fiscal year 2001 to develop the management agreement under subsection (c); and

(2) $4,000,000 for each of fiscal years 2002, 2003, 2004, and 2005 to carry out the project.

Such sums shall remain available until expended.

SEC. 903. RURAL SANITATION GRANTS.

Section 303(e) of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a(e)) is amended by striking "$15,000,000" and all that follows through "section." and inserting the following: "to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.".

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
WAYNE T. GILCHREST,
TILLIE K. FOWLER,
DON SHERWOOD,
JOHN E. SWEENEY,
STEVEN T. KUYKENDALL,
DAVID VITTER,
JIM OBERSTAR,
BOB BORSKI,
JIM BARCIA,
BOB FILNER,
EARL BLUMENAUER,
JOHN BALDACCI,
Managers on the Part of the House.
BOB SMITH,
JOHN W. WARNER,
MICHAEL D. CRAPO,
MAX BAUCUS,
BARBARA BOXER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835), to improve and increase Federal, State and local efforts and to provide funding to protect and enhance estuaries across the U.S., and to address other clean water-related matters, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying Conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in Conference are noted below, except for clerical corrections and conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

The Conference substitute renames S. 835 as the "Estuaries and Clean Waters Act of 2000."

TITLE I—ESTUARY HABITAT RESTORATION

Title I of the Conference substitute establishes a new estuary habitat restoration program under the Secretary of the Army. Title I is similar to title I in both the Senate bill and House amendment. The Conferees adopted title I of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 102. PURPOSES

Senate bill

Section 103 of the Senate bill states that the purposes of title I are to: restore one million acres of estuary habitat by the year 2010; ensure coordination of existing Federal, State, and local plans, programs, and studies; establish partnerships among public agencies at all levels of government and between the public and private sectors; promote efficient financing of estuary habitat restoration activities; and, develop and enhance monitoring and research capabilities through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (NERRs), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

House amendment

Section 102 of the House amendment states that the purposes of title I are to: promote the restoration of estuary habitat; develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors; to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and, develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

Conference substitute

The purposes of the Senate bill and House amendment are substantially similar. The Conference substitute adopts the House amendment with an amendment. Section 102(4) is amended to clarify that monitoring and research capabilities for estuary habitat restoration efforts should be developed and enhanced through the use of the environmental technology innovation program associated with NERRs.

SECTION 103. DEFINITIONS

Senate bill

Section 104 of the Senate bill defines key terms used throughout the bill, including "Collaborative Council," "Degraded Estuary Habitat," "Estuary," "Estuary Habitat," "Estuary Habitat Restoration Activity," "Estuary Habitat Restoration Project," "Estuary Habitat Restoration Strategy," "Federal Estuary Management or Habitat Restoration Plan," "Secretary," and "Under Secretary."

"Estuary" is defined as a body of water and its associated physical, biological, and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean. An exception to this definition is made for estuary-like areas in the Great Lakes biogeographic regions that are part of NERRs at the time of enactment of this legislation.

"Estuary Habitat" is defined as the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

"Estuary Habitat Restoration Activity" is defined as an activity that results in improving degraded estuary habitat, including both physical and functional restoration, with the goal of attaining a self-sustaining ecologically-based system that is integrated with the surrounding landscape. Eligible activities include: the reestablishment of physical features and biological and hydrologic functions; the cleanup of contamination; the control of non-native and invasive species, such as phragmites; and the reintroduction of native species, such as the planting of eel grass. A project is ineligible if it constitutes mitigation for the adverse effects of an activity regulated or otherwise governed under Federal or State law, or restoration for natural resource damages required under any Federal or State law.

"Federal Estuary Management or Habitat Restoration Plan" is defined as any Federal plan for restoration of degraded estuary habitat that was developed by a public body with the substantial participation of appropriate public and private stakeholders and reflects a community-based planning process.

House amendment

Section 103 of the House amendment also defines key terms, including: "Council," "Estuary," "Estuary Habitat," "Estuary Habitat Restoration Activity," "Estuary Habitat Restoration Project," "Estuary Habitat Restoration Plan," "Indian Tribe," "Non-Federal Interest," "Secretary," and "State."

The definition of "Estuary" is based on section 104(n)(4) of the Clean Water Act. The House amendment also specifies that near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries are included in this definition for the purposes of this title to make such areas of the Great Lakes eligible for assistance under this title.

The definition of "Estuary Habitat" is similar to the Senate bill, but does not list included habitats.

The definition of "Estuary Habitat Restoration Activity" is similar to the Senate bill but includes creating estuary habitat and the construction of reefs.

"Estuary Habitat Restoration Plan" is defined as any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

"Indian tribe" is defined by referencing the meaning that term has in section 4 of the Indian Self-Determination and Education Assistance Act, which includes Alaska Natives within the definition.

Conference substitute

Section 103 of the Conference substitute adopts the House amendment with the following amendment. The Conference substitute retains the House definition of the term "Estuary," which includes the near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries. The Conference substitute adds a specific reference to the Old Woman's Creek NERR in Ohio, which is captured in the House definition. This reference was included in the definition of "Estuary" in the Senate bill after the Senate adopted by voice vote an amendment offered by Senator Voinovich during the September 29, 1999 Senate Committee on Environment and Public Works business meeting on S. 835.

The Conference substitute retains the prohibition against any project that constitutes mitigation or restoration required under Federal or State law. This provision does not prohibit the implementation of an estuary habitat restoration project that might also be eligible for funding under voluntary habitat restoration or environmental programs. This language also does not prohibit a non-Federal interest from using funds secured under damage settlements to enhance estuary habitat restoration projects.

SECTION 104. ESTUARY HABITAT RESTORATION PROGRAM

Senate Bill

The Senate bill establishes a collaborative, interagency process for the selection of estuary habitat restoration projects to receive assistance under this title. The Senate bill is based on the premise that the non-Federal interest will implement the estuary habitat restoration project, with funding provided by the Secretary of the Army. This approach is intended to reduce delays, expedite project implementation, and reduce unnecessary oversight and paperwork costs.

Section 106(b) of the Senate bill sets out the process for selection of projects. This section specifies that a non-Federal interest must submit a project application for an estuary habitat restoration project to the Collaborative Council established under section 105 for review and approval, and must obtain, where appropriate, the approval of State or local agencies.

Section 106(b) also sets forth the factors and priorities that the Council is to use to select projects and the duties of the non-Federal project sponsors. One of the priorities listed is whether the project is part of an approved Federal estuary management or restoration plan. For example, the Sarasota Bay area in Florida is presently implementing a comprehensive conservation and management plan (CCMP) under the National Estuary Program (NEP), which focuses on restoring lost habitat. The NEP is authorized by section 320 of the Clean Water Act. The habitat restoration is being accomplished by: reducing nitrogen pollution to increase sea grass coverage; constructing saltwater wetlands; and, building artificial reefs for juvenile fish habitat. Narragansett Bay in Rhode Island also is in the process of implementing a CCMP. Current efforts to improve the Bay's water quality and restore its habitat address the uniqueness of the Narragansett Bay watershed.

Section 106(c) authorizes interim habitat restoration activities to be carried out before the Council completes an estuary habitat restoration strategy. Section 106(d) allows a nonprofit entity to serve as the non-Federal interest, after coordination with the local official responsible for the political jurisdiction in which the project will occur.

House amendment

Section 104(a) of the House amendment authorizes an estuary habitat restoration program to be carried out by the Secretary of the Army, acting through the Army Corps of Engineers.

Section 104(b) provides that estuary habitat restoration projects must be submitted by non-Federal interests, consistent with State or local laws.

Section 104(c) sets forth required elements that eligible estuary habitat restoration projects must have, including, among others, that the project address restoration needs identified in an estuary habitat restoration plan.

Section 104(d) sets forth the factors and priorities that the Secretary is to use to select which estuary habitat restoration projects the Corps of Engineers will carry out, after the Secretary considers the advice and recommendations of the Estuary Habitat Restoration Council established under section 105.

Section 104(e) establishes the cost-sharing required for each project. The non-Federal share of a project must include necessary lands, easements, rights-of-way and relocations, and may include services or any other form of in-kind contributions that the Secretary determines to be an appropriate contribution toward the monetary amount required for the non-Federal share.

Section 104(f) authorizes the Corps of Engineers to carry out interim habitat restoration activities before the Council completes an estuary habitat restoration strategy.

Section 104(g) requires cooperation of non-Federal interests and allows a nongovernmental organization to serve as the non-Federal interest for a project, upon the recommendation of the Governor of the State in which a project is located, and in consultation with appropriate local officials.

Section 104(h) authorizes the Secretary of the Army to delegate project implementation to other Federal agencies, after considering the advice and recommendations of the Estuary Habitat Restoration Council.

Conference substitute

The Conference substitute substantially adopts the House estuary habitat program structure.

Unlike the Senate bill, the House amendment does not authorize grants. The House amendment provides that the Secretary of the Army is responsible for implementing estuary habitat restoration projects, similar to the responsibilities in carrying out water resources projects under Water Resources Development Acts. The Conference substitute adopts the House approach. However, in the context of estuary habitat restoration projects, it is expected that the Corps of Engineers will streamline its process for review and selection of projects. In particular, it is expected that the Corps will not need to conduct a Feasibility Study, or prepare a Chief's Report, for an estuary habitat restoration project because the Council will have already reviewed and evaluated a project proposal for technical feasibility, merit, and cost-effectiveness. The Corps is also strongly encouraged to keep its oversight and review costs and time to carry out projects to a minimum.

The Conference substitute makes several modifications to the House amendment. First, the Conference substitute enhances the role of the Estuary Habitat Restoration Council established under section 105 of the House amendment in the selection of estuary habitat restoration projects. In the House amendment, the Secretary of the Army selects projects after considering the advice and recommendations of the Council. Section 104(c)(1) of the Conference substitute directs the Secretary to select projects from a list developed and submitted by the Council. The Council is to review all project proposals submitted and prepare a list of eligible projects that meet the statutory criteria. The Council also is to prioritize the listed projects and make any recommendations regarding whether the projects should be delegated to other Federal agencies for implementation. The Secretary must select projects from that list; the Secretary may not use funds provided under this program to implement estuary habitat restoration projects that are not included on the list submitted by the Council.

The Conference substitute also makes minor revisions to the structure of the project selection process. The Conference substitute retains the factors for selection of a project from the House amendment and adds two factors from the Senate bill: technical feasibility, and whether the project is part of an approved Federal estuary management or habitat restoration plan.

The Conference substitute adds an innovative technology cost-share provision to section 104(d), based on similar language from section 107(e) of the Senate bill. New section 104(d)(2) provides that the Federal cost-share for the incremental additional cost of implementing innovative technologies in a project shall be 85 percent. The intent of this increased cost-share is to encourage the use of innovative technologies. Consistent with the stated purposes of this title, it is expected that NERRs will identify some of the innovative technologies that might be eligible for funding.

The Conference substitute also includes a new section 104(d)(4) on operation and maintenance costs that specifies that non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing and rehabilitating all projects carried out under this section.

Section 104(f) of the Conference substitute retains language from both the Senate bill and the House amendment that allows nongovernmental organizations to serve as the non-Federal interest in an estuary habitat restoration project with one modification. Under the Conference substitute, the Secretary is required to consult and coordinate with appropriate State and local agencies and tribes before allowing a nongovernmental organization to act as the non-Federal interest.

In selecting estuary habitat restoration projects, the Conferees direct the Secretary to give priority consideration to the Wetlands Recovery Project for the Los Cerritos Wetlands in Los Angeles County, California, and to a proposed project for restoration of estuary habitat in the Great Bay Estuary in New Hampshire.

SECTION 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL

Senate bill

Section 105 of the Senate bill establishes an interagency Collaborative Council chaired by the Secretary of the Army, with the participation of the Department of Commerce, acting through the Under Secretary for Oceans and Atmosphere; the Administrator of the Environmental Protection Agency (EPA); and, the Secretary of the Interior, acting through the Fish and Wildlife Service.

Section 106 establishes the duties of the Collaborative Council. Section 106(a) requires the Council to draft a strategy that will serve as a national framework for restoring estuaries. Under section 106(b), the Council is also responsible for reviewing project applications and determining the eligibility of specific proposals for funding.

House amendment

Section 105 of the House amendment establishes the national Estuary Habitat Restoration Council. The Council's function is to review project proposals and make recommendations on projects and priorities to the Secretary. The Council also makes recommendations regarding whether specific projects should be delegated to other agencies for implementation. In addition, the Council is responsible for developing and periodically reviewing, and updating as necessary, a national strategy to restore estuary habitat and is to provide advice on monitoring and reporting requirements under this title. Under section 106, the Council is also directed to establish an Advisory Board, which provides advice and recommendations to the Council on the strategy and in the consideration of project proposals.

The Council has six members, including the Secretaries of the Army, the Interior (acting through the Director of the Fish and Wildlife Service), Commerce (acting through the Under Secretary for Oceans and Atmosphere), and Agriculture; the Administrator of EPA; and the head of any other Federal agency designated by the President.

Conference substitute

The Conference substitute adopts the House amendment with several amendments. First, in section 105(b), the Conference substitute revises the Estuary Habitat Restoration Council's duties so that the Council shall have a greater role in recommending projects for the Secretary to carry out or to delegate to another agency to carry out. The House amendment directs the Council to solicit, review, and evaluate project proposals and make recommendations to the Secretary, including recommending prioritization of projects and delegation of project implementation to another agency. The Conference substitute retains these provisions, but includes a requirement that the Council submit a list of recommended projects to the Secretary, which shall include prioritization and delegation recommendations. Section 104 of the Conference substitute requires the Secretary to select projects from this list.

The Conference substitute also adds a new section 105(i) that directs the Council to consult with a broad range of experts in estuary or estuary habitat restoration and with estuary users to assist in the development of the estuary habitat restoration strategy developed under section 106. The Council also shall seek the advice and recommendations of experts on proposed projects, including the projects' scientific and technical merit, and feasibility. In particular, the Council shall consult with scientific experts and representatives of State, local or regional agencies, and non-governmental organizations with expertise in estuary or estuary habitat restoration, as well as Indian Tribes, agricultural interests, fishing interests, and other estuary users. This provision is similar to section 106(a)(4) of the Senate bill, and replaces section 106 in the House amendment that created a formal advisory board.

SECTION 106. ESTUARY HABITAT RESTORATION STRATEGY

Senate bill

Section 106(a) of the Senate bill requires the Collaborative Council, in consultation with non-Federal participants, to draft a strategy that will serve as a national framework for restoring estuaries. In developing the strategy, the Council is directed to consider the contributions of estuary habitat to wildlife; fish and shellfish; surface and ground water quality and quantity and flood control; outdoor recreation and other concerns; estimated historic losses of estuary habitat; and the most appropriate way to balance small and large estuary habitat restoration projects.

House amendment

Section 107 of the House amendment directs the Council, in consultation with the advisory board established under section 106, to develop a national estuary habitat restoration strategy. The strategy is intended to help maximize the benefits derived from estuary habitat restoration projects selected for implementation, and to foster coordination of Federal and non-Federal efforts to restore estuary habitat. The Council is directed to publish a draft of the strategy in the Federal Register and provide a public comment period of sufficient length to provide a meaningful opportunity for public review and comment.

Section 107(b) specifically provides that the goal of the strategy shall be to restore one million acres of estuary habitat by 2010.

Conference substitute

Section 106 of the Conference substitute adopts the House amendment with only minor changes. The Conference substitute specifically adopts the language establishing as the goal of the strategy the restoration of one million acres of estuary habitat. This goal is consistent with one of the stated purposes of the Senate bill.

SECTION 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS

Senate bill

Section 108(a) of the Senate bill directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), to maintain a database of restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information. This section is intended to ensure that available information will be used to improve the methods for assuring successful long-term habitat restoration.

House amendment

Section 108 of the House amendment directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce, in consultation with the Council, to develop and maintain, using existing NOAA programs, a database with information on estuary habitat restoration projects carried out under this title. The Under Secretary will also develop monitoring standards for data types and format, as well as for monitoring frequency.

Conference substitute

Section 107 of the Conference substitute adopts the House amendment.

SECTION 108. REPORTING

Senate bill

Section 108(b) of the Senate bill directs the Council to submit a biennial report to Congress that describes program activities, including the number of acres of estuary habitat restored; the percent of restored habitat monitored under a plan; the types of restoration methods employed; the activities of governmental and non-governmental entities with respect to habitat restoration; and the effectiveness of the restoration projects.

House amendment

Section 109 of the House amendment requires the Secretary, after considering the advice and recommendations of the Council, to submit a report to Congress at the end of the third and fifth fiscal years after enactment of this title. The report must include information on the number of acres of estuary habitat restored; information from the database related to ongoing monitoring projects; an estimate of the long-term success of varying restoration techniques; a review of how the information on restoration techniques has been incorporated into the selection and implementation of estuary habitat restoration projects; and a review of efforts to maintain an appropriate database of habitat restoration projects.

Conference substitute

Section 108 of the Conference substitute adopts the House amendment.

SECTION 109. FUNDING

Senate bill

Section 111 of the Senate bill authorizes a total of $315 million over five years to assist States and other non-Federal persons in carrying out estuary habitat restoration projects as follows: $40 million for fiscal year 2001; $50 million for fiscal year 2002; and, $75 million for each of fiscal years 2003 through 2005.

House amendment

Section 110 of the House amendment authorizes a total of $200 million over five years for the Secretary of the Army to carry out and provide technical assistance for estuary habitat restoration projects as follows: $30 million for fiscal year 2001; $35 million for fiscal year 2002; and $45 million for each of fiscal years 2003 through 2005. Of the annual authorizations, the Secretary may use no more than three percent, or $1.5 million, whichever is greater, for administration and operation of the Council.

The House amendment also authorizes $1.5 million for each of fiscal years 2001 through 2005 for NOAA to acquire, maintain, and manage monitoring data on estuary habitat restoration projects.

Conference substitute

Section 109 of the Conference substitute adopts the House amendment with an amendment. It authorizes a total of $275 million over five years to carry out and provide technical assistance for estuary habitat restoration projects as follows: $40 million for fiscal year 2001; $50 million for fiscal years 2002 and 2003; $60 million for fiscal year 2004; and $75 million for fiscal year 2005.

SECTION 110. GENERAL PROVISIONS

Senate bill

Section 113(a) of the Senate bill specifies that the Secretary of the Army has the authority to carry out estuary habitat restoration projects.

Section 113(b) makes certain sections of the Water Resources Development Act of 1986 inapplicable to this title.

Section 113(c) adds estuary habitat restoration as a mission of the Corps of Engineers.

Section 113(d) allows other Federal agencies to provide assistance to the Collaborative Council.

Section 113(e) requires an analysis of the personnel and funding needed for the Collaborative Council.

House amendment

Section 111(a) of the House amendment requires the Secretary of the Army to consult with other Federal agencies, as necessary.

Section 111(b) authorizes the Secretary of the Army to enter into cooperative agreements with Federal, State, and local agencies and other entities.

Section 111(c) authorizes other Federal agencies to cooperate in carrying out this title.

Section 111(d) requires the Secretary of the Army to identify and map sites appropriate for beneficial uses of dredged material.

Section 111(e) requires EPA to conduct a study of the efficacy of bioremediation products.

Conference substitute

Section 110 of the Conference substitute adopts the House amendment. The Secretary of the Army is to carry out this title in accordance with the provisions of this title, not Water Resources Development Acts.

Title II—Chesapeake Bay Restoration

The Chesapeake Bay (the Bay) is the largest estuary in the United States, and the first estuary in the nation to be targeted for restoration as a single ecosystem. The Bay covers 4,431 square miles, and the Bay watershed covers 64,000 square miles including areas of Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Over 100,000 streams and rivers drain into the Bay, with the Susquehanna River draining 42 percent of the watershed. The Bay is a national and regional resource that provides millions of pounds of seafood, functions as a center for shipping and commerce and is home to thousands of species of wildlife. In 1983, Maryland, Pennsylvania, Virginia, the District of Columbia, and EPA signed the Chesapeake Bay Agreement (the Agreement), which established the Chesapeake Bay Program.

The Chesapeake Bay Program has evolved considerably since 1983 and has become a model for other estuary restoration and protection programs around the world. The 1987 amendments to the Agreement expanded the initial restoration efforts by targeting nutrient over-enrichment as the Bay's major problem and establishing a goal to reduce nutrients flowing into the Bay by 40 percent. This Agreement included 28 other specific commitments to address key issues in habitat, water quality, population growth, public information and public access. The 1992 amendments to the Agreement moved the program upriver and committed the 40 percent nutrient reduction goal to the ten major tributaries of the Bay beyond the year 2000.

The Water Quality Act of 1987 formally authorized EPA's participation in the Chesapeake Bay Program by adding section 117 to the Clean Water Act. Section 117 created the Chesapeake Bay Program office within EPA. The office helps to coordinate State and Federal efforts to restore and protect the Bay, makes information available to the public and conducts scientific research on the Bay. Section 117 authorized $3 million a year for fiscal years 1987 through 1990 to support the activities of the Chesapeake Bay Program office, and $10 million a year for fiscal years 1987 through 1990 for matching interstate development grants.

Title II of the Conference substitute amends section 117 of the Clean Water Act and reauthorizes the Chesapeake Bay Program. Title II of the Senate bill and the House amendment also amend section 117 of the Clean Water Act, and are substantially the same. The Conferees adopted the House amendment with the following amendments:

In new section 117(d), the Conference substitute adopts language from the Senate bill authorizing EPA to make assistance grants to non-Federal entities to carry out this section. Such grants may include assistance for monitoring activities, data collection, and research.

In new section 117(g), the Conference substitute adopts language from the Senate bill that requires the Administrator to ensure that management plans are developed and implementation is begun by signatories of the Agreement not only to achieve, but also to maintain, the goals of that Agreement.

In new section 117(j), the Conference substitute authorizes $40 million for each of fiscal years 2001 through 2005 to carry out this section.

Title III—National Estuary Program

Title III of the Conference substitute amends section 320 of the Clean Water Act and reauthorizes the NEP. This title is substantially similar to title III in the House amendment and section 112 of the Senate bill. The Conferees adopted title III of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 301. ADDITION TO NATIONAL ESTUARY PROGRAM

Senate bill

The Senate bill did not have a comparable provision.

House amendment

Section 301 of the House amendment amends section 320(a)(2)(B) of the Clean Water Act to identify two additional estuaries as priorities for inclusion in the NEP.

Conference substitute

Section 301 of the Conference substitute identifies only one additional estuary, Lake Pontchartrain Basin, as a priority for inclusion in the NEP.

SECTION 302. GRANTS

Senate bill

Section 112(a) of the Senate bill amends section 320(g)(2) of the Clean Water Act to provide explicit authority for EPA to make grants to implement CCMPs. Examples of implementation activities include: enhanced monitoring activities; habitat mapping; habitat acquisition; best management practices to reduce urban and rural polluted runoff; and, the organization of workshops for local elected officials and professional water quality managers about habitat and water quality issues.

House amendment

Section 302 of the House amendment amends both paragraphs (2) and (3) of section 320(g) of the Clean Water Act. The amendment to paragraph (2) is identical to the Senate bill. The amendment to paragraph (3) establishes a Federal cost-share of up to 50 percent for implementation grants. Under this title, construction of projects that are treatment works as defined in the Clean Water Act will be subject to the requirements of the Davis-Bacon Act as provided in Section 513 of the Clean Water Act. Some of the construction authorized by the reported bill may not come within the definition of treatment works. The House has not addressed the issue of whether these construction projects should be covered by the Davis-Bacon Act, and the House amendment should not be considered as a precedent on this issue.

Conference substitute

Section 302 of the Conference substitute adopts the House amendment.

SECTION 303. AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 112(b) of the Senate bill authorizes $25 million for each of fiscal years 2001 and 2002 to carry out section 320 of the Clean Water Act.

House amendment

Section 303 of the House amendment authorizes $50 million for each of fiscal years 2000 through 2004 to carry out section 320 of the Clean Water Act.

Conference Substitute

Section 303 of the Conference substitute authorizes $35 million for each of fiscal years 2001 through 2005 to carry out section 320 of the Clean Water Act.

Title IV—Long Island Sound Restoration

Title IV of the Conference substitute amends section 119 of the Clean Water Act and reauthorizes the Long Island Sound program. This title is similar to title V in the House amendment and title III in the Senate bill. The Conferees adopted title V of the House amendment with amendments. Differences between the Senate bill, House amendment and Conference substitute are as follows:

SECTION 402. INNOVATIVE METHODOLOGIES AND TECHNOLOGIES

Senate bill

The Senate bill did not have a comparable section.

House amendment

Section 502 of the House amendment amends section 119(c)(1) of the Clean Water Act to encourage the Long Island Sound Office to assist and support efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the CCMP for Long Island Sound. This amendment does not affect any existing regulatory authorities under the Clean Water Act.

Conference substitute

Section 402 of the Conference substitute amends the House amendment regarding the duties of the Long Island Sound Office. The amendment to section 119(c)(1) of the Clean Water Act encourages the Office to assist in the implementation of the Long Island Sound CCMP, including efforts, within the process of granting a watershed general permit, to promote innovative methodologies and technologies, and other cost effective measures consistent with the goals of the CCMP. EPA should support innovative methodologies and technologies through out the program.

This assistance is to be provided under the existing authorities of the Clean Water Act and the laws of New York and Connecticut, or any subsequent amendments to such authorities or laws. The amendment does not affect any existing statutory or regulatory authorities under the Clean Water Act.

SECTION 403. ASSISTANCE FOR DISTRESSED COMMUNITIES

Senate bill

The Senate bill did not have a comparable section.

House amendment

Section 503 of the House amendment amends section 119 of the Clean Water Act by adding a new subsection authorizing New York and Connecticut to use their state revolving funds, established under title VI of the Clean Water Act, to provide additional subsidization when making a loan to a distressed community for the purposes of assisting the implementation of the CCMP for Long Island Sound. The total amount of loan subsidies made by a State may not exceed 30 percent of the amount of the capitalization grant received by the State for a year.

Under this section, the States of New York and Connecticut would establish affordability criteria, after public review and comment, to be used to determine which communities are distressed. In establishing these criteria, the States must consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the CCMP would result in significant increases in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility. EPA is authorized to publish information to assist States in establishing affordability criteria. A State is authorized to give priority to distressed communities in making assistance available under this section for the upgrading of wastewater treatment facilities.

Conference substitute

Section 403 of the Conference substitute adopts the House amendment with an amendment. The Conference substitute does not adopt the provisions of the House amendment allowing loan subsidies for loans made to distressed communities from a State's revolving loan funds. The Conference substitute addresses distressed communities by allowing EPA to give distressed communities, which are upgrading wastewater treatment facilities, priority in making assistance available under section 119(d). A distressed community is any community that meets affordability criteria established by the State in which the community is located, after public review and comment.

SECTION 404. REAUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 404 of the Senate bill authorizes $10 million for each of fiscal years 2001 through 2006 to carry out section 119(d) of the Clean Water Act.

House amendment

Section 504 of the House amendment authorizes $80 million for each of fiscal years 2000 through 2003 to carry out section 119(d) of the Clean Water Act.

Conference substitute

Section 404 of the Conference substitute authorizes $40 million for each of fiscal years 2001 through 2005 to carry out section 119(d) of the Clean Water Act.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Title V of the Conference substitute amends title I of the Clean Water Act adding a new section 121 establishing the Lake Pontchartrain Basin Restoration Program within EPA. This title is substantially similar to title VI of the House amendment. The Senate bill had no comparable title. The Conferees agreed to adopt title VI of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 502. LAKE PONTCHARTRAIN BASIN

House amendment

Section 602 of the House amendment states a Congressional finding that the Lake Pontchartrain Basin is an estuary of national significance. It amends section 320(a)(2)(B) of the Clean Water Act to add the Lake Pontchartrain Basin to the list of estuaries to receive priority consideration for inclusion in the NEP.

Section 603 adds a new section 122 to title I of the Clean Water Act that establishes a Lake Pontchartrain Basin Program within EPA. The purpose of the program is to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

To carry out the program, the new section 122 requires EPA: to provide administrative and technical assistance to a management conference for the Lake Pontchartrain Basin convened under the NEP; to assist and support the activities of the management conference, including implementation of recommendations of the management conference; to support environmental monitoring of the Basin and research to provide necessary technical and scientific information; to develop a comprehensive research plan to address the technical needs of the program; to coordinate the grant, research, and planning programs authorized under this section; and to collect, and make available to the public, publications and other forms of information that the management conference determines to be appropriate relating to the environmental quality of the Basin.

The new section 122 authorizes $5 million in EPA grants for each of fiscal years 2001 through 2005 for restoration projects and studies and for public education projects recommended by the management conference, although no more than 15 percent of annual appropriations should be spent on grants for public education projects. It also authorizes $100 million in EPA grants for an inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

Conference substitute

Section 502 of the Conference substitute adopts the House amendment with amendments. The substitute authorizes $20 million in funding for the Lake Pontchartrain Basin Program for each of fiscal years 2001 through 2005, and deletes the specific authorization for funding for the inflow and infiltration project.

The Conferees agreed to clarify several issues in House Transportation and Infrastructure Committee Report 106-594. In particular, the list of participants in the management conference to be convened to carry out the Lake Pontchartrain Basin Restoration Program in Report 106-594 is not exclusive. The management conference should be broad-based, and may also include local government representatives and representatives from affected industries and the general public, as determined under section 320(c). The Conferees also intend for the management conference to consult with the executives of all 16 Louisiana parishes and appropriate local government officials of four Mississippi counties located in the Lake Pontchartrain Basin. Further, priority should be given to funding for a parish-wide water and sewer systems study in Tammany Parish.

TITLE VI—ALTERNATIVE WATER SOURCES

Title VI of the Conference substitute amends title II of the Clean Water Act adding a new section 220 establishing a pilot program for alternative water sources. This title is similar to title VII of the House amendment. The Senate bill had no comparable title. The Conferees adopted title VII of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 602. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCES

House amendment

Section 702 of the House amendment amends the Clean Water Act by adding a new section 220, "Grants for Alternative Water Source Projects."

Section 220(a) authorizes EPA to make grants for alternative water source projects to meet critical water supply needs.

Section 220(b) specifies that eligibility for grants is restricted to those entities with authority under State law to develop or provide water for municipal and industrial, or agricultural uses in areas that are experiencing critical water supply needs.

Section 220(c)(1) prohibits a project that has received funds under the Bureau of Reclamation's water reclamation and reuse program from being eligible for grant assistance under this section. Section 220(c)(2) requires EPA to consider whether a project is eligible under the Bureau of Reclamation's water reclamation and reuse program when selecting projects for grants under this section.

Section 220(d)(1) prohibits the appropriation of funds for a project with a Federal cost greater than $3 million if the project has not been approved by a resolution adopted by either the House or Senate authorizing committee of jurisdiction. In order to secure the appropriate authorizing committee's consideration of a committee resolution for a proposed project, section 220(d)(2) requires EPA and the non-Federal sponsor for the proposed project to provide to the Committee the required information on the project, including project costs, and area water supply needs.

Section 220(e) provides that grant funding received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such grant funding may not be used for operation, maintenance, replacement, repair or rehabilitation of such projects.

Section 220(f) provides that the Federal cost-share for a project receiving assistance under this section shall not exceed 50 percent of the eligible costs.

Section 220(g)(1) requires that each recipient of a grant under this section submit a report to EPA on the eligible activities carried out by the recipient using grant funding. This report shall be submitted to EPA no later than 18 months after the date the recipient receives grant funding and every two years thereafter, until the alternative water source project funded by the grant is complete. Section 220(g)(2) requires EPA to submit a report to Congress on the progress made toward meeting the critical water supply needs of the grant recipients under this section. This report is to be transmitted to Congress on or before September 30, 2004.

Section 220(h) defines key terms. "Alternative Water Source Project" means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater. These projects fall within the definition of treatment works in section 212 of the Clean Water Act. All such projects, including wastewater treatment projects, should be designed to provide water supplies in an environmentally sustainable manner. "Critical Water Supply Needs" means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

To carry out the new section 220, section 220(i) authorizes $75 million for each of fiscal years 2000 through 2004.

Conference substitute

Section 602 of the Conference substitute adopts the House amendment with amendments, including narrowing the title to a pilot program.

Section 220(a) is added stating that nothing in the pilot program shall affect the application of section 101(g) of the Clean Water Act, which states Congressional policy that nothing in the Act shall supersede State authority to allocate water quantities or State rights to such quantities.

Section 220(d)(3) is added to require selected projects to reflect a variety of geographical and environmental conditions.

Section 220(h) is revised to require EPA to report to Congress on the results of the pilot program, including progress made by program participants in meeting their critical water supply needs.

In section 220(i)(1), the definition of "Alternative Water Source Project" adopts the House definition with a clarification that such term does not include water treatment or distribution facilities.

Section 220(j) authorizes a total of $75 million for the pilot program for fiscal years 2002 through 2004.

TITLE VII—CLEAN LAKES

Title VII of the Conference substitute reauthorizes and amends the Clean Lakes Program under section 314 of the Clean Water Act. This title is substantially similar to title VIII of the House amendment. The Senate bill had no comparable title. The Conferees adopted title VIII of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 702. DEMONSTRATION PROGRAM

House amendment

Section 801 of the House amendment amends section 314(c)(2) of the Clean Water Act by authorizing $50 million for grants to States to implement the Clean Lakes Program for each of fiscal years 2001 through 2005.

Section 802 amends section 314(d) of the Clean Water Act by: adding several lakes to the list of lakes to receive priority consideration for demonstration projects in paragraph (2); preventing the report to Congress on the Clean Lakes demonstration program in paragraph (3) from expiring under the Federal Reports Elimination and Sunset Act of 1995; and, increasing the special authorization of financial assistance to States to carry out methods and procedures to mitigate harmful effects of high acidity from acid deposition or acid mine drainage in paragraph (4) from $15 million to $25 million.

Conference substitute

Section 702 of the Conference substitute amends section 314(d)(2) of the Clean Water Act authorizing demonstration projects to be undertaken in the following lakes, in addition to those in the House amendment: Lake Tahoe, California and Nevada; Highland Lake, Connecticut; Lake Apopka and Tohopekaliga Lake, Florida; Lake Allatoona, Georgia; Walker Lake, Nevada; Baboosic Lake and French Pond, New Hampshire; Lily Lake and Strawbridge Lake, New Jersey; Lake George, New York; Dillon Reservoir, Ohio; Ten Mile Lakes, and Woahink Lake, Oregon; and, Lake Wallenpaupack, Pennsylvania.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Title VIII of the Conference substitute authorizes certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River to reduce water pollution in the San Diego, California border region. This title is substantially similar to title X of the House amendment. The Senate bill had no comparable title. The Conferees adopted title X of the House amendment with amendments. Differences between the House amendment and Conference substitute are as follows:

SECTION 804. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR

House amendment

Subject to the negotiation and conclusion of a new treaty minute or amendment to Minute 283, section 1004(a) of the House amendment authorizes and directs the International and Boundary Water Commission (the Commission) to provide secondary treatment for a total of not more than 50 million gallons per day (mgd) in Mexico of both primary advanced effluent pumped from the International Wastewater Treatment Plant (IWTP) in San Diego and any additional sewage emanating from the Tijuana River area in Mexico.

Section 1004(b) directs EPA to develop a comprehensive plan with stakeholder involvement within two years of the date of enactment of the title. The comprehensive plan will analyze the long-term secondary treatment needs for the San Diego-Tijuana border region, and make recommendations for preferred options to provide additional treatment capacity for future flows emanating from the Tijuana River area. If the comprehensive plan includes a recommendation for additional treatment capacity to be provided in Mexico rather than in the U.S., the Commission is authorized to provide not more than an additional 25 mgd of such capacity in Mexico.

Subject to the availability of appropriations, section 1004(c) authorizes the Commission to enter into a fee-for-services contract and make payments on behalf of the U.S. for treatment services rendered under the contract with the owner of a Mexican facility. Section 1004(c)(2) requires the contract to include, at a minimum, the terms listed in the following subparagraphs:

(A) that the advanced primary effluent from the IWTP be transported to the Mexican facility;

(B) that the advanced primary effluent from the IWTP be treated to the secondary treatment level in compliance with U.S., California, and Mexican water quality laws;

(C) that any effluent treated at the Mexican facility not reused in Mexico or the U.S. is returned for discharge through the South Bay Ocean Outfall off the coast of San Diego, and that it is in compliance with U.S. and California water quality laws;

(D) that the Mexican facility may provide sewage treatment capacity in addition to the capacity needed to treat the advanced primary effluent pumped from the IWTP, if recommended as a preferred option in the EPA comprehensive plan analyzing the long-term treatment needs and recommending preferred options to provide such treatment;

(E) that the contract has a term of 30 years;

(F) that arrangements are made for the monitoring, verification, and enforcement of compliance with U.S., California and Mexican water quality standards;

(G) that arrangements are made for the disposal and use of sludge in Mexico, which is from the IWTP and the Mexican facility;

(H) that the Commission pays an annual fee to the owner of the Mexican facility covering the costs of development, financing, construction, and operation and maintenance of the facility;

(I) that, if the Commission fails to perform its contractual obligations, the ownership of the facility is transferred to the U.S. after the U.S. pays a cancellation fee to the owner of the facility, which reflects the costs of repayment of construction debt and other contractual losses resulting from early termination of the contract. The cancellation fee owed to the owner of the facility shall be in amounts declining over the term of the contract;

(J) that, if the owner of the Mexican facility fails to perform its contractual obligations, ownership of the facility will be transferred to the U.S. without a cancellation fee;

(K) that the owner of the Mexican facility uses competitive procedures to the extent practicable in the procurement of property or services for the engineering, construction, and operation and maintenance of the facility;

(L) that the Commission may review and approve the contractors providing for the engineering, construction, and operation and maintenance of the facility;

(M) that the owner of the Mexican facility maintains all records to demonstrate compliance with this section and the contract; and,

(N) that the U.S. Department of State Inspector General has access to all pertinent records to conduct audits to ensure the owner of the Mexican facility is complying with the terms of this title and the contract.

Section 1004(c)(3) states that the Contract Disputes Act of 1978 does not apply to a contract executed under this section.

Section 1004(d) requires the U.S. Department of State Inspector General to monitor the implementation of contracts entered into under this section and to evaluate whether the owner of the Mexican facility has complied with the terms of the section and fulfilled the contract terms.

Conference substitute

The Conference substitute adopts the House amendment with several amendments to the contract terms listed in section 804(c)(2).

In order to ensure greater accountability with respect to the costs of developing, financing, constructing, and operating and maintaining the facility, the Conference substitute requires the owner of the facility to share in all of these costs. New subparagraph (H) requires that the owner of the facility maintain 20 percent equity in the capital structure of the facility throughout the term of the contract. Under new subparagraph (I), the Commission's annual payments shall maintain the owner's 20 percent equity position throughout the term of the contract. Revised subparagraph (E) limits the contract term to 20 years.

The Conference substitute requires, in new subparagraph (P), that the owner of the facility provide offsets or credits in the event that the owner is able to sell the treated wastewater from the facility. The parties negotiating the contract may determine the amount of offsets or credits.

The Conference substitute also requires the owner of the facility to competitively bid all subcontracts for the facility. Revised subparagraph (L) specifically applies title III of the Federal Property and Administrative Services Act of 1949, as amended by the Competition in Contracting Act.

Finally, the Conference substitute does not provide an exemption from the Contract Disputes Act.

SECTION 806. AUTHORIZATION OF APPROPRIATIONS

House amendment

Section 1006 of the House amendment authorizes such sums as necessary to be appropriated to carry out the title.

Conference substitute

Section 806 of the Conference substitute changes the authorization from "such sums as necessary to carry out" the title to a five-year authorization of $156 million for fiscal years 2001 through 2005. The Conferees acknowledge that the title also authorizes the Commission to enter into a 20-year fee-for-services contract with the owner of a Mexican facility. The five-year authorization is included to be consistent with the authorizations throughout the Conference substitute, and the Conferees do not intend this to affect the Commission's obligations under the 20-year contract.

Title IX—General Provisions

Other than section 901, this title includes new provisions that were not in the Senate bill or the House amendment.

SECTION 901. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

House amendment

Titles II, VI, VII, and VIII of the House amendment each contained a provision regarding the purchase of American-made equipment and products.

Conference substitute

The Conference substitute deletes the relevant provisions in titles II, VI, VII and VIII in the House amendment, and replaces them with a new section 901. This section states that it is the Sense of Congress, to the extent practicable, for all equipment and products purchased with funds made available under this Act to be made in America. Also, each Federal agency head providing financial assistance under this bill is directed to provide such notice to each recipient of financial assistance, to the extent practicable.

SECTION 902. LONG-TERM ESTUARY ASSESSMENT

Conference substitute

Section 902 of the Conference substitute authorizes the Secretary of Commerce and the Secretary of the Interior to carry out a long-term estuary assessment project for the Mississippi River south of Vicksburg, Mississippi and the Gulf of Mexico. The authorized appropriation levels are $1 million for fiscal year 2001 for the management agreement with a university-based consortium, and $4 million for each of fiscal years 2002 through 2005 to carry out the project.

The Conferees are aware that the Center for Bioenvironmental Research at Tulane University and Xavier University in New Orleans, Louisiana have formed a university-based consortium called the "Long-term Estuary Assessment Group" for the purpose of developing advanced long-term assessment and monitoring systems relating to the Mississippi River and other aquatic ecosystems and encourages the Secretaries of Commerce and of the Interior to examine the work begun by the Center for Bioenvironmental Research and this consortium when selecting a university-based consortium to manage this project.

SECTION 903. ALASKA RURAL SANITATION GRANTS

Conference substitute

Section 903 of the Conference substitute amends section 303(e) of the Safe Drinking Water Act Amendments of 1996 by reauthorizing $40 million for each of fiscal years 2001 through 2005.

ADDITIONAL ITEMS

House amendment

Title IV of the House amendment establishes an EPA grant program to improve water quality in the Florida Keys. Title IX establishes an EPA Mississippi Sound restoration program.

Conference substitute

The Conference substitute deletes titles IV and IX of the House amendment.

Bud Shuster,
Don Young,
Sherwood Boehlert,
Wayne T. Gilchrest,
Tillie K. Fowler,
Don Sherwood,
John E. Sweeney,
Steven T. Kuykendall,
David Vitter,
Jim Oberstar,
Bob Borski,
Jim Barcia,
Bob Filner,
Earl Blumenauer,
John Baldacci,
Managers on the Part of the House.
Bob Smith,
John W. Warner,
Michael D. Crapo,
Max Baucus,
Barbara Boxer,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded voted or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE, AND PROTECTION ACT

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3514) to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chimpanzee Health Improvement, Maintenance, and Protection Act".

SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYSTEM FOR FEDERALLY OWNED OR SUPPORTED CHIMPANZEES NO LONGER NEEDED FOR RESEARCH.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by inserting after section 481B the following section:

"SEC. 481C. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.

"(a) In General.—The Secretary shall provide for the establishment and operation in accordance with this section of a system to provide for the lifetime care of chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, and with respect to which it has been determined by the Secretary that the chimpanzees are not needed for such research (in this section referred to as 'surplus chimpanzees').

"(b) Administration of Sanctuary System.—The Secretary shall carry out this section, including the establishment of regulations under subsection (d), in consultation with the board of directors of the nonprofit private entity that receives the contract under subsection (e) (relating to the operation of the sanctuary system).

"(c) Acceptance of Chimpanzees Into System.—All surplus chimpanzees owned by the Federal Government shall be accepted into the sanctuary system. Subject to standards under subsection (d)(4), any chimpanzee that is not owned by the Federal Government can be accepted into the system if the owner transfers to the sanctuary system title to the chimpanzee.

"(d) Standards for Permanent Retirement of Surplus Chimpanzees.—

"(1) In General.—Not later than 180 days after the date of enactment of this section, the Secretary shall by regulation establish standards for operating the sanctuary system to provide for the permanent retirement of surplus chimpanzees. In establishing the standards, the Secretary shall consider the recommendations of the board of directors of the nonprofit private entity that receives the contract under subsection (e), and shall consider the recommendations of the National Research Council applicable to surplus chimpanzees that are made in the report published in 1997 and entitled 'Chimpanzees in Research—Strategies for Their Ethical Care, Management, and Use'.

"(2) Chimpanzees accepted into system.—With respect to chimpanzees that are accepted into the sanctuary system, standards under paragraph (1) shall include the following:

"(A) A prohibition that the chimpanzees may not be used for research, except as authorized under paragraph (3).

"(B) Provisions regarding the housing of the chimpanzees.

"(C) Provisions regarding the behavioral well-being of the chimpanzees.

"(D) A requirement that the chimpanzees be cared for in accordance with the Animal Welfare Act.

"(E) A requirement that the chimpanzees be prevented from breeding.

"(F) A requirement that complete histories be maintained on the health and use in research of the chimpanzees.

"(G) A requirement that the chimpanzees be monitored for the purpose of promptly detecting the presence in the chimpanzees of any condition that may be a threat to the public health or the health of other chimpanzees.

"(H) A requirement that chimpanzees posing such a threat be contained in accordance with applicable recommendations of the Director of the Centers for Disease Control and Prevention.

"(I) A prohibition that none of the chimpanzees may be subjected to euthanasia, except as in the best interests of the chimpanzee involved, as determined by the system and an attending veterinarian.

"(J) A prohibition that the chimpanzees may not be discharged from the system. If any chimpanzee is removed from a sanctuary facility for purposes of research authorized under paragraph (3)(A)(ii), the chimpanzee shall be returned immediately upon the completion of that research. All costs associated with the removal of the chimpanzee from the facility, with the care of the chimpanzee during such absence from the facility, and with the return of the chimpanzee to the facility shall be the responsibility of the entity that obtains approval under such paragraph regarding use of the chimpanzee and removes the chimpanzee from the sanctuary facility.

"(K) A provision that the Secretary may, in the discretion of the Secretary, accept into the system chimpanzees that are not surplus chimpanzees.

"(L) Such additional standards as the Secretary determines to be appropriate.

"(3) RESTRICTIONS REGARDING RESEARCH.—

"(A) IN GENERAL.—For purposes of paragraph (2)(A), standards under paragraph (1) shall provide that a chimpanzee accepted into the sanctuary system may not be used for studies or research, except as provided in clause (i) or (ii), as follows:

"(i) The chimpanzee may be used for noninvasive behavioral studies or medical studies based on information collected during the course of normal veterinary care that is provided for the benefit of the chimpanzee, provided that any such study involves minimal physical and mental harm, pain, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

"(ii) The chimpanzee may be used in research if—

"(I) the Secretary finds that there are special circumstances in which there is need for that individual, specific chimpanzee (based on that chimpanzee's prior medical history, prior research protocols, and current status), and there is no chimpanzee with a similar history and current status that is reasonably available among chimpanzees that are not in the sanctuary system;

"(II) the Secretary finds that there are technological or medical advancements that were not available at the time the chimpanzee entered the sanctuary system, and that such advancements can and will be used in the research;

"(III) the Secretary finds that the research is essential to address an important public health need; and

"(IV) the design of the research involves minimal pain and physical harm to the chimpanzee, and otherwise minimizes mental harm, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives (including with respect to removal of the chimpanzee from the sanctuary facility involved).

"(B) APPROVAL OF RESEARCH DESIGN.—

"(i) EVALUATION BY SANCTUARY BOARD.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the board of directors of the nonprofit private entity that receives the contract under subsection (e) shall, after consultation with the head of the sanctuary facility in which the chimpanzee has been placed and with the attending veterinarian, evaluate whether the design of the research meets the conditions described in subparagraph (A)(ii)(IV) and shall submit to the Secretary the findings of the evaluation.

"(ii) ACCEPTANCE OF BOARD FINDINGS.—The Secretary shall accept the findings submitted to the Secretary under clause (i) by the board of directors referred to in such clause unless the Secretary makes a determination that the findings of the board are arbitrary or capricious.

"(iii) PUBLIC PARTICIPATION.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the proposal shall not be approved until—

"(I) the Secretary publishes in the Federal Register the proposed findings of the Secretary under such subparagraph, the findings of the evaluation by the board under clause (i) of this subparagraph, and the proposed evaluation by the Secretary under clause (ii) of this subparagraph; and

"(II) the Secretary seeks public comment for a period of not less than 60 days.

"(C) ADDITIONAL RESTRICTION.—For purposes of paragraph (2)(A), a condition for the use in studies or research of a chimpanzee accepted into the sanctuary system is (in addition to conditions under subparagraphs (A) and (B) of this paragraph) that the applicant for such use has not been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

"(4) NON-FEDERAL CHIMPANZEES OFFERED FOR ACCEPTANCE INTO SYSTEM.—With respect to a chimpanzee that is not owned by the Federal Government and is offered for acceptance into the sanctuary system, standards under paragraph (1) shall include the following:

"(A) A provision that the Secretary may authorize the imposition of a fee for accepting such chimpanzee into the system, except as follows:

"(i) Such a fee may not be imposed for accepting the chimpanzee if, on the day before the date of enactment of this section, the chimpanzee was owned by the nonprofit private entity that receives the contract under subsection (e) or by any individual sanctuary facility receiving a subcontract or grant under subsection (e)(1).

"(ii) Such a fee may not be imposed for accepting the chimpanzee if the chimpanzee is owned by an entity that operates a primate center, and if the chimpanzee is housed in the primate center pursuant to the program for regional centers for research on primates that is carried out by the National Center for Research Resources.

Any fees collected under this subparagraph are available to the Secretary for the costs of operating the system. Any other fees received by the Secretary for the long-term care of chimpanzees (including any Federal fees that are collected for such purpose and are identified in the report under section 3 of the Chimpanzee Health Improvement, Maintenance, and Protection Act) are available for operating the system, in addition to availability for such other purposes as may be authorized for the use of the fees.

"(B) A provision that the Secretary may deny such chimpanzee acceptance into the system if the capacity of the system is not sufficient to accept the chimpanzee, taking into account the physical capacity of the system; the financial resources of the system; the number of individuals serving as the staff of the system, including the number of professional staff; the necessity of providing for the safety of the staff and of the public; the necessity of caring for accepted chimpanzees in accordance with the standards under paragraph (1); and such other factors as may be appropriate.

"(C) A provision that the Secretary may deny such chimpanzee acceptance into the system if a complete history of the health and use in research of the chimpanzee is not available to the Secretary.

"(D) Such additional standards as the Secretary determines to be appropriate.

"(e) AWARD OF CONTRACT FOR OPERATION OF SYSTEM.—

"(1) IN GENERAL.—Subject to the availability of funds pursuant to subsection (g), the Secretary shall make an award of a contract to a nonprofit private entity under which the entity has the responsibility of operating (and establishing, as applicable) the sanctuary system and awarding subcontracts or grants to individual sanctuary facilities that meet the standards under subsection (d).

"(2) REQUIREMENTS.—The Secretary may make an award under paragraph (1) to a nonprofit private entity only if the entity meets the following requirements:

"(A) The entity has a governing board of directors that is composed and appointed in accordance with paragraph (3) and is satisfactory to the Secretary.

"(B) The terms of service for members of such board are in accordance with paragraph (3).

"(C) The members of the board serve without compensation. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the board.

"(D) The entity has an executive director meeting such requirements as the Secretary determines to be appropriate.

"(E) The entity makes the agreement described in paragraph (4) (relating to non-Federal contributions).

"(F) The entity agrees to comply with standards under subsection (d).

"(G) The entity agrees to make necropsy reports on chimpanzees in the sanctuary system available on a reasonable basis to persons who conduct biomedical or behavioral research, with priority given to such persons who are Federal employees or who receive financial support from the Federal Government for research.

"(H) Such other requirements as the Secretary determines to be appropriate.

"(3) BOARD OF DIRECTORS.—For purposes of subparagraphs (A) and (B) of paragraph (2):

"(A) The governing board of directors of the nonprofit private entity involved is composed and appointed in accordance with this paragraph if the following conditions are met:

"(i) Such board is composed of not more than 13 voting members.

"(ii) Such members include individuals with expertise and experience in the science of managing captive chimpanzees (including primate veterinary care), appointed from among individuals endorsed by organizations that represent individuals in such field.

"(iii) Such members include individuals with expertise and experience in the field of animal protection, appointed from among individuals endorsed by organizations that represent individuals in such field.

"(iv) Such members include individuals with expertise and experience in the zoological field (including behavioral primatology), appointed from among individuals endorsed by organizations that represent individuals in such field.

"(v) Such members include individuals with expertise and experience in the field of the business and management of nonprofit organizations, appointed from among individuals endorsed by organizations that represent individuals in such field.

"(vi) Such members include representatives from entities that provide accreditation in the field of laboratory animal medicine.

"(vii) Such members include individuals with expertise and experience in the field of containing biohazards.

"(viii) Such members include an additional member who serves as the chair of the board, appointed from among individuals who have been endorsed for purposes of clause (ii), (iii), (iv), or (v).

"(ix) None of the members of the board has been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

"(B) The terms of service for members of the board of directors are in accordance with this paragraph if the following conditions are met:

"(i) The term of the chair of the board is 3 years.

"(ii) The initial members of the board select, by a random method, 1 member from each of the 6 fields specified in subparagraph (A) to serve a term of 2 years and (in addition to the chair) 1 member from each of such fields to serve a term of 3 years.

"(iii) After the initial terms under clause (ii) expire, each member of the board (other than the chair) is appointed to serve a term of 2 years.

"(iv) An individual whose term of service expires may be reappointed to the board.

"(v) A vacancy in the membership of the board is filled in the manner in which the original appointment was made.

"(vi) If a member of the board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy is appointed for the remainder of the term of the predecessor member.

"(4) REQUIREMENT OF MATCHING FUNDS.—The agreement required in paragraph (2)(E) for a nonprofit private entity (relating to the award of the contract under paragraph (1)) is an agreement that, with respect to the costs to be incurred by the entity in establishing and operating the sanctuary system, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs, in cash or in kind, in an amount not less than the following, as applicable:

"(A) For expenses associated with establishing the sanctuary system (as determined by the Secretary), 10 percent of such costs ($1 for each $9 of Federal funds provided under the contract under paragraph (1)).

"(B) For expenses associated with operating the sanctuary system (as determined by the Secretary), 25 percent of such costs ($1 for each $3 of Federal funds provided under such contract).

"(5) ESTABLISHMENT OF CONTRACT ENTITY.—If the Secretary determines that an entity meeting the requirements of paragraph (2) does not exist, not later than 60 days after the date of enactment of this section, the Secretary shall, for purposes of paragraph (1), make a grant for the establishment of such an entity, including paying the cost of incorporating the entity under the law of one of the States.

"(f) DEFINITIONS.—For purposes of this section:

"(1) PERMANENT RETIREMENT.—The term 'permanent retirement', with respect to a chimpanzee that has been accepted into the sanctuary system, means that under subsection (a) the system provides for the lifetime care of the chimpanzee, that under subsection (d)(2) the system does not permit the chimpanzee to be used in research (except as authorized under subsection (d)(3)) or to be euthanized (except as provided in subsection (d)(2)(I)), that under subsection (d)(2) the system will not discharge the chimpanzee from the system, and that under such subsection the system otherwise cares for the chimpanzee.

"(2) SANCTUARY SYSTEM.—The term 'sanctuary system' means the system described in subsection (a).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(4) SURPLUS CHIMPANZEES.—The term 'surplus chimpanzees' has the meaning given that term in subsection (a).

"(g) FUNDING.—

"(1) IN GENERAL.—Of the amount appropriated under this Act for fiscal year 2001 and each subsequent fiscal year, the Secretary, subject to paragraph (2), shall reserve a portion for purposes of the operation (and establishment, as applicable) of the sanctuary system and for purposes of paragraph (3), except that the Secretary may not for such purposes reserve any further funds from such amount after the aggregate total of the funds so reserved for such fiscal years reaches $30,000,000. The purposes for which funds reserved under the preceding sentence may be expended include the construction and renovation of facilities for the sanctuary system.

"(2) LIMITATION.—Funds may not be reserved for a fiscal year under paragraph (1) unless the amount appropriated under this Act for such year equals or exceeds the amount appropriated under this Act for fiscal year 1999.

"(3) USE OF FUNDS FOR OTHER COMPLIANT FACILITIES.—With respect to amounts reserved under paragraph (1) for a fiscal year, the Secretary may use a portion of such amounts to make awards of grants or contracts to public or private entities operating facilities that, as determined by the board of directors of the nonprofit private entity that receives the contract under subsection (e), provide for the retirement of chimpanzees in accordance with the same standards that apply to the sanctuary system pursuant to regulations under subsection (d). Such an award may be expended for the expenses of operating the facilities involved.".

SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF CHIMPANZEES AND FUNDING FOR CARE OF CHIMPANZEES.

With respect to chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, the Secretary of Health and Human Services shall, not later than 365 days after the date of enactment of this Act, submit to Congress a report providing the following information:

(1) The number of such chimpanzees in the United States, whether owned or held by the Federal Government, any of the States, or private entities.

(2) An identification of any requirement imposed by the Federal Government that, as a condition of the use of such a chimpanzee in research by a non-Federal entity—

(A) fees be paid by the entity to the Federal Government for the purpose of providing for the care of the chimpanzee (including any fees for long-term care); or

(B) funds be provided by the entity to a State, unit of local government, or private entity for an endowment or other financial account whose purpose is to provide for the care of the chimpanzee (including any funds provided for long-term care).

(3) An accounting for fiscal years 1999 and 2000 of all fees paid and funds provided by non-Federal entities pursuant to requirements described in subparagraphs (A) and (B) of paragraph (2).

(4) In the case of such fees, a specification of whether the fees were available to the Secretary (or other Federal officials) pursuant to annual appropriations Acts or pursuant to permanent appropriations.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration, H.R. 3514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3514 is the Chimpanzee Health Improvement, Maintenance, and Protection Act. It has 139 bipartisan supporters.

Mr. Speaker, I am a member of the Committee on Commerce, and the Committee on Commerce has jurisdiction over the National Institutes of Health. The NIH is the world's premier biomedical research facility in the world. Because the chimpanzee is the closest genetic relative to humans, it has long been used as a model for physiological, biomedical, and behavioral research. We all remember in the early days of the space program the chimpanzee, Ham, pioneering space travel before we dared to allow humans to do that. We would not have a space program if it had not been for the contributions of the chimpanzees in the program.

When the AIDS epidemic became apparent to researchers, since we had stopped the practice of importing chimpanzees, the NIH went on a crash program to breed chimpanzees, on the assumption that the chimpanzee, being so closely related to humans genetically, would be the perfect model to study AIDS and HIV and could be used as a means to do research to find cures. It turns out that the chimpanzee was not a good model for HIV and AIDS. It did not contract the disease so readily. And as a result, we now have on our hands 1,700 surplus chimpanzees, 1,700 chimpanzees living in six research centers throughout the country.

Often these chimpanzees, which are intelligent animals with emotions and social groupings, live in cramped cages without any social contact at all. It is expensive to do this, Mr. Speaker. It costs the taxpayers about $7.5 million a year to keep these animals in these conditions. The legislation that is before us will create a new public-private partnership to create sanctuaries where these chimpanzees, who are no longer needed for research, can spend the remainder of their lives, and they often live to be 60 years of age, in humane sanctuaries where they can live in social groupings and in humane and healthy conditions.

I first became aware of this issue from the work of Dr. Jane Goodall. We all remember Dr. Jane Goodall from the National Geographic special. She was the pioneer researcher living in the field amongst the chimpanzees and learning to understand them and all of the nuances of their behavior. Dr. Jane Goodall is practically a saint, as far as I am concerned. She is a wonderful, gentle, thoughtful person who recognized that these creatures deserve far better from us than they are receiving, and so she suggested this notion that we create these sanctuaries and she has offered to help to raise the funds to meet the private sector side of this.

As she said, when she testified before our committee in May, "Instead of expending research dollars to warehouse chimpanzees, sometimes for decades, retiring chimpanzees to a sanctuary will be a humane alternative that also frees financial resources that can better be used to find cures for human ailments." Mr. Speaker, this legislation will save the taxpayers, it is estimated, about $3 million per year. So it is not only the humane thing to do, it is also the cost-effective thing to do.

I would like to thank some folks who worked very hard to get this legislation before us today. Tina Nelson is my constituent from Bucks County, Pennsylvania. She is the Executive Director of the American Anti-Vivisection Society. I would also like to thank the National Chimpanzee Sanctuary Task Force, the ASPCA, the NAVS, the SAPL, and the Humane Society of the United States, whose collective membership represents 8 million members.

I would also like to thank their staff, Joyce Cowan, Adam Roberts, Chris Heyde, Mimi Brody and Marianne Radziewicz, and Nandan Kenkeremath of the Committee on Commerce staff, as well as my former staff member, Mara Garducci, who started work on this, and Joel White, who completed the task.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. I am one of over 140 of the gentleman's cosponsors. The author has done a great job of gaining and garnering support and ushering it through.

Mr. Speaker, this directs HHS to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the National Institutes of Health, the Food and Drug Administration or other agencies in the Federal Government.

□ 1215

Although many of these surplus chimpanzees have hepatitis and HIV infections and are a danger to uninfected animals as well as their caretakers, H.R. 3514 provides, I think, the highest level of veterinary expertise for these retired animals. It establishes sanctuaries and does a lot of other things. But basically, it provides chimpanzees with housing and a protected environment that is sensitive to their social needs along with the long-term health care and all needed medications. It is the right thing to do. It is also an excellent animal model for future health care legislation for all American citizens.

While I rise in support of this bill today, I also look forward to working on more equitable public health policies for our Nation's citizens in the 107th Congress.

I salute and support the gentleman from Pennsylvania (Mr. GREENWOOD). He has done a good job with this. It is a humane bill. It is one of the few things that this body does that really ought to be done for a group who have no lobby. He has done a great job. I am honored to be a part of it.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for his kind remarks and for his help in this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise very briefly to commend the sponsor of the legislation.

Before coming to Congress, I was a clinical psychologist. In psychology we make extensive use of chimpanzees and other primates in research, and it is incumbent upon us to care for the animals that serve us well in providing research and critical data to advance human health.

I want to commend the sponsor of the bill and other cosponsors of this critical piece of legislation, and I urge its passage.

Mr. DINGELL. Mr. Speaker, I rise in reluctant support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance and Protection Act. I say reluctant because this bill is still not supported by the Administration, which has raised a number of concerns. I include with my statement a letter to me from Dr. Ruth Kirschstein, Principal Deputy Director, National Institutes of Health (NIH).

H.R. 3514, which is clearly well intended, will consume millions of dollars of funding from the Health and Human Services' (HHS) budget to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the NIH, the Food and Drug Administration, or other agencies of the Federal Government. H.R. 3514 has the support of many of my colleagues from both sides of the aisle.

Many of these surplus chimpanzees have hepatitis and HIV infections, and are a danger to uninfected animals, as well as their caretakers. This bill establishes how the sanctuaries will be administered and operated through a partnership with a private, non-profit entity, that includes the highest level of veterinary expertise. It also sets forth guidelines for the care of these animals and the limited conditions under which they can be returned to research. Whether chimpanzees not used in Federally-funded research should be accepted into the sanctuaries is somewhat controversial, but it is permissible under this bill.

Beyond the humane intentions of this bill on behalf of these surplus chimpanzees, I am concerned about the message we are sending to the American people about our priorities in the waning days of the 106th Congress. Many important public health issues before this Congress languish. These include: enactment of a real Patients' Bill of Rights; restoration of federal jurisdiction to control tobacco use by America's children; access to prescription drugs for senior citizens; long-term care for the elderly; access for America's children with rare or serious health problems to pediatric specialists, medications and clinical trials; adequate protection for human research subjects; protection from genetic discrimination by health insurers and employers; and enhanced protection of confidential medical records.

Providing chimpanzees with housing in a protected environment that is sensitive to their social needs, along with long-term health care and medications, is all well and good for the chimps. However, America's human citizens also deserve these benefits. It is time for this Congress to examine the public health policies it is legislating for animals, such as the comprehensive facilities for the one-to-two thousand surplus chimpanzees that are covered by H.R. 3514, and use them as models for caring for our most valued resource, America's human citizens.

I respect the valuable contribution to science made by our evolutionary forebears. The majority has given new meaning to the notion of incremental reform. Perhaps we can do for humans in the 107th Congress what we will do for chimps in the 106th.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE,
Bethesda, MD, October 16, 2000.

Hon. JOHN D. DINGELL,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. DINGELL: I am writing to inform you of the impact on the National Institutes of Health (NIH) of S. 2725 and H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. The bills, which are substantially similar, would require that NIH enter into a contract with a nonprofit private entity for the purpose of operating a sanctuary system for the long-term care of chimpanzees. A sanctuary system, however well intentioned, could have unintended consequences for both humans as well as the chimpanzees it seeks to protect.

The NIH is deeply committed to the care and well-being of chimpanzees used in biomedical research. The chimpanzee has been an essential, effective animal model for studying several serious diseases, including hepatitis and respiratory syncytial virus. This animal model has been a necessary and valuable part of the NIH-supported efforts to prevent these diseases and their serious, sometimes fatal consequences.

The NIH is implementing a plan to provide long-term care for 288 chimpanzees that are infected with human immunodeficiency virus (HIV), hepatitis, or both. These animals are not candidates for a sanctuary because their persistent infections pose a significant health threat to caretakers and uninfected animals. They also have unique health care problems that require special care not generally available in sanctuaries. Under the plan, these chimpanzees may be returned to research, if the need arises. Thus, the plan meets the needs of research, while providing humane care for the animals.

Any long-term care plan must ensure that chimpanzees may be used, if necessary, in future biomedical research. S. 2725 and H.R. 3514 would prohibit any further research on chimpanzees placed in the sanctuary. The NIH plan, however, does allow animals to be returned to research if the need arises. Biomedical research does not always proceed in a simple, swift, and direct path. A drug may have been discarded because it was not effective for a specific disease, only to be found years later to be effective against a different disease. At some future time, a scientist might discover a vaccine for hepatitis C or a treatment that could potentially eradicate HIV from an infected individual. It would be very unfortunate if we did not have access to animals with these long-term infections to assess new treatments and vaccines. This could have a substantial deleterious effect on the health of humans and chimpanzees. For these reasons, we believe that permanent retirement of these chimpanzees is unwise. In addition, providing permanent retirement would represent poor stewardship in regard to the already substantial investment in these animals by the NIH.

Much time and considerable resources are required to establish appropriate facilities for chimpanzees. At this time, any long-term care plan should be limited to those chimpanzees that have participated in research funded by the NIH and the Public Health Service. Both S. 2725 and H.R. 3514 could potentially require that NIH expend resources to provide long-term care for chimpanzees that participated in research funded by the private sector or were used in other ways, for example, by the entertainment industry.

I appreciate your continued interest in the NIH and the future of biomedical research. I would be pleased to provide more information about our plan and to discuss any further needs you might see in this area. We request that you delay legislative action on this issue until we have had an opportunity to discuss with Congress our proposed long-term care plan for the chimpanzees.

This letter is also being sent to Senators James M. Jeffords and Edward M. Kennedy and Representative Tom Bliley, Jr.

Sincerely yours,
Ruth L. Kirschstein, M.D.,
Principal Deputy Director.

Mrs. MALONEY of New York. Mr. Speaker, as an original sponsor of this important and humane legislation, I rise today in support of H.R. 3514 which will provide a sanctuary for chimpanzees that are no longer needed for public research purposes. This is an issue that I have cared about for a long time and one which has required an enormous amount of effort to resolve.

Currently, there are more than 1,700 apes in labs across the United States used for a variety of research purposes including infectious disease testing, AIDS research, spinal and brain injury research, and toxicity testing. Although scientists have been highly successful in breeding chimpanzees in captivity to meet their research needs, there has been no consideration of what to do with chimpanzees when they are no longer needed. Given the surplus of chimpanzees in captivity, the National Institutes of Health, which owns the title to many of these research chimpanzees, projects the divestiture of a large proportion of the chimpanzees from their facilities in the near future.

Without this legislation, these retired chimps will continue to be housed in expensive facilities that provide marginal or inhumane care. One of the worst examples of these substandard facilities is the chimpanzee housing operated by the Coulston Foundation. Despite being cited for numerous violations of the Animal Welfare Act, Coulston retains many chimpanzees simply because there are no available alternatives. This bill will finally provide a safe home for these chimpanzees.

Fortunately, this legislation will also help us care for surplus chimpanzees in a way that saves taxpayer resources. Currently, NIH is supporting approximately 600 chimpanzees at a cost of between $15 and $30 per day per ape. The U.S. Government spends at least $7.5 million annually to warehouse surplus chimpanzees in labs where they are no longer needed. These chimpanzees can be maintained in better environments at a far lower cost in a sanctuary setting that allows many chimpanzees to be stored together in a healthy and comfortable environment.

For all these reasons, I strongly support this legislation and I urge its immediate passage.

Mr. BROWN of Ohio. Mr. Speaker, I want to commend my colleague, Mr. GREENWOOD, for bringing Congressional attention to this issue. I'm pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research. But I cannot understand how we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care. There is no excuse for adjourning Congress without a Medicare prescription drug benefit. There is no excuse for adjourning Congress without a Patients Bill of Rights. There is no excuse for adjourning without addressing the health care concerns that consume the daily lives of our constituents. This Congress is capable of doing more and I would urge us to pass this important bill as well as responsible health care legislation for the nation.

Great work is being done in research with the use of animal subjects like Chimpanzees. Federal agencies including the NIH, CDC, FDA, and NASA rely on chimps for research. Chimps have proven to be an invaluable resource in the study of human diseases—breakthroughs in Hepatitis B and C can be attributed to research conducted with these primates. Ohio State University's Chimpanzee Center is expanding their 17-year-old program on cognitive and behavioral research and building a new facility. They are very supportive of the need for the sanctuaries outlined in this legislation. In the mid-to-late eighties, the Federal Government launched a vigorous chimpanzee breeding program aimed at finding answers to the cause of AIDS.

While these animals served us well in research that led to breakthrough medical treatments for many diseases, researchers discovered chimps were not a good model for AIDS research. As a result, there is a surplus of Chimps living with HIV that deserve our attention in their post-research existence. Today, chimps no longer needed for research are being housed in warehouses in laboratories throughout the nation at a price of $7 million annually. It costs $20–$30 per day per animal to house chimpanzees in laboratory cages. Some are living at a facility charged with gross negligence in their treatment of chimps.

The passage of this bill would establish a cost-effective, public-private partnership to create a sanctuary system to provide for the lifetime care of chimps. These sanctuaries would be staffed by trained professionals and overseen by a board of professionals with a thorough understanding of the medical needs of the chimps and the safety requirements of their caretakers. Not only will this provide a much higher quality of life for these animals, it will also serve taxpayers well, costing substantially less than the current laboratory facilities.

This legislation has garnered overwhelming support from such diverse groups as the biomedical research community, zoological community, and the animal welfare groups. According to the National Academy of Sciences, National Research Council study, there are hundreds of chimpanzees currently sitting in small cages that will never and can never be used for research. There is a moral responsibility for the long-term care of chimpanzees that are used for our benefit in scientific research and today that responsibility is ours.

While I am pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research, I cannot understand why we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care.

Mr. SHAYS. Mr. Speaker, as an original cosponsor of the CHIMP Act and a co-chair of the Congressional Friends of Animals Caucus, I rise in strong support of the bill today.

The CHIMP Act will provide for a more cost-efficient way of caring for surplus chimpanzees, including those housed by the

Coulston Foundation. The bill establishes a public-private partnership so that the cost of caring for these chimpanzees will be shared with private interests. This ensures the federal government saves money and the chimps are kept in a more humane environment. The CHIMP Act also calls for grouping chimpanzees in larger communities than laboratories allow—thereby reducing housing costs.

Chimpanzees serve our needs in research that has led to breakthrough medical treatments for AIDS and other diseases. The animals live almost as long as humans and we must work to provide a humane and cost efficient environment for their retirement.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this common sense legislation.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the bill, H.R. 3514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY ACT OF 2000

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I—STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the "Energy Policy and Conservation Act Amendments of 2000".

SEC. 102. AMENDMENT TO SECTION 2 OF THE ENERGY POLICY AND CONSERVATION ACT

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (1) by striking "standby" and ", subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and"; and

(2) by striking paragraphs (3) and (6).

SEC. 103. AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking section 102 (42 U.S.C. 6211) and its heading;

(2) by striking section 104(b)(1);

(3) by striking section 106 (42 U.S.C. 6214) and its heading;

(4) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.";

(5) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraphs (1), (3) and (7), and

(B) in paragraph (11) by striking "; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve".

(6) by striking section 153 (42 U.S.C. 6233) and its heading;

(7) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a) to read as follows:

"(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.";

(B) by amending subsection (b) to read as follows:

"(b) The Secretary,. in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve."; and

(C) by striking subsections (c), (d), and (e);

(8) by striking section 155 (42 U.S.C. 6235) and its heading;

(9) by striking section 156 (42 U.S.C. 6236) and its heading;

(10) by striking section 157 (42 U.S.C. 6237) and its heading;

(11) by striking section 158 (42 U.S.C. 6238) and its heading;

(12) by amending the heading for section 159 (42 U.S.C. 6239) to read, "Development, Operation, and Maintenance of the Reserve";

(13) in section 159 (42 U.S.C. 6239)—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by amending subsection (f) to read as follows:

"(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may—

"(1) issue rules, regulations, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

"(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land."; and

(C) in subsection (g)—

(i) by striking "implementation" and inserting "development"; and

(ii) by striking "Plan";

(D) by striking subsections (h) and (i);

(E) by amending subsection (j) to read as follows:

"(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress."; and

(F) by amending subsection (l) to read as follows:

"(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).";

(14) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking all before the dash and inserting the following—

"(a) The Secretary may acquire, place in storage, transport, or exchange";

(B) in subsection (a)(1) by striking all after "Federal lands";

(C) in subsection (b), by striking ", including the Early Storage Reserve and the Regional Petroleum Reserve" and by striking paragraph (2); and

(D) by striking subsections (c), (d), (e), and (g);

(15) in section 161 (42 U.S.C. 6241)—

(A) by striking "Distribution of the Reserve" in the title of this section and inserting "Sale of Petroleum Products";

(B) in subsection (a), by striking "drawdown and distribute" and inserting "drawdown and sell petroleum products in";

(C) by striking subsections (b), (c), and (f);

(D) by amending subsection (d)(1) to read as follows:

"(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.";

(E) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this section."; and

(F) in subsection (g)—

(i) by amending paragraph (1) to read as follows:

"(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.";

(ii) by striking paragraph (2);

(iii) in paragraph (4), by striking "90" and inserting "95";

(iv) in paragraph (5), by striking "drawdown and distribution" and inserting "test";

(v) by amending paragraph (6) to read as follows:

"(6) In the case of a sale of any petroleum products under this subsection, the Secretary

shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale."; and

(vi) in paragraph (8), by striking "drawdown and distribution" and inserting "test";

(G) in subsection (h)—

(i) in paragraph (1) by striking "distribute" and inserting "sell petroleum products from";

(ii) by deleting "and" at the end of paragraph (1)(A) and by deleting "shortage," at the end of paragraph (1)(B) and inserting "shortage; and

"(C) the Secretary of Defense has found that action taken under this subsection will not impair national security,";

(iii) in paragraph (2) by striking "In no case may the Reserve" and inserting "Petroleum products from the Reserve may not"; and

(iv) in paragraph (3) by striking "distribution" each time it appears and inserting "sale";

(16) by striking section 164 (42 U.S.C. 6244) and its heading;

(17) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows:

"ANNUAL REPORT

"SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

"(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

"(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

"(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

"(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

"(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

"(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

"(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year;

"(8) a summary of expenses for the year, and the number of Federal and contractor employees;

"(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

"(10) a summary of foreign oil storage agreements and their implementation status;

"(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.";

(18) in section 166 (42 U.S.C. 6246) by striking "for fiscal year 1997.";

(19) in section 167 (42 U.S.C. 6247)—

(A) in subsection (b)—

(i) by striking "and the drawdown" and inserting "for test sales of petroleum products from the Reserve, and for the drawdown, sale,";

(ii) by striking paragraph (1); and

(iii) in paragraph (2), by striking "after fiscal year 1982"; and

(B) by striking subsection (e);

(20) in section 171 (42 U.S.C. 6249)—

(A) by amending subsection (b)(2)(B) to read as follows:

"(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.";

(B) in subsection (b)(3), by striking "distribution of" and inserting "sale of petroleum products from";

(21) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(22) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(23) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each time it appears and inserting "September 30, 2003".

SEC. 104. AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking part A (42 U.S.C. 6261 through 6264) and its heading;

(2) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary.".

(3) by striking part C (42 U.S.C. 6281 through 6282) and its heading; and

(4) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each time it appears and inserting "September 30, 2003".

SEC. 105. CLERICAL AMENDMENTS.

The Table of contents for the Energy Policy and Conservation Act is amended—

(1) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(2) by amending the item relating to section 159 to read as follows: "Development, Operation, and Maintenance of the Reserve.";

(3) by amending the item relating to section 161 to read as follows: "Drawdown and Sale of Petroleum Products"; and

(4) by amending the item relating to section 165 to read as follows: "Annual Report".

TITLE II—HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) For the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey;

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

"(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

"AUTHORITY

"SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange (including exchange of petroleum products from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

"(4) store petroleum distillate in facilities not owned by the United States; and

"(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

"CONDITIONS FOR RELEASE; PLAN

"SEC. 183. (a) FINDING.—The Secretary may sell products from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

"(1) a dislocation in the heating oil market has resulted from such interruption; or

"(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

"(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

"(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report' or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more tan 60 percent over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

"(2) The price differential continues to increase during the most recent week for which price information is available.

"(c) CONTINUING EVALUATION.—The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

"(d) RELEASE OF PETROLEUM DISTILLATE.—After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that—

"(1) the Secretary may—

"(A) sell petroleum distillate from the Reserve through a competitive process, or

"(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

"(2) in all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

"(3) the Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

"(e) PLAN.—Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

"(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

"(6) actions to ensure quality of the petroleum distillate in the Reserve.

"NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

"SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

"(b) the Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXEMPTIONS

"SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.".

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for State and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

TITLE III—MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

"PURCHASE OF OIL FROM MARGINAL WELLS

"SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

"(b) DEFINITION OF MARGINAL WELL.—The term 'marginal well' has the same meaning as the definition of 'stripper well property' in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

"Sec. 169. Purchase of oil from marginal wells.".

TITLE IV—FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C.. 8287(a)(2)(D)(iii) is amended by striking "$750,000" and inserting "$10,000,000".

TITLE V—ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(2) gives equal consideration to the purposes of—

"(A) energy conservation;

"(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"(C) the protection of recreational opportunities;

"(D) the preservation of other aspects of environmental quality;

"(E) the interests of Alaska Natives; and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(3) requires, as a condition of a license for any project works—

"(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

"(1) that are not part of a project licensed under this part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) DETERMINATION BY THE COMMISSION.—(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for waterpower development shall be deemed to be in compliance with subsection (a).".

TITLE VI—WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading "ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)" in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking "grants:" and all that follows and inserting "grants.".

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)";

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish"; and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "$1,600" and inserting "$2,500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting ", and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

"(E) the cost of making heating and cooling modifications, including replacement";

(4) in subsection (c)(3) by—

(A) striking "1991, the $1,600 per dwelling unit limitation" and inserting "2000, the $2,500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

"(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

"(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

"(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

"(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2001; and

"(2) such sums as are necessary for each fiscal year thereafter.

"(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.".

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

"Sec. 273. Summer fill and fuel budgeting programs.".

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate agencies, immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment of this section to the Congress, including any recommendations for legislative changes.

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore Federal lands. The inventory shall identify—

(1) the United States Geological Survey reserve estimates of the oil and gas resources underlying these lands; and

(2) the extent and nature of any restrictions or impediments to the development of such resources.

(b) REGULAR UPDATE.—Once completed, the USGS reserve estimates and the surface availability data as provided in subsection (a)(2) shall be regularly updated and made publically available.

(c) INVENTORY.—The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within two years after the date of enactment of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

"(a) IN GENERAL.—On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

"(b) CONTENTS.—The Home Heating Readiness Report shall include—

"(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

"(2) an evaluation of—

"(A) global and regional crude oil and refined product supplies;

"(B) the adequacy and utilization of refinery capacity;

"(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

"(D) weather conditions;

"(E) the refined product transportation system;

"(F) market inefficiencies; and

"(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

"(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

"(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

"(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

"Sec. 107. Major fuel burning stationary source.
"Sec. 108. Annual home heating readiness reports.";

and

(2) in section 107 (42 U.S.C. 6215), by striking "SEC. 107. (a) No Governor" and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

"(a) No Governor".

TITLE VII—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 2000

SEC. 701. SHORT TITLE.

This title may be cited as the "National Oilheat Research Alliance Act of 2000".

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts.

to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term "Alliance" means a national oilheat research alliance established under section 704.

(2) CONSUMER EDUCATION.—The term "consumer education" means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term "exchange" means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term "industry trade association" means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term "oilheat" means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term "oilheat industry" means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term "oilheat industry" does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term "public member" means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term "qualified industry organization" means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term "qualified State association" means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term "retail marketer" means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term "wholesale distributor" means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term "State" means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 707.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A State may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the State has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 705, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor

shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) State, Local, and Regional Programs.—

(1) Coordination.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) Funds made available to qualified State associations.—

(A) In general.—

(i) Base amount.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) Additional amount.—

(I) In general.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) Request requirements.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) Direct benefit.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) Monitoring; terms, conditions, and reporting requirements.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) Price Analysis.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) Authority To Restrict Activities.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 709. COMPLIANCE.

(a) In General.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) Costs.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.

(a) Prohibition.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) Complaints.—

(1) In general.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) Transmittal to qualified State association.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) Cessation of activities.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) Resolution by Parties.—

(1) In general.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) Withdrawal of complaint.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) Judicial Review.—

(1) In general.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) Relief.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) Attorney's Fees.—

(1) Meritorious case.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) Nonmeritorious case.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) Savings Clause.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Greenwood) and the gentleman from Massachusetts (Mr. Markey) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Greenwood).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2884.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 2884, a bill to reauthorize portions of the Energy Policy and Conservation Act (EPCA) through September 30, 2003.

EPCA authorizes the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency. These programs are a crucial component of our energy security and are our first line of defense in a real energy emergency.

The U.S. is now well over 50 percent dependent upon foreign oil. Americans have been reminded again and again this year why energy security is so important. Reauthorizing these programs is an important piece of business we must accomplish before we adjourn this year.

H.R. 2884 also contains other important provisions which will enhance our energy security and reduce the vulnerability of the Northeast, where I come from, to heating oil shortages.

In addition to reauthorizing the Reserve, it creates a Home Heating Oil Reserve in the Northeast and establishes a trigger for when it can be drawn down.

The bill also requires annual home heating readiness reports and encourages education on the benefits of filling heating oil tanks in the summer. H.R. 2884 also contains provisions that will help reduce our dependence on foreign oil. It allows for the Reserve to be filled with domestic oil when oil prices are low. It requires the U.S. Geological

Survey to conduct an inventory of oil and gas reserves on Federal lands.

The bill also makes important changes to the Federal Energy Management Program, making it easier for Federal managers to enter into energy savings performance contracts.

H.R. 2884 also updates the low-income weatherization program. In addition, H.R. 2884 contains provisions allowing small hydroelectric projects in Alaska to be licensed faster.

Finally, H.R. 2884 includes a provision that is of particular interest to me because it is based on legislation I introduced in the 105th Congress and the beginning of this Congress, H.R. 380. This bill establishes the National Oilheat Research Alliance Act, allowing for the creation of an organization to do research on increasing heating oil's efficiency.

Mr. Speaker, I ask that all Members of the House join with me in support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very, very important piece of legislation. The bill that we are considering today in fact authorizes several very important discrete provisions which are collectively going to really give tremendous amount of protection to the American people.

First of all, this legislation reauthorizes the Strategic Petroleum Reserve. It reauthorizes it all the way to September 30, 2003. The authorization for the Strategic Petroleum Reserve expired back in March of this year, and we have been operating without that specific authorization.

Now, why is the Strategic Petroleum Reserve important? Well, as we saw only a few weeks ago, when the President of the United States announced that he was going to deploy the Strategic Petroleum Reserve, engage in a swap of about 30 million barrels of oil, the price of crude oil dropped from $38 a barrel to down to $32 a barrel.

Now, that shows up in tremendous benefits for consumers all across the country, not only in home heating oil, but also in gasoline long term. In fact, analysts predicted that if the Strategic Petroleum Reserve had not been deployed, in other words, if the President had not made it clear that he was going to pare down the OPEC nations by deploying the weapon that we have in our country, this 570 million-barrel Strategic Petroleum Reserve, then the price of a barrel of crude oil would have gone up to $42 to $44 a barrel.

So, without question, this is a critical weapon to be used on behalf of American consumers all across the country and it has been successful.

In fact, without question, in the absence of that Strategic Petroleum Reserve, we would have been held hostage over the last month to the whims of OPEC nations. But because we have it, Saudi Arabia and others have now said quite clearly that they will increase production as a way of ensuring that the extra oil is in the marketplace because they understand that if we do deploy the Strategic Petroleum Reserve then their oil becomes that much less valuable.

Secondly, there is a provision built into the bill which creates a regional Home Heating Oil Reserve. Now, this is the language which originated in the House language which I authored earlier this year. It is language which will for the first time legally authorize the construction of a Home Heating Oil Reserve. I am very glad that we have been able to reach a workable consensus with the Senate that will allow this to be put in place on a permanent basis.

Now, let me tell my colleagues briefly why this is so important to families in the Northeast. Last winter was one of the mildest winters in the history of the Northeast, but despite that we saw dramatic price bites in home heating oil prices during a very brief cold snap in the end of January and the beginning of February. So that makes it very, very difficult if it is a mild winter for an ordinary family up in the Northeast to be able to project what their home heating oil bills might be during a more difficult winter.

This year we are on the verge of another crisis. The National Weather Service predicts a colder winter than last year, a return to the Northeastern winters that make Texas an attractive place to be during the winter.

On top of that, stocks of home heating oil in New England are more than 70 percent below last year's levels, and that adds up to high prices for consumers throughout the Northeast. In fact, in Massachusetts, winter heating bills will be $900 for an average customer in the Northeast. That is $140 more than last year. The families in the Northeast should not have to choose between heating and eating.

To help address those supply shortfalls and price spikes, the Secretary established a 2 million-barrel Home Heating Oil Reserve in the Northeast under the existing EPCA provisions. The issue, however, traces its roots all the way back to 1990 when Congressman Carlos Moorhead from California and Norman Lent from New York and I authored an amendment to EPCA which created on an interim basis a federally sponsored regional Home Heating Oil Reserve.

Today we put this reserve on a permanent basis. Specifically, we first authorized the establishment of a Northeast Home Heating Oil Reserve of up to 2 million barrels. Two, we authorized the Secretary of Energy to purchase, contract for, or lease storage facilities for the Reserve. Three, we established conditions under which a release from the Reserve would be triggered. Four, we required the Secretary to submit a report to the President and Congress describing DOE's plans for setting up the Reserve and acquiring petroleum distillate for the Reserve. Five, we establish an account in the Treasury into which funds appropriated to fund the Reserve would be deposited, which could then be withdrawn from the account by DOE to operate the Reserve. And six, we authorize appropriations for the operation of the Reserve through 2003.

So it is a great provision.

Finally, the third EPCA-related provision involves the classic Austin-Boston piece of legislation that the gentleman from Texas (Mr. BARTON) included as an amendment along with my home heating oil language in the House version of the bill.

This provision says that when the price of stripper well goes below $15 a barrel, the Department of Energy has the authority to purchase this oil to fill the Strategic Petroleum Reserve. This helps to keep the price of stripper well oil high enough so that there is an incentive for that industry to continue to make the proper investment in maintaining these wells as viable sources of energy for our country.

Finally, the bill would also include several extraneous matters: changes to the Federal Energy Management Program, changes to the weatherization grants program, establishing a heating oil research checkoff program, and giving the Federal Energy Regulatory Commission the authority to delegate regulatory authority over small hydroelectric projects to the State of Alaska.

Of these additional provisions, only the last one is controversial. Senator MURKOWSKI has added the Alaska hydroelectric provisions to the bill that the administration and the environmental community have concerns about. It exempts hydropower projects of five megawatts or less from FERC hydropower licensing requirements, including environmental mitigation conditions imposed on licenses.

I believe it is unfortunate that this unrelated provision should be included in a bill dealing with a potential crisis that could affect families in the Northeast and across our entire country.

However, the bill generally deals with the Strategic Petroleum Reserve and the regional Home Heating Oil Reserve. Both of these provisions are critical to the long-term economic and national security interests of our country.

I urge a very strong yes vote from every Member of this body.

Mr. GREENWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

□ 1230

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me this time.

Mr. Speaker, I, of course, am pleased to support H.R. 2884, which has been pointed out to be an Energy Policy and Conservation Act and gives the Department of Energy some authority to continue operating the Strategic Petroleum Reserve that we call SPR. Given current tensions in the Middle East, it is not surprising to me that Congress feels that they must enact legislation to give the President authority to draw down and deploy the SPR. This bill authorizes some other provisions that the gentleman from Massachusetts (Mr. MARKEY) has pointed out that are very good.

Actually, the gentleman from Massachusetts (Mr. MARKEY) has problems in the North and the East with heating oil, and I certainly subscribe to those. He and I have tried to work together to come up with a solution to where we would be fair with those that produced energy and fair with those who desperately need it in the North and East. We are still working on that, but this bill authorizes a northeast heating oil reserve and permits DOE to fill SPR with stripper wells in Texas and in other areas when the prices fall below $15 a barrel.

That is the amendment of the gentleman from Texas (Mr. BARTON) that I certainly support. That helps those that produce it and also helps those that need it. Similar provisions were included in the bill previously as reported by the Committee on Commerce and it is a good thing that the Senate bill retained these beneficial amendments to the current law.

The bill also includes and addresses several other energy issues. It will improve energy conservation in Federal buildings; aid in the development of small hydroelectric projects in Alaska; update and improve the weatherization program and establish a heating oil checkoff program for consumer education and safety. It is a good bill, and this bill helps. The President's order to use some of the SPR, maybe if it was only for 6 or 8 days even helped the spirit of Americans who were faced with $2 gas and gas that could go on up from there, but really it is my feeling that the real answer lies on the North Slope and other shut-in areas in the lower 48 States and the ocean floor where they tell us we cannot drill; where if we could drill we might solve this and those gasoline prices might go to the left and drop back down below a dollar. Energy is national asset. Ten States produce it. My State is one of them. The other 40 use it. It is hard to get good energy legislation.

So how important is energy in the every day activities of this Congress? Energy is very important. It is a national asset. Countries have fought for energy. Our kids would have to fight for energy if we do not address it ourselves. Hitler went east into the Ploesti oil fields for energy. Japan went south into Malaysia for energy. We sent 400,000 kids to the desert over there for energy. So energy is important, and I do not believe that it hurts to get it off of the ocean floor. I myself do not think that an offshore rig looks nearly as bad to people as a troop ship loaded with American boys and girls going off to some far away country to fight for energy.

Mr. Speaker, it is a good bill, and I support it.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Texas (Mr. HALL) has spent so much time explaining to me the value of stripper wells that at least for the purpose of discussing that issue I become a member of the Texas delegation because of the excellent educational work that he has done on me over the last 20 years and the gentleman from Texas (Mr. BARTON), whose amendment it was, that ultimately was included in that legislation.

In turn, Mr. Speaker, the gentleman from Maine (Mr. BALDACCI), by the way, formerly a part of Massachusetts, has been the most articulate advocate for the creation of a regional home heating oil reserve.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I do not know where to begin. I am afraid to begin anywhere at this point, but I want to thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me this time. It is not that we have not enjoyed the relationship we had with Massachusetts in the past but we found being off on our own we have been able to grow and we do appreciate that.

He has done a great job and has been a real leader on this issue and someone who I have been able to lean on and gain information and background and expertise from as we are dealing with these energy issues, and his experience has been very helpful. To be able to have him as a neighbor in Massachusetts to work on these issues has been very beneficial to the State of Maine, and we thank him for that.

I also want to thank the membership on the other side of the aisle for being able to come together to at least put together the beginning of a comprehensive energy policy, which I think balances the interests of both what is needed in the Northeast and at the same time to recognize the difficulties that have been happening in the South in terms of when oil was below $15 a barrel or was $10 a barrel and oil wells were being capped in the lower 48 and oil workers were being laid off.

I think we are beginning to establish that relationship and understanding what has taken place here nationally so we are not just responding at one time and not at another. I compliment the people who have been able to work together, as I have been working on this legislation and other efforts to bring this to this floor. In the State of Maine, people are looking at facing higher heating bills that are increasing about $75 a month more than they did last year, and it is not even November yet and it has already snowed twice in Maine. That does not bode well for people scraping by to heat their homes and to be able to feed their families.

We dealt with this in this House 6 months ago, in the Senate less than 6 days ago; and it is about time that we have been able to pass this step up and finish the work to get this bill reauthorized so that we could put this on a permanent basis and not have to confront it on an annual basis or on a temporary basis. The framework in this bill, with its weatherization improvements and flexibilities, in eliminating the State share, in terms of its program and being able to help out and establish a northeast heating oil reserve so we can have an insurance policy against this happening again, whereas the gentleman from Massachusetts (Mr. MARKEY) was talking about we were so dangerously low that had we had a northeaster followed by the cold weather that we got that first week we would have actually run out of oil, to be able to have this insurance policy, be able to have the two million barrels there of refined home heating oil to be able to respond in an emergency will be a great sense of relief and insurance policy to the people in the northeast.

The steps taken by this administration in the release of the Strategic Petroleum Reserve, when oil was getting dangerously close to $40 a barrel, when the President announced that he was authorizing the release of the SPR, it immediately had an impact where it brought that price down to $31 a barrel. And now with this going out and the contracts being bidded on, we are looking at oil around $31, $32 a barrel and a much more reasonable situation at this particular point; and we are hopeful for further diminishment of that to a much more reasonable level where people can afford it better, but it has had an impact.

For Congress to finally give the President the legal authority to be able to release from the Strategic Petroleum Reserve in order to protect our country's economy and our national security, I think we are also to be commended in a very bipartisan way. So I want to thank all of those Members for working together to fashion this legislation. I look at this as a beginning of our energy policy and look forward to the Members working together to build on this energy policy for the future.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would complete the debate by thanking the majority for their patient consideration of this legislation. It is very important that it pass this year; and I want to compliment them for reaching this conclusion, which I think is ultimately going to benefit our country greatly in protecting us against the per se antitrust violations which the OPEC nations engage in but because we have no legal authority to do anything about it. Only by the establishment and ultimate deployment of a Strategic Petroleum Reserve or a regional home heating oil reserve are we able to protect the American consumers.

The gentleman from Maine (Mr. BALDACCI), the gentleman from Texas (Mr. HALL), all the members who worked on it, especially the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BLILEY), deserve all the credit in the world for the successful conclusion.

Mrs. MALONEY of New York. Mr. Speaker, I support this legislation which will reauthorize the Strategic Petroleum Reserve and will finally authorize the desperately needed Northeast Home Heating Oil Reserve. I do not need to remind my colleagues how important the Strategic Petroleum Reserve and the new Northeast Home Heating Oil Reserve are to the people in this Nation, and especially to my constituents and others in the northeast. Last month's swap of oil from the Strategic Reserve has kept gas and heating oil rates down even as turmoil in the Middle East has prompted market uncertainty. Consumers have benefited from this swap and they will likely continue to do so.

The need for this legislation is clear. What is not so clear is why we are considering this bill, which passed the House in April, during the last week of this session. Apparently, some of our colleagues in the other body thought it would be a good idea to attach an amendment to this legislation that would have created a huge loophole for the oil industry to avoid paying the appropriate amount of royalties for oil taken from Federal lands. The rider would have authorized and expanded the controversial Royalty-in-Kind Program which would give the oil companies the ability to pay their royalties in kind, not in cash as they do now. It would have encouraged the Interior Department to take substantially more royalties in kind. That means that the Federal Government would suddenly find itself in the oil business. The Interior Department would be forced to transport, market, and sell massive quantities of oil and natural gas.

Mr. Speaker, I honestly thought that state-run industry had been discredited after the fall of the Soviet Union. Now, it seems some of our friends on the other side of the aisle want to give it a try. I should also point out that in 1998, the GAO specifically said that royalty in kind was unlikely to be profitable for the taxpayers. Now, after running the pilot programs for less than 2 years, the Interior Department admits they still do not have a revenue analysis of the program. We have no data available to determine if this program is breaking even. I would like to enter into the RECORD a letter I sent to Interior Secretary Babbitt on this issue which further describes the many problems with the Royalty-in-Kind Program and urges him to resist efforts to expand this program.

So—why was this issue even on the table? I will tell you why—because the oil industry, which has already seen skyrocketing profits, decided to try and shortchange the Federal Government yet again. I am frankly astonished that anyone would consider attaching a giveaway to the oil industry in the midst of a bill designed to help consumers deal with rising oil prices.

Mr. Speaker, this year we have seen consumers and businesses continue to absorb higher energy prices. At the same time, industry profits have continued to soar and OPEC nations have failed to adequately increase supplies. Even if heating oil prices remain stagnant, the outlook for the winter is grim. Now is the time to focus on long-term energy strategies that will help consumers and businesses, not pad the pockets of wealthy oil companies. I urge my colleagues to support this legislation and other sensible energy strategies and to avoid many of the oil-industry giveaways that are being circulated as false solutions to our Nation's energy problems.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: It has recently come to my attention that Senator Murkowski, without any committee consideration, will offer an amendment to drastically expand the Royalty-in-Kind program. As a Member who has worked for years to make sure that taxpayers receive the fair amount of oil royalty payments, I am extremely concerned that this proposed amendment could seriously affect the ability of the Federal government to collect the appropriate amount of royalties from oil taken from Federal lands.

Specifically, I am concerned that this amendment would replace the existing standard for "fair market value" of oil sold from Federal lands with one that is vaguely worded and potentially designed to benefit the oil industry's legal challenges to the recently enacted oil valuation rule. Earlier this year, after years of industry resistance, your Department was finally able to implement a new oil and gas valuation rule to ensure that the Federal government is properly reimbursed for oil taken from Federal lands. The new rule requires oil companies to value oil based on market-based spot pricing (i.e., fair market value) instead of so-called "posted prices" which companies determine on their own. As a result of these changes, the Federal government will finally end an industry scam that was costing taxpayers more than $66 million each year. Language to fundamentally redefine the "fair market value" of oil in statute could effectively undermine the new valuation regulations. This is completely unacceptable. This issue is too important to be rushed through Congress in the waning hours of this session.

In addition, I am extremely concerned that Congress is on the verge of fully authorizing a program which has never been considered in committee and which the General Accounting Office (GAO) expressed concern about as recently as August 1998. The GAO is currently reexamining the Royalty-in-Kind program to see if any progress has been made. I strongly urge you to oppose this legislation until we have the opportunity to hear from the GAO and the appropriate committees on this critically important issue.

Instead of this unnecessary amendment, I ask that you urge the Senate to recede to the House on the FY 2001 Interior Appropriations bill and allow the Royalty-in-Kind pilot program to deduct transportation processing costs for one year. In that way, we can learn more about the viability of the concept and also allow Congress the time to more carefully and collegially consider this proposal.

I look forward to hearing your views on this legislation and hope you will join me in publicly opposing it. Thanks in advance for your consideration.

Sincerely,
CAROLYN B. MALONEY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: I write to express my continued opposition to a recently proposed amendment sponsored by Senator Murkowski concerning the Royalty-in-Kind program which I am increasingly convinced will fundamentally affect the ability of the Federal Government to collect the appropriate amount of royalties from oil taken from Federal lands.

I recently contacted Walter Rosenbusch, Director of the Minerals Management Service, to voice my concern that the language authorizing the Royalty-in-Kind program could potentially undermine the new regulations governing royalties taken in value. Mr. Rosenbusch informed me that they were assured by the Interior Department Solicitor's office that the language would not harm the new regulations. I requested a copy of the Solicitor's opinion. Mr. Rosenbusch informed me that they had not done a written analysis of the language and so a written opinion was not available. I requested a written version immediately. We received the memo two days later (attached).

I am extremely disturbed that the memo was not contemplated until after my request, ten days after the language was made public and weeks since it had been in Interior's possession. Given the highly controversial nature and complexity of the oil valuation rules and the fact that the regulations add $66 million to the Treasury each year, I believe this proposed legislation warrants more thorough consideration. The fact that oil industry representatives were intimately involved in the drafting of the amendment further increases my suspicion and alarm about this language.

Alarmed about the lack of concern and analysis from your solicitor's office, I have asked an outside attorney and expert on the oil industry litigation to examine the proposed language to determine the potential damage this legislation could do to current oil valuation rules. I have attached a copy of this memorandum which elucidates numerous problems with this amendment and clearly explains that "the failure of the amendment to preclude the Secretary from conducting in-kind sales when his own regulations would mandate a higher price clearly undermines those regulations." The memo goes on to explain that "the introduction of a second definition of 'fair market value' could be interpreted as an acknowledgment that leasing activities are subject to a standard of something less than a price that a willing buyer would pay to a willing seller, with opposing economic interests in an open and competitive market. This interpretation threatens not only Interior's regulations but also litigation over past royalties." I believe these specific concerns and the others listed in the memorandum clearly show the numerous flaws with this bill and why it demands the Administration's opposition.

Finally, I am alarmed to discover that we are considering an expansion of the RIK program without the benefit of a complete revenue analysis. Moreover, the language being considered fails to include common-sense performance measures to ensure that the program RIK program is revenue positive.

For all of these reasons, I remain opposed to this legislation and I ask that you urge the Senate to recede to the House on the FY 2001 Interior Appropriations bill and allow the Royalty-in-Kind pilot program to deduct transportation and processing costs for one year. I am certain that when you have the opportunity to closely examine the potential problems created by this ill-conceived amendment you will join me in asking the Senate to postpone the passage of this expansive and complicated legislation until we are able to resolve some of these concerns.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of the Senate Amendments to (H.R. 2884), the Energy Policy and Conservation Act.

Energy consumers on Long Island and throughout this Northeast have been waiting for this important legislation. With home heating oil prices moving upward in New York state, it is imperative that the Congress acts now.

This legislation authorizes the establishment of a two million-barrel regional Home Heating Oil Reserve in the Northeast. It specifies that oil can only be released from the Reserve if the President finds there is a severe energy supply interruption and permits the release of the oil on specific market conditions. These safeguards make sense.

The legislation also expands the weatherization program to help homeowners make their residences more energy efficient.

The Energy Information Administration is currently projecting home heating oil price increases of 19 cents per gallon over the average levels paid last year.

Mr. Speaker, last winter's energy crisis demonstrated the Congress and the President must do more to stabilize energy price spikes. This legislation is a positive step in that direction.

I urge my colleagues to support the Senate Amendments to H.R. 2884.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2884, which amends the Energy Policy and Conservation Act through FY 2003. H.R. 2884 reauthorizes the authority of the Department of Energy to lease oil or buy for, operate, and draw down from the Strategic Petroleum Reserve (SPR) through 2003. The SPR was authorized in 1975 to protect our Nation against the recurrence of the Arab oil embargo of 1973–74, which nearly crippled our Nation. When the U.S. Congress initially authorized the SPR in the Energy Policy and Conservation Act, our intent was to create a large reserve of crude oil that would prevent future disruptions in supply, and would deter the use of oil as a weapon.

Mr. Speaker, our country is under siege on two fronts, one from OPEC where just a few weeks ago the prices of crude oil rose to Gulf War record levels of nearly $40 per barrel, and on the other front, as a result of this Administration's failure to enact a strategic, short and long term energy policy. Despite OPEC's promise to increase oil production to levels that would stabilize the price of crude oil, the price continued to shoot up. As the price of oil was climbing and our constituents were paying upwards of $2 for a gallon of gas, this Congress, in bipartisan support, called on the President to release oil from the Strategic Petroleum Reserve. The prices continued to rise, and finally, after this Congress through heatings and a great deal of pressure, the President did authorize the release of oil from the SPR. On the speculation alone, that oil would be released from the SPR, prices of crude oil began to drop.

Mr. Speaker, this legislation contains narrow trigger language for the President limiting the usage of the SPR and the newly created heating oil reserve. The trigger language mandates that the Department of Energy will have to certify that any draw-down from the reserve will not impair the national security of the United States. What H.R. 2884 does for the people of the Northeast is to create a permanent home heating oil reserve, a necessary measure for which I have been a strong advocate, because it will ensure that my constituents will not have to suffer as a result of any supply shortages of significant scope and duration; and if the price differential between heating oil and crude oil increases sixty percent plus over its five-year rolling average.

Moreover, H.R. 2884 requires the Secretary of the Interior with input from the Secretaries of Agriculture and Energy to begin a national inventory of natural gas and oil reserves on federal lands, and to set forth any restrictions to the development of these resources. H.R. 2884 also directs the Department of Energy to strengthen its winterization program, along with mandating that the Federal Energy Regulatory Commission conduct a complete review of its policies, practices, and procedures to ascertain how to reduce the time and costs associated with the licensing of hydroelectric projects.

Mr. Speaker, it is our responsibility to take whatever measures we can to ensure that our constituents will not suffer as a result of any breakdown in the supply of, or shortages of heating oil. The American people deserve no less than that. And that is why I support this measure.

Mr. WAXMAN. Mr. Speaker, I am supporting H.R. 2884 because it contains provisions of vital interest to the American people, such as reauthorizing the Strategic Petroleum Reserve. However, I am concerned about the inclusion in this legislation of the National Oilheat Research Alliance Act of 2000.

This legislation essentially creates a new tax in order to increase the power of the Washington D.C.-based trade association, the National Association for Oilheat Research and Education. This legislation authorizes this trade association to hold a referendum on the establishment of the National Oilheat Research Alliance. Voting rights are based on volume of sales, and the Alliance is established upon an approval of the industry representing two-thirds of sales by volume. This has the effect of giving the biggest interests in the oilheat industry the most voting power.

Once the Alliance is established, an "assessment," which is essentially a tax, is levied on the sale of fuel oil. The Congressional Budget Office (CBO) has estimated that this would amount to $16–$17 million annually. The legislation authorizes the Alliance to bring suits in Federal court to ensure all distributors and retailers comply with the assessments. The use of these funds would be directed by industry towards programs (1) to enhance consumer and employee safety and training, (2) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment, and (3) for consumer education.

The legislation contains explicit language stating that funds cannot be used for advertising, promotions, or consumer surveys in support of advertising or promotions. However, there is no precise line between advertising and consumer education. For example, television and radio spots educating consumers about the benefits of oilheat might not appear to violate the prohibition on advertising.

Under this legislation, the National Association for Oilheat Research and Education is designated by name as the sole organization who designates at least 56 of the 61 members to the Alliance. The Alliance would determine the use of all of the $16–$17 million in assessments. By levying a tax on fuel oil sales which is enforceable in Federal courts, the oilheat industry is assured that all sectors of the industry—from small retail marketers to large wholesale distributors—will contribute to their national efforts—whatever they decide them to be. It is a virtual certainty that these costs will be passed onto consumers.

The National Oilheat Research Alliance Act of 2000 is an anti-consumer mandate that consolidates power in an entity controlled by the biggest interests and will favor their concerns over those of consumers and small businesses. It levies a new tax on consumers for which they will receive little or no benefit and give those funds to a trade association controlled D.C.-based entity to do with as they see fit. This is an inappropriate use of congressional authority. I hope we can correct this mistake in the future.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2884, titled the Extend Energy Conservation Programs Under the Energy Policy and Conservation Act. The 1975 Energy Policy and Conservation Act (EPCA) was one of several measures enacted during the 1970s to deal with chronic U.S. energy supply disruptions and shortages. Among other things, the law authorized the creation of the Strategic Petroleum Reserve (SPR) to be available to reduce the impact of oil import disruptions. The reserve includes 575 million barrels of crude oil stored in five salt caverns in Louisiana and Texas. EPCA also authorized

U.S. participation in an international agreement to coordinate the responses of oil consuming nations to oil supply disruptions in order to minimize their global impact. EPCA's authorization expired on March 31, 2000.

The measures includes provisions that permit the Energy Department to purchase oil from certain marginal wells if the price of oil falls below $15 per barrel. (Marginal wells are generally defined as those producing fewer than 15 barrels per day. The provisions are intended to ensure that marginal wells are not closed down during periods of extraordinarily low oil prices.)

The bill authorizes, President Clinton's request for the, establishment of a two million-barrel regional home-heating-oil reserve in the Northeast. It specifies that oil could be released from the reserve only if the president finds that there is a severe energy supply interruption, and specifies certain other conditions under which oil may be released from the reserve. I would hope that the conditions for release of oil in the future from the national reserve will not just be based on hindsight because often conditions that created a past crisis are not repeated.

The measure also includes the following other provisions that were not included in the bill as passed by the House in April. This bill would also expand the existing federal weatherization program of the Energy Department. In addition permits the state of Alaska, rather than the federal government, to regulate certain small (under five megawatts) hydroelectric power projects in Alaska. Further this bill establishes an oil-heat research program to be funded by assessments of two-tenths of one cent per gallon on distillate heating oil.

I would encourage my colleagues to vote in support of this conservation effort although it is being addressed seven months after the original legislation expired.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2884.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS PRIMARY SPONSOR OF H.R. 1239

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 1239, a bill originally introduced by Representative Bruce Vento of Minnesota, for the purpose of adding cosponsors and requesting reprintings under clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORGAN STATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5143) to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the "Morgan Station".

The Clerk read as follows:

H.R. 5143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORGAN STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, shall be known and designated as the "Morgan Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Morgan Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5143.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us H.R. 5143 designating the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the Morgan Station. H.R. 5143 was introduced by our colleague, the gentleman from Kentucky (Mr. WHITFIELD), on September 7, 2000 and is supported by all Members of the House delegation from the State of Kentucky.

Fred Morgan, after whom the facility will be named, grew up in the Littleville community of Paducah's south side in Kentucky. Mr. Morgan served in the General Assembly of Kentucky for most of his 30-year span in public service. He devoted his time to improving education and helping the poor and downtrodden. Mr. Morgan never hesitated risking his own political career if he believed the issue was important to the well-being of the State. Mr. Morgan passed away in December of 1999.

Mr. Speaker, I urge our colleagues to support H.R. 5143 honoring Mr. Morgan, who is deserving of this honor of having a Postal Service named after him, for his contributions to his community and to his State.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague in the House in consideration of these three postal bills. Of course, in the first one we honor the famous Kentucky State House Democratic majority leader, a former Member of Congress and a dedicated letter carrier. H.R. 5143, which would name a postal facility in Paducah, Kentucky, as the Morgan Station, was introduced by the gentleman from Kentucky (Mr. WHITFIELD) on September 7, 2000.

Fred Morgan, Sr., was born in 1915 in the Littleville section of Paducah, Kentucky. After election to the Kentucky House of Representatives, Mr. Morgan was elected to the powerful position of House Democratic majority leader. He served four decades in the General Assembly. He was a champion of the poor and downtrodden and worked hard to improve education in Kentucky. In the Kentucky House of Representatives, he was known as the "silver fox who led Morgan's Raiders."

Mr. Morgan died in 1999. I am sure that all of the people of Kentucky are indeed proud of his tremendous record, and I know that all of those individuals who are postal mail carriers are proud of the fact that a member of their ranks rose to such a lofty position and did such an outstanding job. So I would urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TIM LEE CARTER POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5144) to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building".

The Clerk read as follows:

H.R. 5144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIM LEE CARTER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 203

West Paige Street, in Tompkinsville, Kentucky, shall be known and designated as the "Tim Lee Carter Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tim Lee Carter Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5144.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 5144, introduced by our colleague the gentleman from Kentucky (Mr. WHITFIELD), designates the facility of the United States Postal Service located at 203 West Paige Street in Tompkinsville, Kentucky, as the Tim Lee Carter Post Office Building. All Members of the Kentucky State delegation have supported this legislation.

Representative Tim Carter was born in Tompkinsville in 1910. He graduated from Western Kentucky University in 1934 and earned a medical degree from the University of Tennessee. He spent 3½ years as a combat medic in World War II, was elected to the Congress and gained national attention as the first Republican Congressman to seek U.S. withdrawal from Vietnam. However, he never wavered in his support for the troops fighting in that theater.

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Though he was known as a defender of President Nixon during the impeachment hearing of 1974, he was also allied with President Johnson's Great Society programs to improve our Nation's poorest districts, to improve schools, to improve water systems, libraries, airports, roads and recreation, and supported the taxes to pay for those programs.

During much of his 16 years in the House, he was the only practicing physician to serve in the House. He said that the passage of a law that provided preventive medical care for poor children was his most important legislative achievement. He was an early advocate of national insurance for catastrophic illness.

When he retired from Congress, Dr. Carter returned to the practice of medicine and his farm on the Cumberland River. The Honorable Dr. Carter died in 1987.

Mr. Speaker, I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in urging passage of H.R. 5144, which was introduced by the gentleman from Kentucky (Mr. WHITFIELD) on September 7, 2000, which would name a postal facility in Tompkinsville, Kentucky, as the Tim Lee Carter Post Office building.

Tim Lee Carter was born in Tompkinsville, Kentucky, in 1910. He graduated from Western University and earned a medical degree from the University of Tennessee.

He was elected to represent the 5th Congressional District in 1965 and served until 1980. Of course, he gained national attention as the first Republican Congressman to seek the U.S. withdrawal from Vietnam.

In Kentucky, Mr. Carter was known for efforts to improve his district and was actively involved in many various activities, not only in the immediate community where he lived, but throughout the State of Kentucky, and proved himself an effective public servant.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5144.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARJORY WILLIAMS SCRIVENS POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5068) to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office".

The Clerk read as follows:

H.R. 5068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARJORY WILLIAMS SCRIVENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, shall be known and designated as the "Marjory Williams Scrivens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Marjory Williams Scrivens Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentlewoman from Florida (Mrs. MEEK), has introduced this piece of legislation. This legislation designates the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the Marjory Williams Scrivens Post Office. All members of the Florida delegation to the House have cosponsored this legislation, as required by the rules of our subcommittee.

Marjory Williams Scrivens started working for the United States Postal Service in 1970, and in 1972 she was one of the first women to deliver mail in the Miami-Dade County area in Florida. Sadly, she succumbed to bone cancer a year ago.

Mr. Speaker, I urge passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5068, which was introduced by my friend and colleague, the gentlewoman from Florida (Mrs. MEEK), on July 27, 2000, would name a postal facility in Miami, Florida, as the Marjory Williams Scrivens Post Office building. Ms. Scrivens began her postal career in 1970 as the first woman carrier working from the South Miami branch. She delivered along her Coral Gables route for more than 20 years.

Ms. Scrivens is remembered for helping to take the "man" out of postman and having mail carriers referred to as "letter carriers." So, in addition to carrying the mail, we also owe Ms. Scrivens a debt of gratitude for moving us to another level in our thinking about gender and about the work that people do.

She loved her job and worked long hours serving postal customers on her route. Sadly, Ms. Scrivens passed on November 15, 1999.

In addition to the comments that I have made, and that I know that the gentlewoman from Florida (Mrs. MEEK) had hoped to be here, but could not make it, there is a letter from the South Florida Letter Carriers, which I will include for the RECORD.

SOUTH FLORIDA LETTER CARRIERS,
BRANCH 1071, NATIONAL ASSOCIATION OF LETTER CARRIERS,
Miami, FL, July 10, 2000.

Hon. CARRIE MEEK,
Member of Congress,
Miami, FL.

DEAR CONGRESSWOMAN MEEK: It has come to my attention there is an effort being made to rename the South Miami Post Office at 5927 SW 70th Street in memory of deceased Letter Carrier Marjory Williams Scrivens.

This letter is to advise you NALC Branch 1071 endorses and supports this effort.

Marjory was a personal friend who served for more than two decades as a letter carrier in South Florida.

The Miami News reported on September 8, 1972 that she was the only female carrier working out of the South Miami Office and one of only four female carriers in the Country.

Ms. Scrivens' postal employment was instrumental in correcting identification of those who carry the mail from postman or mailman to letter carrier.

Marjory Scrivens loved her job. She worked hard and long to get on with the Postal Service and worked long hours serving postal patrons on her route.

I can think of no greater honor than to have the South Miami Post Office renamed the "Marjory Williams Scrivens Branch".

Sincerely,
WILLIAM E. BURROUGHS, Jr.,
President.

Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for honoring such a lady letter carrier, and I certainly want to thank the gentleman from Ohio (Mr. LATOURETTE) for the opportunity to share this time with him.

Mrs. MEEK of Florida. Mr. Speaker, I am pleased that the House is considering my bill H.R. 5068 to name the Post Office in South Miami, Florida, after the late Marjory Williams Scrivens. I think that this recognition is well deserved and long overdue.

Mrs. Scrivens was one of this nation's first female letter carriers. She was a very popular trail blazer, who during her 22 years of exemplary service to the postal service was very instrumental in correcting the identification of those who carry the mail from postman to mailman to letter carrier.

Her colleagues fondly remember her as one who was very proud of her job. "We would always point to Marjory as a good example of a job well done," said a former supervisor.

Mrs. Scrivens was motivated for public service, she wanted a challenge and kept dropping by the federal building to check on government jobs. "When I saw clerk-carrier listed, I took the test and passed," she said.

She was not afraid of boldly taking on assignments that not many women had done before. It did not bother her that she was a pioneer, and charting unexplored territory. What mattered most to Marjory was providing her friends and neighbors on her postal router with high-quality service and a warm smile.

So today, it is fitting that we honor Marjory Williams Scrivens not only because of who she was, but for all that she did.

I'm pleased that the entire Florida delegation has co-sponsored this bill. It has widespread bi-partisan support for all across our state. This effort has received widespread community support including endorsements from the South Florida Letter Carriers Association, the Mt. Olive Missionary Baptist Church, Miami Times newspaper, and over 1,000 signatures on more than 63 pages.

Mr. Speaker, Marjory Williams Scrivens was not only a trail blazing letter carrier, but a dedicated public servant who served her community and the people of this country well.

I am pleased to support the naming of the U.S. Post Office at 5927 SW 70th Street, in South Miami, Florida, the Marjory William Scrivens Post Office.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ITALIAN-AMERICAN HERITAGE MONTH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 347) expressing the sense of the House of Representatives in support of "Italian-American Heritage Month" and recognizing the contributions of Italian Americans to the United States.

The Clerk read as follows:

H. RES. 347

Whereas Italians, like Amerigo Vespucci and Christopher Columbus, were some of the first explorers to discover the American continents and illustrate the geography;

Whereas Italians and Italian Americans have made great contributions to America's society economically, culturally, and politically;

Whereas Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics;

Whereas Italians and Italian Americans invented pianos, violins, calendars, radios, telescopes, compasses, microscopes, thermometers, eye glasses, steam engines, typewriters, and batteries;

Whereas Italian Americans have toiled and labored while helping to build our Nation's infrastructure, including railroads, tunnels, highways, and subways;

Whereas a great many Americans have enjoyed the entertainment provided by Italian Americans, such as Hall of Fame baseball player Joe DiMaggio, singer and songwriter Frank Sinatra, world-renowned composer Henry Mancini, and Oscar-winning actor Robert DeNiro;

Whereas great Italian American political figures, such as Fiorella La Guardia (who was both Mayor of, then Congressman from, New York City), Anthony Celebrezze (who, in the Kennedy administration, was the first Italian American Cabinet member), and Antonin Scalia (who, in 1982, became the first Italian American Supreme Court Justice), have enriched the political process and brought national pride to our country;

Whereas over 5.4 million Italians immigrated to the United States between 1820 and 1991, which today has resulted in over 26 million Americans of Italian descent in the United States, making them the fifth largest ethnic group; and

Whereas the Massachusetts Legislature has designated the month of October as "Italian-American Heritage Month" in Massachusetts: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideas of "Italian-American Heritage Month" and recognizes the significant contributions that Italian Americans have made to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 347.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider House Resolution 347. It is an important piece of legislation that has been introduced by my colleague, the gentleman from Massachusetts (Mr. CAPUANO).

This resolution expresses the sense of the House of Representatives in support of Italian-American Heritage Month and recognizes the contributions of Italian-Americans to the United States.

Mr. Speaker, over 5.4 million Italians immigrated to the United States between 1820 and 1991. Today, over 26 million Americans are of Italian decent in the United States, the fifth largest ethnic group within the United States.

Some of the very first explorers to discover America were Italians, including Amerigo Vespucci and Christopher Columbus. Since then, Italians and Italian Americans have continued to make lasting contributions to our great country. For example, Italian Americans have won the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics. Italians and Italian Americans invented pianos, violins, radios and steam engines.

America has been fortunate to enjoy the music of Frank Sinatra and composer Henry Mancini, the baseball heroics of Hall of Fame baseball legend Joe DiMaggio, and the acting of Oscar winner Robert DeNiro.

We honor Italian American political figures in history, such as Fiorella La Guardia, Mayor and then Congressman from New York City; Anthony Celebrezze, who served in the cabinet of the Kennedy administration and was the first Italian-American cabinet member; and today we are fortunate to have the first Italian-American Supreme Court Justice, Antonin Scalia.

Mr. Speaker, the Massachusetts legislature has designated October as "Italian American Heritage Month." I urge all Members to support the goals and ideals of this designation and to honor the contribution of Italian Americans as they have made them to the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank those people that have allowed this resolution to come to the floor of the House. It is relatively simple and straightforward.

October, as we all know, is a month that we celebrate Christopher Columbus Day, and it is a month that many Italian Americans across this country have utilized to remember their own heritage and their own background.

I think it is particularly appropriate for this resolution to be before us on the same day as H.R. 2442, which recalls the plight of many Italian Americans during World War II. They were interned at the behest of this government, which was an amazing thing, considering that it happened at the same time that probably one of the largest ethnic groups in the world helping the Americans were Italian Americans fighting in World War II, and that included my father as an Italian American, the son of Italian Americans.

This resolution simply states what many people already know, and some things I think people do not know. The gentleman from Ohio (Mr. LATOURETTE) went through much of it.

But some of the things that people do not know is what Italian Americans and Italians have invented that help them every day, not the least of which is pianos, violins, the calendars that we all use every day were invented by Italians, radios down on Cape Cod in Massachusetts, telescopes, compasses, microscopes, thermometers, eyeglasses, steam engines, typewriters and batteries, all discovered by Italians or Italian Americans.

I rise today simply to congratulate all of the people that have come to these shores, including Italians and Italian Americans, and all of their heritage, the 26 million people in America today who claim some Italian heritage, the fifth largest ethnic group, as was pointed out by the gentleman from Ohio (Mr. LATOURETTE).

I also rise today to remind them that if they want to see some of the work that has been done by Italian Americans, all they have to do is simply step outside this Chamber and take a look up. Much of the art work done in this Capitol was done by Mr. Brumidi, also an Italian American.

Mr. Speaker, again, I thank my colleagues on the other side for allowing this to come up, and I join in asking for the passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to urge all Members to support Italian-American Heritage Month as designated by the Massachusetts Legislature. Our country is richer and stronger, thanks to the many contributions that Italian Americans have made to the United States.

Mr. Speaker, I encourage all Members to support this resolution. I want to congratulate my colleague and friend, the gentleman from Massachusetts (Mr. CAPUANO), for bringing this measure to our attention. I urge its passage.

Mr. CAPUANO. Mr. Speaker, I rise today to recognize and celebrate a distinct and important group in this country—Italian Americans. I introduced H. Res. 347 because I felt that America should stand up and recognize the invaluable contributions bequeathed upon our society by countless Italian Americans throughout this nation's history.

Last October, the Massachusetts State Legislature passed a law observing the month of October as Italian-American Heritage Month. This law recognizes the unique impression bestowed on our country's rich national heritage by Italian Americans. My resolution, H. Res. 347, not only supports the goals and ideas of Italian-American Heritage Month nationwide, but also recognizes the significant contributions Italian Americans have made to our great nation.

Italian Americans have made significant contributions economically, culturally and politically to our society. Amerigo Vespucci and Christopher Columbus were some of the first explorers to discover the American continents and illustrate the geography. Italian Americans have won prestigious prizes, such as the Nobel Prize, the Pritzker Award for architecture, and the Fields Medal for mathematics.

Over the past 200 years, 5.4 million Italians have immigrated to the United States. Today more than 26 million Americans are of Italian descent, 72 thousand alone reside in the eighth district of Massachusetts. As this country's fifth largest ethnic group, Italian Americans have brought to our communities a tireless work ethnic, a strong sense of family cohesion, and an artistically rich culture. This unique and profound impact of Italian culture has become an integral part of the American way of life. In fact, many Italian Americans have gone on to become prominent in our nation's academic, industrial, entertainment, and political fields.

Nearly every American has experienced the unique contributions of Italian Americans. Famous Italian Americans like Hall of Fame baseball player Joe DiMaggio, world-renowed composer Henry Mancini, singer and songwriter Frank Sinatra, and Oscar winner Robert DeNiro have provided all Americans with many forms of entertainment. Millions of Americans have experienced the brilliance of Constantine Brumidi, an Italian immigrant, who was the artistic prodigy behind the elaborate paintings in the United States Capitol. Other Italian Americans have enriched our political process, including political figures such as Fiorella La Guardia, both mayor and Congressman from New York City, Anthony Celebrezze, who served during John F. Kennedy's Administration and was the first Italian American Cabinet Member, and Antonin Scalia, who is the first Italian American appointed to the Supreme Court.

I invite every Member to join me in celebrating the tremendous impact Italian Americans have made to our nation and our national identity.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act.

The Clerk read as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Reauthorization Act of 2000".

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

"(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

"(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

"(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

"(B) there is existing infrastructure consisting of—

"(i) a road, with a reinforced road bed, to each lot or building site in the area;

"(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

"(iii) electric service for each lot or building site in the area; and

"(iv) a fresh water supply for each lot or building site in the area.

"(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

"(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(B) covers an area of at least 200 square feet.

"(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).".

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

"(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

"(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(2) the parcel is an undeveloped coastal barrier.".

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking "one hundred and eighty" and inserting "180"; and

(II) in subparagraph (B), by striking "shall"; and

(ii) in paragraph (2), by striking "subsection (d)(1)(B)" and inserting "paragraph (1)(B)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended—

(A) in subsection (b)(2), by striking "subsection (d) of this section" and inserting "section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))"; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

"(f) MAPS.—The Secretary shall—

"(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(2) provide a copy of the map to—

"(A) the State and unit of local government in which the property is located;

"(B) the Committees; and

"(C) the Federal Emergency Management Agency; and

"(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.".

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking "which shall consist of" and all that follows and inserting the following: "which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

"(1) subsection (f)(3);

"(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

"(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.".

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources";

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the "System"), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A–16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, coastal barriers protect coastal communities and important aquatic fish and wildlife habitat from the full force of wind, wave and tidal energy. They are prone to shift and move as a result of storm, tides and currents. Despite their vulnerability, these areas are attractive locations to live and are popular vacation destinations.

Congress approved the Coastal Barriers Act in 1982 to protect these areas by establishing a system of barrier units that are not eligible for Federal development assistance, most importantly, Federal flood insurance.

S. 1752 would reauthorize the Coastal Barrier Resource System for 5 years. It requires the Secretary of Interior to undertake a pilot project to create digital maps of the system compatible with geographic information systems, and allows private landowners to voluntarily include property in the system.

The bill is similar to H.R. 1431, which passed the House by more than 300 votes in September of 1999. Unlike H.R. 1441, this bill does not contain any provisions that amend the boundaries of individual coastal barrier resource units or otherwise protected areas.

S. 1752 extends and improves the authorization for the Coastal Barrier Resources Act. It encourages the protection of coastal habitat and coastal communities at no cost to the Federal Government. I strongly urge passage of this important environmental legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. I also rise in support of S. 1752, the Coastal Barrier Resources Reauthorization Act. The amendments agreed to in conference with the other body improve upon similar legislation passed by the House last year. Of note, this legislation will finally codify the guidelines for determining undeveloped coastal barriers. This action is long overdue and should help clarify future determinations made by the Fish and Wildlife Service.

I am also pleased with the provisions in this legislation that would authorize the voluntary donation of private undeveloped coastal barriers as additions to the Coastal Barrier Resources System. I also believe the digital mapping pilot program authorized by this bill is a very important innovation and first step towards modernizing all coastal barrier maps and improving their accuracy. The Fish and Wildlife Service should be encouraged to expedite the completion of this pilot program.

This legislation is noncontroversial. The Coastal Barrier Resources Act has been effective at protecting both coastal resources and the taxpayer, and I urge all Members to support this bill.

□ 1300

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1752.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1474) providing for conveyance of the Palmetto Bend project to the State of Texas.

The Clerk read as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palmetto Bend Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) PROJECT.—the term "Project" means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

(b) REPORT.—If the conveyance under Section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of the conveyance;

(2) any obstacles to completion of the conveyance; and

(3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) IN GENERAL.—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year United States Treasury notes during the proceeding calendar month, which following application of the State's August 1, 1999 payment, was, as of October 1999, calculated to be $45,082,675 using a discount rate of 6.070 percent. The State shall also pay interest on the adjusted net present value of current repayment obligations from the date of the State's most recent annual payment until closing at the interest rate for constant maturity United States Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14–06–500–1880, as amended shall be extinguished. After completion of conveyance provided for in Section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply:

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under Section 3;

(3) prohibit private or exclusive uses of lands conveyed under Section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under Section 3, management decisions and actions affecting the public aspects of the

Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department that has been approved by the Secretary and shall extend for the useful life of the Project.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal Law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Effective on the date of conveyance of the Project, the United States shall be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) NO INCREASE IN LIABILITY.—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act, (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

(a) DEAUTHORIZATION.—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) NO RECLAMATION BENEFITS.—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the last 6 years, the Subcommittee on Water and Power has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of Bureau of Reclamation assets.

S. 1474 continues the defederalization process by directing the Secretary of Interior to convey as soon as practicable after the date of enactment to the State of Texas, acting through the Texas Water Development Board of the Lavaca-Navidad River, the Palmetto Bend Reclamation Project.

Mr. Speaker, I urge my colleagues to vote aye on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill is to provide for the conveyance of the Palmetto Bend Project to the State of Texas. This legislation includes a list of six specific management measures the State of Texas must undertake as a condition of the conveyance. Specific conditions relating to fish, wildlife, and recreation management and existing obligations are detailed in the bill. These provisions in S. 1474 provide an important statutory foundation to assure protection of the public aspects of this project.

We have no objections to the enactment of S. 1474.

Mr. PAUL. Mr. Speaker, Lake Texana (The Palmetto Bend Project), is located in my congressional district near Edna in the Texas Gulf Coast area about midway between Corpus Christi and Houston. Lake Texana supplies roughly 75,000 acre/feet per year of municipal and industrial water to a large multicounty area of Texas. The Lake Texana water is directly responsible for creating over 3,000 jobs in the cities of Edna and Victoria, Texas and water sales from the project make it financially self-sufficient.

S. 1474 merely facilitates the early payment of the project's construction costs (discounted, of course, by the amount of interest no longer due as a consequence of early payment) and transfers title of the Palmetto Bend Project to the Texas state authorities. Both the Lavaca Navidad River Authority and Texas Water Development Board concur that an early buy-out and title transfer is extremely beneficial to the economic and operational well-being of the project as well as the Lake Texana water users. The Texas Legislature and Governor George W. Bush have both formally supported the early payment and title transfer.

This bill will save Lake Texana water users as much as $1 million per year as well as provide an immediate infusion of millions of dollars to the national treasury. Additionally, all liability associated with this water project are, under my legislation, assumed by the state of Texas thus further relieving the financial burden of the federal government.

Texas has already demonstrated sound management of this resource. Recreational use of the lake has been well-provided under Texas state management to include provision of a marina, pavilion, playground, and boating docks, all funded without federal money. A woodland bird sanctuary and wildlife viewing area will also be established upon transfer with the assistance of the Texas Parks and Wildlife Department and several environmental organizations.

My thanks go to members and staff of both the Resources committee and the subcommittee on Energy and Water for their continued assistance with this bill as well as Senator HUTCHISON and her staff for working with me to move our bill in the Senate.

Mr. Speaker, I respectfully request my colleague's support for S. 1474 as passed by the Senate.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1474.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS NATIONAL WORLD WAR I SYMBOL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 114) recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

The Clerk read as follows:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone "Guardian Spirits" representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 114 recognizes the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I. The Liberty Memorial, established in 1924 by President Calvin Coolidge, is the only public museum specifically dedicated to those who served in World War I.

Mr. Speaker, I urge my colleagues to support S. Con. Res. 114.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution would recognize the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

Begun in 1919 and completed in 1927, the Liberty Memorial is a magnificent monument and serves as the only public museum in America dedicated to the First World War.

The Memorial has hosted many distinguished visitors. The dedication ceremony for the site marks the only time in history all 5 allied military commanders from World War I were ever in the same place. President Calvin Coolidge laid the cornerstone for the site in 1924; and the Memorial was rededicated by Presidents Truman and Eisenhower in 1961.

World War I was obviously one of the turning points in American and world history. Formal recognition of this memorial as a symbol of the sacrifice and dedication of the more than 4 million Americans who served in that great war is appropriate. We urge our colleagues to approve this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REVIEW OF COSTS OF HIGH ALTITUDE RECOVERIES IN DENALI NATIONAL PARK, ALASKA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 698) to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

The Clerk read as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 698 requires the Secretary of Interior to examine the suitability and feasibility of recovering the costs of high altitude rescues within the Denali National Park and requiring proof of medical insurance for climbing permits.

Every year over a thousand climbers attempt Mt. McKinley in Denali National Park. Climbing the continent's highest peak is extremely dangerous and has involved deaths and daring search and rescue missions.

As a result, Denali accounts for nearly a third of the total costs of rescue activities in the entire park system. In 1998, over $220,000 was spent on one dangerous rescue mission involving six climbers who ignored the Park Service's advice against climbing that mountain.

Given the exceptional costs and risks, many taxpayers believe there should be a way to reimburse the Park Service for rescues.

Basically, the report required under S. 698 will look at a type of insurance policy for the taxpayer against the risk incurred in an inherently dangerous activity. Under S. 698, no permitting requirements will be imposed unless a future Congress decides, based on the findings of the Secretary, that it is appropriate.

This is not a controversial bill, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 698, a bill to direct the Secretary of the Interior to do a study related to high altitude rescues of climbers on Mt. McKinley within the Denali National Park in Alaska.

This Senate bill has not had a hearing nor a markup in the Committee on Resources. But since it only requires a report on the subject matter, I am not aware of any major controversy or opposition to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 698.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

The Clerk read as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Memorial fund.—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) Museum.—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) Construction.—

(1) In general.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) Underground facility.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) Consultation.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) Design and Plans.—

(1) In general.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) Approval.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) Design requirements.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) Parking.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) Operation and Use.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) Federal Share.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) Funding Verification.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) Failure To Construct.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank my esteemed colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, for his hard work on this important piece of legislation. Recognition should also go to the gentleman from Colorado (Mr. HEFLEY) for his efforts on a companion House bill. Both of these men are to be congratulated for constructing a commendable piece of legislation which honors our law enforcement officers.

Specifically, S. 1438 would establish a National Law Enforcement Museum adjacent to the National Law Enforcement Officers Memorial in the District of Columbia. This museum would be the most comprehensive law enforcement museum and research facility in the world. The museum assists the public's understanding of the law enforcement profession, as well as increases public awareness and appreciation for the great personal risks law enforcement officers encounter on the job. All funds to construct the museum would come from private donations and would be the responsibility of the National Law Enforcement Memorial Fund, Incorporated.

This is a good piece of legislation that will help honor our Nation's deserving law enforcement officers.

Mr. Speaker, I urge my colleagues to support S. 1438.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1438. Our Nation's law enforcement officers are truly deserving of a memorial. The National Law Enforcement Officers Memorial is a powerful and poignant reminder of the importance of the service provided by the men and women who serve in law enforcement and the risks that such a career can entail.

This legislation would authorize a private entity to construct and operate a museum adjacent to the existing memorial.

The site for this museum is currently controlled by the District of Columbia and is bounded on all sides by other Federal buildings. As a result, construction of this facility will be complicated, and we have all been concerned that the language in this legislation fails to deal with these complications adequately. However, we do support this museum in concept, and it appears this legislation is the best product we can achieve at this time.

Mr. Speaker, we look forward to working with our colleagues to make this museum a reality and urge adoption of S. 1438.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of the companion House legislation, I rise in support of S. 1438, to authorize the National Law Enforcement Officers Memorial Fund to establish the National Law Enforcement Museum on Federal land in Washington, D.C.

This bill would build on the foundation laid by Public Law 98–534, which authorized the National Law Enforcement Officers Memorial. That memorial was dedicated in 1991. The memorial was built on Federal property in the District of Columbia by the National Law Enforcement Officers Memorial Fund (Memorial Fund), a non-profit organization. The site is highlighted by the names of more than 15,000 Federal, State, and local law enforcement officers who have died in the line of duty.

The Memorial Fund desires to build a facility to serve as the most comprehensive law enforcement museum and research facility anywhere in the world, and which would be the premiere source of information on issues related to law enforcement history and safety. The museum is intended to complement the existing National Law Enforcement Officers Memorial, and is proposed to be located directly across the street.

Just as the existing memorial reminds us all of the bravery and dedication of our nation's law-enforcement officers, the museum would help to improve public understanding and support for the law enforcement profession. In addition, its research component would serve as a tool for policy makers and law enforcement trainers in their efforts to make the profession safer and more effective.

S. 1438 authorizes the Memorial Fund to construct the Museum on Federal property that was transferred to the District of Columbia in 1970 for municipal purposes. The property is located on E Street between 4th and 5th Streets, NW, and is currently used as a parking lot for the District of Columbia Courts. All funds used in the construction of the Museum will come from private donations.

S. 1438 was introduced by Colorado's senior Senator, Senator CAMPBELL, and the

House companion bill was introduced by Representative HEFLEY. The Resources Committee has approved the House bill. I urge the House to send the Senate bill to the President for signing into law.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1438.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING RELOCATION OF HOME OF ALEXANDER HAMILTON

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5478) to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

The Clerk read as follows:

H.R. 5478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELOCATION AND PRESERVATION OF THE HAMILTON GRANGE IN NEW YORK CITY.

Section 2 of Public Law 87-438, as amended by Public Law 100-701; 102 Stat. 4640; 16 U.S.C. 431 note) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary of the Interior"; and

(2) by adding at the end the following new subsection:

"(b) RELOCATION OF HAMILTON GRANGE.—The Secretary is authorized to acquire by donation from the City of New York, New York, a parcel of land or suitable interests in such land, not to exceed one acre, to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to relocate the Hamilton Grange to such land. The acquired land or interests in land shall be in close proximity to the original location of Hamilton Grange and shall be added to and administered as part of the memorial.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5478 authorizes the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton. The home is commonly known as the Hamilton Grange.

The bill would also authorize the relocation of the Hamilton Grange to the land acquired. Located in New York City, the Hamilton Grange was dedicated in 1962. The home, at its current location, is bordered by high-rise buildings and is not a suitable location. The City of New York has agreed to donate approximately one acre of land in a small park directly across the street so that the Hamilton home can be moved to a more suitable location.

This bill will protect an important part of early American historical resources, and I urge my colleagues to support H.R. 5478.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague, the gentleman from Utah (Chairman HANSEN), in supporting H.R. 5478.

This bill would authorize the National Park Service to move the Hamilton Grange National Memorial from its current location to a nearby city park. The legislation authorizes the Park Service to accept up to one acre of the park as a donation from the City of New York.

Commissioned in the late 1700s and completed in 1802, the Hamilton Grange served as Alexander Hamilton's home until his death. The Grange, named after Hamilton's ancestral home in Scotland, is the only home he ever owned.

Unfortunately, the Park Service was forced to close the Grange due to its deteriorating condition. The site was recently reopened on a limited basis after desperately needed repairs. However, in order for the home to be fully appreciated as it appeared in Hamilton's day, it must be moved from its present location to the nearby park. Such a move is included in the General Management Plan for the site and the City of New York, the National Park Service, local community boards, churches, civic associations, preservationists and other relevant governmental agencies have all expressed their support for this plan.

We, in the Virgin Islands, are proud that we are able to honor Alexander Hamilton in this way, who grew up in my island of St. Croix.

Mr. Speaker, I commend the distinguished gentleman from New York (Mr. RANGEL) for this bill, and I urge our colleagues to approve H.R. 5478.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5478.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1315

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2749) to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, as amended.

The Clerk read as follows:

S. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CALIFORNIA TRAIL INTERPRETIVE CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the "California Trail Interpretive Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth-century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth-century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of

the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 103. DEFINITIONS.

In this title:

(1) CALIFORNIA TRAIL.—The term "California Trail" means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term "Center" means the California Trail Interpretive Center established under section 104(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 104. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the "California Trail Interpretive Center", near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106-99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this title; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this title, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $12,000,000.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SEC. 201. SHORT TITLE.

This title may be cited as the "Education Land Grant Act".

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSSROADS OF THE WEST HISTORIC DISTRICT

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term "Golden Spike Rail Study" means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site", National Park Service, 1993.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "Study Area" means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term "District" means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term "historic infrastructure" means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled "Crossroads of the West Historic District", numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

Amend the title so as to read: "A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.".

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2749 would provide for the establishment of an interpretive center in Elko, Nevada. The center would be dedicated to interpreting the history of the development and use of the California Trail in the settling of the West.

This bill also contains a provision that would help small Western communities that lack a suitable land base to afford school facilities because they are hemmed in by nontaxable government lands. This bill would enable these communities, under certain conditions, to purchase parcels of land for school facilities from the Forest Service at a nominal cost. This will allow many of the cash-strapped communities to build more adequate education facilities for their children.

Another provision in this bill authorizes a study assessing the feasibility of establishing the Golden Spike/Crossroads of the West National Heritage Area. It would also establish a Historic District in Ogden, Utah, to preserve and interpret historic features relating to the convergence of the Intercontinental Railway. Preserving the heritage of our Nation's railroads and their influential role in our history is very important for the American people.

Mr. Speaker, I strongly urge my colleagues to support S. 2749, with an amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2749 is a Senate-passed measure, introduced by Senator HARRY REID, that authorizes the Secretary of the Interior, acting through the Director of the Bureau of Land Management, to plan, construct, and operate a visitor center along the California National Historic Trail near the city of Elko, Nevada.

The administration supports S. 2749. In addition, there is significant local interest and support for the interpretive center as well. It is our understanding that non-Federal funds totaling $6 million have already been committed to the project.

Mr. Speaker, the majority has also added two extraneous bills to S. 2749. The first is language from H.R. 150 regarding making land available for public schools. The second is the House-passed version of H.R. 2932 dealing with the Golden Spike/Crossroads of the West.

Mr. Speaker, we support this bill, and we urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), who also authored companion legislation to this legislation.

Mr. GIBBONS. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN), my friend and colleague, the distinguished chairman of the Subcommittee on Parks and Public Land; and I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, as well as the gentleman from California (Mr. GEORGE MILLER), the ranking member, for allowing this bill to come to the floor today.

The 19th century westward emigration on the California National Historic Trail, which occurred from 1840 until the completion of the Transcontinental Railroad in 1869, was an important cultural and historical era in the settlement of the West. This influx of settlers contributed to the development of lands in the western United States by Americans and immigrants and to the prevention of colonization of the West Coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and many documented their amazing experiences in detailed journals. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. Speaker, recognition and interpretation of the pioneer experience on the Trail is appropriate in light of Americans' strong interest in understanding our national and cultural heritage.

This act authorizes the planning, construction, and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County and the City of Elko, and the Bureau of Land Management, just to name a few.

This interpretive center will be located near the city of Elko in the northeastern part of Nevada. The location is the junction of the California Trail and the Hastings Cutoff.

Mr. Speaker, the ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route; precious time wasted that kept them from crossing the Sierra Nevada before the deadly winter of 1846 struck, taking most of their lives.

This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of pioneer trails in the West in the development of the United States. I would ask the House to support this bill and pass Senate bill 2749.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2749, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5375) to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Erie Canalway National Heritage Corridor Act".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) ERIE CANALWAY.—The term "Erie Canalway" means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term "Canalway Plan" means the comprehensive preservation and management plan for the Corridor required under section 6.

(3) COMMISSION.—The term "Commission" means the Erie Canalway National Heritage Corridor Commission established under section 4.

(4) CORRIDOR.—The term "Corridor" means the Erie Canalway National Heritage Corridor established under section 3.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation, and recreational purposes, establishing the network which made New York the "Empire State" and the Nation's premier commercial and financial center.

(2) The canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance.

(3) The Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York, and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country.

(4) The construction of the Erie Canalway was considered a supreme engineering feat and most American canals were modeled after New York State's canal.

(5) At the time of construction, the Erie Canalway was the largest public works project ever undertaken by a State, resulting in the creation of critical transportation and commercial routes to transport passengers and goods.

(6) The Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries.

(7) The Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art.

(8) There is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources.

(9) Partnerships among Federal, State, and local governments and their regional entities, nonprofit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To designate the Erie Canalway National Heritage Corridor.

(2) To provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations.

(3) To promote and provide access to the Erie Canalway's historical, natural, cultural, scenic, and recreational resources.

(4) To provide a framework to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway.

(5) To authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the Nation.

SEC. 3. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this Act, there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on the map entitled "Erie Canalway National Heritage Area" numbered ERIE/80,000 and dated October 2000. This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—Nothing in this Act shall be construed to alter the ownership, operation, or management of the New York State Canal System.

SEC. 4. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) Establishment.—There is established the Erie Canalway National Heritage Corridor Commission. The purposes of the Commission are as follows:

(1) To work with Federal, State, and local authorities to develop and implement the Canalway Plan.

(2) To foster the integration of canal-related historical, cultural, recreational, scenic, economic, and community development initiatives within the Corridor.

(b) Membership.—The Commission shall be composed of 27 members as follows:

(1) The Secretary, as an ex-officio member, or the Secretary's designee.

(2) 7 members or designees, each of whom represents 1 of the following or their successors:

(A) The New York State Secretary of State.

(B) The Commissioners of the following:

(i) The New York State Department of Environmental Conservation.

(ii) The New York State Office of Parks, Recreation and Historic Preservation.

(iii) The New York State Department of Agriculture and Markets.

(iv) The New York State Department of Transportation.

(C) The Chairperson of the New York State Canal Corporation.

(D) The Chairperson of the Empire State Development Corporation.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Governor no later than 6 months after the date of enactment of this Act as follows:

(A) One member from each of the United States Congressional districts which are part of the Corridor. The appointment for each district shall be based on recommendations from the member of the United States House of Representatives for that district. Each person appointed to the Commission under this subparagraph shall be a resident of the district from which they shall be recommended.

(B) 2 members based on recommendations from each United States Senator from New York State.

(C) The remainder of the 19 members shall be residents of any county in which the Corridor is located. One such member shall be a member of the Canal Recreationway Commission other than an ex-officio member.

(c) Appointments and Vacancies.—Except for original appointment, members of the Commission, other than ex-officio members, shall be appointed for terms of 3 years. Of the original appointments, 6 shall be for a term of 1 year, 6 shall be for a term of 2 years, and 7 shall be for a term of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

(e) Election of Officers.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) Quorum and Voting.—14 members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission; however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) Meetings.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) Powers of the Commission.—To the extent that Federal funds are appropriated under section 10(a), the Commission is authorized to do the following:

(1) Procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission.

(2) Request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services.

(3) Request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services.

(4) Appoint and fix the compensation of staff to carry out its duties.

(5) Enter into cooperative agreements with Federal agencies, the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission.

(6) Make grants to assist in the preparation and implementation of the Canalway Plan.

(7) Seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(8) Assist others in developing educational, informational, and interpretive programs and facilities and other such activities that may promote the implementation of the Canalway Plan.

(9) Hold hearings, sit, and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

(10) Use the United States mails in the same manner as other departments or agencies of the United States.

(11) Request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request.

(12) Establish such advisory groups as the Commission deems necessary.

(i) Acquisition of Property.—Except as provided for leasing administrative facilities under subsection (h)(1), the Commission may not acquire any real property or interest in real property.

(j) Termination.—The Commission shall terminate on the day occurring 10 years after the date of the enactment of this Act.

SEC. 5. DUTIES OF THE COMMISSION.

(a) Preparation of Canalway Plan.—Not later than 3 years after the Commission receives Federal funding under section 10(a), the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 6, the Canalway Plan shall incorporate and integrate existing Federal, State, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purposes of this Act. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) Implementation of Canalway Plan.—After the Commission receives Federal funding under section 10(a), and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake actions to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) Priority Actions.—Priority actions which may be carried out by the Commission under subsection (b) include the following:

(1) Assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal.

(2) Assisting the National Park Service, the State, local governments, or nonprofit organizations in designing, establishing, and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor.

(3) Assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor.

(4) Assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor.

(5) Encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this Act.

(6) Ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) Annual Reports and Audits.—For any year in which Federal funds have been received under this Act, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses, any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 6. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate those plans, to the extent feasible, to ensure consistency with local, regional, and State planning efforts;

(2) provide a strategy for and conduct a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature, and folkways associated with the canals; and

(C) educational and interpretive programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) include programs designed to adequately protect, interpret, and promote the Corridor's significant historical, cultural, recreational, educational, scenic, and natural resources;

(7) include an inventory of canal-related natural, cultural, and historic sites and resources located in the area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(11) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) APPROVAL OF THE CANALWAY PLAN.—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) CRITERIA.—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and, consistent with such protection, provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure effective implementation of State and local aspects of the Canalway Plan.

(d) DISAPPROVAL OF CANALWAY PLAN.—If the Secretary or the Governor does not approve the Canalway Plan, the Secretary or the Governor shall advise the Commission in writing within 90 days the reasons therefor and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove the revised Canalway Plan.

(e) AMENDMENTS TO CANALWAY PLAN.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this Act may not be expended to implement changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 7. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4).

(b) TECHNICAL ASSISTANCE.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to, and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) EARLY ACTIONS.—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical, planning, and financial assistance for early actions that are important to the purposes of this Act and that protect and preserve resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway.

(d) CANALWAY PLAN IMPLEMENTATION.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified as the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) REPORT.—Not later than 2 years after the approval of the Canalway Plan, the Secretary shall submit to Congress a report recommending whether the educational and interpretive sites identified by the Commission meet the criteria for designation as a unit of the National Park System as required by Public Law 105–391 (112 Stat. 3501; 16 U.S.C. 1a–5 note).

SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 9. SAVINGS PROVISIONS.

(a) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) ZONING OR LAND USE.—Nothing in this Act shall be construed to grant powers of zoning or land use to the Commission.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—Nothing in this Act shall be construed to affect, or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal-related development plans, including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) FISH AND WILDLIFE.—The designation of the Corridor shall not diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—

(A) IN GENERAL.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year, to remain available until expended. Not more than a total of $10,000,000 may be appropriated for the Corridor under this Act.

(B) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(2) COMMISSION.—In addition to the sums authorized under paragraph (1) and subsection (b), there is authorized to be appropriated to the Commission not more than $250,000 annually to carry out the duties of the Commission.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to undertake interim actions the Secretary is authorized to undertake and that are necessary for the Secretary to implement the responsibilities of the Department of the Interior outlined in the Canalway Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5375, introduced by the gentleman from New York (Mr. WALSH), establishes the Erie Canalway National Heritage Corridor in the State of New York. The Erie Canal, first established 175 years ago, created critical transportation of commercial routes and led to the development and settling of New York.

Mr. Speaker, H.R. 5375 would also create the Erie Canalway Corridor Commission as the management entity for the canalway, the membership of which would be comprised of Federal, State and local agencies and governments. The commission is responsible for developing and implementing a management plan which will provide for an inventory and evaluation of the historic properties within the corridor and also provide educational and interpretive programs for the public to enjoy the canalway's resources.

Establishment of the corridor will not affect any other governmental authority nor grant powers of zoning or land use to the Commission. Furthermore, ownership, management, and maintenance of the New York State Canal System will not be altered by establishing the corridor.

Mr. Speaker, this is a good piece of legislation; and I urge my colleagues to support H.R. 5375.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5375 would designate the 524 mile Erie Canalway National Heritage Corridor in New York. We oppose this bill for substantive and procedural reasons.

Mr. Speaker, H.R. 5375 was introduced less than 3 weeks ago. It has had no hearings or markups in either the House or the Senate. Yesterday, the Department of the Interior sent up a letter expressing their serious concerns with H.R. 5375 as currently written, and I will include the letter in the RECORD.

Three serious problems were pointed out, Mr. Speaker: first, the bill calls for a commission with members appointed by the governor that would have full Federal commission status in terms of funding, roles, and responsibilities. This is not how we designate management entities for heritage areas. Further, it is a violation of the appointments clause of the Constitution which requires Federal officials to be appointed by a Federal officer.

Second, the bill has the National Park Service involved in designing, establishing, and operating visitor centers, museums, and interpretive exhibits. This is not an appropriate role for the agency. We have not provided such authority for any other heritage area. The National Park Service has neither the funds nor the manpower when the needs of the national parks are so great.

Third, the bill contains open-ended funding authority for the Secretary, which opens the door for a future significant infusion of Federal funds. The bill's sponsor was warned of these problems, even before the bill was introduced, but chose to go forward without correcting these serious matters.

Mr. Speaker, for this reason, we oppose this bill and urge a "no" vote.

UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY,
Washington, DC, October 23, 2000.

Hon. JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in reference to H.R. 5375, the "Erie Canalway National Heritage Corridor Act", introduced by Representative James Walsh on October 3, 2000. It has come to our attention that the Committee on Resources will bring this bill to the House floor today. The Department of the Interior has some serious concerns with the bill as introduced and revised. There have not been any congressional hearings on this bill at which the Department would have had the opportunity to testify and offer amendments. If the bill were amended to address our concerns, the Department would be able to support this legislation.

Under a 1995 Congressional directive, the National Park Service undertook a special resource study on the 524-mile long Erie Canalway in New York State. The study found that the Erie Canalway was nationally significant and deserved Federal recognition. In the December 1999 transmittal letter to this Committee accompanying the special resource study, the National Park Service recommended that the management entity be a commission appointed by the Secretary of the Interior based upon state and local recommendations. If requested by the commission, the National Park Service could offer planning and technical assistance.

The Department has serious concerns with H.R. 5375, as written, in three different areas. First, the bill calls for a commission with members appointed by the Governor that would still retain full Federal commission status in terms of funding, roles, and responsibilities. For example, in Section 4, the commission would have access to administrative services from the General Services Administration and the United States mails in the same manner as a Federal commission. This apparently would be in violation of the Appointments Clause of the Constitution, which requires Federal officials to be appointed by a Federal officer. The Department also is concerned with the precedent this hybrid model would set for future commissions.

Second, the National Park Service does not have funds in its budget to construct visitor centers, museums or interpretive exhibits in heritage areas. Section 5(c)(2) could be interpreted to direct the National Park Service to construct and staff these centers, which is not an appropriate role for the agency in a non-park service unit. Section 7 states that prior to a Canalway Plan being approved, the Secretary may provide financial assistance to undertake educational and interpretive programs. The Department believes that National Park Service role should be limited to providing planning and technical assistance in the development of the Canalway Plan. The Plan would determine any additional role for the National Park Service in the heritage corridor and would be subject to the approval of the Secretary.

Third, the open-ended funding authority in Section 10(b) that does not contain a ceiling on total funds authorized for this heritage area could be used to fund unlimited early action items from Section 7(c) including educational and interpretive centers and the provision of park rangers to provide services. Such decisions are premature pending completion of the Canalway Plan. Funding authorized by this section should be limited to technical and planning assistance only.

Attached is a list of proposed amendments to H.R. 5375. If these amendments were adopted, the Department could support passage of the bill.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Congress.

Sincerely,

STEPHEN C. SAUNDERS,
Acting Assistant Secretary for Fish and Wildlife and Parks.

Enclosure.

SUGGESTED AMENDMENTS TO H.R. 5375, ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

H.R. 5375 calls for a hybrid commission with members appointed by the Governor, but with full federal commission authorities, funding and roles. The 1998 Special Resource Study and accompanying letter on the Erie Canalway recommended that the management entity be a federal commission with the members appointed by the Secretary of the Interior based upon state and local recommendations. This is the National Park Service preferred alternative.

If H.R. 5375 is rewritten to include a commission with members appointed by the Secretary (i.e. a federal commission) then we offer the following amendments to the bill. Note: We are referencing the revised bill from October 13, 2000.

On p. 5, line 15, strike "entitled "Boundaries of Canalway Communities" numbered ERCA and dated ." and insert "entitled "ERIE CANALWAY NATIONAL HERITAGE AREA" numbered ERIE/80,000 and dated OCTOBER 2000."

On p. 5, line 22, strike "Nothing in this Act shall be construed to alter the ownership, operations, or management of the New York State Canal System," and insert "The New York Canal System shall continue to be owned, operated, and managed by the State of New York."

On p. 6, line 17, strike "7 members, each of whom represents 1" and insert "7 members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience".

On p. 7, line 17, strike "Governor no later than 6 months after the date of enactment of this Act" and insert "Secretary".

On p. 13, line 24, strike "the National Park Service,".

On p. 17, line 16, strike "and the Governor".

On p. 18, line 16, strike "or the Governor".

On p. 18, line 17, strike "or the Governor".

On p. 18, line 21, strike "and the Governor".

On p. 18, line 25, strike "and the Governor".

On p. 19, line 3, strike "and the Governor approve" and insert "approves".

On p. 19, line 8, strike "Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4)." and insert "Plan.".

On p. 19, line 19, strike "technical, planning, and financial" and insert "technical and planning".

On p. 19, line 21, strike "resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway." and insert "resources.".

On p. 20, line 14, strike subsection (f).

On p. 22, line 19, strike "year, to remain available until expended." and insert "year.".

On p. 23, line 5, strike subsection 10(a)(2) and renumber the rest of the subsection accordingly.

On p. 23, line 13, strike "for the Secretary" until the end of the subsection and insert "for planning and technical assistance.".

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. WALSH), the author of this legislation.

Mr. WALSH. Mr. Speaker, I thank the distinguished chairman for yielding time and for his strong support and encouragement and advice throughout this process. I would also like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, for his help in bringing this bill forward, and also the gentleman from California (Mr. GEORGE MILLER), the ranking member, who has been very helpful.

Mr. Speaker, I rise today in strong support of H.R. 5375, a bill that will establish the Erie Canalway as a National Heritage Corridor. This bill is the culmination of years of hard work and dedication by the National Park Service and the State of New York, and dedication by Senators MOYNIHAN and SCHUMER, as well as virtually the entire upstate New York delegation has indicated their strong support for this measure. In fact, Senator MOYNIHAN has indicated he envisions this bill as part of his congressional legacy. This will probably be the last bill that Senator MOYNIHAN will have his name associated with as it passes the Senate, and he would like very much to have this bill signed into law before he leaves office. Furthermore, there is broad-based local enthusiasm and interest throughout the State for a Federal designation of the Erie Canalway system and local participation in the development of an Erie Canalway plan is a critical component of this legislation.

In 1995, at the request of Senator MOYNIHAN and myself, Congress directed the National Park Service to determine whether the Erie Canalway system merited Federal designation as a National Heritage Corridor. In 1998, the National Park Service study concluded that the Erie Canalway is an outstanding resource of great significance to the Nation and that it clearly merited Federal designation as a National Heritage Corridor. In response to this overwhelming support for some type of Federal designation for the Erie Canalway system, I worked closely with the National Park Service and the State of New York throughout the 106th Congress to craft legislation that balances the State's need to preserve its outstanding ongoing management activities of the canal with the creation of a Federal management framework that assists the State and local communities throughout the canalway in their development of integrated cultural, historical, recreational, economic, and community development activities.

Mr. Speaker, H.R. 5375 was introduced on October 3 this year after several months of detailed negotiations with the National Park Service and the State of New York. The bill would designate the canal as a heritage corridor and would establish a 27-member commission that would be empowered to develop a comprehensive preservation and management canalway plan for the corridor within 3 years.

Critical to the success of this commission is the fact that there will be broad-based local participation and involvement in the commission as each Member of Congress who represents the corridor will be able to appoint a local representative to the commission. This commission will develop a plan that enhances the historical, cultural, educational, natural, scenic, and recreational potential of the corridor in a way that complements the ongoing significant State role in preserving and protecting the Erie Canalway system.

Mr. Speaker, the State of New York built this canal. It is what helped us to populate the western reaches of our State, indeed, the western reaches of the then-settled United States. The State still maintains the canal at an expense of approximately $60 million per year; and they have done a very, very excellent job of keeping it in operating order. Therefore, the governor needs to have the appointment authority, and I think most reasonable people would agree.

What I envision coming out of this bill is a joint Federal-State cooperative effort where the National Park Service would provide necessary technical and financial assistance for education, interpretation, historic preservation, planning and recreational trail development and open space conservation, while the State of New York would maintain its ongoing operational management and maintenance of the Erie Canalway system. The system was the preeminent transportation corridor for the latter part of the 18th through the 20th century. Its role in American history is well documented. Therefore, I believe Federal designation is essential to preserve and maintain and interpret the canalway system in ways to reflect its importance and significance.

Mr. Speaker, this bill has broad-based bipartisan support, and I urge my colleagues to adopt this measure so that we can continue to protect the canalway system for future generations.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I thank the gentlewoman for yielding me this time. It is an honor to be here today in support of this bill that I have had the pleasure of cosponsoring, along with the gentleman from New York (Mr. WALSH) and a number of others that we have worked closely with over the years. The Erie Canal has a great history. The Erie Canal has a great future. That great future, though, depends in large part on what we do to recognize the past, to herald it, and to build a corridor along the canal so that residents of New York State and residents of the world can come and not only see and observe, but enjoy the Erie Canal.

□ 1330

A good many individuals of both the Democratic and Republican Party have attempted to enhance the Erie Canal Corridor over the years. Certainly Governor Pataki, but most especially, too, I think the Secretary of Housing and Urban Development, Andrew Cuomo. He took what was known as the Small Cities Development Block Grant program and tried to use it within the State of New York to embellish the corridor by coming up with the canal corridor initiative.

The Canal Corridor initiative was basically an idea to use these small cities' monies to leverage additional assistance from both the public and private sector, to leverage that assistance by utilizing for the first time on a Federal level the Small Cities program and the section 108 program, which will enable communities to draw down against future monies to work in concert for the first time in a very cooperative fashion with the Department of Agriculture and their rural development administration. That has worked extremely successfully.

In my congressional district, for example, whether one is in North Tonawanda or Lockport or Medina or Albion or Holley or Spencerport, one can see the results of the canal corridor initiative, and we have just started.

Passage of today's bill establishing an Erie Canalway National Heritage Corridor will be a great step forward in further embellishing that corridor and helping to serve as both an economic and recreational catalyst for that region of New York State.

So I urge everyone to support this very fine bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1752, S. 1474, S. Con. Res. 114, S. 698, S. 1438, H.R. 5478, S. 2749 and H.R. 5375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 426

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 426.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OLDER AMERICANS ACT AMENDMENTS OF 2000

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003, as amended.

The Clerk read as follows:

H.R. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Amendments of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

Sec. 101. Definitions.

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

Sec. 201. Functions of assistant secretary.
Sec. 202. Federal agency consultation.
Sec. 203. Evaluation.
Sec. 204. Reports.
Sec. 205. authorization of appropriations.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

Sec. 211. White house conference.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

Sec. 301. Purpose.
Sec. 302. Authorization of appropriations.
Sec. 303. Allotment; Federal share.
Sec. 304. Organization.
Sec. 305. Area plans.
Sec. 306. State plans.
Sec. 307. Planning, coordination, evaluation, and administration of State plans.
Sec. 308. Availability of disaster relief funds to tribal organizations.
Sec. 309. Nutrition services incentive program.
Sec. 310. Consumer contributions and waivers.
Sec. 311. Supportive services and senior centers.
Sec. 312. Nutrition services.
Sec. 313. Nutrition requirements.
Sec. 314. In-home services and additional assistance.
Sec. 315. Definition.
Sec. 316. National family caregiver support program.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Projects and programs

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

Sec. 501. Amendment to title v of the older americans act of 1965.

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

Sec. 601. Eligibility.
Sec. 602. Applications.
Sec. 603. Authorization of appropriations.
Sec. 604. General provisions.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

Sec. 701. Authorization of appropriations.
Sec. 702. Allotment.
Sec. 703. Additional State plan requirements.
Sec. 704. State long-term care ombudsman program.
Sec. 705. Prevention of elder abuse, neglect, and exploitation.
Sec. 706. Assistance programs.
Sec. 707. Native american programs.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (3), by striking "the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) by striking paragraph (12) and inserting the following:

"(12) The term 'disease prevention and health promotion services' means—

"(A) health risk assessments;

"(B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;

"(C) nutritional counseling and educational services for individuals and their primary caregivers;

"(D) health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(i) an institution of higher education;

"(ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(iii) a community-based organization;

"(F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

"(K) gerontological counseling; and

"(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).";

(3) by striking paragraph (18) and redesignating paragraphs (19), (20), (21), and (22) as paragraphs (18), (19), (20), and (21);

(4) by striking paragraphs (19) and (20) (as redesignated) and inserting the following:

"(19) The term 'in-home services' includes—

"(A) services of homemakers and home health aides;

"(B) visiting and telephone reassurance;

"(C) chore maintenance;

"(D) in-home respite care for families, and adult day care as a respite service for families;

"(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);

"(F) personal care services; and

"(G) other in-home services as defined—

"(i) by the State agency in the State plan submitted in accordance with section 307; and

"(ii) by the area agency on aging in the area plan submitted in accordance with section 306.

"(20) The term 'Native American' means—

"(A) an Indian as defined in paragraph (5); and

"(B) a Native Hawaiian, as defined in section 625.";

(5) by striking paragraph (23) and redesignating paragraphs (24) through (35) as paragraphs (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33);

(6) by striking paragraph (36) and redesignating the remaining paragraphs; and

(7) by adding at the end the following:

"(42) The term 'family violence' has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).

"(43) The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).".

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11) respectively;

(B) by striking parargraphs (13) and (14) and redesignating the remaining paragraphs;

(C) in paragraph (15) (as redesignated), by inserting "and older individuals residing in rural areas" after "low-income minority individuals";

(D) in paragraph (18)(B) (as redesignated), by striking "1990" and inserting "2000";

(E) by striking paragraph (19) (as redesignated) and inserting the following:

"(19) conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;";

(F) by striking paragraph (21) (as redesignated) and inserting the following:

"(21) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number to identify community resources for older individuals;";

(G) by striking paragraph (24) (as redesignated) and inserting the following:

"(24) establish and carry out pension counseling and information programs described in section 215;"; and

(H) by striking paragraph (27) and redesignating the remaining paragraphs;

(I) by adding a new paragraph (27):

"(27) improve the delivery of services to older individuals living in rural areas through—

"(A) synthesizing results of research on how best to meet the service needs of older individuals in rural areas;

"(B) developing a resource guide on best practices for States, area agencies on aging, and service providers;

"(C) providing training and technical assistance to States to implement these best practices of service delivery; and

"(D) submitting a report on the States' experiences in implementing these best practices and the effect these innovations are having on improving service delivery in rural areas to the relevant committees not later than 36 months after enactment.";

(2) in subsection (d)(4), by striking "1990" and inserting "2000"; and

(3) by adding at the end the following:

"(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.

"(2) The process for developing the performance outcome measures described in paragraph (1) shall include—

"(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);

"(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;

"(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and

"(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.".

SEC. 202. FEDERAL AGENCY CONSULTATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended—

(1) in section 203(a)(3)(A), by inserting "and older individuals residing in rural areas" after "low-income minority older individuals";

(2) by striking section 204 and inserting the following:

"SEC. 204. GIFTS AND DONATIONS.

"(a) Gifts and Donations.—The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.

"(b) Use of Gifts and Donations.—Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or nonprofit private entities, for the following activities:

"(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

"(2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.

"(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.

"(c) Ethics Guidelines.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

"(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or

"(2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.";

(3) in section 205, by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c);

(4) by redesignating section 215 as section 216; and

(5) by inserting after section 214 the following:

"SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.

"(a) Definitions.—In this section:

"(1) Pension and Other Retirement Benefits.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

"(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(2) Pension Counseling and Information Program.—The term 'pension counseling and information program' means a program described in subsection (b).

"(b) Program Authorized.—The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.

"(c) Eligible Entities.—The Assistant Secretary shall award grants under this section to—

"(1) State agencies or area agencies on aging; and

"(2) nonprofit organizations with a proven record of providing—

"(A) services related to retirement of older individuals;

"(B) services to Native Americans; or

"(C) specific pension counseling.

"(d) Citizen Advisory Panel.—The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

"(e) Application.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including—

"(1) a plan to establish a pension counseling and information program that—

"(A) establishes or continues a State or area pension counseling and information program;

"(B) serves a specific geographic area;

"(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

"(D) provides information on sources of pension and other retirement benefits;

"(E) establishes a system to make referrals for legal services and other advocacy programs;

"(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

"(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

"(I) makes recommendations to the Administration, the Department of Labor and other Federal, State and local agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas and low income retirees; and

"(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

"(f) Criteria.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

"(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

"(2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.

"(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

"(4) The ability of the entity to provide services under the program on a statewide or regional basis.

"(g) Training and Technical Assistance Program.—

"(1) In general.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.

"(2) Eligible entities.—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) Application.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(h) Pension Assistance Hotline and Intragency Coordination.—

"(1) Hotline.—The Assistant Secretary shall enter into agreements with other Federal agencies to establish and administer a national telephone hotline that shall provide information regarding pension and other retirement benefits, and rights related to such benefits.

"(2) Content.—Such hotline described in paragraph (1) shall provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

"(3) Agreements.—The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

"(i) Report to Congress.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—

"(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.

"(j) Administrative Expenses.—Of the funds appropriated under section 216 to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses.".

SEC. 203. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in subsection (a), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(2) in subsection (c), by inserting ", older individuals residing in rural areas" after "minority individuals";

(3) by striking subsection (g); and

(4) by redesignating subsection (h) as subsection (g).

SEC. 204. REPORTS.

Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended—

(1) in subsection (a)(4), by inserting "older individuals residing in rural areas," after "low-income minority individuals,"; and

(2) in subsection (c)(5) by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) (as redesignated by section 202) is amended—

(1) in subsection (a)—

(A) by striking "(a) Administration.—" and inserting "(a) In General.—";

(B) by striking "1992" and all that follows through the period and inserting "2001, 2002, 2003, 2004, and 2005"; and

(C) by inserting "administration, salaries, and expenses of" after "appropriated for"; and

(2) by striking subsection (b) and inserting the following:

"(b) Eldercare Locator Service.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) Pension Counseling and Information Programs.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.".

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

SEC. 211. WHITE HOUSE CONFERENCE.

Title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by striking section 201;

(2) by redesignating sections 202, 203, 204, 205, 206, and 207, as sections 201, 202, 203, 204, 205, and 206, respectively;

(3) in section 201 (as redesignated by paragraph (2))—

(A) by striking subsections (a), (b), and (c) and inserting the following:

"(a) Authority To Call Conference.—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

"(b) Planning and Direction.—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

"(c) Purpose.—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

"(1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

"(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, medicare, and medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

"(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals."; and

(B) in subsection (d)(2), by striking "and individuals from low-income families." and inserting "individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.";

(4) in section 202 (as redesignated by paragraph (2))—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(B) in subsection (b)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively;

(iii) in paragraph (1) (as redesignated by clause (ii))—

(I) by striking "subsection (a)(4)" and inserting "subsection (a)(3)"; and

(II) by striking "regarding such agenda," and inserting "regarding such agenda, and"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "subsection (a)(6)" and inserting "subsection (a)(5)"; and

(C) in subsection (c), by adding at the end "Gifts may be earmarked by the donor or the executive committee for a specific purpose.";

(5) in section 203(a) (as redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

"(1) Establishment.—There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:

"(A) Presidential appointees.—Nine members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States; and

"(ii) 6 members with experience in the field of aging, including providers and consumers of aging services.

"(B) House appointees.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and 2 members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

"(C) Senate appointees.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and 2 members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "Committee" and inserting "Committee for the Secretary"; and

(ii) by striking subparagraphs (D) and (E) and inserting the following:

"(D) establish the number of delegates to be selected under section 201(d)(2);

"(E) establish an executive committee consisting of 3 to 5 members, with a majority of such members being age 55 or older, to work with Conference staff; and

"(F) establish other committees as needed that have a majority of members who are age 55 or older."; and

(C) by striking paragraph (3) and inserting the following:

"(3) Voting; chairperson.—

"(A) Voting.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

"(B) Chairperson.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.";

(6) by striking section 204 (as redesignated by paragraph (2)) and inserting the following:

"SEC. 204. REPORT OF THE CONFERENCE.

"(a) Preliminary Report.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

"(b) Final Report.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report."; and

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) In general.—There are authorized to be appropriated to carry out this section—

"(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

"(B) such sums as may be necessary for the fiscal year in which the Conference is held."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "section 203(c)" and inserting "section 202(c)"; and

(ii) in paragraph (3), by striking "December 31, 1995" and inserting "December 31, 2005".

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

SEC. 301. PURPOSE.

Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

"(d)(1) Any funds received under an allotment as described in section 304(a), or funds contributed toward the non-Federal share under section 304(d), shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this title.

"(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).".

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C 3023) is amended—

(1) by striking subsection (a)(1) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.";

(2) by striking subsection (b) and inserting the following:

"(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years."; and

(3) by striking subsections (d) through (g) and inserting the following:

"(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support) $125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) (relating to part B, supportive services), paragraphs (1) (relating to subpart 1 of part C, congregate nutrition services) and (2) (relating to subpart 2 of part C, home delivered nutrition services) of subsection (b), and (d) (relating to part D, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1), paragraphs (1) and (2) of subsection (b), and subsection (d) of section 303 of the Older Americans Act of 1965 for fiscal year 2000.

"(2) There are authorized to be appropriated to carry out part E (relating to family caregiver support) such sums as may be necessary for each of the 4 succeeding fiscal years.

"(3) Of the funds appropriated under paragraphs (1) and (2)—

"(A) 4 percent of such funds shall be reserved to carry out activities described in section 375; and

"(B) 1 percent of such funds shall be reserved to carry out activities described in section 376.".

SEC. 303. ALLOTMENT; FEDERAL SHARE.

(a) IN GENERAL.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by striking subsection (a) and inserting the following:

"(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

"(2) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under paragraph (1) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (3).

"(3)(A) No State shall be allotted less than ½ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

"(B) Guam and the United States Virgin Islands shall each be allotted not less than ¼ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

"(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/16 of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term "State" does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(D) No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States.

"(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

"(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.".

(b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended in the first sentence by striking "part B or C" and inserting "part B or C, or subpart 1 of part E,".

SEC. 304. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended by—

(1) in paragraph (1)(E), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears; and

(2) in paragraph (2)—

(A) in subparagraph (E) by striking "," and inserting "and older individuals residing in rural areas," after "low-income minority individuals";

(B) in subparagraph (G)(i) by inserting "and older individuals residing in rural areas" after "low-income minority older individuals"; and

(C) in subparagraph (G)(ii) by inserting "and older individuals residing in rural areas" after "low-income minority individuals".

SEC. 305. AREA PLANS.

(a) IN GENERAL.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" in each place it appears;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "section 307(a)(22)" and inserting "section 307(a)(2)";

(B) in subparagraph (B), by striking "services (homemaker" and all that follows through "maintenance, and" and inserting "services, including"; and

(C) in the matter following subparagraph (C), by striking "and specify annually in such plan, as submitted or as amended," and inserting "and assurances that the area agency on aging will report annually to the State agency";

(3) in paragraph (3)(A), by striking "paragraph (6)(E)(ii)" and inserting "paragraph (6)(C)";

(4)(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4);

(5) in paragraph (4)(A)(i) (as redesignated) by inserting "and older individuals residing in rural areas" after "low-income minority individuals";

(6) in paragraph (4)(A)(ii) (as redesignated) by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(7) in paragraph (4)(B)(i) (as redesignated) by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(8) in paragraph (4)(C) (as redesignated) by inserting "and older individuals residing in rural areas" after "low-income minority older individuals";

(9) by inserting after paragraph (4) (as redesignated by paragraph (3)) the following:

"(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities;";

(10) in paragraph (6)—

(A) by striking subparagraphs (A), (B), (G), (I), (J), (K), (L), (O), (P), (Q), (R), and (S);

(B) by redesignating subparagraphs (C), (D), (E), (F), (H), (M), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively;

(C) in subparagraph (C) (as redesignated by subparagraph (B)), by striking "or adults" and inserting ", assistance to older individuals caring for relatives who are children";

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by inserting "and older individuals residing in rural areas" after "minority individuals"; and

(E) in subparagraph (F) (as redesignated by subparagraph (B)), by adding "and" after the semicolon;

(11) by striking paragraphs (7) through (13) and inserting the following:

"(7) provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

"(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

"(B) involvement of long-term care providers in the coordination of such services; and

"(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;

"(8) provide that case management services provided under this title through the area agency on aging will—

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by a public agency or a nonprofit private agency that—

"(i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

"(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

"(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

"(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

"(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

"(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as 'older Native Americans'), including—

"(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

"(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

"(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and

"(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.";

(12) by redesignating paragraph (14) as paragraph (13);

(13) by inserting after paragraph (13) (as redesignated by paragraph (7)) the following:

"(14) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title; and

"(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title."; and

(14) by striking paragraphs (17) through (20).

(b) WAIVERS.—Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended—

(1) in paragraph (1), by striking "(1)" and inserting before the period "and had conducted a timely public hearing upon request"; and

(2) by striking paragraph (2).

SEC. 306. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

"(1) The plan shall—

"(A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 306; and

"(B) be based on such area plans.

"(2) The plan shall provide that the State agency will—

"(A) evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

"(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

"(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306(b) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

"(3) The plan shall—

"(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

"(B) with respect to services for older individuals residing in rural areas—

"(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

"(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

"(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

"(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities, with particular attention to low-income minority individuals and older individuals residing in rural areas.

"(5) The plan shall provide that the State agency will—

"(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

"(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

"(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316.";

(2) in paragraph (7), by striking subparagraph (C);

(3) by striking paragraphs (8) and (9) and inserting the following:

"(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

"(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

"(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

"(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

"(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

"(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.

"(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.";

(4) by striking paragraph (10) and inserting the following:

"(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.";

(5) by striking paragraphs (11), (12), (13), and (14);

(6) by redesignating paragraphs (15) and (16) as paragraphs (11) and (12), respectively;

(7) by striking paragraph (17);

(8) by redesignating paragraph (18) as paragraph (13);

(9) by striking paragraph (19);

(10) by redesignating paragraph (20) as paragraph (14);

(11) by striking paragraphs (21) and (22);

(12) by redesignating paragraphs (23), (24), (25), and (26) as paragraphs (15), (16), (17), and (18), respectively;

(13) in paragraph (16) (as redesignated by paragraph (12)), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(14) in paragraph (17) (as redesignated by paragraph (12)), by inserting "to enhance services" before "and develop collaborative programs";

(15) in paragraph (18) (as redesignated by paragraph (12)), by striking "section 306(a)(6)(I)" and inserting "section 306(a)(7)";

(16) by striking paragraphs (27), (28), (29), and (31);

(17) by redesignating paragraphs (30) and (32) as paragraphs (19) and (20), respectively;

(18) by striking paragraphs (33), (34), and (35) and inserting the following:

"(21) The plan shall—

"(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

"(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.";

(19) by redesignating paragraph (36) as paragraph (22);

(20) by striking paragraphs (37), (38), (39), (40), and (43);

(21) by redesignating paragraphs (41), (42), and (44) as paragraphs (23), (24), and (25), respectively; and

(22) by adding at the end the following:

"(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.".

SEC. 307. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking "in its plan under section 307(a)(13) regarding Part C of this title,"; and

(ii) by striking "30 percent" and inserting "40 percent";

(B) in subparagraph (B)—

(i) by striking "for fiscal year 1993, 1994, 1995, or 1996" and inserting "for any fiscal year"; and

(ii) by striking "to satisfy such need—" and all that follows and inserting "to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b)."; and

(C) by adding at the end the following:

"(C) A State's request for a waiver under subparagraph (B) shall—

"(i) be not more than 1 page in length;

"(ii) include a request that the waiver be granted;

"(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 40 percent referred to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and

"(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C."; and

(2) by striking paragraph (5) and inserting the following:

"(5)(A)Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

"(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.".

SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "(or to any tribal organization receiving a grant under title VI)" after "any State"; and

(ii) by inserting "(or funds used by such tribal organization)" before "for the delivery of supportive services";

(B) in paragraph (2), by inserting "and such tribal organizations" after "States"; and

(C) in paragraph (3), by inserting "or such tribal organization" after "State" each place it appears; and

(2) in subsections (b)(1) and (c), by inserting "and such tribal organizations" after "States".

SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in the section heading, by striking "AVAILABILITY OF SURPLUS COMMODITIES" and inserting "NUTRITION SERVICES INCENTIVE PROGRAM";

(2) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting before subsection (c) (as redesignated by paragraph (2)) the following:

"(a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

"(b)(1) The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

"(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.";

(4) in subsection (c) (as redesignated by paragraph (2)), by striking paragraph (4);

(5) in subsection (d) (as redesignated by paragraph (2)), by striking "Notwithstanding" through "election" and inserting "In any case in which a State elects to receive cash payments,";

(6) in subsection (d) (as redesignated by paragraph (2)), by adding at the end the following:

"(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection."; and

(7) by striking subsection (e) (as redesignated by paragraph (2)) and inserting the following:

"(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.

Part A of title III (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"SEC. 315. CONSUMER CONTRIBUTIONS.

"(a) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.

"(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

"(A) Information and assistance, outreach, benefits counseling, or case management services.

"(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

"(C) Congregate and home delivered meals.

"(D) Any services delivered through tribal organizations.

"(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

"(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

"(5) REQUIREMENTS.—If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—

"(A) protect the privacy and confidentiality of each older individual with respect to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

"(B) establish appropriate procedures to safeguard and account for cost share payments;

"(C) use each collected cost share payment to expand the service for which such payment was given;

"(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

"(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;

"(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

"(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).

"(6) WAIVER.—An area agency on aging may request a waiver to the State's cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—

"(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

"(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

"(b) VOLUNTARY CONTRIBUTIONS.—

"(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act provided that the method of solicitation is noncoercive.

"(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

"(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

"(4) REQUIRED ACTS.—The area agency on aging shall ensure that each service provider will—

"(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

"(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

"(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

"(D) establish appropriate procedures to safeguard and account for all contributions; and

"(E) use all collected contributions to expand the service for which the contributions were given.

"(c) PARTICIPATION.—

"(1) IN GENERAL.—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

"(2) Plans.—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income minority individuals and older individuals residing in rural areas) receiving services will not decrease with the implementation of the cost sharing under such subsection.

"(d) Evaluation.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals and older individuals residing in rural areas. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

"SEC. 316. WAIVERS.

"(a) In General.—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

"(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

"(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

"(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

"(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

"(b) Requirements Subject to Waiver.—The provisions of this title that may be waived under this section are—

"(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

"(2) any area plan requirement described in section 306(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

"(3) any State plan requirement described in section 307(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

"(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and

"(5) the requirement of section 309(c) that certain amounts of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).

"(c) Duration of Waiver.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

"(d) Reports to Secretary.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.".

SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or both" and inserting "and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals";

(B) in paragraph (4), by striking "or (D)" and all that follows and inserting "or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;";

(C) in paragraph (5), by striking "including" and all that follows and inserting the following: "including—

"(A) client assessment, case management services, and development and coordination of community services;

"(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

"(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;";

(D) in paragraph (12), by inserting before the semicolon the following: ", and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)";

(E) in paragraph (21), by striking "or";

(F) by inserting after paragraph (21) the following:

"(22) in-home services for frail older individuals, including individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306.";

(G) by redesignating paragraph (22) as paragraph (23); and

(H) in paragraph (23) (as redesignated by subparagraph (G)), by inserting "necessary for the general welfare of older individuals" before the semicolon; and

(2) by adding at the end the following:

"(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

"(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).".

SEC. 312. NUTRITION SERVICES.

(a) Repeal.—Subpart 3 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g–11 et seq.) is repealed.

(b) Redesignation.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by redesignating subpart 4 as subpart 3.

(c) Program Authorized.—Section 331(2) of the Older Americans Act of 1965 (42 U.S.C. 3030e(2)) is amended by inserting ", including adult day care facilities and multigenerational meal sites" before the semi-colon.

SEC. 313. NUTRITION REQUIREMENTS.

Subpart 4 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g-21) is amended by striking section 339 and inserting the following:

"SEC. 339. NUTRITION.

"A State that establishes and operates a nutrition project under this chapter shall—

"(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

"(2) ensure that the project—

"(A) provides meals that—

"(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

"(ii) provide to each participating older individual—

"(I) a minimum of 33 ⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides 1 meal per day,

"(II) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day, and

"(III) 100 percent of the allowances if the project provides 3 meals per day, and

"(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

"(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

"(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed, “(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

“(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

“(F) comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

“(G) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals,

“(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

“(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

“(J) provide for nutrition screening and, where appropriate, for nutrition education and counseling.

SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSISTANCE.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) by repealing parts D and E; and

(2) by redesignating part F as part D.

SEC. 315. DEFINITION.

Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is repealed.

SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) by repealing part G; and

(2) by inserting after part D (as redesignated by section 313(2)) the following:

“PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

“SEC. 371. SHORT TITLE.

“This part may be cited as the 'National Family Caregiver Support Act'.

“Subpart 1—Caregiver Support Program

“SEC. 372. DEFINITIONS.

“In this subpart:

“(1) CHILD.—The term 'child' means an individual who is not more than 18 years of age.

“(2) FAMILY CAREGIVER.—The term 'family caregiver' means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual.

“(3) GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.—The term 'grandparent or older individual who is a relative caregiver' means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and—

“(A) lives with the child;

“(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

“(C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.

“SEC. 373. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 307, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

“(1) for family caregivers; and

“(2) for grandparents or older individuals who are relative caregivers.

“(b) SUPPORT SERVICES.—The services provided, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include—

“(1) information to caregivers about available services;

“(2) assistance to caregivers in gaining access to the services;

“(3) individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

“(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

“(5) supplemental services, on a limited basis, to complement the care provided by caregivers.

“(c) POPULATION SERVED; PRIORITY.—

“(1) POPULATION SERVED.—Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

“(A) are described in paragraph (1) or (2) of subsection (a); and

“(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older individual who meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

“(2) PRIORITY.—In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as 'developmental disabilities').

“(d) COORDINATION WITH SERVICE PROVIDERS.—In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b).

“(e) QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.—

“(1) QUALITY STANDARDS AND MECHANISMS.—The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart.

“(2) DATA AND RECORDS.—The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

“(3) REPORTS.—The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured.

“(f) CAREGIVER ALLOTMENT.—

“(1) IN GENERAL.—

“(A) From sums appropriated under section 303(e) for fiscal years 2001 through 2005, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

“(B) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

“(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

“(2) MINIMUM ALLOTMENT.—

“(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

“(B)(i) Each State shall be allotted ½ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(ii) Guam and the Virgin Islands of the United States shall each be allotted ¼ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted 1⁄16 of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(C) For the purposes of subparagraph (B)(i), the term 'State' does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

“(g) AVAILABILITY OF FUNDS.—

“(1) USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided from State and local sources.

“(C) LIMITATION.—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

"SEC. 374. MAINTENANCE OF EFFORT.

"Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.

"Subpart 2—National Innovation Programs

"SEC. 375. INNOVATION GRANT PROGRAM.

"(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including low-income caregivers and geographically distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.

"(b) EVALUATION AND DISSEMINATION OF RESULTS.—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.

"(c) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.

"SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—The Assistant Secretary shall, directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through program evaluation, training, technical assistance, and research.

"(b) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of enactment of the Older Americans Act Amendments of 2000.".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. PROJECTS AND PROGRAMS

Title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended to read as follows:

"SEC. 401. PURPOSES.

"The purposes of this title are—

"(1) to expand the Nation's knowledge and understanding of the older population and the aging process;

"(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

"(3) to help meet the needs for trained personnel in the field of aging; and

"(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.

"PART A—GRANT PROGRAMS

"SEC. 411. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—

"(1) education and training to develop an adequately trained workforce to work with and on behalf of older individuals;

"(2) applied social research and analysis to improve access to and delivery of services for older individuals;

"(3) evaluation of the performance of the programs, activities, and services provided under this section;

"(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;

"(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;

"(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;

"(7) coordination with the designated State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;

"(8) the training of graduate level professionals specializing in the mental health needs of older individuals; and

"(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

"SEC. 412. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"SEC. 413. OLDER INDIVIDUALS' PROTECTION FROM VIOLENCE PROJECTS.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b).

"(b) ACTIVITIES.—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

"(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

"(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

"(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

"(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

"(c) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

"(d) COORDINATION.—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

"SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

"(a) AUTHORITY.—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health care needs of medically underserved older individuals residing in such areas.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

"(1) information describing the nature and extent of the applicant's—

"(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

"(B) coordination and cooperation with—

"(i) institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing such project; and

"(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

"(2) assurances that the applicant will carry out the project for which a grant is requested, through a multipurpose senior center located—

"(A)(i) in a rural area that has a population of less than 5,000; or

"(ii) in a county that has fewer than 7 individuals per square mile; and

"(B) in a State in which—

"(i) not less than 33⅓ of the population resides in rural areas; and

"(ii) not less than 5 percent of the population resides in counties with fewer than 7 individuals per square mile;

as defined by and determined in accordance with the most recent data available from the Bureau of the Census; and

"(3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

"(c) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

"SEC. 415. COMPUTER TRAINING.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information, may award grants or contracts to entities to provide computer training and enhanced Internet access for older individuals.

"(b) PRIORITY.—If the Assistant Secretary awards grants under subsection (a), the Assistant Secretary shall give priority to an entity that—

"(1) will provide services to older individuals living in rural areas;

"(2) has demonstrated expertise in providing computer training to older individuals; or

"(3) has demonstrated that it has a variety of training delivery methods, including facility-based, computer-based, and Internet-based training, that may facilitate a determination of the best method of training older individuals.

"(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Assistant Secretary shall give special consideration to applicants that have entered into a partnership with 1 or more private entities providing such applicants with donated information technologies including software, hardware, or training.

"(d) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

"(1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and

"(2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

"SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

"(b) USE OF FUNDS.—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

"(1) developing innovative approaches for improving access by older individuals to supportive services;

"(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

"(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

"(4) providing special services to link seniors to transportation services not provided under title III.

"SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

"(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

"(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

"(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

"(2) to evaluate the project in accordance with subsection (f).

"(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

"(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas).

"(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

"(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

"(f) LOCAL EVALUATION AND REPORT.—

"(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of such activities on older individuals involved in such project.

"(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the names and addresses of organizations that conducted the projects;

"(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

"(5) a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and

"(6) the rate of turnover of older individual employees and volunteers in the projects.

"(h) DEFINITION.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

"SEC. 418. NATIVE AMERICAN PROGRAMS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than 2 and not more than 4 eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

"(2) FUNCTIONS.—

"(A) IN GENERAL.—Each Resource Center that receives funds under this section shall—

"(i) gather information;

"(ii) perform research;

"(iii) provide for the dissemination of results of the research; and

"(iv) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

"(B) AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

"(i) health problems;

"(ii) long-term care, including in-home care;

"(iii) elder abuse; and

"(iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

"(3) PREFERENCE.—In awarding grants and entering into contracts under paragraph (1), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

“(4) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

“(5) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

“(6) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

“(b) TRAINING GRANTS.—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

“SEC. 419. MULTIDISCIPLINARY CENTERS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—The centers described in subsection (a) shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress.

“(2) MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in subsection (a) shall—

“(A) recruit and train personnel;

“(B) conduct basic and applied research toward the development of information related to aging;

“(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

“(D) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

“(E) serve as a repository of information and knowledge on aging;

“(F) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

“(G) if appropriate, provide information relating to assistive technology.

“(c) DATA.—

“(1) IN GENERAL.—Each center that receives a grant under subsection (a) shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

“(2) INFORMATION INCLUDED.—Such data described in paragraph (1) shall include—

“(A) information on the number of personnel trained;

“(B) information on the number of older individuals served;

“(C) information on the number of schools assisted; and

“(D) other information that will facilitate achieving the objectives of this section.

“SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants and enter into contracts, in order to—

“(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

“(A) case consultations;

“(B) training;

“(C) provision of substantive legal advice and assistance; and

“(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

“(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

“(b) ASSURANCES.—Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(11) are met.

“(c) ASSISTANCE.—To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit organizations experienced in providing support and technical assistance on a nationwide basis to States, area agencies on aging, legal assistance providers, ombudsmen, elder abuse prevention programs, and other organizations interested in the legal rights of older individuals.

“SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to not fewer than 3 and not more than 10 States to conduct demonstrations and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness, established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

“(b) REPORT.—The Assistant Secretary shall prepare and submit to Congress a report containing the results of the evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary determines to be appropriate.

“PART B—GENERAL PROVISIONS

“SEC. 431. PAYMENT OF GRANTS.

“(a) CONTRIBUTIONS.—To the extent the Assistant Secretary determines a contribution to be appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

“(b) PAYMENTS.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

“(c) CONSULTATION.—The Assistant Secretary shall make no grant or contract under this title in any State that has established or designated a State agency for purposes of title III unless the Assistant Secretary—

“(1) consults with the State agency prior to issuing the grant or contract; and

“(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

“SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

“(a) IN GENERAL.—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

“(A) for which funds were provided under this title; and

“(B) that was completed in the fiscal year for which such report is prepared.

“(2) CONTENTS.—Such report shall contain—

“(A) the name or descriptive title of each project or program;

“(B) the name and address of the individual or governmental entity that conducted such project or program;

“(C) a specification of the period throughout which such project or program was conducted;

“(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

“(E) an abstract describing the nature and operation of such project or program; and

“(F) a bibliography identifying all published information relating to such project or program.

“(c) EVALUATIONS.—

“(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

“(2) RESULTS.—The Assistant Secretary shall—

“(A) make available to the public the results of each evaluation carried out under paragraph (1); and

“(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.”.

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

“SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Older American Community Service Employment Act’.

“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

“(a)(1) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereinafter in this title referred to as the ‘Secretary’) is authorized to establish an older American community service employment program.

“(2) Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

“(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

“(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

“(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

“(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

“(C) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

“(D) will contribute to the general welfare of the community;

“(E) will provide employment for eligible individuals;

“(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

“(ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and

“(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

“(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

“(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

“(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

“(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—

“(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

“(ii) the State or local minimum wage for the most nearly comparable covered employment; or

“(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

“(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

“(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

“(M) will assure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

“(N)(i) will prepare an assessment of the participants’ skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

“(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and

“(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

“(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

“(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

“(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and

“(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantees, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.

“(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

“(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

“(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.

“(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any condition for an assessment and service strategy for an eligible individual under this title.

“(c)(1) The Secretary is authorized to pay a share, but not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is—

“(A) an emergency or disaster project; or

“(B) a project located in an economically depressed area;

as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

“(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

“(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

“(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

“(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

“(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

“(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

“(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

“(4) The costs of administration are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

“(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

“(i) accounting, budgeting, financial, and cash management functions;

“(ii) procurement and purchasing functions;

“(iii) property management functions;

“(iv) personnel management functions;

“(v) payroll functions;

“(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

“(vii) audit functions;

“(viii) general legal services functions; and

“(ix) developing systems and procedures, including information systems, required for these administrative functions.

“(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

“(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

“(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

“(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development, and operating costs of such systems.

“(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

“(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration shall be used to pay for the costs of programmatic activities, including—

“(i) enrollee wages and fringe benefits (including physical examinations);

“(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

“(iii) job placement assistance, including job development and job search assistance;

“(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

“(v) outreach, recruitment and selection, intake, orientation, and assessments.

“(B) Not less than 75 percent of the funds made available through a grant made under this title shall be used to pay wages and benefits for older individuals who are employed under projects carried out under this title.

“(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

“(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

“(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

“(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

“(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries in jobs reflecting new technological skills; and

“(C) require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.

“(f) The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection (e).

“SEC. 503. ADMINISTRATION.

“(a) STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—

“(1) GOVERNOR SUBMITS PLAN.—The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

“(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—

“(A) individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(B) individuals representing public and private nonprofit agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and

“(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, underserved older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

“(3) COMMENTS.—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

“(4) PLAN PROVISIONS.—The State Senior Employment Services Coordination Plan shall identify and address—

“(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

“(B) the relative distribution of individuals residing in rural and urban areas within the State;

“(C) the relative distribution of—

“(i) eligible individuals who are individuals with greatest economic need;

“(ii) eligible individuals who are minority individuals; and

“(iii) eligible individuals who are individuals with greatest social need;

“(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

“(E) the localities and populations for which community service projects of the type authorized by this title are most needed; and

“(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

“(5) GOVERNOR'S RECOMMENDATIONS ON GRANT PROPOSALS.—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

‘‘(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title within the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees within the State;

‘‘(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

‘‘(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

‘‘(6) DISRUPTIONS.—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

‘‘(7) DETERMINATION; REVIEW.—

‘‘(A) DETERMINATION.—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

‘‘(B) REVIEW.—The Secretary may review on the Secretary's own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

‘‘(8) EXEMPTION.—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

‘‘(b)(1) The Secretary of Labor and the Assistant Secretary shall coordinate the programs under this title and the programs under other titles of this Act to increase job opportunities available to older individuals.

‘‘(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

‘‘(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

‘‘(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

‘‘(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

‘‘(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

‘‘(f)(1) The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.

‘‘(2) Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.

‘‘(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

‘‘(4) Each grantee described in paragraph (2) shall keep records that—

‘‘(A) are sufficient to permit the preparation of reports required pursuant to this title;

‘‘(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

‘‘(C) contain any other information that the Secretary determines to be appropriate.

‘‘(g) The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services, pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.

“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.

‘‘(a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

‘‘(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

“SEC. 505. INTERAGENCY COOPERATION.

‘‘(a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.

‘‘(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

‘‘(c)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

‘‘(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

“SEC. 506. DISTRIBUTION OF ASSISTANCE.

‘‘(a) RESERVATIONS.—

‘‘(1) RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.—From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

‘‘(2) RESERVATION FOR TERRITORIES.—From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—

‘‘(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and

‘‘(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent.

‘‘(3) RESERVATION FOR ORGANIZATIONS.—The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.

"(b) State Allotments.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

"(c) Division Between National Grants and Grants to States.—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

"(1) Reservation of funds for fiscal year 2000 level of activities.—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

"(2) Funding in excess of fiscal year 2000 level of activities.—

"(A) Up to $35,000,000.—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of $35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(B) Over $35,000,000.—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(d) Allotments for National Grants.—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

"(1) Minimum allotment.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(2) Hold harmless.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(3) Reduction.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(e) Allotments for Grants to States.—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

"(1) Minimum allotment.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

"(2) Hold harmless.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

"(3) Reduction.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(f) Allotment Percentage.—For the purposes of subsections (d) and (e)—

"(1) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent, and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

"(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

"(3) for the purpose of determining the allotment percentage, the term 'United States' means the 50 States and the District of Columbia.

"(g) Definitions.—In this section:

"(1) Cost per authorized position.—The term 'cost per authorized position' means the sum of—

"(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

"(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

"(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

"(2) Fiscal year 2000 level of activities.—The term 'fiscal year 2000 level of activities' means—

"(A) with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(e); and

"(B) with respect to State grantees, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(f).

"(3) Grants to states.—The term 'grants to States' means grants under this title to the States from the Secretary.

"(4) Level of activities.—The term 'level of activities' means the number of authorized positions multiplied by the cost per authorized position.

"(5) National grants.—The term 'national grants' means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(6) State.—The term 'State' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

"SEC. 507. EQUITABLE DISTRIBUTION.

"(a) Interstate Allocation.—The Secretary, in awarding grants and contracts under section 506, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

"(b) Intrastate Allocation.—The amount allocated for projects within each State under section 506 shall be allocated among areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

"SEC. 508. REPORT.

"In order to carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

"SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

"Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

"SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

"Eligible individuals under this title may be deemed by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

“SEC. 511. TREATMENT OF ASSISTANCE.

‘‘Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

“SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.

‘‘(a) Partners.—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

‘‘(b) Coordination.—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

“SEC. 513. PERFORMANCE.

‘‘(a) Measures.—

‘‘(1) Establishment of measures.—The Secretary shall establish, in consultation with grantees, subgranteest, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

‘‘(2) Content.—

‘‘(A) Composition of measures.—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

‘‘(B) Adjustment.—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

‘‘(i) High rates of unemployment, poverty, or welfare recipiency in the areas served by a grantee, relative to other areas of the State or Nation.

‘‘(ii) Significant downturns in the areas served by the grantee or in the national economy.

‘‘(iii) Significant numbers or proportions of enrollees with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

‘‘(C) Placement.—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

‘‘(3) Performance evaluation of public or private nonprofit agencies and organizations.—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

‘‘(4) Performance evaluation of states.—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

‘‘(5) Limitation.—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

‘‘(b) Required Indicators.—The indicators described in subsection (a) shall include—

‘‘(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

‘‘(2) community services provided;

‘‘(3) placement into and retention in unsubsidized public or private employment;

‘‘(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

‘‘(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

‘‘(c) Definitions of Indicators.—

‘‘(1) In general.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

‘‘(2) Definitions of certain terms.—In this section:

‘‘(A) Placement into public or private unsubsidized employment.—The term ‘placement into public or private unsubsidized employment’ means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

‘‘(B) Retention in public or private unsubsidized employment.—The term ‘retention in public or private unsubsidized employment’ means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

‘‘(d) Corrective Efforts.—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve the established levels of performance.

“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.

‘‘(a) Program Authorized.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.

‘‘(b) Eligible Applicants.—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

‘‘(c) Criteria.—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

‘‘(1) The applicant's ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60.

‘‘(2) The applicant's ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

‘‘(3) The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

‘‘(4) The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

‘‘(5) The applicant's ability to coordinate with other organizations at the State and local level.

‘‘(6) The applicant's plan for fiscal management of the program to be administered with funds received under this section.

‘‘(7) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.

‘‘(d) Responsibility Tests.—

‘‘(1) In general.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

‘‘(2) Review.—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.

‘‘(3) Failure to satisfy test.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

‘‘(4) Test.—The responsibility tests include review of the following factors:

‘‘(A) Efforts by the organization to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

‘‘(B) Established fraud or criminal activity of a significant nature within the organization.

‘‘(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

‘‘(D) Willful obstruction of the audit process.

‘‘(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

‘‘(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

‘‘(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

‘‘(H) Failure to submit required reports.

‘‘(I) Failure to properly report and dispose of government property as instructed by the Secretary.

‘‘(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

‘‘(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

‘‘(L) Failure to audit a subrecipient within the required period.

‘‘(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

‘‘(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

‘‘(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

‘‘(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

‘‘(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

‘‘(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

‘‘(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

‘‘(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

‘‘(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

‘‘(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.

‘‘(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

‘‘(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

‘‘(A) IN GENERAL.—In addition to the actions required under paragraph (2), the Secretary shall take corrective action if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

‘‘(B) FIRST YEAR OF FAILURE.—After the first program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.

‘‘(C) SECOND YEAR OF FAILURE.—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

‘‘(D) THIRD YEAR OF FAILURE.—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

‘‘(4) REQUEST BY GOVERNOR.—Upon the request of the Governor of a State for a review of the performance of a public or private nonprofit agency or organization within the State, the Secretary shall undertake such a review in accordance with the criteria described in paragraph (3)(A). If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).

‘‘(f) PERFORMANCE MEASURES AND COMPETITION FOR STATES.—

‘‘(1) IN GENERAL.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State grantee has met the performance measures established pursuant to section 513(a)(4).

‘‘(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

‘‘(3) CONTENT.—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

‘‘(4) FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.—

‘‘(A) AFTER SECOND YEAR OF FAILURE.—If a State fails to meet the performance measures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

‘‘(B) AFTER THIRD YEAR OF FAILURE.—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.

‘‘SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

‘‘(a) There is authorized to be appropriated to carry out this title—

‘‘(1) $475,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

‘‘(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), ‘part-time employment position’ means an employment position within a workweek of at least 20 hours.

‘‘(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

‘‘(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

‘‘(1) incentive grants;

‘‘(2) technical assistance; or

‘‘(3) grants or contracts for any other program under this title.

‘‘SEC. 516. DEFINITIONS.

‘‘In this title:

‘‘(1) COMMUNITY SERVICE.—The term ‘community service’ means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe.

‘‘(2) ELIGIBLE INDIVIDUALS.—The term ‘eligible individuals’ means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty guidelines established by the Office of Management and Budget), except that, pursuant to regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

"(3) Pacific Island and Asian Americans.—The term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

"(4) Program.—The term 'program' means the older American community service employment program established under this title.".

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

SEC. 601. ELIGIBILITY.

Section 612 of the Older Americans Act of 1965 (42 U.S.C. 3057c) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only 1 grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.".

SEC. 602. APPLICATIONS.

Section 614 of the Older Americans Act of 1965 (42 U.S.C. 3057e) is amended—

(1) in subsection (b), by striking "certification" and inserting "approval"; and

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

"(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"SEC. 633. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) for parts A and B, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years; and

"(2) for part C, $5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.".

SEC. 604. GENERAL PROVISIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 631 through 633 as sections 641 through 643, respectively;

(3) by inserting after part B the following:

"PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

"SEC. 631. PROGRAM.

"(a) In General.—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

"(b) Requirements.—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.".

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended to read as follows:

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) Ombudsman Program.—There are authorized to be appropriated to carry out chapter 2, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

"(b) Prevention of Elder Abuse, Neglect, and Exploitation.—There are authorized to be appropriated to carry out chapter 3, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

"(c) Legal Assistance Development Program.—There are authorized to be appropriated to carry out chapter 4, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.".

SEC. 702. ALLOTMENT.

Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking "1991" each place it appears and inserting "2000".

SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.

Section 705(a) of the Older Americans Act of 1965 (42 U.S.C. 3058d(a)) is amended—

(1) in paragraph (4), by inserting "each of" after "carry out";

(2) in paragraph (6)(C)(iii), by striking the semicolon and inserting "; and";

(3) by striking paragraph (7);

(4) by redesignating paragraph (8) as paragraph (7); and

(5) in paragraph (7) (as redesignated by paragraph (3)), by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (6)".

SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a), in paragraph (5)(C)(ii), by inserting "and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves" after "interest"; and

(2) in subsection (h)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "(A) not later than 1 year after the date of enactment of this title, establish" and inserting "strengthen and update"; and

(II) in clause (iii), by striking "and";

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(iv) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;

(B) in paragraph (7), by striking "; and" and inserting a semicolon;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and".

SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "(including financial exploitation)" after "exploitation";

(B) in paragraph (2), by inserting ", State and local law enforcement systems, and courts of competent jurisdiction" after "service program"; and

(C) in paragraph (5), by inserting "including caregivers described in part E of title III," after "individuals,";

(2) in subsection (d)(8)—

(A) by inserting "State and local" after "consumer protection and"; and

(B) by inserting ", and services provided by agencies and courts of competent jurisdiction" before the period; and

(3) by adding at the end the following:

"(g) Study and Report.—

"(1) Study.—The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

"(2) Report.—Not later than 18 months after the date of enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—

"(A) the results of the study conducted under this subsection; and

"(B) recommendations for future actions to combat the financial exploitation of older individuals.".

SEC. 706. ASSISTANCE PROGRAMS.

Subtitle A of title VII of the Older Americans Act of 1965 (42 U.S.C 3058 et seq.) is amended by repealing chapters 4 and 5 and inserting the following:

"CHAPTER 4—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.

"A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—

"(1) State leadership in securing and maintaining the legal rights of older individuals;

"(2) State capacity for coordinating the provision of legal assistance;

"(3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

"(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

"(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

"(6) State capacity to improve the quality and quantity of legal services provided to older individuals.".

SEC. 707. NATIVE AMERICAN PROGRAMS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.".

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking "307(a)(12)" and inserting "307(a)(9)".

(b) TITLE II.—

(1) Section 201(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

(A) in subparagraph (C)(ii), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) in subparagraph (J), by striking "307(a)(12)" and inserting "307(a)(9)".

(2) Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking "paragraphs (2) and (5)(A) of section 306(a)" and inserting "paragraphs (2) and (4)(A) of section 306(a)"; and

(ii) in paragraph (26), by striking "sections 307(a)(18) and 731(b)(2)" and inserting "section 307(a)(13) and section 731";

(B) in subsection (c)—

(i) in paragraph (1), by striking "(c)(1)" and inserting "(c)"; and

(ii) by striking paragraph (2); and

(C) in subsection (e)(1)(A)—

(i) by striking clause (i) and inserting the following:

"(i) provide information about grants and projects under title IV;"; and

(ii) in clause (iv), by striking ", and the information provided by the Resource Centers on Native American Elders under section 429E".

(3) Section 205(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by striking "subparts 1, 2, and 3" and inserting "subparts 1 and 2".

(4) Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended by striking "307(a)(13)(J)" and inserting "339(2)(J)".

(c) TITLE III.—

(1) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "307(a)(12)" and inserting "307(a)(9)".

(2) Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(A) in subsection (d)(1)(B), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) by striking subsection (e).

(3) Section 305(a)(2)(F) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by striking "307(a)(24)" and inserting "307(a)(16)".

(4) Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended—

(A) in subsection (a), in paragraph (22) (as redesignated by section 305(19)), by striking "306(a)(20)" and inserting "306(a)(8)"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "(f)(1)" and inserting "(f)"; and

(ii) by striking paragraph (2).

(5) Section 321(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by striking "section 307(a)(16)" and inserting "section 307(a)(12)".

(d) TITLE VI.—Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

(e) TITLE VII.—

(1) Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

(A) in clause (i), by striking "section 702(a)" and inserting "section 702 and made available to carry out chapter 2"; and

(B) in clause (ii), by striking "section 702(b)" and inserting "section 702 and made available to carry out chapter 3".

(2) Section 712(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by striking "section 702(a)" and inserting "section 702 and made available to carry out this chapter".

(3) Section 721(a) of the Older Americans Act of 1965 (42 U.S.C. 3058i(a)) is amended by striking "section 702(b)" and inserting "section 702 and made available to carry out this chapter".

(4) Section 761(2) of the Older Americans Act of 1965 (42 U.S.C. 3058bb(2)) is amended by striking "chapter 2, 3, 4, or 5 of this title" and inserting "subtitle A".

(5) Section 762 of the Older Americans Act of 1965 (42 U.S.C. 3058cc) is amended, in the matter preceding paragraph (1), by striking "or an entity described in section 751(c)".

(6) Section 764(b) of the Older Americans Act of 1965 (42 U.S.C. 3058ee(b)) is amended by striking ", area agencies on aging, and entities described in section 751(c)" and inserting "and area agencies on aging".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over a year and a half ago, the gentleman from Nebraska (Mr. BARRETT) walked into my office and suggested that it was time that we reauthorize the Older Americans Act, and I immediately agreed.

The following week, we had breakfast with the gentleman from Missouri (Mr. CLAY), ranking member, and the gentleman from California (Mr. MARTINEZ); and they too agreed that passage of the act was warranted and long overdue.

Now we all said that, if we were going to be successful, we would have to do two things: one, always keep the best interest of seniors at the top of the list; and, two, work together.

From that moment forward, there has been no turning back. We held six hearings, including three in the field and three here in Washington. We heard from everybody, and I mean everybody, from the administration to State units on aging to area agencies on aging to local providers to volunteers and to the seniors themselves.

In other words, we heard, not just from the folks that run the programs, but also from those folks who were served by them.

Armed with their insight, experience, and expertise, we first sat down among ourselves and crafted H.R. 782, the Older Americans Act Amendments of 1999, which was favorably voice voted out of the Committee on Education and the Workforce last year.

Then this year, we sat down with our colleagues from the other body and crafted a bipartisan preconference agreement based on H.R. 782 and the Senate version, S. 1536. It is this proposal, the House and Senate bipartisan preconference agreement, that we will be voting on today.

This new agreement addresses everything from voluntary contributions, rural consideration, care giving, elder rights, disease prevention, and the senior employment program.

Now, let me just say that, if one still has doubts as to whether or not we really need to modernize this act, consider the following: one, the baby boom generation is graying; two, Americans are living longer; three, 44 million Americans are age 60 and older; and, four, the last time Congress passed this act was in 1992.

There is simply no doubt that some changes are needed. My colleagues will find there is no question that the Older Americans Act Amendments of 2000 does just that and does it in a bipartisan fashion benefiting all older Americans.

For instance, not only does this bill ensure flexibility and streamline the act services by reducing the number of programs and projects, but it protects essential programs like disease prevention, elder abuse aid and Meals on Wheels.

In addition, the bill consolidates and strengthens two existing programs into a new family caregiver program to provide grants to States for such services as counseling, training, support groups, respite care, informational assistance and supplemental services.

Today, approximately 4.4 million elderly persons are in need of long-term care assistance because they are not able to perform basic everyday tasks such as dressing, bathing, and eating. Over 7 million caregivers provide informal or unpaid care to them each week.

As a result, this particular program alone will enhance the quality of life for frail individuals and those who care for them, plus save taxpayer money in the long run by preventing and/or delaying a senior's admittance into a nursing home.

For example, a September 1998 report commissioned by the Alzheimer's Association found that increased use of respite care at mild and moderate stages of Alzheimer's has shown to delay nursing home placement significantly, a net savings of as much as $600 to $1,000 per week.

Delaying nursing home admissions for people with Alzheimer's disease by just one month could save at least $1.12 billion a year. Imagine the impact this new family caregiver program will have on the families that it assists and the money it will save when it comes to Medicare and Medicaid.

It is no wonder the Alzheimer's Association calls the bill's authorization for the family caregiver program a welcome breakthrough.

Finally, the bill also reforms the Senior Community Service Employment Program by instituting performance standards and accountability measures.

Mr. Speaker, I would like to take a moment and publicly thank the gentleman from Pennsylvania (Chairman GOODLING); the gentleman from Missouri (Mr. CLAY), ranking member; the gentleman from California (Mr. MARTINEZ); and the gentleman from Nebraska (Mr. BARRETT) for their leadership in bringing this bill to the floor. I thank them for their commitment to see this bill through. I would like to wish each of them well in their retirement. I am pleased that they can finish their outstanding tenure here in Congress with the passage of the Older Americans Act reauthorization.

I would like to end by saying that, for the first time in close to 8 years, Members have a chance today to vote for a bipartisan Older Americans Act, one that ensures flexibility, streamlines the services, improves the performance of the senior employment program, and includes a new family caregiver program. Do not miss out on this opportunity. Vote for the Older Americans Act Amendments of 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure today to rise in support of this bipartisan bill that reauthorizes the Older Americans Act. More than 30 years ago, Congress established this act to help older people live longer with dignity and independence in their communities.

By providing home-delivered meals, preventive health screening, community service employment, legal assistance and a host of other services, the Older Americans Act serves to improve the quality of life for our nation's elderly.

During past reauthorizations, Members of both sides of the aisle have come together in a bipartisan manner to strengthen services under the bill where the need existed.

In 1984, the Act was amended to require States to give particular attention to low-income minority elderly in providing services. Prior to enactment of this critical provision, there was repeated and regular neglect of minority seniors.

This bill continues to recognize that low-income minorities have the greatest social and economic need for services provided under the act. The bill also continues to provide meals, information and assistance, outreach, benefits counseling, case management, and other protective services to seniors without regard to income.

Finally, Mr. Speaker, the bill contains the President's National Family Caregiver Support program. This program provides training and support services to family members who care for frail elderly relatives. Millions of noninstitutionalized elderly persons have trouble with at least two of the activities of daily living.

The kind of home and community-based services promoted by the family caregiver support program helps to keep older persons independent in their own homes for a much longer time. As the number of seniors grows in the coming decades, this law will become increasingly vital.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Mr. MCKEON) and the gentleman from Nebraska (Mr. BARRETT) for the good work that they have done to bring this bill before us.

Without their efforts, we would not be, today, passing this piece of legislation. So I want to commend them, and I support the bill and urge all of our colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the balance of my time be controlled by the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extremely pleased to be here today. I will not be able to say any longer what I have said so many times that, for the first time in the history of the Congress, we passed a bipartisan bicameral bill when we passed IDEA, because I think we may have come close to that again, having a bipartisan bicameral bill.

As the gentleman from Missouri (Mr. CLAY), the ranking member indicated, this bill would not have gotten here if the gentleman from California (Mr. MCKEON) and the gentleman from Nebraska (Mr. BARRETT) had not been so constantly demanding that it get to the floor. It would not have gotten orchestrated at all if the staff and the minority and the majority, including the gentleman from California (Mr. MARTINEZ), had not worked so hard to try to bring a bill that could be accepted.

Well, it is very important to the seniors. I should say it is very important to we seniors since I will depend on this program after January 3 of next year. So, again, I thank the gentlemen and the gentlewomen for putting together this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4½ minutes to the gentleman from Nebraska (Mr. BARRETT), one of the driving forces.

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Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise with great pleasure in support of H.R. 782, the Older Americans Act Amendments of 2000. Today's consideration of H.R. 782 does bring to the floor a very solid, very significant bipartisan legislative accomplishment that is 5 long years overdue.

The Older Americans Act, or OAA, provides a framework for a variety of services that supports seniors by helping them stay safe and healthy and active members of their communities. Our seniors today are the real winners. Getting to this point has taken nearly 2 years of bipartisan and, yes, I say to the gentleman from Pennsylvania (Mr. GOODLING), bicameral effort. I am so grateful to my colleagues in the body who, along with me, took up the challenge.

As the subcommittee chairman, the gentleman from California (Mr. MCKEON), has already done and the gentleman from Pennsylvania (Mr. GOODLING) has done, I wish to thank the people that were primarily responsible for coming to this point today, especially the subcommittee chairman, the gentleman from California (Mr. MCKEON); the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING); and the ranking member of the full committee, the gentleman from Missouri (Mr. CLAY); as well as the gentleman from California

(Mr. MARTINEZ). Without their consistent good faith and hard work, we would never have been able to reach the compromises that we did to make the solid policy reforms that we have made in this reauthorization.

I also want to thank the excellent staff on both sides of the aisle and also the Congressional Research Service who advised us throughout this long laborious process.

I am very proud of H.R. 782's reforms. Let me summarize just a few of the policies that we have strengthened through the reauthorization. We made changes to allow local senior centers and area agencies on aging to make local decisions about meeting their communities' needs. This includes programs like congregate and home-delivered meals, subsidized rides and van service, homemaker and chore services, and a variety of social activities.

We have added a family caregiver program to serve thousands of families who commit time, support and money to care for their chronically ill loved ones who are at home.

We have included language to prohibit waste, fraud and abuse of any OAA programs or funds.

We have worked to better the needs of Native Americans by strengthening existing services and making tribal organizations eligible to participate in disaster relief services as well as the family caregiver program.

We have updated the State long-term care ombudsman program and services for the prevention of elder abuse. Because of this change, States and local senior centers will now be better equipped to meet the needs of seniors in long-term care facilities.

We have worked hard to reach compromise on the most contentious part of this bill, which is title V. Working with those in the field who know the bill the best, we came to a compromise that I think everyone can support.

We have made OAA programs more available for seniors in rural America, very important to me, by requiring programs to take into account how they serve rural areas and adding a project to address the challenges of long-term care in some of our more remote frontier counties.

Finally, along with the new rural provisions, we have extended existing language to ensure OAA programs are available for minority seniors. We have also authorized existing programs to support gerontology studies in Historically Black Colleges and Hispanic institutions.

These and a lot of other changes will make the Older Americans Act an even more valuable and adaptable tool to meet the needs of our seniors. For the good of every senior across the country who participates in meals programs, for the seniors taking advantage of 40 million subsidized rides, for the 100,000 seniors in subsidized employment, and for the millions of family caregivers, I ask each Member to join me in supporting reauthorization of the Older Americans Act. Every single senior in this country needs this bill, and they will not forget if we squander this opportunity.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ), who was the ranking member on the subcommittee as they put together this bipartisan-bicameral legislation.

Mr. MARTINEZ. Mr. Speaker, I started this bill as a Democrat, and I am finishing it as a Republican; but I think it does not matter because either way this is a bipartisan bill, and the issues before us that deal with the seniors have never been partisan. They have always been bipartisan.

In every Congress that I have served in the past 18 years, whenever we reauthorized the Older Americans Act, it was passed unanimously by the House and usually by the Senate also.

As the coauthor of this bill and the sponsor of the previous two reauthorizations of the Older Americans Act, I can truly say we can now say to our senior citizens that the security of the programs that are vital to them will not be jeopardized; but they, in fact, as the gentleman from Nebraska (Mr. Barrett) has laid out, will be enhanced.

I must give my highest praise to the tireless efforts of the chairman, the gentleman from Pennsylvania (Mr. GOODLING), in his work on this, and also my colleague, the gentleman from California (Mr. MCKEON), and the gentleman from North Carolina (Mr. BALLENGER), as well as our colleagues in the other body, Senators JEFFORDS, DEWINE, and KENNEDY for bringing the Older Americans Act of 2000 to the floor for this important vote.

There were also other people that worked on the periphery of this bill: the gentlewoman from Missouri (Mrs. EMERSON) was one of those who was very interested in making sure we got passed a bill that we could all support; the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Pennsylvania (Mr. GREENWOOD), as well as several others. There are too many to mention that really had as their earnest desire to see this bill passed and the Older Americans Act finally reauthorized.

This act is key to the programs that provide nutrition, care services, and information and family support to seniors all across this Nation. This particular act today is holding our programs more accountable than they have been in the past, and they have created the ability for seniors to obtain employment, created greater flexibility for streamlining the administration, and provided greater inclusion of seniors who are underserved by this program.

More importantly, the 2000 amendments creates a new family caregiver program to assist those who care for their frail and older family members. This was a great effort by the gentleman from North Carolina (Mr. BALLENGER) and myself to make sure this was included in the bill.

Mr. Speaker, as Americans, I have always believed that we owe a debt of gratitude to our seniors. They are the ones that have lead the way and paid their dues before we started to. As Members of the House, we must honor that debt and assist the seniors in their golden years by passing this Older Americans Act. It is the right thing to do, and it is the timely thing to do.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. As cofounder and cochairman of the Older Americans Caucus, I rise today in strong support of H.R. 782, the Older Americans Act Amendments of 2000, and would like to express my support for this most important piece of legislation.

America's population is aging, and more people are in need of special services and programs that provide them with opportunities to continue living healthy and productive lives. Recently, I met with the 50 State representatives of the Green Thumb Program. It was very inspiring to hear their success stories achieved as a result of the Older Americans Act. One gentleman was over 100 years old and still actively working.

After much work, dedication, and compromise, we have before us today legislation that amends and reauthorizes the Older Americans Act of 1965. Passage of this legislation will, among many other important things, enhance opportunities for seniors, while wisely using taxpayer dollars.

I especially commend the chairman of the committee and all who worked on this legislation for doing an excellent job.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), another member of the committee.

Mr. EHLERS. Mr. Speaker, it is a great pleasure to rise today to speak on behalf of this bill. We have struggled mightily with it in the Committee on Education and the Workforce. We have had substantial disagreements, but I am very pleased we have been able to resolve those disagreements and get this bill to the floor.

I continually hear from constituents about the importance of this bill and the activities that are carried out under the bill. It is something that they regard as very necessary, particularly for those who need assistance with meals. So I am very pleased that the bill is here.

I join with my colleagues who have spoken before. There is no need to repeat their words, but let me say that I associate myself with their comments, and I urge that we soon bring this bill to a vote and that we do pass this bill. I hope the Senate will do likewise.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to thank the gentleman from Missouri (Mr. CLAY) of the minority, I want to thank the gentleman from California (Mr. McKEON) and the gentleman from Nebraska (Mr. BARRETT) for their constant pressure to make sure that we got this completed, and the gentleman from California (Mr. MARTINEZ) for his effort to put this legislation together. Above all, I want to thank the unsung heroes, and they are always the people who stay day and night trying to make sure that we do the right thing as Members: staff Cindy Herrle; Lynn Selmser, who has been with me 942 years; Sally Lovejoy; Jo-Marie St. Martin; Erin Duncan, from the office of the gentleman from Nebraska (Mr. BARRETT); Karen Weiss from the office of the gentleman from California (Mr. McKEON); Mary Ellen Ardouny; Cheryl Johnson and Carol O'Shaughnessy from CRS. They played a leading role in making sure that we had this bipartisan-bicameral legislation before us today.

I ask all to support this legislation, Mr. Speaker, so we have a 100 percent vote on this important issue.

Ms. DEGETTE. Mr. Speaker, I am pleased to see that the House has finally seen fit to bring this important legislation to the floor. The seniors of our country have been waiting a long time for the valuable programs contained in this bill to be reauthorized.

While I will support passage of this bill, H.R. 782, I do so with great reluctance. Not because of what this bill does, but because of what it does not do. H.R. 782 does not recognize the changing demographics in our nation, and does not properly adjust the funding formula in Title III of the Older Americans Act. As a result, Colorado, along with other western and southern states, are being under-funded. This threatens our ability to meet the needs of our seniors.

I hope my colleagues understand that the funding formula for Title III of the Older Americans Act, which funds Supportive Services and Multipurpose Senior Centers, Nutrition Services including Congregate and Home Delivered Nutrition Programs (for example Meals on Wheels), Disease Prevention and Health Promotion Services Program, and the Family Caregiver Program, distributes funds in a manner that, according to the General Accounting Office, ". . . underfunds most states with above-average growth in their elderly populations, as compared with those states with below-average growth."

The formula we are about to vote on currently distributes 85 percent of the Older Americans Act total fiscal year 2000 grants for Title III based on how much funding each state received 13 years ago in 1987. Let me say that again, we are about to approve a formula that is based on 1987 population data. Only 15 percent of funds are actually distributed based on current population statistics. Therefore, funds are being distributed largely on where the elderly were over 13 years ago rather than where they are today. If this is what we want to call responsive government, then I think we are in trouble.

The General Accounting Office, in its report entitled "Title III, Older Americans Act: Administration on Aging Funding Method Underfunds High-Elderly-Growth States" released in June 2000, strongly recommends that the formula be amended by this Congress to more fairly distribute funds. Otherwise, as the report notes:

". . . the gap in funding per elderly person can be large. For example, Arizona's funding per elderly person is 33 percent less than Iowa's under the AOA method . . . AOA's distribution method underfunded 10 states by more than $1 million each in fiscal year 2000 (Arizona, California, Colorado, Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Texas and Virginia) and overfunded 7 others by more than $1 million (Illinois, Massachusetts, Missouri, New Jersey, New York, Ohio and Pennsylvania)."

It troubles me that this bill has been in committee throughout the 106th Congress and finally comes to the floor with such an inappropriate funding formula. This issue must be addressed. It is not fair to the seniors in Colorado, Nevada, Arizona, New Mexico, South Carolina, Florida, North Carolina, Texas, Georgia, Washington, Virginia, California, Oregon, Maryland, Tennessee, and Puerto Rico.

Because it does not appear that there is the desire to right this wrong today, I plan to introduce legislation in the 107th Congress that will correct this problem.

Mr. DEFAZIO. Mr. Speaker, I'm pleased to rise in strong support of H.R. 782, legislation reauthorizing and amending the Older Americans Act (OAA) and to commend my colleagues for their recent bipartisan efforts to bring this critically important legislation to the floor.

Last year, JO ANN EMERSON and I introduced H.R. 773 a bill to reauthorize the OAA. Our reauthorization bill received the bipartisan support of 233 cosponsors and was supported by all major seniors organizations and advocacy groups. Unfortunately, our efforts to reauthorize the OAA were stalled by the House Republican leadership, and an attempt was made to bring an OAA bill to the floor that was not supported by seniors groups.

In an effort to allow a vote on H.R. 773 this year, Representative MINGE and I filed a discharge petition, which to date has 191 signatures. I'm proud that these efforts, and grass roots activism has contributed to the compromise legislation on the floor today. This bill, H.R. 782, represents a bipartisan compromise that is supported by all the major seniors groups.

Throughout its 35 year history, the OAA has enjoyed strong bipartisan support. The OAA is the major vehicle for the delivery of social and nutrition services for older persons. However, the OAA has not been reauthorized since the program expired in 1995. Its programs continue to be funded, but without reauthorization the program's growing needs cannot be met. The typical recipients of Older Americans Act services are women over 75, living on a fixed and very limited income, who need daily help in preparing meals or weekly transportation to a doctor. People over age 75 represent the fastest growing segment of the American population. The primary goal and success of the community service programs, authorized by the OAA, has been to keep millions of frail older persons independent in their own homes as long as possible, avoiding premature institutionalization, and thus saving Medicare and Medicaid resources.

The OAA provides a wide range of home and community based services in every locality in the nation. These services include congregate and home delivered meals, in-home care, transportation assistance, elder abuse protection and adult day care. In addition the OAA authorizes funding for nursing home ombudsman services, senior employment programs, senior centers, legal assistance and counseling, and millions of hours of volunteer service by seniors for other seniors are provided. Waiting lists of frail elders in need of these community services exist in almost every town and city in the nation. H.R. 782 will help meet this critical need. I encourage all Members to vote in favor of this legislation.

Mrs. EMERSON. Mr. Speaker, I rise today in strong support of H.R. 782, reauthorization of the Older Americans Act (OAA). I'd like to commend Chairman BILL GOODLING, Chairman BUCK McKEON, Ranking Member BILL CLAY, and all the Members of the Education and Workforce Committee for their hard work on this important bill.

Mr. Speaker, after a lifetime of hard work, our retirement years should be the best years of our lives. All Americans should be able to look forward to their golden years as a time for new opportunities and to pursue new learning experiences—no matter what challenges aging may present. Most importantly, each of us should be able to enter into our retirement with the confidence and security that come with knowing that we will not be isolated or forgotten by our communities or government.

One of the simplest ways to ensure that all of these goals are met is to reauthorize the Older Americans Act. Unlike funding from many other federal government programs that pay for long term care, OAA funds allow seniors to age with dignity and respect. By linking seniors with a variety of existing federal, state, and local home and community based services, seniors now have the ability to remain in their own homes and communities as they grow older. Some of these services include home-delivered and congregate meals, transportation, employment services, chore and personal care, legal assistance, elder abuse protections, nursing home ombudsman, senior employment, adult day care, senior centers, legal assistance and counseling as well as many other unique programs. Even more importantly, this broad array of services is available in just about every community in the nation.

One of the most beneficial OAA programs in my district is the Senior Community Service Employment Program (SCSEP). This program is the nation's only employment and training program aimed exclusively at low-income older Americans. It serves over 90,000 low-income elderly persons every year, keeping them active and involved in their communities, not isolated at home. It provides them with the opportunity to make important contributions to their communities and to learn new skills, while enhancing their sense of dignity and self-esteem. I am very pleased that this bill allows groups like Greenthumb, just one group that helps to administer the SCESEP, to continue the wonderful job they've been doing in placing seniors in worthwhile employment positions. Greenthumb has been especially important to seniors in hard to reach areas—including rural areas like those in my district, and I am glad that H.R. 782 continues to support Greenthumb's important mission.

Our nation's seniors have given a lifetime of service. Reauthorizing the Older Americans Act allows us to give back to the seniors who have made our country what it is today, and I urge all my colleagues to support this important legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 782. This bipartisan, bicameral piece of legislation reauthorizes the Older Americans Act through fiscal year 2004, and makes a number of improvements to serve a rapidly expanding senior population.

I commend Chairman GOODLING and Representatives MCKEON, BARRETT, CLAY, and MARTINEZ for their hard work on reaching a compromise on this bill and would also like to applaud my colleague from Oregon, Congressman DEFAZIO.

I am particularly pleased H.R. 782 reauthorizes the senior nutrition programs originally authorized under the Older Americans Act. Specifically, under the legislation, states' flexibility to transfer funds between congregate and home-delivered nutrition programs and between supportive services and nutrition services programs is increased.

The congregate and home delivered meal programs address both the nutritional and social needs of many seniors. In point of fact, a 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy.

According to the study, participants in the program are among our most vulnerable population—they are older, poorer and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every federal dollar spent on congregate meals, other funding sources contribute $1.70.

Few programs can boast the importance to the elderly and overwhelming success of the elderly nutrition as senior nutrition programs. Because both the congregate and home delivered meal programs were authorized by the Older Americans Act, which expired at the end of FY 95, it is imperative this Congress pass a reauthorization bill.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services including meals and transportation provided by this important legislation.

Older Americans have also benefitted from research and demonstrations under the Act that enable policymakers to update services based on best practices, and senior community service employment that provide on-the-job training.

The Older Americans Act authorizes a wide array of service programs through a nationwide network of 57 state agencies on aging, 657 area agencies on aging and 25,000 service providers. Under the Older Americans Act, states receive funding for supportive services and senior centers, congregate and home-delivered meals, Department of Agriculture commodities or cash-in-lieu of commodities, preventative health services, and in-home services for the frail elderly.

These services are available to all seniors but are targeted to those with the greatest economic and social need, particularly low-income, minority seniors.

In addition, the Act authorizes services for transportation information and referral, home care, research and recreation, and grants for abuse prevention and outreach counseling.

There are few communities within the country where Older Americans Act programs do not exist, and the demands on the programs for the elderly are increasing.

Mr. Speaker, it would be irresponsible of this Congress to fail to reauthorize the Older Americans Act, and I urge my colleagues on both sides of the aisle to support this consensus legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 782, the Older Americans Act Amendments of 2000. The Older Americans Act is a critical source of funding for seniors that we have an opportunity to renew this year. Mr. Speaker, I can think of few pieces of this carefully crafted legislation that have such a tremendous impact on older Americans.

Since its enactment over thirty years ago, the Older Americans Act has enabled millions of older persons—especially those with disabilities—to remain independent and productive. Many of these individuals would have been institutionalized, were it not for the home and community-based services such as meals and transportation provided by this landmark legislation. Older persons have also benefited from research and demonstrations under this Act that enables policymakers to update services based on best practices, and senior community service employment that provides training for those who need the work.

This bill authorizes $1.6 billion in FY 2000 under the bill. The measure does more than reauthorize existing—albeit important programs. It establishes a new program to assist caregivers, and changes the distribution funds under the seniors employment program so that states would get a larger proportion of funds, and national organizations would get a smaller proportion, than they currently do. We only hope this provides states with adequate flexibility in administering OAA programs.

The bill provides $449 million in funding for the Senior Community Service Employment program, which provides employment opportunities for low-income seniors aged 55 and over. The legislation would gradually shift funds over a five-year period from national organizations to states, on a fixed percentage. The bill requires states, to the maximum extent possible, to ensure that no senior loses his or her job as a result of this shift in funding. I would not have supported this bipartisan provision within the bill if the AARP—one our nation's premier seniors' organizations—did not also strongly support this legislation as it is written.

H.R. 782 contains resources for a number of other important issues that are of great concern for seniors. The bill includes funding for $306 million for supportive services and senior centers; $382 million for congregate meals; another $114 million for much-needed home-delivered meals (the "meals on wheels" programs); $150 million for Agriculture Department funding; at least $125 million for family caregiver as noted above; and $12 million for the well-known ombudsman and elder abuse prevention program.

H.R. 782 deserves our support. We cannot adjourn for the 106th Congress without ensuring that seniors are adequately provided for. I urge my colleagues to vote in favor of this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 782, the reauthorization of the Older Americans Act.

I am pleased to see that this Congress has finally come together to reauthorize this vital legislation, after several years of failing to reach agreement and passing only annual appropriations to keep it going. The Older Americans Act is essential to this nation's older citizens. It funds a wide array of supportive services, including home care and ombudsman services for long-term care facility residents, a subsidized employment program, and provides new authority for a National Family Caregiver Support Program which will assist families who care for the frail elderly.

There is no question that as this nation's baby boomers age and as people are living longer, the challenges of aiding and providing for the elderly must be met. With the reauthorization of the Older Americans Act until 2005, Congress will ensure that the needs of our seniors will continue to be at the forefront.

I would also like to draw attention to one particular program being reauthorized in the Older Americans Act, the elderly nutrition program. This program provides over 240 million congregate and home-delivered meals to over 3 million older persons annually. Senior meal providers depend on the funding received through this program, yet the funding has remained static year after year. With the rising cost of meals and the increasing numbers of seniors dependent on meals, senior meal providers have been facing great hardships in meeting the needs of these seniors.

In response to this problem, I worked very hard with my colleague Mr. BOEHLERT to increase the funding for the USDA reimbursements provided through this elderly nutrition program. I am pleased to say that we successfully offered an amendment to the Department of Agriculture appropriations bill to increase these reimbursements. I would like to thank the conferees for paying attention to our amendment, and increasing the USDA reimbursements by $10 million over the amount originally funded. I hope that this increase will provide a measure of assistance to these senior meal providers who do so much for this nation's elderly, and I am pleased to support today's legislation as a continuation of the necessary and important effort to provide for our seniors.

Mr. MILLER of Florida. Mr. Speaker, back in April when this House originally was slated to vote on this matter, I came to this floor to denounce the draft of the Older Americans Act and to vote against it under suspension because I believed it was unfair to Florida. CLAY SHAW, CARRIE MEEK, BILL MCCOLLUM, and I and the rest of the entire delegation from Florida wrote to the authorizers to demand that the funding formula under Title III, the formula that distributes money for programs such as Meals on Wheels, be changed to reflect modern realities.

The draft of H.R. 782 used 1987 Census data to distribute money. We all know that there are more seniors in Florida today than there were in 1987. Our nation just spent over $6.5 billion to get the best Census data possible but this Congress would essentially ignore it by passing a 5 year reauthorization locking in 1987 data to the year 2003.

I want to thank Chairman GOODLING and Subcommittee Chairman MCKEON, and Mr. MARTINEZ and Mr. CLAY for their willingness to be flexible to the concerns raised by the Florida delegation. The art of compromise is important and is the result of hard work by many members on both sides of the aisles. This final version is not 100 percent of what I wanted, but it is much better for Florida than the status quo. As such, I want to thank them for their leadership in seeking to resolve questions.

The compromise applies to all new monies in Title III. The agreement would clarify that funds for Title III supportive and nutrition services be distributed to states based on the most recent U.S. Census Bureau population data (as compared to the current practice which allocates funds to states based, in part, on a 1987 "hold harmless" provision). But it also specifies that no state is to receive less than it received in FY2000, and that, when there is an increase in funding above the FY2000 level, every state is to receive at least a portion of such increase (at least 20 percent of my percentage increase in funds above the FY2000 level).

Beyond the Meals on Wheels program, I am excited about the other aspects of this program. This bill contains:

New flexibility and modernization to better serve this changing population while encouraging state innovation;

Notable and substantial reform of Title V of the Act, the Senior Community Service Employment Program (SCSEP).

Emphasis on ombudsman programs, and prevention of elder abuse, neglect and exploitation.

Authorization of a National Family Caregivers Support Program—offering support to family members, or other individuals who provide in-home and community care to older individuals. This may include information to caregiver about available services, assistance in gaining access to services, counseling, organization of support groups and caregiver training for problem solving. In addition, it is designed to offer respite care to caregivers.

Once again, I thank the Chairman for yielding and all his fine work on this legislation. This legislation is another senior friendly accomplishment of this Congress that will make an important difference in the lives of many seniors.

Mr. PAUL. Mr. Speaker, I am pleased to take this opportunity to express my opinion on the Older Americans Act Reauthorization (H.R. 782) and explain why I must vote against this bill. Of course, I support efforts to ensure America's senior citizens have access to employment, nutritional and other services; however the federal government is neither constitutionally authorized nor competent to provide such services.

Under the tenth amendment, the federal government is forbidden from interfering in areas such as providing employment and nutritional services to any group of citizens. Thus, when the federal government uses taxpayer funds to support these services, it is violating the constitution. In a constitutional republic, good intentions are no excuse for constitutional carelessness.

Furthermore, Mr. Speaker, by involving itself in these areas, the federal government has politicized the offering of these services as well as assured inefficiencies in their delivery—inefficiencies that would not be present if the federal government respected its constitutional limits and allowed states, local communities and private citizens to provide these vital services to seniors. For example, one of the most contentious areas of this bill is the funding that goes to private organization to provide employment services. Many of these organizations are involved in partisan politics, and, because money is fungible, the federal grants to these organizations make taxpayers de facto underwriters of their political activities. As Thomas Jefferson said: "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is both sinful and tyrannical." This "sinful and tyrannical" action is inevitable whenever Congress exceeds its constitutional limitations and abuses the taxing power by forcing citizens to support the charitable activities of congressionally-favored organizations. One reason for this is that federal funding encourages these organizations to become involved in lobbying in order to gain more federal support. These organizations may even form alliances with other advocacy groups in order to build greater support for their cause.

When social services are nationalized, there is inevitably waste and inefficiency in the distribution of the services. This is because when the government administers social services the lion's share of those services are provided to those with the most effective lobby or those whose Congressional representative is able to exercise the most clout at appropriations time. While I applaud the efforts of certain of my colleagues on the Education and Workforce Committee to direct resources to where they are truly needed, particularly Mr. Barrett's efforts to bring more resources to rural areas, the politicization of social services will inevitably result in some areas receiving inadequate funding to meet their demand for those services. I have little doubt that if these programs were restored to the private sector those areas with the greatest concentration of needy seniors would receive priority over those areas with the most powerful lobby.

There are ways to ensure that seniors have opportunities for productive lives without violating the constitution and politicizing charity. One way is to repeal the social security earnings limit, which punishes seniors who continue to work in the private sector. Another way is through generous tax credits and deductions for taxpayers who support charitable organization designed to provide services to individuals. Finally, the best way to aide the nation's seniors, and those who are about to be seniors, is to stop raiding the nation's social security system to finance other unconstitutional programs. This is why the first piece of legislation I introduced this year was The Social Security Preservation Act (H.R. 219), which would ensure that social security monies would be spent on social security. I was also a cosponsor of the legislation to end the earnings limit, which passed the House of Representatives this year. I am also cosponsoring several pieces of legislation to allow people to use more of their own resources to help the needy by expanding the charitable tax deduction.

Mr. Speaker, several years ago, when people still recognized their moral duty to voluntarily help their fellow humans rather than expect the government to coerce their fellow citizens to provide assistance through the welfare state, my parents were involved in a local Meals-on-Wheels program run by their church. I remember how upset they were when their local program was forced to conform to federal standards or close its program because Congress had decided to take control of delivering hot food to the elderly. It is time that this Congress return to the wisdom of the drafters of the Constitution and return responsibility for providing services to the nation's seniors to states, communities, churches, and other private organizations who can provide those services much more effectively and efficiently than the federal government.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 782, a bill to reauthorize and make amendments to the Older Americans Act. I urge my colleagues to join in lending their support to this essential legislation.

H.R. 782 reauthorizes the Older Americans Act through FY 2004. In doing so, it provides funds for the administration on aging, various native American programs for the elderly, important state and local programs for the elderly, like nutrition and family care-giver services, state run elder abuse prevention programs, and senior employment programs. All of these are vital services which are dependent upon congressional authorization and appropriating.

The legislation also seeks to improve services to the elderly through the establishment of an "aging network." Under this program, funding formulae will be changed so that a given state's portion is based directly upon its share of the senior population. At the same time, however, a funding floor is established, so that no state will see its funded amount drop below FY 2000 levels. Moreover, by accepting these funds, the states will have to provide a comprehensive plan to ensure that the needs of its rural elderly citizens are being addressed.

H.R. 782 further seeks to improve services available to the elderly through the creation of the national family care-giver support program. This program will aid families in caring for elderly parents or other relatives, as well as for grandparents who are forced to care for their grandchildren, an increasingly common phenomenon. The services available include: information on accessing services, counseling and support training, respite care and other supplemental assistance.

Moreover, Mr. Speaker, this bill authorizes $475 million for FY 2001 for the senior community service employment program, which assists low-income seniors in gaining employment and subsidizes those efforts.

As our population continues to age, it is vital that the Congress act to ensure that our senior citizens have access to adequate nutrition and increasingly, employment, services. Likewise, with many families opting to provide direct care for their elderly relatives, rather than relying on traditional nursing homes, we are finding that the Federal Government, along with the various states, can do much to facilitate their efforts.

This bill reauthorizing and amending the Older Americans Act is being considered at a critical moment. For this reason, and those outlined above, I urge my colleagues to hasten its adoption.

Mr. TIERNEY. Mr. Speaker, I rise today in support of H.R. 782, the Older Americans Act Amendments. The reauthorization of the Older Americans Act is five years overdue, and it is time for Congress to show its support for our nation's seniors by passing this important bipartisan legislation. I applaud the efforts of my colleagues in the Senate, particularly Senator KENNEDY, for making this bill, which is so important to our nations seniors, a legislative priority.

I think we can all agree that renewing our commitment to older Americans is an important legacy for the 106th Congress. The Older Americans Act includes crucial programs such as the elderly nutrition program, which provides 240 million meals to over 3 million older persons each year, as well as the Senior Community Service Employment Program, which provides part time employment opportunities in community service activities to low-income seniors. Both of these programs are instrumental in ensuring that older Americans enjoy their golden years without having to constantly worry about where their next meal will come from.

A key addition to the Older Americans Act in H.R. 782 is the National Family Caregiver Support Program. I was very pleased the Committee adopted the amendment I offered to boost the authorizing level of this program to $125 million. This funding level is vital. About 4.4 million people in the United States over the age of 65 require long-term care due to a functional disability. All too often the needs of older Americans and the family members that care for them create an undue burden on the quality of life of the entire family. This legislation would authorize $125 million to establish a new program that would provide grants to states for supporting the crucial role of family members in the care of their loved ones, by, for example, providing respite care and adult care to complement the care provided by family.

The National Family Caregiver Support Program is just one of the many initiatives in the Older Americans Act that promises to improve the lives of some of our nation's neediest and most neglected citizens. I urge my colleagues to stand with me in support of this important legislation. We owe it to our nation's seniors.

Mr. KIND. Mr. Speaker, I am pleased to rise in support of the Older Americans Act Amendments of 2000 (H.R. 782). It is impressive that during the waning days of Congress, we could reach a bipartisan, bicameral agreement on this important legislation.

Since its enactment more than thirty years ago, the Older Americans Act has enabled millions of older persons, especially those with disabilities, to remain independent and productive. Many of these individuals would have been institutionalized were it not for the home and community-based services such as meals and transportation provided by the landmark legislation. The nutrition programs, including Meals on Wheels, provided about 240 million congregate and home-delivered meals last year to more than three million of our nation's senior citizens. Older Americans have also benefited from the Senior Community Service Employment program that provides on-the-job-training for those who needs work.

As a member of the Committee on Education and the Workforce, I have worked diligently with my colleagues to reach a consensus on reauthorization, and this legislation before us addresses a number of critical issues. One of the biggest debates during committee consideration was funding for the Senior Community Service Employment program. H.R. 782 ensures that no state will receive less than it received in FY2000 and every state is guaranteed a certain percentage of any new money that is appropriate above the FY2000 level. In addition, no national organization, such as Green Thumb, will receive less than what is needed to match its effort in FY2000. Further, this legislation continues to target resources to the seniors who are most in need and ensures that funds are more equitably distributed between urban and rural areas.

The size of the elderly population will begin to dramatically increase in the next decade, putting greater demands on the time and energy of family caregivers. We need to explore ways to support our families when they are called upon to fill these vital roles. I am pleased that H.R. 782 includes the National Family Caregiver Support Program. Modeled after efforts begun in Wisconsin and elsewhere, it would provide grants to states for the following services: (1) information to caregivers about available services; (2) assistance to caregivers in gaining access to services; and (3) counseling and training to help families make decisions and solve problems related to their caregiving roles.

I know how important the Older Americans Act is to millions of seniors, particularly those in rural regions such as western Wisconsin. That is why I urge my colleagues to support this bipartisan legislation and demonstrate our continued commitment to our nation's seniors.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 782, the Older Americans Act Amendments.

The Older Americans Act has provided care and services to our nation's elderly population through many programs, including meals on wheels, congregate meals, home care, adult day care, senior centers, senior transportation, job training programs, a long term care ombudsman, and abuse prevention and elder rights.

In particular, this Member feels the National Family Caregiver Support Program is an important provision which aids families in caring for their elderly relatives, for grandparents caring for grandchildren and other related children. By providing care and extending the ability of an aging family member to stay at home, family caregivers reduce long-term costs to Medicaid. The ability to provide respite for those who care for an ailing family member has proven to reduce stress and burnout of these individuals who provide such an invaluable service to their family. Services provided through respite include information and assistance in gaining access to services, counseling, support and caregiver training, respite care, and additional supplemental services.

Mr. Speaker, this Member would like to thank my colleague from Nebraska, Mr. BARRETT, for introducing this important piece of legislation. It provides important services that many seniors rely on and this Member encourages my colleagues to support it.

Mr. LOBIONDO. Mr. Speaker, I rise today to congratulate all those who have worked so hard to make the reauthorization of the Older Americans Act (OAA) a reality. This authorization means more than just the mechanics of legislation. It is about senior citizens, and how their lives have been changed for the better by the successful federal, state and local partnerships that have prospered under the OAA.

OAA programs are critical to the long-term benefit of seniors. With the population of senior citizens about to skyrocket with the addition of the "baby boom" generation, OAA programs represent a cost-efficient and effective means to provide a community safety net for the elderly. The continuing popularity of Meals-on-Wheels and Green Thumb programs in states—which have been very successful in bringing isolated and idle elderly back into the community fold—are testimony to the continued need for a federal, state, and local partnership oriented to the care of senior citizens.

These are programs I have seen working at home in my Congressional district, located in Southern New Jersey. I have delivered meals to seniors and can tell you from personal experience that the looks on their faces, when we come to their door with a hot meal, is by itself reason enough to reauthorize the OAA. I have seen countless numbers of senior citizens in my district whose lives have been enriched by Green Thumb. In utilizing their ample skills and experience, we are giving seniors a renewed purpose in their lives by offering them a chance to re-join the workforce.

Mr. Speaker, the OAA is a federal program with two essential ingredients: cost-efficiency and a record of success. In short, OAA programs represent a safety net, and have kept seniors from sitting idle and becoming isolated from their community.

By reauthorizing the OAA, Congress will reaffirm its commitment to caring for our seniors and retirees. I am very pleased that this important program will continue to enrich and improve the quality of life of America's seniors.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 782, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMPUTER SECURITY ENHANCEMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2413) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Enhancement Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies by industry should be driven by market forces rather than by Government imposed requirements.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems; and

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems.

SEC. 3. VOLUNTARY STANDARDS FOR PUBLIC KEY MANAGEMENT INFRASTRUCTURE.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (8), and (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) upon request from the private sector, to assist in establishing voluntary interoperable standards, guidelines, and associated methods and techniques to facilitate and expedite the establishment of non-Federal management infrastructures for public keys that can be used to communicate with and conduct transactions with the Federal Government;".

SEC. 4. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)), as amended by section 3 of this Act, is further amended by inserting after paragraph (4), as so redesignated by section 3(1) of this Act, the following new paragraphs:

"(5) except for national security systems, as defined in section 5142 of Public Law 104–106 (40 U.S.C. 1452), to provide guidance and assistance to Federal agencies for protecting the security and privacy of sensitive information in interconnected Federal computer systems, including identification of significant risks thereto;

"(6) to promote compliance by Federal agencies with existing Federal computer information security and privacy guidelines;

"(7) in consultation with appropriate Federal agencies, assist Federal response efforts related to unauthorized access to Federal computer systems;".

SEC. 5. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In carrying out subsection (a)(2) and (3), the Institute shall—

"(A) emphasize the development of technology-neutral policy guidelines for computer security practices by the Federal agencies;

"(B) promote the use of commercially available products, which appear on the list required by paragraph (2), to provide for the security and privacy of sensitive information in Federal computer systems;

"(C) develop qualitative and quantitative measures appropriate for assessing the quality and effectiveness of information security and privacy programs at Federal agencies;

"(D) perform evaluations and tests at Federal agencies to assess existing information security and privacy programs;

"(E) promote development of accreditation procedures for Federal agencies based on the measures developed under subparagraph (C);

"(F) if requested, consult with and provide assistance to Federal agencies regarding the selection by agencies of security technologies and products and the implementation of security practices; and

"(G)(i) develop uniform testing procedures suitable for determining the conformance of commercially available security products to the guidelines and standards developed under subsection (a)(2) and (3);

"(ii) establish procedures for certification of private sector laboratories to perform the tests and evaluations of commercially available security products developed in accordance with clause (i); and

"(iii) promote the testing of commercially available security products for their conformance with guidelines and standards developed under subsection (a)(2) and (3).

"(2) The Institute shall maintain and make available to Federal agencies and to the public a list of commercially available security products that have been tested by private sector laboratories certified in accordance with procedures established under paragraph (1)(G)(ii), and that have been found to be in conformance with the guidelines and standards developed under subsection (a)(2) and (3).

"(3) The Institute shall annually transmit to the Congress, in an unclassified format, a report containing—

"(A) the findings of the evaluations and tests of Federal computer systems conducted under this section during the 12 months preceding the date of the report, including the frequency of the use of commercially available security products included on the list required by paragraph (2);

"(B) the planned evaluations and tests under this section for the 12 months following the date of the report; and

"(C) any recommendations by the Institute to Federal agencies resulting from the findings described in subparagraph (A), and the response by the agencies to those recommendations.".

SEC. 6. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 5 of this Act, the following new subsection:

"(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary in accordance with subsection (a)(4). The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

"(2) There are authorized to be appropriated to the Secretary $1,030,000 for fiscal year 2001 and $1,060,000 for fiscal year 2002 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.".

SEC. 7. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by adding at the end the following new subsection:

"(g) The Institute shall not promulgate, enforce, or otherwise adopt standards, or carry out activities or policies, for the Federal establishment of encryption standards required for use in computer systems other than Federal Government computer systems.".

SEC. 8. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended—

(1) in subsection (b)(9), as so redesignated by section 3(1) of this Act, by inserting "to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems" after "Management and Budget)";

(2) in subsection (e), as so redesignated by section 5(1) of this Act, by striking "shall draw upon" and inserting in lieu thereof "may draw upon";

(3) in subsection (e)(2), as so redesignated by section 5(1) of this Act, by striking "(b)(5)" and inserting in lieu thereof "(b)(8)"; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 5(1) of this Act, by inserting "and computer networks" after "computers".

SEC. 9. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (40 U.S.C. 759 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) to include emphasis on protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.".

SEC. 10. COMPUTER SECURITY FELLOWSHIP PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce $500,000 for fiscal year 2001 and $500,000 for fiscal year 2002 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

SEC. 11. STUDY OF PUBLIC KEY INFRASTRUCTURE BY THE NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of public key infrastructures for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support public key infrastructures;

(2) assess current public and private plans for the deployment of public key infrastructures;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of public key infrastructures;

(4) make recommendations for Federal legislation and other Federal actions required to ensure the national feasibility and utility of public key infrastructures; and

(5) address such other matters as the National Research Council considers relevant to the issues of public key infrastructure.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to public key infrastructures for use by individuals, businesses, and government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $450,000 for fiscal year 2001, to remain available until expended, for carrying out this section.

SEC. 12. PROMOTION OF NATIONAL INFORMATION SECURITY.

The Under Secretary of Commerce for Technology shall—

(1) promote an increased use of security techniques, such as risk assessment, and security tools, such as cryptography, to enhance the protection of the Nation's information infrastructure;

(2) establish a central repository of information for dissemination to the public to promote awareness of information security vulnerabilities and risks; and

(3) promote the development of the national, standards-based infrastructure needed to support government, commercial, and private uses of encryption technologies for confidentiality and authentication.

SEC. 13. ELECTRONIC AUTHENTICATION INFRASTRUCTURE.

(a) ELECTRONIC AUTHENTICATION INFRASTRUCTURE.—

(1) GUIDELINES AND STANDARDS.—Not later than 18 months after the date of the enactment of this Act, the Director, in consultation with industry and appropriate Federal agencies, shall develop electronic authentication infrastructure guidelines and standards for use by Federal agencies to assist those agencies to effectively select and utilize electronic authentication technologies in a manner that is—

(A) adequately secure to meet the needs of those agencies and their transaction partners; and

(B) interoperable, to the maximum extent possible.

(2) ELEMENTS.—The guidelines and standards developed under paragraph (1) shall include—

(A) protection profiles for cryptographic and noncryptographic methods of authenticating identity for electronic authentication products and services;

(B) a core set of interoperability specifications for the Federal acquisition of electronic authentication products and services; and

(C) validation criteria to enable Federal agencies to select cryptographic electronic authentication products and services appropriate to their needs.

(3) COORDINATION WITH NATIONAL POLICY PANEL.—The Director shall ensure that the development of guidelines and standards with respect to cryptographic electronic authentication products and services under this subsection is carried out in consultation with the National Policy Panel for Digital Signatures established under subsection (e).

(4) REVISIONS.—The Director shall periodically review the guidelines and standards developed under paragraph (1) and revise them as appropriate.

(b) LISTING OF VALIDATED PRODUCTS.—Not later than 30 months after the date of the enactment of this Act, and thereafter, the Director shall maintain and make available to Federal agencies and to the public a list of commercially available electronic authentication products, and other such products used by Federal agencies, evaluated as conforming with the guidelines and standards developed under subsection (a).

(c) SPECIFICATIONS FOR ELECTRONIC CERTIFICATION AND MANAGEMENT TECHNOLOGIES.—

(1) SPECIFICATIONS.—The Director shall, as appropriate, establish core specifications for particular electronic certification and management technologies, or their components, for use by Federal agencies.

(2) EVALUATION.—The Director shall advise Federal agencies on how to evaluate the conformance with the specifications established under paragraph (1) of electronic certification and management technologies, developed for use by Federal agencies or available for such use.

(3) MAINTENANCE OF LIST.—The Director shall maintain and make available to Federal agencies a list of electronic certification and management technologies evaluated as conforming to the specifications established under paragraph (1).

(d) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Director shall transmit to the Congress a report that includes—

(1) a description and analysis of the utilization by Federal agencies of electronic authentication technologies; and

(2) an evaluation of the extent to which Federal agencies' electronic authentication infrastructures conform to the guidelines and standards developed under subsection (a)(1).

(e) NATIONAL POLICY PANEL FOR DIGITAL SIGNATURES.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall establish a National Policy Panel for Digital Signatures. The Panel shall be composed of government, academic, and industry technical and legal experts on the implementation of digital signature technologies, State officials, including officials from States which have enacted laws recognizing the use of digital signatures, and representative individuals from the interested public.

(2) RESPONSIBILITIES.—The Panel shall serve as a forum for exploring all relevant factors associated with the development of a national digital signature infrastructure based on uniform guidelines and standards to enable the widespread availability and use of digital signature systems. The Panel shall develop—

(A) model practices and procedures for certification authorities to ensure the accuracy, reliability, and security of operations associated with issuing and managing digital certificates;

(B) guidelines and standards to ensure consistency among jurisdictions that license certification authorities; and

(C) audit procedures for certification authorities.

(3) COORDINATION.—The Panel shall coordinate its efforts with those of the Director under subsection (a).

(4) ADMINISTRATIVE SUPPORT.—The Under Secretary shall provide administrative support to enable the Panel to carry out its responsibilities.

(5) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall transmit to the Congress a report containing the recommendations of the Panel.

(f) DEFINITIONS.—For purposes of this section—

(1) the term "certification authorities" means issuers of digital certificates;

(2) the term "digital certificate" means an electronic document that binds an individual's identity to the individual's key;

(3) the term "digital signature" means a mathematically generated mark utilizing key cryptography techniques that is unique to both the signatory and the information signed;

(4) the term "digital signature infrastructure" means the software, hardware, and personnel resources, and the procedures, required to effectively utilize digital certificates and digital signatures;

(5) the term "electronic authentication" means cryptographic or noncryptographic methods of authenticating identity in an electronic communication;

(6) the term "electronic authentication infrastructure" means the software, hardware, and personnel resources, and the procedures, required to effectively utilize electronic authentication technologies;

(7) the term "electronic certification and management technologies" means computer systems, including associated personnel and procedures, that enable individuals to apply unique digital signatures to electronic information;

(8) the term "protection profile" means a list of security functions and associated assurance levels used to describe a product; and

(9) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

SEC. 14. SOURCE OF AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Commerce $7,000,000 for fiscal year 2001 and $8,000,000 for fiscal year 2002, for the National Institute of Standards and Technology to carry out activities authorized by this Act for which funds are not otherwise specifically authorized to be appropriated by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2413.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2413 updates the Computer Security Act of 1987 to improve computer security for Federal civilian agencies and the private sector. The Computer Security Act of 1987 gave authority over computer and communications security standards and Federal civilian agencies to NIST. The Computer Security Enhancement Act of 2000 strengthens that authority and directs funds to implement practices and procedures which will ensure that the Federal standards-setting process remains open to public input and analysis. When implemented, the bill will provide guidance and assistance on protection of electronic information to Federal civilian agencies.

Since 1993, the General Accounting Office has issued over 35 reports describing serious information security weaknesses at major Federal agencies. In 1999, the GAO reported that during the previous 2 years serious information security control weaknesses had been reported for most of the Federal agencies. Recently, the GAO gave the Federal Government an overall grade of D minus for its computer security efforts. Specifically, hearings held by the Committee on Science earlier this year identified information security leaks at the Department of Energy and the Federal Aviation Administration that threaten our Nation's safety, security, and economic well-being.

Much has changed in the years since the Computer Security Act of 1987 was enacted. The proliferation of networked systems, the Internet, and Web access are just a few of the dramatic advances in information technology that have occurred.

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The Computer Security Enhancement Act of 2000 addresses these changes, promotes the use of commercially available products, and encourages an open exchange of information between NIST and the private sector, all of which will help facilitate better security for Federal systems.

Finally, the legislation is technology neutral and is careful not to advocate any specific computer security or electronic authentication technology.

Mr. Speaker, while no single piece of legislation can fully protect our Federal civilian computer security systems, H.R. 2413 is a necessary step in the right direction. It has been unanimously supported by the Committee on Science and includes a number of provisions offered by the gentleman from Tennessee (Mr. GORDON); the gentlewoman from Maryland (Mrs. MORELLA), chair of the Subcommittee on Technology; the gentleman from Michigan (Mr. BARCIA), ranking member of that subcommittee; and the gentleman from California (Mr. KUYKENDALL), a member of the Cyber Security Leadership Team of the gentleman from Illinois (Mr. HASTERT).

I urge all my colleagues to support swift passage of this bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first, of course, like to compliment the gentleman from Michigan (Mr. BARCIA) and the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Tennessee (Mr. GORDON) and, of course, the chairman, the gentleman from Wisconsin (Chairman SENSENBRENNER), for their very hard work on this question of computer security.

I get asked about that so very much and so very often. This has been an important topic for this committee for 15 years or more and dating back to the committee at the time when Congressman Jack Brooks enacted the very first security computer law dealing with federally owned computers.

H.R. 2413 brings our computer security efforts into the Internet age by working to upgrade the security of unclassified Federal computer systems and networks. The computer world has changed dramatically since we wrote the original Computer Security Act in the mid-1980s. Then we were coping with a new set of problems brought about by the arrival of personal securities and the movement of computer security problems that move beyond the mainframe computers.

Now, with the arrival of the World Wide Web, attacks on government computers are far more difficult to detect and certainly come from anywhere in the world. So effective and coordinated Federal computer security is now more important than it has ever been before.

H.R. 2413 confirms the National Institute of Standards and Technology's lead role in setting policy guidelines and measuring the effectiveness of computer security practices in civilian agencies.

NIST is also authorized to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to promote compliance by Federal agencies with the existing computer information security and privacy guidelines and to assist other agencies in responding to unauthorized access to Federal computer systems.

Thanks to the leadership of the gentleman from Tennessee (Mr. GORDON), H.R. 2413 also will permit the Federal Government to advance e-commerce and e-government by providing for secure electronic authentication technologies.

Mr. Speaker, there has never been a time when so much of our lives have been documented by Federal computers. Veterans all across this country have the right to expect their medical records to be secure. Our seniors have to be able to depend on the security of the Social Security Administration's computers. The IRS must be able to protect our tax records from disclosure. Small businesses that deal with the government must have their records protected from potential competitors.

NIST has long been a leader in computer security, and it makes a lot of sense for NIST to share this expertise with other agencies. Therefore, I urge my colleagues to pass this important piece of legislation.

Mr. Speaker, the gentleman from Tennessee (Mr. GORDON), who is the ranking member on the Subcommittee on Space and Aeronautics, has been unbelievably supportive in the drawing and passing and bringing to this stage this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 2413.

The gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL) have already outlined the provisions of this bill.

I would like to take a couple of minutes to stress two points. First, the provisions of this bill are technologically neutral; and second, the bill would allow for strong private sector input in the development of good Federal computer security and authentication practices.

The bill that we have on the floor today is the result of 2 years of bipartisan work on the Committee on Science. The Committee on Science has held numerous hearings on these provisions, and we have incorporated constructive changes suggested by the industry and the administration.

The resulting legislation strengthens NIST's role in improving the computer security practices at Federal agencies. It also authorizes NIST to advise the agencies as needed on the deployment of electronic authentication technologies. These provisions ensure that the private sector has a strong voice in the development of electronic authentication policies considered by the Federal agencies and that agencies rely on commercially available products and service as much as possible.

The bill also makes clear that any Federal policies on computer security and electronic authentication practices by Federal agencies must be technologically neutral.

I again want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership on this issue and working closely with me on this legislation. We have both been motivated by the importance that we place on the broad issues of electronic security.

In addition, I want to thank Mike Quear and Jeff Grove on the Committee on Science and the staff of the Committee on Commerce on both sides for their work for perfecting this legislation.

This is a good bill representing sound policy. I urge my colleagues to support H.R. 2413.

Mrs. MORELLA. Mr. Speaker, over the last four years, the Technology subcommittee that I chair in the Science Committee has held several hearings on computer security and has reviewed H.R. 2413 in depth. Computer security continues to be an ongoing and challenging problem that demands the attention of the Congress, the Executive Branch, industry, academia, and the public.

The explosive growth in Electronic Commerce highlights the nation's ever increasing dependence upon the secure and reliable operation of our computer systems. Computer security, therefore, has a vital influence on our economic health and our nation's security, and that is why it is important that we pass H.R. 2413 here today.

H.R. 2413 authorizes $9 million in FY 2001 and $9.5 million in FY 2002 to the National Institute of Standards and Technology to: Promote the use of commercially available off-the-shelf security products by Federal agencies, an initiative strongly supported by the Information Technology Association of America and others; Increase privacy protection by giving an independent advisory board more responsibility and resources to review NIST's computer security efforts and make recommendations; Support the development of well trained workforce by creating a fellowship program in the field of computer security; Study the efforts of the Federal government to develop a secure, interoperable electronic infrastructure; and finally,—Establish an expert review team to assist agencies to identify and fix existing information security vulnerabilities.

I am proud of the important work NIST is doing in the area of computer security, and I am pleased H.R. 2413 provides additional resources and tools to assist in its efforts.

Located in Gaithersburg, Maryland, NIST plays a critical role to improve computer security for the Federal Government and the private sector. Under NIST's statutory federal responsibilities, it works to develop standards and guidelines for agencies to help protect their sensitive unclassified information systems.

Additionally, NIST works with the information technology (IT) industry and IT users in the private sector on computer security in support of its broad mission to strengthen the U.S. economy, and especially to improve the competitiveness of the U.S. information technology industry. In conducting its computer security efforts, NIST works closely with industry, Federal agencies, testing organizations, standards groups, academia, and private sector users.

Specifically, NIST works to improve the awareness of the need for computer security and conducts cutting-edge research on new technologies and their security implications and vulnerabilities. NIST works to develop security standards and specifications to help users specify security needs in their procurements and establish minimum-security requirements for Federal systems.

NIST develops and managers security-testing programs, in cooperation with private sector testing laboratories, to enable user to have confidence that a product meets a security specification. Finally, NIST produces security guidance to promote security planning, and secure system operations and administration.

I have already mentioned NIST's important role in standards development. NIST has long been active in developing Federal cryptographic standards and working in cooperation with private sector voluntary standards organizations in this area. Recently, NIST facilitated the worldwide competition to develop a new encryption technique that can be used to protect computerized information, know as the Advanced Encryption Standard (AES), which will serve 21st century security needs.

Another aspect of NIST's standards activities concerns Public Key and Key Management Infrastructures. The use of cryptographic services across networks requires the use of "certificates" that bind cryptographic keys and other security information to specific users or entities in the network. NIST has been actively involved in working with industry and the Federal government to promote the security and interoperability of such infrastures.

Mr. Speaker, a wide array of technology organizations and the Administration have recognized the need for H.R. 2413 and to protect our nation's information technology security. I urge my colleagues to stand with these organizations and myself to take this important step towards securing our computer data and resources from malicious attack. I urge passage of H.R. 2413.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for H.R. 2413, the Computer Security Enhancement Act of 2000. This bill reinforces the role of the National Institute of Standards and Technology (NIST) in ensuring the security and privacy of federal civilian computer systems, and promotes the use of technology solutions developed by the private sector. The measure affirms NIST's role as the lead agency for creating and maintaining standards for federal computer security and emphasizes the need for protecting sensitive information in federal databases and on publicly accessible government Web sites. The committee states that NIST should focus on security issues that have emerged with the rapid changes in computer technology since passage of the Computer Security Act of 1987.

The bill authorizes $7 million in FY 2001, and $8 million in FY 2002 for NIST to carry out the measure, not including funds otherwise specifically authorized.

This legislation comes in response to a 1999 General Accounting Office (GAO) report that stated that, during the previous two years, serious information security control weaknesses had been reported for most federal agencies, and GAO recently gave the federal government an overall grade of "D-minus" for its computer security efforts.

The Computer Security Act of 1987 (P.L. 100–235) gave authority over computer and communication security standards in federal civilian agencies to the National Institute of Standards and Technology (NIST). However, the Science Committee notes that there have been dramatic changes in computer technology since the 1987 Act, citing the proliferation of networked systems, the Internet and Web access.

The bill authorizes NIST to provide guidance and assistance—including risk identification—to Federal agencies in the protection of information technology infrastructure (except for national security systems); provide information on existing security and privacy guidelines to promote compliance by Federal agencies; and consult with agencies on incidences of unauthorized access to Federal computer systems. The bill instructs NIST to develop measures to assess the effectiveness of agencies' privacy programs, perform evaluations and promote accreditation procedures for agency information security programs. The bill also directs NISt to report annually to Congress on its evaluations of federal computer systems, the use of commercially available security products by agencies, evaluations planned for the next year and any recommendations resulting from past evaluations.

The bill requires NIST to work with the Computer System Security and Privacy Advisory Board in setting standards and guidelines for the security of federal computer systems and to include the board's recommendations in Commerce Department reviews of proposed standards, guidelines and regulations. The measure authorizes $1 million in each of FY 2001 and FY 2002 for the board to hold public meetings and publish reports and other relevant information on emerging computer security and cryptology issues. the board, made up of representatives from industry, federal agencies and outside experts, would report directly to the science committees in the House and Senate.

The measure prohibits NIST from creating or enforcing any standards or policies relating to computer systems outside the federal government.

I believe that this is an important step to take in our effort to encourage computer network security in the federal workplace.

However, I would advise that it is also important that the federal government develops and maintain an adequate supply of computer security professionals. We must be sure that those who are entrusted with the network security of our nation's interconnected computers are dedicated and well trained information and network security experts.

Far too often those who are assigned network administrative functions, must share that responsibility among other assigned task, which might take precedence over their computer system responsibilities. The computer system is not deemed a priority unless access to files and informational resources are denied, then the systems specialist is expected to respond quickly to address the problem and restore service. The responsibility of network security is to maintain the routine maintenance of the system, which is vital to the smooth overall functioning of a computer system.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2413, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL SCIENCE EDUCATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4271) to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Education Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) As concluded in the report of the Committee on Science of the House of Representatives, "Unlocking Our Future Toward a New National Science Policy", which was adopted by the House of Representatives, the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedoms of all people.

(2) It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The most fundamental research is responsible for investigating our perceived universe, to extend our observations to the outer limits of what our minds and methods can achieve, and to seek answers to questions that have never been asked before. Applied research continues the process by applying the answers from basic science to the problems faced by individuals, organizations, and governments in the everyday activities that make our lives more livable. The scientific-technological sector of our economy, which has driven our recent economic boom and led the United States to the longest period of prosperity in history, is fueled by the work and discoveries of the scientific community.

(3) The effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

(4) The education program of the United States needs to provide for 3 different kinds of intellectual capital. First, it needs scientists, mathematicians, and engineers to continue the research and development that are central to the economic growth of the United States. Second, it needs technologically proficient workers who are comfortable and capable dealing with the demands of a science-based, high-technology workplace. Last, it needs scientifically literate voters and consumers to make intelligent decisions about public policy.

(5) Student performance on the recent Third International Mathematics and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations. New methods of teaching science, mathematics, engineering, and technology are required, as well as better curricula and improved training of teachers.

(6) Science is more than a collection of facts, theories, and results. It is a process of inquiry built upon observations and data that leads to a way of knowing and explaining in logically derived concepts and theories. Mathematics is more than procedures to be memorized. It is a field that requires reasoning, understanding, and making connections in order to solve problems. Engineering is more than just designing and building. It is the process of making compromises to optimize design and assessing risks so that designs and products best solve a given problem. Technology is more than using computer applications, the Internet, and programming. Technology is the innovation, change, or modification of the natural environment, based on scientific, mathematical, and engineering principles.

(7) Students should learn science primarily by doing science. Science education ought to reflect the scientific process and be object-oriented, experiment-centered, and concept-based. Students should learn mathematics with understanding that numeric systems have intrinsic properties that can represent objects and systems in real life, and can be applied in solving problems. Engineering education should reflect the realities of real world design, and should involve hands-on projects and require students to make trade-offs based upon evidence. Students should learn technology as both a tool to solve other problems and as a process by which people adapt the natural world to suit their own purposes. Computers represent a particularly useful form of technology, enabling students and teachers to acquire data, model systems, visualize phenomena, communicate and organize information, and collaborate with others in powerful new ways. A background in the basics of information technology is essential for success in the modern workplace and the modern world.

(8) Children are naturally curious and inquisitive. To successfully tap into these innate qualities, education in science, mathematics, engineering, and technology must begin at an early age and continue throughout the entire school experience.

(9) Teachers provide the essential connection between students and the content they are learning. Prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, contains sufficient opportunities for advancement, and has continuing access to professional development.

(10) Teachers need to have incentives to remain in the classroom and improve their practice, and training of teachers is essential if the results are to be good. Teachers need to be knowledgeable of their content area, of their curriculum, of up-to-date research in teaching and learning, and of techniques that can be used to connect that information to their students in their classroom.

SEC. 3. ASSURANCE OF CONTINUED LOCAL CONTROL.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

SEC. 4. MASTER TEACHER GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director of the National Science Foundation shall conduct a grant program to make grants to a State or local educational agency, a private elementary or middle school, or a consortium of any combination of those entities, for the purpose of hiring a master teacher described in subsection (b).

(b) ELIGIBILITY.—In order to be eligible to receive a grant under this subsection, a State or local educational agency, private elementary or middle school, or consortium described in subsection (a) shall submit to the Director a description of the relationship the master teacher will have vis-a-vis other administrative and managerial staff and the State and local educational agency, the ratio of master teachers to other teachers, and the requirements for a master teacher of the State or local educational agency or school, including certification requirements and job responsibilities of the master teacher. Job responsibilities must include a discussion of any responsibility the master teacher will have for—

(1) development or implementation of science, mathematics, engineering, or technology curricula;

(2) in-classroom assistance;

(3) authority over hands-on inquiry materials, equipment, and supplies;

(4) mentoring other teachers or fulfilling any leadership role; and

(5) professional development, including training other master teachers or other teachers, or developing or implementing professional development programs.

(c) Assessment of Effectiveness.—The Director shall assess the effectiveness of activities carried out under this section.

(d) Funds.—

(1) Source.—Grants shall be made under this section out of funds available for the National Science Foundation for education and human resources activities.

(2) Authorization.—There are authorized to be appropriated to the National Science Foundation to carry out this section $50,000,000 for each of fiscal years 2001 through 2003.

SEC. 5. DEMONSTRATION PROGRAM AUTHORIZED.

(a) General Authority.—

(1) In general.—

(A) Grant program.—The Director of the National Science Foundation shall, subject to appropriations, carry out a demonstration project under which the Director awards grants in accordance with this section to eligible local educational agencies.

(B) Uses of funds.—A local educational agency that receives a grant under this section may use such grant funds to develop a program that builds or expands mathematics, science, and information technology curricula, to purchase equipment necessary to establish such program, and to provide professional development in such fields.

(2) Program requirements.—The program described in paragraph (1) shall—

(A) provide professional development specifically in information technology, mathematics, and science; and

(B) provide students with specialized training in mathematics, science, and information technology.

(b) Eligible Local Educational Agencies.—For purposes of this section, a local educational agency or consortium of local educational agencies is eligible to receive a grant under this section if the agency or consortium—

(1) provides assurances that it has executed conditional agreements with representatives of the private sector to provide services and funds described in subsection (c); and

(2) agrees to enter into an agreement with the Director to comply with the requirements of this section.

(c) Private Sector Participation.—The conditional agreements referred to in subsection (b)(1) shall describe participation by the private sector, including—

(1) the donation of computer hardware and software;

(2) the establishment of internship and mentoring opportunities for students who participate in the information technology program; and

(3) the donation of higher education scholarship funds for eligible students who have participated in the information technology program.

(d) Application.—

(1) In general.—To apply for a grant under this section, each eligible local educational agency or consortium of local educational agencies shall submit an application to the Director in accordance with guidelines established by the Director pursuant to paragraph (2).

(2) Guidelines.—

(A) Requirements.—The guidelines referred to in paragraph (1) shall require, at a minimum, that the application include—

(i) a description of proposed activities consistent with the uses of funds and program requirements under subsection (a)(1)(B) and (a)(2);

(ii) a description of the higher education scholarship program, including criteria for selection, duration of scholarship, number of scholarships to be awarded each year, and funding levels for scholarships; and

(iii) evidence of private sector participation and financial support to establish an internship, mentoring, and scholarship program.

(B) Guideline publication.—The Director shall issue and publish such guidelines not later than 6 months after the date of the enactment of this Act.

(3) Selection.—The Director shall select a local educational agency to receive an award under this section in accordance with subsection (e) and on the basis of merit to be determined after conducting a comprehensive review.

(e) Priority.—The Director shall give special priority in awarding grants under this section to eligible local educational agencies that—

(1) demonstrate the greatest ability to obtain commitments from representatives of the private sector to provide services and funds described under subsection (c); and

(2) demonstrate the greatest economic need.

(f) Assessment.—The Director shall assess the effectiveness of activities carried out under this section.

(g) Study and Report.—The Director—

(1) shall initiate an evaluative study of eligible students selected for scholarships pursuant to this section in order to measure the effectiveness of the demonstration program; and

(2) shall report the findings of the study to Congress not later than 4 years after the award of the first scholarship. Such report shall include the number of students graduating from an institution of higher education with a major in mathematics, science, or information technology and the number of students who find employment in such fields.

(h) Definition.—Except as otherwise provided, for purposes of this section, the term "eligible student" means a student enrolled in the 12th grade who—

(1) has participated in an information technology program established pursuant to this section;

(2) has demonstrated a commitment to pursue a career in information technology, mathematics, science, or engineering; and

(3) has attained high academic standing and maintains a grade point average of not less than 3.0 on a 4.0 scale for the last two years of secondary school (11th and 12th grades).

(i) Authorization of Appropriations.—There are authorized to be appropriated to the National Science Foundation to carry out this section, $3,000,000 for each of fiscal years 2001 through 2003.

(j) Maximum Grant Award.—An award made to an eligible local educational agency under this section may not exceed $300,000.

SEC. 6. DISSEMINATION OF INFORMATION ON REQUIRED COURSE OF STUDY FOR CAREERS IN SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

(a) In General.—The Director of the National Science Foundation shall, jointly with the Secretary of Education, compile and disseminate information (including through outreach, school counselor education, and visiting speakers) regarding—

(1) typical standard prerequisites for middle school and high school students who seek to enter a course of study at an institution of higher education in science, mathematics, engineering, or technology education for purposes of teaching in an elementary or secondary school; and

(2) the licensing requirements in each State for science, mathematics, engineering, or technology elementary or secondary school teachers.

(b) Authorization of Appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 7. REQUIREMENT TO CONDUCT STUDY EVALUATION.

(a) Study Required.—The Director of the National Science Foundation shall enter into an agreement with the National Academies of Sciences and Engineering under which the Academies shall review existing studies on the effectiveness of technology in the classroom on learning and student performance, using various measures of learning and teaching outcome including standardized tests of student achievement, and explore the feasibility of one or more methodological frameworks to be used in evaluations of technologies that have different purposes and are used by schools and school systems with diverse educational goals. The study evaluation shall include, to the extent available, information on the type of technology used in each classroom, the reason that such technology works, and the teacher training that is conducted in conjunction with the technology.

(b) Deadline for Completion.—The study evaluation required by subsection (a) shall be completed not later than one year after the date of the enactment of this Act.

(c) Definition of Technology.—In this section, the term "technology" has the meaning given that term in section 3113(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6813(11)).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the National Science Foundation for the purpose of conducting the study evaluation required by subsection (a), $600,000.

SEC. 8. TEACHER TECHNOLOGY PROFESSIONAL DEVELOPMENT.

(a) In General.—The Director of the National Science Foundation shall establish a grant program under which grants may be made to a State or local educational agency, a private elementary or middle school, or a consortium consisting of any combination of those entities for instruction of teachers for grades kindergarten through the 12th grade on the use of information technology in the classroom. Grants awarded under this section shall be used for training teachers to use—

(1) classroom technology, including hardware, software, communications technologies, and laboratory equipment; or

(2) specific technology for science, mathematics, engineering or technology instruction, including data acquisition, modeling, visualization, simulation, and numerical analysis.

(b) Authorization of Appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this section $10,000,000 for each of fiscal years 2001 through 2003.

SEC. 9. SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY BUSINESS EDUCATION CONFERENCE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation shall convene the first of an annual 3- to

5-day conference for kindergarten through the 12th grade science, mathematics, engineering, and technology education stakeholders, including—

(1) representatives from Federal, State, and local governments, private industries, private businesses, and professional organizations;

(2) educators;

(3) science, mathematics, engineering, and technology educational resource providers;

(4) students; and

(5) any other stakeholders the Director determines would provide useful participation in the conference.

(b) Purposes.—The purposes of the conference convened under subsection (a) shall be to—

(1) identify and gather information on existing science, mathematics, engineering, and technology education programs and resource providers, including information on distribution, partners, cost assessment, and derivation;

(2) determine the extent of any existing coordination between providers of curricular activities, initiatives, and units; and

(3) identify the common goals and differences among the participants at the conference.

(c) Report and Publication.—At the conclusion of the conference the Director of the National Science Foundation shall—

(1) transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the outcome and conclusions of the conference, including an inventory of curricular activities, initiatives, and units, the content of the conference, and strategies developed that will support partnerships and leverage resources; and

(2) ensure that a similar report is published and distributed as widely as possible to stakeholders in science, mathematics, engineering, and technology education.

(d) Authorization of Appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this section—

(1) $300,000 for fiscal year 2001; and

(2) $200,000 for each of fiscal years 2002 and 2003.

SEC. 10. GRANTS FOR DISTANCE LEARNING.

(a) In General.—The Director of the National Science Foundation may make competitive, merit-based awards to develop partnerships for distance learning of science, mathematics, engineering, and technology education to a State or local educational agency or to a private elementary, middle, or secondary school, under any grant program administered by the Director using funds appropriated to the National Science Foundation for activities in which distance learning is integrated into the education process in grades kindergarten through the 12th grade.

(b) Authorization of Appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 11. SCHOLARSHIPS TO PARTICIPATE IN CERTAIN RESEARCH ACTIVITIES.

(a) In General.—The President, acting through the National Science Foundation, shall provide scholarships to teachers at public and private schools in grades kindergarten through the 12th grade in order that such teachers may participate in research programs conducted at private entities or Federal or State government agencies. The purpose of such scholarships shall be to provide teachers with an opportunity to expand their knowledge of science, mathematics, engineering, technology, and research techniques.

(b) Requirements.—In order to be eligible to receive a scholarship under this section, a teacher described in subsection (a) shall be required to develop, in conjunction with the private entity or government agency at which the teacher will be participating in a research program, a proposal to be submitted to the President describing the types of research activities involved.

(c) Period of Program.—Participation in a research program in accordance with this section may be for a period of one academic year or two sequential summers.

(d) Use of Funds.—The Director may only use funds for purposes of this section for salaries of scholarship recipients, administrative expenses (including information dissemination, direct mailing, advertising, and direct staff costs for coordination and accounting services), expenses for conducting an orientation program, relocation expenses, and the expenses of conducting final selection interviews.

(e) Authorization of Appropriations.—There are authorized to be appropriated for the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 12. EDUCATIONAL TECHNOLOGY UTILIZATION EXTENSION ASSISTANCE.

(a) Purpose.—The purpose of this section is to improve the utilization of educational technologies in elementary and secondary education by creating an educational technology extension service based at undergraduate institutions of higher education.

(b) Findings.—The Congress finds the following:

(1) Extension services such as the Manufacturing Extension Partnership and the Agricultural Extension Service have proven to be effective public/private partnerships to integrate new technologies and to improve utilization of existing technologies by small to medium sized manufacturers and the United States agricultural community.

(2) Undergraduate institutions of higher education working with nonprofit organizations and State and Federal agencies can tailor educational technology extension programs to meet specific local and regional requirements.

(3) Undergraduate institutions of higher education, often with the assistance of the National Science Foundation, have for the past 20 years been integrating educational technologies into their curricula, and as such they can draw upon their own experiences to advise elementary and secondary school educators on ways to integrate a variety of educational technologies into the educational process.

(4) Many elementary and secondary school systems, particularly in rural and traditionally underserved areas, lack general information on the most effective methods to integrate their existing technology infrastructure, as well as new educational technology, into the educational process and curriculum.

(5) Most Federal and State educational technology programs have focused on acquiring educational technologies with less emphasis on the utilization of those technologies in the classroom and the training and infrastructural requirements needed to efficiently support those types of technologies. As a result, in many instances, the full potential of educational technology has not been realized.

(6) Our global economy is increasingly reliant on a workforce not only comfortable with technology, but also able to integrate rapid technological changes into the production process. As such, in order to remain competitive in a global economy, it is imperative that we maintain a work-ready labor force.

(7) According to "Teacher Quality: A Report on the Preparation and Qualifications of Public School Teachers", prepared by the Department of Education, only one in five teachers felt they were well prepared to work in a modern classroom.

(8) The most common form of professional development for teachers continues to be workshops that typically last no more than one day and have little relevance to teachers' work in the classroom.

(9) A 1998 national survey completed by the Department of Education found that only 19 percent of teachers had been formally mentored by another teacher, and that 70 percent of these teachers felt that this collaboration was very helpful to their teaching.

(c) Program Authorized.—

(1) General authority.—The Director of the National Science Foundation, in cooperation with the Secretary of Education and the Director of the National Institute of Standards and Technology, is authorized to provide assistance for the creation and support of regional centers for the utilization of educational technologies (hereinafter in this section referred to as "ETU Centers").

(2) Functions of centers.—

(A) Establishment.—ETU Centers may be established at any institution of higher education, but such centers may include the participation of nonprofit entities, organizations, or groups thereof.

(B) Objectives of centers.—The objective of the ETU Centers is to enhance the utilization of educational technologies in elementary and secondary education through—

(i) advising elementary and secondary school administrators, school boards, and teachers on the adoption and utilization of new educational technologies and the utility of local schools' existing educational technology assets and infrastructure;

(ii) participation of individuals from the private sector, universities, State and local governments, and other Federal agencies;

(iii) active dissemination of technical and management information about the use of educational technologies; and

(iv) utilization, where appropriate, of the expertise and capabilities that exist in Federal laboratories and Federal agencies.

(C) Activities of centers.—The activities of the ETU Centers shall include the following:

(i) The active transfer and dissemination of research findings and ETU Center expertise to local school authorities, including school administrators, school boards, and teachers.

(ii) The training of teachers in the integration of local schools existing educational technology infrastructure into their instructional design.

(iii) The training and advising of teachers, administrators, and school board members in the acquisition, utilization, and support of educational technologies.

(iv) Support services to teachers, administrators, and school board members as agreed upon by ETU Center representatives and local school authorities.

(v) The advising of teachers, administrators, and school board members on current skill set standards employed by private industry.

(3) PROGRAM ADMINISTRATION.—

(A) PROPOSED RULES.—The Director of the National Science Foundation, after consultation with the Secretary of Education and the Director of the National Institute of Standards and Technology, shall publish in the Federal Register, within 90 days after the date of the enactment of this section, proposed rules for the program for establishing ETU Centers, including—

(i) a description of the program;

(ii) the procedures to be followed by applicants;

(iii) the criteria for determining qualified applicants; and

(iv) the criteria, including those listed in this section, for choosing recipients of financial assistance under this section from among qualified applicants.

(B) FINAL RULES.—The Director of the National Science Foundation shall publish final rules for the program under this section after the expiration of a 30-day comment period on such proposed rules.

(4) ELIGIBILITY AND SELECTION.—

(A) APPLICATIONS REQUIRED.—Any undergraduate institution of higher education, consortium of such institutions, nonprofit organizations, or groups thereof may submit an application for financial support under this section in accordance with the procedures established under this section. In order to receive assistance under this section, an applicant shall provide adequate assurances that the applicant will contribute 50 percent or more of the proposed Center's capital and annual operating and maintenance costs.

(B) SELECTION.—The Director of the National Science Foundation, in conjunction with the Secretary of Education and the Director of the National Institute of Standards and Technology, shall subject each application to competitive, merit review. In making a decision whether to approve such application and provide financial support under this section, the Director of the National Science Foundation shall consider at a minimum—

(i) the merits of the application, particularly those portions of the application regarding the adaption of training and educational technologies to the needs of particular regions;

(ii) the quality of service to be provided;

(iii) the geographical diversity and extent of service area, with particular emphasis on rural and traditionally underdeveloped areas; and

(iv) the percentage of funding and amount of in-kind commitment from other sources.

(C) EVALUATION.—Each ETU Center which receives financial assistance under this section shall be evaluated during its 3d year of operation by an evaluation panel appointed by the Director of the National Science Foundation. Each evaluation panel shall measure the involved Center's performance against the objectives specified in this section. Funding for an ETU Center shall not be renewed unless the evaluation is positive.

SEC. 13. INTERAGENCY COORDINATION OF SCIENCE EDUCATION PROGRAMS.

(a) INTERAGENCY COORDINATION COMMITTEE.—

(1) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an interagency committee to coordinate Federal programs in support of science and mathematics education at the elementary and secondary level.

(2) MEMBERSHIP.—The membership of the committee shall consist of the heads, or designees, of the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the Department of Education, and other Federal departments and agencies that have programs directed toward support of elementary and secondary science and mathematics education.

(3) FUNCTIONS.—The committee shall—

(A) prepare a catalog of Federal research, development, demonstration and other programs designed to improve elementary and secondary science or mathematics education, including for each program a summary of its goals and the kinds of activities supported, a summary of accomplishments (including evidence of effectiveness in improving student learning), the funding level, and, for grant programs, the eligibility requirements and the selection process for awards;

(B) review the programs identified under subparagraph (A) in order to—

(i) determine the relative funding levels among support for—

(I) teacher professional development;

(II) curricular materials;

(III) improved classroom teaching practices;

(IV) applications of computers and related information technologies; and

(V) other major categories of activities;

(ii) assess whether the balance among kinds of activities as determined under clause (i) is appropriate and whether unnecessary duplication or overlap among programs exists;

(iii) assess the degree to which the programs assist the efforts of State and local school systems to implement standards-based reform of science and mathematics education, and group the programs in the categories of high, moderate, and low relevance for assisting standards-based reform;

(iv) for grant programs, identify ways to simplify the application procedures and requirements and to achieve greater conformity among the procedures and requirements of the agencies; and

(v) evaluate the adequacy of the assessment procedures used by the departments and agencies to determine whether the goals and objectives of programs are being achieved, and identify the best practices identified from the evaluation for assessment of program effectiveness; and

(C) monitor the implementation of the plan developed under subsection (c) and provide to the Director of the Office of Science and Technology Policy its findings and recommendations for modifications to that plan.

(b) EXTERNAL REVIEW.—The Director of the National Science Foundation shall enter into an agreement with the National Research Council to conduct an independent review of programs as described in subsection (a)(3)(B) and to develop findings and recommendations. The findings and recommendations from the National Research Council review of programs shall be reported to the Director of the Office of Science and Technology Policy and to the Congress.

(c) EDUCATION PLAN.—

(1) PLAN CONTENTS.—On the basis of the findings of the review carried out in accordance with subsection (a)(3)(B) and taking into consideration the findings and recommendations of the National Research Council in accordance with subsection (b), the Director of the Office of Science and Technology Policy shall prepare a plan for Federal elementary and secondary science and mathematics education programs which shall include—

(A) a strategy to increase the effectiveness of Federal programs to assist the efforts of State and local school systems to implement standards-based reform of elementary and secondary science and mathematics education;

(B) a coordinated approach for identifying best practices for the use of computers and related information technologies in classroom instruction;

(C) the recommended balance for Federal resource allocation among the major types of activities supported, including projected funding allocations for each major activity broken out by department and agency;

(D) identification of effective Federal programs that have made measurable contributions to achieving standards-based science and mathematics education reform;

(E) recommendations to the departments and agencies for actions needed to increase uniformity across the Federal Government for application procedures and requirements for grant awards for support of elementary and secondary science and mathematics education; and

(F) dissemination procedures for replicating results from effective programs, particularly best practices for classroom instruction.

(2) CONSULTATION.—The Director shall consult with academic, State, industry, and other appropriate entities engaged in efforts to reform science and mathematics education as necessary and appropriate for preparing the plan under paragraph (1).

(d) REPORTS.—

(1) INITIAL REPORT.—The Director of the Office of Science and Technology Policy shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, a report which—

(A) includes the plan described in subsection (c)(1);

(B) in accordance with subsection (c)(1)(C), describes, for each department and agency represented on the committee established under subsection (a)(1), appropriate levels of Federal funding;

(C) includes the catalog prepared under subsection (a)(3)(A);

(D) includes the findings from the review required under subsection (a)(3)(B)(iii);

(E) includes the findings and recommendations of the National Research Council developed under subsection (b); and

(F) describes the procedures used by each department and agency represented on the committee to assess the effectiveness of its education programs.

(2) ANNUAL UPDATES.—The Director of the Office of Science and Technology Policy shall submit to the Congress an annual update, at the time of the President's annual budget request, of the report submitted under paragraph (1), which shall include, for each department and agency represented on the committee, appropriate levels of Federal funding for the fiscal year during which the report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies.

SEC. 14. SCIENCE, MATHEMATICS, AND ENGINEERING SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director of the National Science Foundation is authorized to establish a scholarship program to assist graduates of baccalaureate degree programs in science, mathematics or engineering, or individuals pursuing degrees in those fields, to fulfill the academic requirements necessary to become certified as elementary or secondary school teachers.

(b) SCHOLARSHIP AMOUNT AND DURATION.—Each scholarship provided under subsection (a) shall be in the amount of $5,000 and shall cover a period of 1 year.

(c) Requirements.—

(1) Eligibility.—Undergraduate students majoring in science, mathematics, or engineering who are within one academic year of completion of degree requirements, and individuals who have received degrees in such fields, are eligible to receive scholarships under the program established by subsection (a).

(2) Guidelines, procedures, and criteria.—The Director shall establish and publish application and selection guidelines, procedures, and criteria for the scholarship program.

(3) Requirements for applications.—Each application for a scholarship shall include a plan specifying the course of study that will allow the applicant to fulfill the academic requirements for obtaining a teaching certificate during the scholarship period.

(4) Work requirement.—As a condition of acceptance of a scholarship under this section, a recipient shall agree to work as an elementary or secondary school teacher for a minimum of two years following certification as such a teacher or to repay the amount of the scholarship to the National Science Foundation.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the National Science Foundation to carry out this section $5,000,000 for each of fiscal years 2001, 2002, and 2003.

SEC. 15. GO GIRL GRANTS.

(a) Short Title.—This section may be cited as the "Getting Our Girls Ready for the 21st Century Act (Go Girl Act)".

(b) Findings.—Congress finds the following:

(1) Women have historically been underrepresented in mathematics, science, and technology occupations.

(2) Female students take fewer high-level mathematics and science courses in high school than male students.

(3) Female students take far fewer advanced computer classes and tend to take only the basic data entry and word processing classes compared to courses that male students take.

(4) Female students earn fewer bachelors, masters, and doctoral degrees in mathematics, science, and technology than male students.

(5) Early career exploration is key to choosing a career.

(6) Teachers' attitudes, methods of teaching, and classroom atmosphere affect females' interest in nontraditional fields.

(7) Stereotypes about appropriate careers for females, a lack of female role models, and a lack of basic career information significantly deters girls' interest in mathematics, science, and technology careers.

(8) Females consistently rate themselves significantly lower than males in computer ability.

(9) By the year 2000, 65 percent of all jobs will require technological skills.

(10) Limited access is a hurdle faced by females seeking jobs in mathematics, science, and technology.

(11) Common recruitment and hiring practices make extensive use of traditional networks that often overlook females.

(c) Program Authority.—

(1) In general.—The Director of the National Science Foundation is authorized to provide grants to and enter into contracts or cooperative agreements with local educational agencies and institutions of higher education to encourage the ongoing interest of girls in science, mathematics, and technology and to prepare girls to pursue undergraduate and graduate degrees and careers in science, mathematics, or technology.

(2) Application.—

(A) In general.—To be eligible to receive a grant under this section, a local educational agency or institution of higher education shall submit an application to the Director at such time, in such form, and containing such information as the Director may reasonably require.

(B) Contents.—The application referred to in subparagraph (A) shall contain, at a minimum, the following:

(i) A specific program description, including the content of the program and the research and models used to design the program.

(ii) A description of how an eligible entity will provide for collaboration between elementary and secondary school programs to fulfill goals of the grant program.

(iii) An explanation regarding the recruitment and selection of participants.

(iv) A description of the instructional and motivational activities planned to be used.

(v) An evaluation plan.

(d) Uses of Funds for Elementary School Program.—Under grants awarded pursuant to subsection (c), funds may be used for the following:

(1) Encouraging girls in grades 4 and higher to enjoy and pursue studies in science, mathematics, and technology.

(2) Acquainting girls in grades 4 and higher with careers in science, mathematics, and technology.

(3) Educating the parents of girls in grades 4 and higher about the difficulties faced by girls to maintain an interest and desire to achieve in science, mathematics, and technology and enlisting the help of the parents in overcoming these difficulties.

(4) Tutoring in reading, science, mathematics, and technology.

(5) Mentoring relationships, both in-person and through the Internet.

(6) Paying the costs of attending events and academic programs in science, mathematics, and technology.

(7) After-school activities designed to encourage the interest of girls in grades 4 and higher in science, mathematics, and technology.

(8) Summer programs designed to encourage interest in and develop skills in science, mathematics, and technology.

(9) Purchasing software designed for girls, or designed to encourage girls' interest in science, mathematics, and technology.

(10) Field trips to locations that educate and encourage girls' interest in science, mathematics, and technology.

(11) Field trips to locations that acquaint girls with careers in science, mathematics, and technology.

(12) Purchasing and disseminating information to parents of girls in grades 4 and higher that will help parents to encourage their daughters' interest in science, mathematics, and technology.

(e) Uses of Funds for Secondary School Program.—Under grants awarded pursuant to subsection (c), funds may be used for the following:

(1) Encouraging girls in grades 9 and higher to major in science, mathematics, and technology in a postsecondary institution.

(2) Providing academic advice and assistance in high school course selection.

(3) Encouraging girls in grades 9 and higher to plan for careers in science, mathematics, and technology.

(4) Educating the parents of girls in grades 9 and higher about the difficulties faced by girls to maintain an interest and desire to achieve in science, mathematics, and technology and enlist the help of the parents in overcoming these difficulties.

(5) Tutoring in science, mathematics, and technology.

(6) Mentoring relationships, both in-person and through the Internet.

(7) Paying the costs of attending events and academic programs in science, mathematics, and technology.

(8) Paying 50 percent of the cost of an internship in science, mathematics, or technology.

(9) After-school activities designed to encourage the interest of girls in grades 9 and higher in science, mathematics, and technology, including the cost of that portion of a staff salary to supervise these activities.

(10) Summer programs designed to encourage interest in and develop skills in science, mathematics, and technology.

(11) Purchasing software designed for girls, or designed to encourage girls' interest in science, mathematics, and technology.

(12) Field trips to locations that educate and encourage girls' interest in science, mathematics, and technology.

(13) Field trips to locations that acquaint girls with careers in science, mathematics, and technology.

(14) Visits to institutions of higher education to acquaint girls with college-level programs in science, mathematics, or technology, and to meet with educators and female college students who will encourage them to pursue degrees in science, mathematics, and technology.

(f) Definition.—In this section the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), except that in the case of Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico, the term "local educational agency" shall be deemed to mean the State educational agency.

SEC. 16. GRANT FOR LEARNING COMMUNITY CONSORTIUM FOR ADVANCEMENT OF WOMEN, MINORITIES, AND PERSONS WITH DISABILITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY.

The Director of the National Science Foundation may, through a competitive, merit-based process, provide to a consortium composed of community colleges a grant in an amount not more than $11,000,000 for the purpose of carrying out a pilot project to provide support to encourage women, minorities, and persons with disabilities to enter and complete programs in science, engineering, and technology.

SEC. 17. USE OF FUNDS FOR PROVIDING RELEASE TIME AND OTHER INCENTIVES.

A recipient of a grant under section 4 or 8 may use funds received through such grant for expenses related to leave from work (consistent with State law and contractual obligations), and other incentives, to permit and encourage full-time teachers to participate in—

(1) professional development activities relating to the use of technology in education; and

(2) the development, demonstration, and evaluation of applications of technology in elementary and secondary education.

SEC. 18. SCIENCE TEACHER EDUCATION.

(a) Program Authorized.—The Director of the National Science Foundation may establish a program to improve the undergraduate education and in-service professional development of science and mathematics teachers in elementary and secondary schools. Under the program, competitive awards shall be made on the basis of merit to institutions of higher education that offer baccalaureate degrees in education, science and mathematics.

(b) PURPOSE OF AWARDS.—Awards made under subsection (a) shall be for developing—

(1) courses and curricular materials for—

(A) the preparation of undergraduate students pursuing education degrees who intend to serve in elementary or secondary schools as science or mathematics teachers; or

(B) the professional development of science and mathematics teachers serving in elementary and secondary schools; and

(2) educational materials and instructional techniques incorporating innovative uses of information technology.

(c) REQUIREMENTS.—The Director shall establish and publish application and selection guidelines, procedures, and criteria for the program established by subsection (a). Proposals for awards under the program shall involve collaborations of education, mathematics, and science faculty and include a plan for a continued collaboration beyond the period of the award. In making awards under this section, the Director shall consider—

(1) the degree to which courses and materials proposed to be developed in accordance with subsection (b) combine content knowledge and pedagogical techniques that are consistent with hands-on, inquiry-based teaching, are aligned with established national science or mathematics standards, and are based on validated education research findings; and

(2) evidence of a strong commitment by the administrative heads of the schools and departments, whose faculty are involved in preparing a proposal to the program, to provide appropriate rewards and incentives to encourage continued faculty participation in the collaborative activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,000,000 for each of fiscal years 2001 through 2003.

SEC. 19. DEFINITIONS.

In this Act:

(1) The terms "local educational agency" and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "institution of higher education" has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. Hall) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4271.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4271 is the product of a 2-year effort by the Committee to examine the disappointing state of K–12 math and science education in the United States.

As we are all aware, too many American students are entering the workforce with an inadequate foundation in math and science. This bill is an effective start toward implementing math and science education so that we may break the cycle of low achievement in these important disciplines.

H.R. 4271, introduced by the gentleman from Michigan (Mr. EHLERS), vice chairman of the Committee on Science, addresses the problem by focusing on teachers. The bill would authorize several creative programs to provide teachers with the tools they need to excel in the classroom.

For example, the bill provides for technology training specifically for teachers. Unfortunately, it is currently the case that many teachers lack sufficient training in the use of technology in the classroom. Additionally, these teachers often lose when administrators are forced to choose to dedicate funds between teacher training and hardware and software for students.

The bill authorizes the program just for teachers so that they will have the opportunity to secure this training. In addition, the bill incorporates the input of many Members on both sides of the aisle.

I am pleased that the House is considering the bill today that brings together so many positive ideas that will help America's students.

I want to thank the gentleman from Michigan (Mr. EHLERS) for all his hard work in producing a bill that deserves strong bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 4271, the National Science Education Act. This is a bipartisan bill that incorporate ideas from Members on both sides of the aisle. It has widespread support from science educators and support from the industry.

H.R. 4271 is focused on a problem of great importance to the future of the Nation, that is, improvement of science, math, and technology education in elementary and secondary schools.

The important role of science education to our future well-being is widely understood. An informed citizenry and a full pipeline of future scientists and engineers will depend on the quality of science and math education.

I want to congratulate the gentleman from Wisconsin (Chairman SENSENBRENNER) for his efforts to move the bill forward for floor consideration today. I also want to acknowledge the gentleman from Michigan (Mr. EHLERS), the vice chairman of the Committee, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking Democratic member of the Subcommittee on Basic Research, for all of their hard work on conducting the series of committee hearings that have provided the basis for this bill and on development of this legislation.

The programs established by H.R. 4271 will address serious deficiencies in preparation and professional development of K–12 science and math teachers. The bill will provide new partnerships between schools and businesses to encourage greater student interest in science and in technology. And the bill will help to develop more effective curricular materials, including the exploration of ways to deploy education technologies more effectively.

Mr. Speaker, I believe the programs authorized by the National Science Foundation by H.R. 4271 will go a long way to improve K–12 science education in all of our schools. There is no more important goal to ensure the Nation's future prosperity and well-being.

I commend the measure to the House and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the author of this bill.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, we have a major national problem. We have a booming economy which arose out of developments in science and technology, and we are all enjoying the fruits of that economic boom. At the same time, we do not have the workforce to manage the boom and to keep it going.

There are several evidences of that. Number one, compared to other developed countries, we are at the bottom or near to the bottom in terms of the mathematics and science education student achievements of our high school graduates.

The second point: if my colleagues would visit the graduate schools of science and engineering in this Nation, they will find that over half of the graduate students are from other countries, because our students cannot compete with those students from other countries.

Another factor is that every year the science and technology industry comes to us and says, will you please allow more immigrants into our Nation with the scientific and technological capability to fill the need that we have. And just 2 weeks ago we approved a bill to allow another 200,000 immigrants into this Nation to fill that need.

We have 365,000 open scientific and technical jobs in the United States, and we do not have people qualified to fill those jobs.

We must either allow those from other countries in, or employers will move the jobs offshore to take advantage of the people there.

We have to address this problem. If we want to continue to enjoy the fruits of this economic boom, we have to produce students and adults who are educated in science and math. And I am not talking just about scientists and engineers. Today they need to know high school physics and algebra in order to get a job as a mechanic in a major auto service shop. And this applies to most jobs in society today. We must have better training in science and technology for our students.

This bill is an attempt to do that. The need for this was demonstrated in the Science Policy Statement that I developed with the help of the gentleman from Wisconsin (Mr. SENSENBRENNER) 2 years ago and which was adopted by the Committee on Science and by the full House. We have conducted further hearings during the past 2 years to examine this educational need, consider solutions, and arrive at a bill that would actually meet and solve the problem.

In addition to that, the Glenn Commission, which was appointed by the Secretary of Education, has been meeting for 2 years, and just a few weeks ago released its report. Its recommendations parallel almost exactly what we are trying to do in this bill and some companion bills that have been introduced.

We must have a knowledgeable and well-prepared teacher in every classroom. That is the effort of this bill, to provide training for those teachers already in the classroom who have not received adequate math and science training in their college or university work, and bill will provide opportunities to educate them.

Let me make it clear, I am not faulting the teachers for the problem. In every classroom I visited, and I have been in many in my lifetime, teachers are eager to teach math and science properly; but they have not been given the proper training or background, and they desperately want it. Through this bill, we have provided ways for them to have that training.

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In addition, this bill provides for a master teacher program, under which grants would be given to schools. These schools could use those funds to hire teachers who would have, in addition to their teaching responsibilities which are assigned by the school, other responsibilities to deal with equipment maintenance, instruction of teachers, in-service training of teachers, maintenance of equipment, outlining curricula, perhaps developing curricula and acquainting the teachers with all of the ramifications of it.

This master teacher program is a key part of the bill. It has been the most widely applauded portion of the bill.

In addition to that, the bill contains a teacher scholarship program so that teachers will be able to go elsewhere and benefit from work experience or scientific research in laboratories, in businesses or in other ways. They are professionals, and they need the opportunity to follow their professional programs and ideals.

We have also included some other bills that were introduced and referred to the Committee on Science. For example, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had introduced an excellent bill, which provides a pilot program to encourage private sector contributions and involvement in information technology programs in the neediest high schools. It is an excellent bill, and I was pleased to incorporate that bill in this one.

In addition, the gentleman from Michigan (Mr. BARCIA) introduced a bill which authorizes an educational technology extension service based in intermediate school districts, which will allow the schools to benefit from the expertise of the centralized agencies and personnel.

This bill was reported out of the Committee on Science with a unanimous vote and has received bipartisan support from the beginning. I am pleased that we have received support from members of the Committee on Science, from the members of the Committee on Appropriations, Committee on Education and the Workforce and from Members of leadership. There are currently 118 cosponsors for this bill. It has widespread support in this Congress. Eighteen of those cosponsors are from the committee on education; 36 from the Committee on Science.

Teachers will be positively affected by this bill. Our Nation's teachers and students will be one step closer to receiving the support they so deserve with this effort.

I want to close this by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER) for the tremendous support he has given me in the effort on this bill, and also the help the House leadership has provided. I urge the House to approve this bill.

Mr. HALL of Texas. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on H.R. 4271 and want to express my appreciation for the leadership to the gentleman from Michigan (Mr. EHLERS) and the gentleman from Texas (Mr. HALL) and the efforts of other committee members.

After a comprehensive effort and a set of hearings of the Committee on Science organized by the gentleman from Michigan (Mr. EHLERS), which examined all aspects of K–12 science and math education, we finally did come to an agreement on a comprehensive bill, a bill that incorporates a range of proposals from several Members on both sides of the aisle and addresses ways to improve teacher training, develops more effective educational materials and teaching practices to improve student learning and establishes programs to attract more women and minorities to careers in science and technology.

I am concerned, however, about a provision that allows grants to private elementary and middle schools. I support the provisions of 4271, but I have a concern about the constitutionality of this provision. I am simply disappointed that the majority party would allow an unconstitutional provision in section 4 of H.R. 4271 to authorize a grant program at the National Science Foundation for competitive awards to public and private elementary and middle schools to hire master science teachers.

I fully realize that every school needs these teachers, but we simply cannot spend public dollars on private schools in elementary and secondary levels for these schools to hire master teachers. We know that in these private schools, they have smaller classes, they are easier students to teach; and so consequently we feel that the master teachers probably would gravitate to these private schools. Who would blame them?

Despite the efforts to try to remove this provision, it is still here; and we need a clean bill because we need the provisions otherwise of this bill. This section and only this section is the cause of much of my concern to the once highly supported bill by both sides of the aisle.

Mr. Speaker, section 4 is clearly unconstitutional on the basis of a Supreme Court decision in Lemon v. Kurtzman. In that case, the Court disallowed a State program for providing salary supplements to teachers in private schools.

Mr. Speaker, what we have today is simply an effort to get public dollars funneled into private schools. We simply must not do that in this body. The precedent set by this case is what we should follow today. The Court knew then, just as we know today, that implementation of a provision like this would serve to endanger this entire bill.

As stated before, it was highly supported by both sides of the aisle. H.R. 4271 incorporated the Mathematics and Science Proficiency Partnership Act, a bill that I introduced last year. My legislation is a targeted measure. It seeks to bring schools with large populations of economically disadvantaged students together in partnership with businesses to improve science and math education and to recruit and support students in undergraduate education in science and technology fields.

Before realizing the intentions of Section 4, I was also pleased that the bill included a provision I offered in Committee to establish a formal coordination and planning mechanism for federal K–12 science education programs.

Mr. Speaker, the nation must take advantage of the human resource potential of all our citizens if we are to succeed in the international economic competition of the 21st century. Just as other members, I would like to see the good provisions of H.R. 4271 implemented, but I can not justify to the 30th district of Texas and to the American people support of such legislation that risks being struck down because of the unconstitutional provision. The American people can only benefit if we pass a bill that is constitutional and speaks to the welfare of all Americans. This can only be done without the inclusion of Section 4. We need reform efforts in science and math education that will engage and cultivate the interest of all children, not efforts that will put the grant application to hire master science teachers at risk by providing funding to private schools—yielding unconstitutional results.

Indeed, H.R. 4271 addresses many aspects of K–12 science and math education that plague our schools. At the same time, H.R. 4271 unconstitutionally serves to deny public schools the opportunities to become technologically savvy in this increasingly technological world. Due to the unconstitutional section of this legislation, I urge my colleagues to correct this provision so that we can get the other provisions of the bill going. It is long overdue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to engage the gentleman from Michigan (Mr. EHLERS) in a colloquy to be sure that we can correct this provision in this bill before it goes into final print. If this can happen, I wholeheartedly support this bill.

Could the gentleman assure me that the language that provides grants to private schools that are publicly supported could be corrected before the final language of the bill?

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, let me clarify this issue. First of all, this is typical language that we have incorporated in this bill. We are not breaking new ground. The National Science Foundation at present does give grants to private schools. Let me also clarify that private schools does not mean rich preparatory schools, as many people think, and does not necessarily mean religious schools. In my city in Grand Rapids, we have a private school that serves students in the inner city, and survives through my extensive fundraising. It operates on a poverty shoestring. Most of its students are from minority groups. So private schools can include many different types.

Be that as it may, note that the letter that has been circulated saying that this program may raise a constitutional question, is based on a 1971 Supreme Court decision which has been superseded by several other decisions, and I think this issue deserves considerable study before one could conclude that there is a constitutional problem.

Secondly, if we read the bill carefully we note the grants provide for development or implementation of science, mathematics, engineering or technical curricula in classroom assistance; authority over hands-on inquiry materials, equipment and supplies; mentoring other teachers or fulfilling any leadership role and professional development, including training other master teachers or other teachers or developing or implementing professional development programs. Nowhere in here does it say that they will be teaching children.

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan (Mr. EHLERS) very much for his response. I guess the commitment that I want is that if it is determined to be unconstitutional, could the language be made so that if it is determined to be unconstitutional then we can remove this provision? Because we need the rest of this bill, and we need it rapidly. I have been pleading for this for over 2 years to move forward, but what I do not want to do is dilute public dollars further in supporting private schools when we so desperately need special areas, especially students in areas where it is difficult to attract master teachers, it is difficult to have smaller classes, it is even difficult to have the classes wired as they should be for today's education. I need that assurance.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respectfully disagree with the assertions that have been made that the section in question is unconstitutional. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) cites a 1971 U.S. Supreme Court case. There have been two more recent cases, Agostini v. Felton in 1997 and Mitchell v. Helms earlier this year that clarified the Lemon v. Kurtzman test. Basically, it said that a statute similar to what is being proposed here is constitutional if it does not result in religious indoctrination, it does not define its recipients by reference to religion and it does not create excessive entanglement between government and religion. In each of these three instances, the statute does not do so.

There has been a Presidential award program that has been on the books since 1983 where each year the National Science Foundation recommends to the President 107 math teachers and 107 science teachers from around the country to receive an award which is a $7,500 grant to the school where the teacher teaches. That is open to both public schools and private schools.

I have a list of recent awardees, and I would like to read some of them to show that the President has directed money from the NSF to private schools. One of the awardees is Ms. Barbara Day Bass of St. Catherine's School in Richmond, Virginia. Another is sister Elizabeth C. Graham of Christ the King High School in Middle Village, New York; Sister Ellen Callaghan of Mount Carmel High School in Essex, Maryland; Ms. Claire Anne Baker of Brebeuf Jesuit Preparatory School of Indianapolis, Indiana; Ms. Carole Bennett of the Jesuit High School in Tampa, Florida; and even Mr. David Stuart Wood of the Sidwell Friends School of Washington, D.C., which I believe is attended by the son of Vice President GORE.

Now, this program has been working very well on the executive level for 17 years, and no one has raised the question that these types of awards violate the establishment clause of the United States Constitution. As a matter of fact, during all of the hearings that the Committee on Science had on this bill and during the markup, no one raised the issue as well. It was only a couple of nights ago that somebody started calling around saying that this provision was unconstitutional.

Well, first of all, the Congress does not make constitutional determinations. That can only be made by the Court and usually by the Supreme Court of the United States. I think that there is a sufficient question on the constitutionality that we should not pull this provision out of the bill, particularly because it would set such a precedent that the existing award program that had been going on by the NSF would be called into question as well. But also it is a standard rule of statutory construction that sections that are declared unconstitutional are severable if they can be severed from the rest of the bill. So I think that the concern of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is really unfounded.

Constitutional and precedential questions aside, what we should be saying here is that it should not make any difference whether a teacher teaches at a public school or a private school in terms of the benefits of getting better math and science education in the classroom, because it is the students in those classrooms that are going to benefit from better teachers and more motivated teachers. I do not think we should leave the children who happen to go to private schools behind with these kinds of grants, just as the President has not left children who are taught by teachers in private schools behind in making the awards pursuant to the 1983 law.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, good grief. Here we go again. Members from both sides of the aisle joined together to craft a good bipartisan bill, the National Science Education Act, a bill that addresses an important national need which is improving science education.

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A bill that includes many innovative programs, such as my "Go Girl" initiative, which encourages girls to study and pursue careers in math, science, engineering and technology.

The Democrats on the Committee on Science and the Committee on Education and the Workforce had to fight really hard to convince the Republicans on the Committee on Education and the Workforce to let "Go Girl" stay in the bill, and we prevailed, and the bill is better because of that.

But H.R. 4271 still includes a poison pill, a poison pill that no Member who cares about public education in America wants to vote for. In section 4, H.R. 4271 will give Federal funds directly to private and religious schools to hire teachers. This appears to violate our Constitution, and it absolutely takes precious dollars away from public schools.

It would be easy to change this provision. In fact, our colleagues on the other side of the aisle were asked to do just that before the bill came before us today on the floor, but they have refused.

So with regret for the students and the public schools that could benefit from the good programs in this bill, I cannot support H.R. 4271, unless the section 4 language regarding private schools is corrected.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, did the gentlewoman vote for a bill as a Member of the Committee on Science?

Ms. WOOLSEY. Yes, sir, I did.

Mr. SENSENBRENNER. If the gentlewoman would further yield, did the gentlewoman propose an amendment during Committee on Science consideration to remove the section that she objects to now?

Ms. WOOLSEY. I did not, until it came to my attention more clearly. You know how fast we shoved that through the committee, because each of us that had things, like my "Go Girl" bill, and I was very, very seriously concentrating on that.

Mr. SENSENBRENNER. If the gentlewoman would yield for one further question, does the gentlewoman feel that President Clinton made a mistake in awarding the 7,500 grants in the PAEMST program to representatives and teachers of private schools that I mentioned?

Ms. WOOLSEY. Mr. Speaker, reclaiming my time, I would like to say that this gentlewoman supports public education. I am not against private schools, I have no problem with religious schools; but our public schools are underfunded, and to take anything away from the funding of public schools at this time is a huge, grave mistake. If we vote on this later today, on H.R. 4271, I urge my colleagues who care about public education in America to do the same and vote against this bill.

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

I want to thank my colleague, the gentleman from Michigan (Mr. EHLERS), for his work on this important issue, improving math and science education in this country. We know that our economic competitiveness as a Nation depends on our ability to compete in the area of education.

Unfortunately, in Virginia there are tens of thousands of jobs going vacant because we cannot find the qualified workers in the area of technology. Businesses cannot therefore expand until they find the qualified workers, and localities trying to recruit businesses cannot recruit those businesses because of the shortage of technologically qualified workers.

So, Mr. Speaker, while I think this bill goes in the right direction because it improves science, math and technological education in our schools, I, too, am concerned about section 4 in the bill involving master teachers. That section directs the National Science Foundation to give direct grants to entities, including private schools, to hire master teachers. This provision is not only constitutionally suspect, but also provides for a dangerous precedent for Federal education programs.

Under current law, private schools can now participate in professional development activities and may participate in consortia or partnerships that receive Federal grants. But we have never given them direct grants to hire teachers. Direct grants are even more constitutionally suspect than vouchers, because this bill allows direct funding to private religious schools.

Now, some of the voucher programs pretend to have the benefit going to the student, not to the school; but there is not that fiction in this bill. This money goes directly to private religious schools.

It should be noted that private religious schools would be able to discriminate on the basis of religion when they hire teachers with Federal funds, and that is particularly absurd on a science bill, to think that a private school could fire a master teacher, hired with Federal funds, because that master teacher it was found believed in evolution, if teaching evolution is inconsistent with the teaching and tenets of the private religious school.

Now, although we do not make the constitutional determinations as Members of Congress, I would remind our Members when we were sworn in, we did swear to uphold the Constitution.

Even more of a concern is the precedence this provision sets for other Federal education programs. Should we give money to private schools to hire teachers to reduce their class size, to modernize their schools or to run afterschool programs, when those initiatives are woefully underfunded in the public area?

Mr. Speaker, public funds should benefit public schools, where more than 90 percent of our students go; and, therefore, I urge the defeat of this legislation.

I would also in response to the constitutional arguments include for the RECORD a memorandum dated October 24, 2000, from the Congressional Research Service.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 24, 2000.

MEMORANDUM

To: House Committee on Education and the Workforce, Attention: Alex Nock

From: David M. Ackerman, Legislative Attorney, American Law Division

Subject: Establishment Clause Issues Raised by Master Teacher Grant Program in H.R. 4271

This is in response to your request regarding the constitutional implications of the "Master Teacher Grant Program" that would be authorized by H.R. 4271. More specifically, you asked for a brief analysis of the program's implications under the establishment of religion clause of the First Amendment. Time limitations prevent an exhaustive analysis, but it is hoped the following may be helpful.

H.R. 4271 would, inter alia, authorize $50 million for each of the next three fiscal years for a master teacher program conducted by the National Science Foundation. Under that program the NSF could make grants to state or local educational agencies, a private elementary or middle school, or a consortium of any combination of those entities for the purpose of hiring a master teacher whose responsibilities could include (1) development or implementation of science, math, engineering, or technology curricula; (2) providing in-classroom assistance; (3) managing materials, equipment, and supplies; (4) mentoring other teachers; and (5) developing and implementing professional development programs for teachers, including other master teachers. Thus, a private sectarian elementary or middle school could receive a grant to hire a master teacher.

The program may raise a constitutional question under the establishment of religion clause. Several Supreme Court decisions have addressed the constitutionality of public subsidies of teachers in sectarian elementary and secondary schools. Most pertinent, perhaps, is Lemon v. Kurtzman. In that case the Court held unconstitutional, 7–1, two state programs subsidizing teachers of secular subjects in sectarian elementary and secondary schools. One program provided a salary supplement of up to 15 percent of the salary of teachers of secular subjects in private elementary schools. The other program reimbursed private elementary and secondary schools for the salaries of teachers of math, modern foreign languages, physical science, and physical education. The Court analyzed the programs' constitutionality under what is now known as the Lemon test:

First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . .; finally, the statute must not foster "an excessive entanglement with religion."

The Court found the programs to have legitimate secular purposes but, without deciding the primary effect question, held them to foster an "excessive entanglement between government and religion" and thus to be unconstitutional under the establishment clause. It stressed that the schools that benefited from the subsidies had a "significant religious mission and that a substantial portion of their activities is religiously oriented." The schools were all located near parish churches, all displayed numerous religious symbols, all were administered by religious authorities, and two-thirds of the teachers were nuns of various religious orders. As a consequence, the Court said, there was a substantial risk that the subsidized teachers would engage in religious indoctrination:

We need not and do not assume that teachers in parochial schools will be guilty of bad faith or any conscious design to evade the limitations imposed by the statute and the First Amendment. We simply recognize that a dedicated religious person, teaching in a school affiliated with his or her faith and operated to include its tenets, will inevitably experience great difficulty in remaining religiously neutral. . . . With the best of intentions such a teacher would find it hard to make a total separation between secular teaching and religious doctrine.

Because of the "potential for impermissible fostering of religion," the Court held that the states would have to engage in an intrusive monitoring of the teachers' performance:

The . . . Legislature has not, and could not, provide state aid on the basis of a mere assumption that secular teachers under religious discipline can avoid conflicts. The State must be certain, given the Religion Clauses, that subsidized teachers do not inculcate religion. . . . A comprehensive, discriminating, and continuing state surveillance will inevitably be required to ensure that [this] restriction [is] obeyed and the First Amendment otherwise respected. . . . These prophylactic contacts will involve excessive and enduring entanglement between state and church.

The Court saw an added danger in the program reimbursing private sectarian schools for the salaries of teachers of specified secular subjects:

The Pennsylvania statute . . . has the further defect of providing state financial aid directly to the church-related school. . . . The history of government grants of a continuing cash subsidy indicates that such programs have almost always been accompanied by varying measures of control and surveillance. The government cash grants before us now provide no basis for predicting that comprehensive measures of surveillance and control will not follow. In particular, the government's post-audit power to inspect and evaluate a church-related school's financial records and to determine which expenditures are religious and which are secular creates an intimate and continuing relationship between church and state.

Lemon concerned the public subsidy of sectarian school teachers. In 1975 in Meek v. Pittenger the Court extended its reasoning to a program in which public school teachers provided "auxiliary services" to sectarian school students on the premises of the sectarian schools they attended. The Court again stressed the religion-pervasive nature of sectarian elementary and secondary schools and found that even public school teachers might engage in the fostering of religion in such an atmosphere. It said:

"To be sure, auxiliary services personnel, because not employed by the nonpublic schools, are not directly subject to the discipline of a religious authority. But they are performing important educational services in schools in which education is an integral part of the dominant sectarian mission and in which an atmosphere dedicated to the advancement of religious belief is constantly maintained. The potential for impermissible fostering of religion under these circumstances, although somewhat reduced, is nonetheless present. To be certain that auxiliary teachers remain religiously neutral, as the Constitution demands, the State would have to impose limitations on the activities of auxiliary personnel and then engage in some form of continuing surveillance to ensure that those restrictions were being followed.

Thus, by a margin of 6-3, the Court held the program to violate the establishment clause.

A decade later the Court reaffirmed these views. In Aguilar v. Felton the Court held unconstitutional, 5-4, New York City's implementation of Title I of the Elementary and Secondary Education Act. Under the program public school teachers provided remedial and enrichment educational services to eligible children in private elementary and secondary schools on the premises of those schools. The City had set up a system to monitor the teachers' performance to ensure that they did not engage in religious teaching. But the Court, again stressing the religion-pervasive nature of the schools, found that the monitoring system itself to create excessive entanglement between the City and the religious schools:

. . . [T]he supervisory system established by the City of New York inevitably results in the excessive entanglement of church and state. . . .

In the related case of City of Grand Rapids v. Ball the Court also struck down two teacher-subsidy programs operated in Grand Rapids. In the Shared Time program public school teachers provided remedial and enrichment instruction to children in sectarian elementary schools on the premises of those schools, while in the Community Education program teachers who were otherwise employed by the parochial schools were hired on a part-time basis to provide after-school extracurricular courses to the students attending those schools. The Court held both programs to satisfy the secular purpose aspect of the Lemon test but to violate its primary effect prong, but margins of 5-4 and 7-2, respectively. The Court said the programs "impermissibly" advanced religion in three ways:

First, the teachers participating in the programs may become involved in intentionally or inadvertently inculcating particular religious tenets or beliefs. Second, the programs may provide a crucial symbolic link between government and religion, thereby enlisting—at least in the eyes of impressionable youngsters—the powers of government to the support of the religious denomination operating the school. Third, the programs may have the effect of directly promoting religion by impermissibly providing a subsidy to the primary religious mission of the institutions attended.

Thus, after Ball the Court viewed programs subsidizing teachers of secular subjects on the premises of sectarian schools to violate both the primary effect and excessive entanglement prongs of the Lemon test.

More recently, however, the Court has begun to retreat from these rulings. In Agostini v. Felron in 1997 the Court specifically rejected the conclusions and reasoning of Aguilar, Ball, and Meek with respect to programs in which public school teachers provide remedial and enrichment services to eligible children in sectarian elementary and secondary schools on the premises of those schools. Agostini again involved New York City's implementation on the Title I program, but this time the Court held on-premises instruction by public school personnel to be constitutional, 5-4. The Court said the assumptions on which Aguilar, Ball, and Meek were based had been "undermined" by its more recent church-state jurisprudence. Specifically, the Court said it had "abandoned the presumption . . . That the placement of public employees on parochial school grounds inevitably results in the impermissible effect of state-sponsored indoctrination or constitutes a symbolic union between government and religion." the Court further said it had "departed from the rule . . . That all government aid that directly assists the educational function of religious schools is invalid." Finally, the Court states that because it no longer adhered to the view that "property instructed public employees will fail to discharge their duties faithfully" and be tempted to inculcate religion while on parochial school grounds, it also "discard[ed] the assumption that pervasive monitoring of Title I teachers is required. There is no suggestion in the record before us that unannounced monthly visits of public supervisors are insufficient to detect inculcation of religion by public employees. Moreover, we have not found excessive entanglement in cases in which States imposed far more onerous burdens on religious institutions than the monitoring system at issue here."

Most recently, the court further revised its jurisprudence concerning public aid to sectarian elementary and secondary schools, although the case did not involve teacher subsidies. In Mitchell v. Helms the Court upheld, 6-3, a program providing instructional materials and equipment to public and private schools alike and in so doing overturned parts of its prior opinions in Meek v. Pittenger, supra, and Wolman v. Walter. The Court could agree on no majority opinion. A plurality opinion by Justice Thomas, joined by Chief Justice Rehnquist and Justices Scalia and Kennedy, stated that programs providing aid directly to sectarian schools are constitutional so long as the aid is also made available on a neutral basis to public schools and is secular in nature. The opinion by Justice O'Connor, joined by Justice Breyer, averred that the aid also had to be limited to secular use by the schools after it was received. But she eschewed the notion that an intrusive monitoring system was constitutionally necessary to ensure that such a restriction was honored. She stated:

". . . Agostini and the cases on which it relied have undermined the assumptions underlying Meek and Wolman. To be sure, Agostini only addressed the specific presumption that public-school employees teaching on the premises of religious schools would inevitably inculcate religion. Nevertheless, I believe that our definitive rejection of that presumption also stood for—or at least strongly pointed to—the broader proposition that such presumptions of religious indoctrination are normally inappropriate when evaluating neutral school-aid programs under the Establishment Clause. . . . [T]he Court's willingness to assume that religious-school instructors will inculcate religion has not caused us to presume also that such instructors will be unable to follow secular use restrictions on the use of textbooks. I would similarly reject any such presumption regarding the use of instructional materials and equipment."

But Justice O'Connor also took pains to reemphasize her position in Ball that "the religious-school teacher who works throughout the day to advance the school's religious mission would also do so, at least to some extent, during the supplemental classes provided at the end of the day."

Thus, it seems clear that the Court's church-state jurisprudence is evolving. More specifically, the Court has abandoned the assumptions that aid to sectarian schools inevitably has a primary effect of advancing the schools' religious mission and that public school teachers will inevitably be tempted to inculcate religion when they offer instructional services on the premises of such schools. But it has not yet abandoned the presumption that was key to its decision in Lemon v. Kurtzman, supra, that the teachers hired by the sectarian schools themselves would inevitably engage in such instruction and that a constitutionally entangling surveillance of such teachers would be essential if they were publicly subsidized. Lemon v. Kurtzman, supra, in other words, appears still to be good law. Moreover, it may also be material to note that all of the Justices in their various opinions in Mitchell v. Helms, supra, emphasized the constitutional dangers that were inherent in direct grants of money to sectarian schools. As a consequence, the Master Teacher program that would be authorized by H.R. 4271 appears to raise a constitutional question.

I hope the foregoing is responsive to your request. If we may be of additional assistance, please call on us.

I would just read part of it. Lemon v. Kurtzman was mentioned. CRS suggests that that still appears to be good law. Moreover, it may be material to note that all of the justices in their various opinions in Mitchell v. Helms emphasized the constitutional dangers that were inherent in direct grants of money to sectarian schools. As a consequence, the master teacher program that would be authorized by H.R. 4271 appears to raise constitutional questions.

I think they should be considered and that provision should be taken out of the bill, so other good portions could go forward.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think this precedent has already been set, and I would like to read from the National Science Foundation fact sheet that outlines the awards that the President of the United States offers every year. It says, the presidential award for excellence in mathematics and science teaching is the Nation's highest commendation for K–12 math and science teachers. It recognizes the combination of sustained and exemplary work, both in and outside of the classroom. Each award includes a grant of $7,500 from the NSF to the recipient school. Winners use the money at their discretion to promote math and science education.

Frequently asked questions: What are the PAEMST selection criteria?

Answer: The program is open to practicing public, private and parochial school teachers with a minimum of 5 years experience.

Then there is a press release attached to this that says President Clinton has recognized 214 mathematics and science teachers for their innovative and outstanding contributions to their professions under the presidential awards for excellence in mathematics and science teaching programs.

Now, if the gentleman from Virginia's argument is valid, then all of the awards that President Clinton has passed out in the last 8 years to private and parochial school teachers, because they have done a good job in the classroom, never should have been paid and are unconstitutional.

What is being proposed in this bill is patterned after what the President has done since 1983. The issue of the constitutionality is simple, and that is whether the funds are used to promote indoctrination of religion, in this bill they are not; whether there is a preference on religious instruction, in this bill they are not; and whether there is excessive entanglement between the government and religion, and in this bill there is not, just like in the PAEMST awards that have been given by the President of the United States.

So I think that the argument that has been advanced at the 11th hour and 59th minute is really a red herring. We need to improve math and science education in our elementary and secondary schools. The best way to do that is to have really motivated teachers that turn the kids on. It should not make any difference whether those teachers teach in the public school or in a nonpublic school, because we should not leave the children in the nonpublic schools behind in order to get better math and science education.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a situation that sailed through the committee with input from both sides. It is a good bill. It is a bill that is endangered now because some things have been detected in it, and it is not unlikely that could happen to any committee or any member of the committee.

But we have a problem with it, and we would have worked it out. I think the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and, of course, the gentleman from Virginia (Mr. SCOTT) and others would have worked it out at the committee level. But that did not happen.

I am very hopeful that in colloquy between the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Michigan (Mr. EHLERS), they are both highly skilled in the art of compromise, maybe something can be worked out with this.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there is no question about any provision in this bill, except that provision that allows for the payment of teachers for private schools. There is a real difference between a $7,500 award and paying the full salary of a teacher for a private school. That remains a problem in this bill.

Clearly, this bill needed to move. We have been holding it up for over 2 years, trying to hear everyone all over the country, many educators, and we know the urgency of the provisions of this bill. But we do not want to risk the outcome of this bill because of this provision.

That is where my concern is, and that is what I would like. If the gentleman from Michigan (Mr. EHLERS) could assure us that this provision would not jeopardize this bill and it could be corrected before it is signed into law or vetoed or whatever, then I have no problem with the bill.

We need the other provisions of this bill to be in law so that we can get the benefit as quickly as possible.

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, there is a host of questions that have been raised here at the last minute, and a considerable surprise to me, because on this bill we have held hearings for over a year, and the bill has been out for almost 2 years.

Ms. EDDIE BERNICE JOHNSON of Texas. Not on this provision, but the last one.

Mr. EHLERS. Let me just try to respond. This provision is, first of all, a grant to the school, not to the teacher, so it is not even as far along as the list that the chairman gave a moment ago. It is a grant to the school and not to the teacher.

Secondly, you have to recognize teachers move from one school to another. Just yesterday I spoke in a school, and there was a teacher in the public school who had previously taught in a religious school in my community. If you educate or train a teacher, are you going to say once we have trained them with Federal money, they cannot teach in a private school anymore, even if they were trained with Federal money while they were in the public school?

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Ms. EDDIE BERNICE JOHNSON of Texas. Reclaiming my time, Mr. Speaker, let me just say that we want the provisions of this bill to go forward. We do not want public dollars to flow to private schools when we have such need in public schools.

I need that assurance. This bill is on suspension. I need to assure a number of people in this body that this will happen if this bill is to pass today.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yes, I am one who wants the parents to make the decision as to what type of education their children have.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. I yield myself the balance of my time.

Mr. Speaker, this is an important bill to get America's children the type of technologically adept teachers that they need to bring themselves into the 21st century. It should not be held up because we have had 2 years of study on this, direct hearings and having the bill open for amendment during the markup at the Committee on Science.

At no point prior to 48 hours ago have the objections, such as those raised by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Virginia (Mr. SCOTT) been brought up.

This bill has widespread support, and I would like to read off a list of the organizations that have supported it: the American Association for Engineering Education, the American Association of Engineering Societies, the American Association of Physics Teachers, the American Astronomical Society, the American Chemical Society, the American Physical Society, the American Society of Mechanical Engineers, Business Round Table, Institute of Electrical and Electronic Engineers, International Society for Optical Engineering, International Technology Education Association, Jobs for the Future, National Academy Of Sciences, National Alliance of Business, National Council of Teachers of Mathematics, National Science Teachers Association, National Society of Professional Engineers, Optical Society of America, SAE International and Triangle Coalition for Mathematics and Science Education.

Mr. Speaker, I would implore the House of Representatives to do the right thing, to give our kids the tools to advance into the 21st century and be able to compete in a globalized economy. Mr. Speaker, I urge passage of the bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 4271, the National Science Education Act, of which he is a cosponsor.

Through grants to public and private schools, the National Science Education Act provides math and science teachers with the assistance they need in professional development and support for the use of hands-on science materials, and with development in technology use and integration. It also creates a national scholarship to reward teacher participation in science, math, engineering or technology research.

In June of this year, this Member was visited by Mr. Robert Curtright and his wife from Lincoln, Nebraska. Mr. Curtright, a science teacher at Lincoln Northeast High School, was honored as one of the winners of the Presidential Award for Excellence in Mathematics and Science Teaching Program that is administered by the National Science Foundation. The award enables Mr. Curtright to serve as a role model for his peers in Nebraska and encourage high quality teachers to enter and remain in the education field. However, Mr. Curtright cannot do it alone. Nebraska is currently facing a great deal of difficulty in recruiting and retaining good quality teachers. This Member believes that through H.R. 4271, more teachers will benefit from the additional resources, enhanced professional development as well as professional mentors to recruit and maintain quality math and science teachers.

Mr. Speaker, this Member encourages his colleagues to support the National Science Education Act. Mr. Curtright deserves all of the help he can get in assisting others in his profession provide the best math and science education that children in Nebraska and throughout the country deserve.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4271, the National Science Education Act, an important bill that recognizes the need to educate for the future.

I do have some concerns about one part of the bill that would permit allocation of federal funds to private schools. I would have preferred for that to have been omitted. However, the rest of the bill deserves enactment. So, I will support sending the bill to the Senate, in hopes that it will be further improved to the point that it can be supported without reservation by anyone.

I'd like to talk specifically about the merits of one provision, added by an amendment that I offered, that is designed to encourage would-be science and math teachers. My amendment authorizes a program of one-year, $5000 scholarships to those with bachelors degrees in science or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K–12 science or math teachers.

Over the last year, the Science Committee held a series of hearings about the state of math and science education in this country. From these hearings and from talking to constituents, students, and educators at home, it has become crystal clear to me that we have much work to do to prepare our students to succeed in the 21st century workplace.

In particular, we've been hearing that poor student performance in science and math has much to do with the fact that teachers often have little or no training in the disciplines they are teaching. While the importance of teacher expertise in determining student achievement is widely acknowledged, it is also the case that significant numbers of K–12 students are being taught science and math by unqualified teachers.

The bill includes a number of important provisions to assist teachers, and deserves to pass. Not only do we need to ensure a high quality of science and math education for our students, but we also need to ensure there is sufficient quantity of trained teachers available to teach them. My amendment provides an incentive for individuals with the content knowledge to try teaching as a career.

Most students emerge from college with a heavy debt load—and studies have shown that average debt has tended upward, sine college tuition costs have been increasing faster than inflation. So scholarships would be particularly beneficial for those considering entering the teaching field where starting salaries are relatively low.

Mr. Speaker, this bill takes some critical steps to help ensure that we can sustain our current economic growth and that our future workforce will be prepared to succeed in our increasingly technologically based world.

I urge support for this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4271, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICAN MUSEUM OF SCIENCE AND ENERGY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4940) to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy", and for other purposes, as amended.

The Clerk read as follows:

H.R. 4940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMERICAN MUSEUM OF SCIENCE AND ENERGY

SEC. 101. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

(a) IN GENERAL.—The Museum—

(1) is designated as the "American Museum of Science and Energy"; and

(2) shall be the official museum of science and energy of the United States.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the "American Museum of Science and Energy".

(c) Property of the United States.—

(1) In general.—The name "American Museum of Science and Energy" is declared the property of the United States.

(2) Injunction.—Whoever, except as authorized by the Secretary, uses or reproduces the name "American Museum of Science and Energy", or a facsimile or simulation of such name in such manner as suggests "American Museum of Science and Energy", may be enjoined from such use or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(3) Effect on other rights.—This subsection shall not be construed to conflict or interfere with established or vested rights.

SEC. 102. AUTHORITY.

To carry out the activities of the Museum, the Secretary may—

(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

(A) relevant to the contents of the Museum; and

(B) informative, educational, and tasteful;

(3) collect reasonable fees where feasible and appropriate;

(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

SEC. 103. MUSEUM VOLUNTEERS.

(a) Authority To Use Volunteers.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

(b) Status of Volunteers.—

(1) In general.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

(2) Exceptions.—

(A) Federal tort claims act.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

(B) Compensation for work injuries.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

(c) Compensation.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) Museum.—The term "Museum" means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

(2) Secretary.—The term "Secretary" means the Secretary of Energy or a designated representative of the Secretary.

TITLE II—NETWORKING AND INFORMATION TECHNOLOGY

SEC. 201. SHORT TITLE.

This title may be cited as the "Networking and Information Technology Research and Development Act".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) Information technology will continue to change the way Americans live, learn, and work. The information revolution will improve the workplace and the quality and accessibility of health care and education and make Government more responsible and accessible. It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities.

(2) Information technology is an imperative enabling technology that contributes to scientific disciplines. Major advances in biomedical research, public safety, engineering, and other critical areas depend on further advances in computing and communications.

(3) The United States is the undisputed global leader in information technology.

(4) Information technology is recognized as a catalyst for economic growth and prosperity.

(5) Information technology represents one of the fastest growing sectors of the United States economy, with electronic commerce alone projected to become a trillion-dollar business by 2005.

(6) Businesses producing computers, semiconductors, software, and communications equipment account for one-third of the total growth in the United States economy since 1992.

(7) According to the United States Census Bureau, between 1993 and 1997, the information technology sector grew an average of 12.3 percent per year.

(8) Fundamental research in information technology has enabled the information revolution.

(9) Fundamental research in information technology has contributed to the creation of new industries and new, high-paying jobs.

(10) Our Nation's well-being will depend on the understanding, arising from fundamental research, of the social and economic benefits and problems arising from the increasing pace of information technology transformations.

(11) Scientific and engineering research and the availability of a skilled workforce are critical to continued economic growth driven by information technology.

(12) In 1997, private industry provided most of the funding for research and development in the information technology sector. The information technology sector now receives, in absolute terms, one-third of all corporate spending on research and development in the United States economy.

(13) The private sector tends to focus its spending on short-term, applied research.

(14) The Federal Government is uniquely positioned to support long-term fundamental research.

(15) Federal applied research in information technology has grown at almost twice the rate of Federal basic research since 1986.

(16) Federal science and engineering programs must increase their emphasis on long-term, high-risk research.

(17) Current Federal programs and support for fundamental research in information technology is inadequate if we are to maintain the Nation's global leadership in information technology.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) National Science Foundation.—Section 201(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $728,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004. Amounts authorized under this subsection shall be the total amounts authorized to the National Science Foundation for a fiscal year for the Program, and shall not be in addition to amounts previously authorized by law for the purposes of the Program.".

(b) National Aeronautics and Space Administration.—Section 202(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $164,400,000 for fiscal year 2000; $201,000,000 for fiscal year 2001; $208,000,000 for fiscal year 2002; $224,000,000 for fiscal year 2003; and $231,000,000 for fiscal year 2004.".

(c) Department of Energy.—Section 203(e)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(e)(1)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $119,500,000 for fiscal year 2000; $175,000,000 for fiscal year 2001; $183,000,000 for fiscal year 2002; $193,000,000 for fiscal year 2003; and $203,000,000 for fiscal year 2004.".

(d) National Institute of Standards and Technology.—(1) Section 204(d)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(1)) is amended—

(A) by striking "1995; and" and inserting "1995;"; and

(B) by striking "1996; and" and inserting "1996; $9,000,000 for fiscal year 2000; $9,500,000 for fiscal year 2001; $10,500,000 for fiscal year 2002; $16,000,000 for fiscal year 2003; and $17,000,000 for fiscal year 2004; and".

(2) Section 204(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)) is amended by striking "From sums otherwise authorized to be appropriated, there" and inserting "There".

(e) National Oceanic and Atmospheric Administration.—Section 204(d)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(2)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $13,500,000 for fiscal year 2000; $13,900,000 for fiscal year 2001; $14,300,000 for fiscal year 2002; $14,800,000 for fiscal year 2003; and $15,200,000 for fiscal year 2004.".

(f) Environmental Protection Agency.—Section 205(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $4,200,000 for fiscal year 2000; $4,300,000 for fiscal year 2001; $4,500,000 for fiscal year 2002; $4,600,000 for fiscal year 2003; and $4,700,000 for fiscal year 2004.".

(g) National Institutes of Health.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

"SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

"(a) General Responsibilities.—As part of the Program described in title I, the National Institutes of Health shall conduct research directed toward the advancement and dissemination of computational techniques and software tools in support of its mission of biomedical and behavioral research.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.".

SEC. 204. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) National Science Foundation.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended by adding at the end the following new subsections:

"(c) Networking and Information Technology Research and Development.—(1) Of the amounts authorized under subsection (b), $350,000,000 for fiscal year 2000, $421,000,000 for fiscal year 2001, $442,000,000 for fiscal year 2002, $486,000,000 for fiscal year 2003, and $515,000,000 for fiscal year 2004 shall be available for grants for long-term basic research on networking and information technology, with priority given to research that helps address issues related to high end computing and software; network stability, fragility, reliability, security (including privacy and counterinitiatives), and scalability; and the social and economic consequences (including the consequences for healthcare) of information technology.

"(2) In each of the fiscal years 2000 and 2001, the National Science Foundation shall award under this subsection up to 25 large grants of up to $1,000,000 each, and in each of the fiscal years 2002, 2003, and 2004, the National Science Foundation shall award under this subsection up to 35 large grants of up to $1,000,000 each.

"(3)(A) Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, $55,000,000 for fiscal year 2003, and $60,000,000 for fiscal year 2004 shall be available for grants of up to $5,000,000 each for Information Technology Research Centers.

"(B) For purposes of this paragraph, the term 'Information Technology Research Centers' means groups of six or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects which will significantly advance the science supporting the development of information technology or the use of information technology in addressing scientific issues of national importance.

"(d) Major Research Equipment.—(1) In addition to the amounts authorized under subsection (b), there are authorized to be appropriated to the National Science Foundation $70,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, $80,000,000 for fiscal year 2002, $80,000,000 for fiscal year 2003, and $85,000,000 for fiscal year 2004 for grants for the development of major research equipment to establish terascale computing capabilities at one or more sites and to promote diverse computing architectures. Awards made under this subsection shall provide for support for the operating expenses of facilities established to provide the terascale computing capabilities, with funding for such operating expenses derived from amounts available under subsection (b).

"(2) Grants awarded under this subsection shall be awarded through an open, nationwide, peer-reviewed competition. Awardees may include consortia consisting of members from some or all of the following types of institutions:

"(A) Academic supercomputer centers.

"(B) State-supported supercomputer centers.

"(C) Supercomputer centers that are supported as part of federally funded research and development centers.

Notwithstanding any other provision of law, regulation, or agency policy, a federally funded research and development center may apply for a grant under this subsection, and may compete on an equal basis with any other applicant for the awarding of such a grant.

"(3) As a condition of receiving a grant under this subsection, an awardee must agree—

"(A) to connect to the National Science Foundation's Partnership for Advanced Computational Infrastructure network;

"(B) to the maximum extent practicable, to coordinate with other federally funded large-scale computing and simulation efforts; and

"(C) to provide open access to all grant recipients under this subsection or subsection (c).

"(e) Information Technology Education and Training Grants.—

"(1) Information technology grants.—The National Science Foundation shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this paragraph shall be limited to improving education in fields related to information technology. The Foundation shall encourage institutions with a substantial percentage of student enrollments from groups underrepresented in information technology industries to participate in the competition for grants provided under this paragraph.

"(2) Internship grants.—The National Science Foundation shall provide—

"(A) grants to institutions of higher education to establish scientific internship programs in information technology research at private sector companies; and

"(B) supplementary awards to institutions funded under the Louis Stokes Alliances for Minority Participation program for internships in information technology research at private sector companies.

"(3) Matching funds.—Awards under paragraph (2) shall be made on the condition that at least an equal amount of funding for the internship shall be provided by the private sector company at which the internship will take place.

"(4) Definition.—For purposes of this subsection, the term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) Availability of funds.—Of the amounts described in subsection (c)(1), $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $25,000,000 for fiscal year 2004 shall be available for carrying out this subsection.

"(f) Educational Technology Research.—

"(1) Research program.—As part of its responsibilities under subsection (a)(1), the National Science Foundation shall establish a research program to develop, demonstrate, assess, and disseminate effective applications of information and computer technologies for elementary and secondary education. Such program shall—

"(A) support research projects, including collaborative projects involving academic researchers and elementary and secondary schools, to develop innovative educational materials, including software, and pedagogical approaches based on applications of information and computer technology;

"(B) support empirical studies to determine the educational effectiveness and the cost effectiveness of specific, promising educational approaches, techniques, and materials that are based on applications of information and computer technologies; and

"(C) include provision for the widespread dissemination of the results of the studies carried out under subparagraphs (A) and (B), including maintenance of electronic libraries of the best educational materials identified accessible through the Internet.

"(2) Replication.—The research projects and empirical studies carried out under paragraph (1)(A) and (B) shall encompass a wide variety of educational settings in order to identify approaches, techniques, and materials that have a high potential for being successfully replicated throughout the United States.

"(3) Availability of funds.—Of the amounts authorized under subsection (b), $10,000,000 for fiscal year 2000, $10,500,000 for fiscal year 2001, $11,000,000 for fiscal year 2002, $12,000,000 for fiscal year 2003, and $12,500,000 for fiscal year 2004 shall be available for the purposes of this subsection.

"(g) Peer Review.—All grants made under this section shall be made only after being subject to peer review by panels or groups having private sector representation.".

(b) Other Program Agencies.—

(1) National aeronautics and space administration.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "and experimentation".

(2) Department of energy.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended by striking the period at the end and inserting a comma, and by adding after paragraph (4) the following:

"conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high performance computing and collaboration tools needed to fulfill the statutory mission of the Department of Energy, and may participate in or support research described in section 201(c)(1).".

(3) National institute of standards and technology.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended by striking "; and" at the end of subparagraph (C) and inserting a comma, and by adding after subparagraph (C) the following:

"and may participate in or support research described in section 201(c)(1); and".

(4) National oceanic and atmospheric administration.—Section 204(a)(2) of the High-

Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "agency missions".

(5) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "dynamics models".

(6) UNITED STATES GEOLOGICAL SURVEY.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

"SEC. 207. UNITED STATES GEOLOGICAL SURVEY.

"The United States Geological Survey may participate in or support research described in section 201(c)(1).".

SEC. 205. NEXT GENERATION INTERNET.

(a) IN GENERAL.—Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended—

(1) in paragraph (1)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $15,000,000 for fiscal year 2001, and $15,000,000 for fiscal year 2002" after "fiscal year 2000";

(2) in paragraph (2), by inserting ", and $25,000,000 for fiscal year 2001 and $25,000,000 for fiscal year 2002" after "Act of 1998";

(3) in paragraph (4)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $10,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002" after "fiscal year 2000"; and

(4) in paragraph (5)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $5,500,000 for fiscal year 2001, and $5,500,000 for fiscal year 2002" after "fiscal year 2000".

(b) RURAL INFRASTRUCTURE.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

"(e) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speed connectivity more accessible to users in geographically remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".

(c) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by subsection (b), is further amended by adding at the end thereof the following:

"(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.".

(d) DIGITAL DIVIDE STUDY.—

(1) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

(A) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(B) a review of all current federally funded research to decrease the inequity of Internet access to rural and low-income users; and

(C) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(2) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by paragraph (1) to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation within 1 year after the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this subsection.

SEC. 206. REPORTING REQUIREMENTS.

Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting "(1)" after "ADVISORY COMMITTEE.—"; and

(C) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, implementation, and activities of the Program, the Next Generation Internet program, and the Networking and Information Technology Research and Development program, and shall report not less frequently than once every 2 fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act."; and

(2) in subsection (c)(1)(A) and (2), by inserting ", including the Next Generation Internet program and the Networking and Information Technology Research and Development program" after "Program" each place it appears.

SEC. 207. REPORT TO CONGRESS.

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 205 of this title, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) REPORT TO CONGRESS.—

"(1) REQUIREMENT.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Networking and Information Technology Research and Development Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

"(2) CONSULTATION.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

"(3) ISSUES.—The reports shall—

"(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

"(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

"(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

"(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.".

SEC. 208. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

"(h) STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.—

"(1) STUDY.—Not later than 90 days after the date of the enactment of the Networking and Information Technology Research and Development Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) SUBJECTS.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of the enactment of the Networking and Information Technology Research and Development Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1).".

SEC. 209. COMPTROLLER GENERAL STUDY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this title, and the amendments made by this title, on lower income families, minorities, and women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4940, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, title I of H.R. 4940 designates the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the American Museum of Science and Energy and grants ownership of this name to the United States. It further provides legal remedies for the unauthorized use of the name.

Title I also authorizes the museum to accept gifts, operate a retail outlet, and lease space on its premises. In addition, it authorizes the museum to recruit and train volunteers.

The American Museum of Science and Energy is the second most frequently visited attraction in the Knoxville metropolitan area. Since the beginning of operations in 1949, the museum has hosted nearly 10 million visitors from all 50 States and more than 40 foreign countries. The Oak Ridge Convention and Visitor's Bureau estimates the museum generates $6 million to $7 million annually in revenue to the community.

The gentleman from Tennessee (Mr. WAMP) introduced H.R. 4940 on July 24, 2000. The bill has strong bipartisan support, and I would like to compliment the gentleman from Tennessee (Mr. WAMP) for its introduction.

H.R. 4940, as amended, also includes a second title. Title II is the modified text of H.R. 2086, the Networking and Information Technology Research and Development Act. The House passed H.R. 2086 by voice vote on February 15, 2000. The Senate passed it with some minor changes on September 21, 2000 as a part of another legislative vehicle.

It has strong bipartisan support and has been endorsed by 61 organizations, including the U.S. Chamber of Commerce and the Council of Scientific Society Presidents. I urge the House to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4940. The bill has two parts. Title I provides for designating an existing museum in Oak Ridge, Tennessee, as the official American Museum of Science and Energy and expands the authority of the Secretary of the Energy in Oak Ridge to include acceptance and sale of any gifts, devices, or property intended for the museum.

With the new authority, this museum is going to be able to generate its own revenues by measures such as charging admission, soliciting corporate sponsors, and keeping the funds generated by the retail outlet. Therefore, title I will serve to alleviate the financial burden on Oak Ridge National Laboratory and its contractor, as well as to promote collaboration with corporate sponsors.

Mr. Speaker, title II of the bill is the Networking and Information Technology Research and Development Act. This act, which was first passed by the House unanimously earlier this year, provides for a coordinated basic research initiative and information technology. It authorizes the total of nearly $7 billion over 5 years for seven civilian R&D agencies. The Networking and Information Technology Research and Development Act was introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) with bipartisan cosponsorship; and I am pleased the committee acted within the spirit of cooperation to further develop this measure. Several amendments which were proposed by Members on both sides of the aisle have been incorporated into the bill before us.

Title II of H.R. 4940 enjoys broad, bipartisan support. I congratulate the gentleman from Wisconsin (Chairman SENSENBRENNER) for his untiring efforts to move it forward toward final passage.

Mr. Speaker, the Information Technology R&D initiative has great support also from the academic and the industrial research communities and from a wide range of computer, software, and communications companies. It also, Mr. Speaker, has been endorsed by broad industry groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers, two fine, free enterprises and pro-business groups.

Finally, Mr. Speaker, H.R. 4940 is a bipartisan bill that would lead to many societal benefits. It will help ensure that this Nation continues to maintain economic growth and international competitiveness in the information economy of the 21st century. I ask for the support of my colleagues and for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I rise in support of H.R. 4940. I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the chairman of the committee; the gentleman from California (Mr. CALVERT); the gentleman from Texas (Mr. HALL), the ranking member; and the gentleman from Illinois (Mr. COSTELLO); and the staff of the Committee on Science, especially Tom Vanek and Njema Frazier, for their hard work on the original text of H.R. 4940.

Finally, I would like to thank the entire Tennessee congressional delegation, especially our dean, the gentleman from Tennessee (Mr. GORDON), for their unanimous support of this legislation.

Mr. Speaker, the American Museum of Science and Energy opened in March of 1949 in Oak Ridge. It is located on 17.4 acres in downtown Oak Ridge with 53,000 square feet of building constructed in 1975 and boasts indoor exhibits, a 312-seat auditorium, an 80-seat lecture room, and a classroom laboratory.

Since the beginning of its operations in 1949, the museum has hosted nearly 10 million visitors from all 50 States and more than 40 foreign countries. The highest single day attendance was on November 23, 1969 when 4,308 people saw the moon rocks being studied by scientists at the Oak Ridge National Laboratory.

The museum is the second most frequently visited attraction in the Knoxville metropolitan area. The Oak Ridge Convention and Visitors' Bureau estimates that the museum generates $6 million to $7 million annually in revenue to the community.

So what is the problem, and why do we need this legislation? Since its inception, the United States Department of Energy has funded the museum, but DOE will phase out Federal funding for the operation of the museum at the end of this fiscal year.

The purpose of this bill is to allow the museum to accept and use donations, fees, and gifts to offset the costs of operating the facility. Under current law, the funds raised by the foundation board would have to be returned to the Treasury and not be captured for the operations of the museum. Similar legislation was passed in 1992 and 1993 in the DOD authorization bill pertaining to the National Atomic Museum in Albuquerque, New Mexico that the DOE operates.

Mr. Speaker, I am concerned that this museum bill is now attached to a much larger bill that might be controversial. But I do support title II, but this was not my desired path of consideration. I would have preferred a clean bill; but if this is the only way to pass this bill, then I support the language and the passage of the bill.

Mr. Speaker, I am sure that H.R. 4940, unamended, would go through the Senate and on to the President for his signature; but today I urge the House to adopt H.R. 4940, as amended, and hope that by the end of this Congress the House and the Senate will agree and move this legislation to the President for signage.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 4940 and urge its passage. This designation recognizes the importance and continuing role of Oak Ridge, Tennessee in advancing knowledge. The museum will be a resource for explaining science to students and making the American public aware of how research affects our everyday lives. Mr. Speaker, let me especially commend the gentleman from Tennessee (Mr. WAMP) for his tireless effort and hard work in bringing this designation one step closer to reality. The gentleman has taken on this project with two hands in his normal energetic way, and he certainly should be complimented.

Mr. Speaker, I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. HALL), the ranking member, for their assistance in bringing this bill to the floor. I urge passage of H.R. 4940.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 4940 and will address my comments to title II, the Networking and Information Technology Research and Development Act. Title II authorizes a major new research investment in information technology, which is very important to the Nation's future wellbeing. Action by Congress to authorize this initiative really should not be delayed.

Information technology is a major driver of economic growth. It creates high-wage jobs, provides for the rapid communication throughout the world, and provides the tools for acquiring knowledge and insight from information. Advances in computing and communications will make the workplace more productive and improve the quality of health care and make government more responsive and accessible to the needs of our citizens.

Mr. Speaker, vigorous long-term research is essential for realizing the potential of information technology. The technical advances that led to today's computers and Internet evolved from passed Federally sponsored research, in partnership with industry and universities.

The research authorized by H.R. 4940 will ensure that the store of basic knowledge is replenished and, thereby, enable the development of future generations of technology products and services.

This legislation has received the bipartisan cosponsorship of many Members, and I would like to acknowledge the collegial manner in which title II of the bill was developed by the Committee on Science. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, and the gentleman from Texas (Mr. HALL), the ranking Democratic member, for their persistent efforts to move this measure towards final passage.

Title II of the bill will establish a multiagency research initiative that responds to the recent findings and recommendations of the President's Information Technology Advisory Committee. This committee, which was established through statute, is composed of distinguished representatives from computer and communications companies and from academia. It reached its conclusions following a comprehensive assessment of current Federally funded information technology research.

Mr. Speaker, the President's Advisory Committee found that Federal funding for information technology research has tilted too much towards support for near-term, mission-focus objectives.

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They discovered a growing gap between the power of high-performance computers available to support agency mission requirements versus support for the general academic research community. They identified the need for socioeconomic research on the impact on society of the rapid evolution of information technology, and they judged that the annual Federal research investment is inadequate by more than $1 billion.

The bill before us addresses each of the deficiencies identified by the advisory committee and will effectively implement its recommendations. I am particularly pleased by the inclusion of a provision I offered to the committee to explicitly authorize research to identify, understand, anticipate, and address the potential social and economic costs and benefits from the increasing pace of information technology based transformations.

In addition to support for research, title II will also contribute to providing the highly trained workers needed by the information industries. The human resource pool would be expanded through two principal mechanisms. First, as a part of their training, graduate students will participate in most of the individual research projects authorized. Secondly, special provision is made for the student internships in industry to help recruit individuals for careers in information-based companies. I sponsored a provision that opened such internships to students participating in the Louis Stokes Alliance for Minority Participation program administered by the National Science Foundation.

Mr. Speaker, I believe that the Networking and Information Technology Research and Development Act is an important investment in the future prosperity of this Nation and in the well-being of our fellow citizens. I recommend the measure to my colleagues and ask for full support of its passage.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for the passage of the Networking and Information Technology Research and Development Act, as included in title II of H.R. 4940, legislation which designates the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the American Museum of Science and Energy. As an original sponsor of the Networking and IT Research and Development Act, I want to congratulate my colleague Chairman SENSENBRENNER of the House Science Committee for his diligent and persistent efforts in achieving passage of this legislation. Let me also lend my thanks to Congressman WAMP, the chief sponsor of H.R. 4940, for facilitating passage with his measure of this important technology basic research bill.

The Networking and IT Research and Development Act recognizes the central role that information technology now plays in the U.S. economy, our education system, and our culture. From the growth of the Internet to our exports of computer hardware, software, and services, the IT sector has secured the United States' position as the worldwide dominant force in the Information Technology Revolution. The U.S. high tech industry employed 5 million people in 1999, a 32% increase over a 6-year period, and the industry employed nearly 5 percent of the U.S. private sector workforce in 1999. And this growth is being felt everywhere as high tech employment grew in every state between 1997 and 1998.

This tremendous growth and productivity is a result of the innovations and new ideas that flow from private sector short-term R&D efforts for targeted product and services. However, research and development in long-term, basic, and high-risk research now lags as the competitiveness of the industry necessarily drives companies to focus on faster returns on their research investments. It is in this role that the Federal Government has a crucial role to play if we are to sustain our Nation's long-term ability to compete in the IT industry and generate the continued growth of our economy.

For these reasons, the Networking and IT Research and Development Act implements this fundamental federal investment in IT by authorizing appropriations for 5 years for long-term basic research for networking and information technology. This legislation provides a total of $7.4 billion—nearly double the current amount—for IT funding for High-Performance Computing and Communications, Next Generation Internet, and new IT research programs at the National Science Foundation, the Department of Energy, National Aeronautic and Space Administration, the National Institute for Standards and Technology, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency.

The Networking and Information Technology Research and Development Act passed he House unanimously in February and is now being included in H.R. 4940 with some additions requested by the Senate. It is supported by the U.S. Chamber of Commerce, the Business Software Alliance, TechNet, the Information Technology Association of America, and the Council of Scientific Society Presidents. I urge all of my colleagues to support H.R. 4940 and ensure America's role as the global leader in high-end computing and technological innovation.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4940, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mrs. BONO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The Clerk read as follows:

Senate amendments:

Page 3, line 11, strike out "Inspector" and insert "Attorney".

Page 3, line 11, strike out "of the Department of Justice"

Page 5, line 7, strike out "why some" and insert "whether".

Page 5, line 9, strike out "while" and insert "and if so, why".

Page 7, strike out line 1

Page 7, line 2, before "The" insert: (5)

Page 7, line 2, strike out "shall" and insert "should".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 10, 1999, the House passed H.R. 2442 by voice vote. The gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, stated then that few people know that during World War II approximately 600,000 Italian Americans in the United States were deprived of their civil liberties by government measures that branded them "enemy aliens." In fact, on December 7, 1941, hours after the Japanese attack on Pearl Harbor, the FBI took into custody hundreds of Italian-American resident aliens previously classified as dangerous and shipped them to camps where they were imprisoned until Italy surrendered in 1943.

As so-called enemy aliens, Italian-American resident aliens were required to carry special identification booklets at all times, and they were forced to turn into the government such items as shortwave radios, cameras, and flashlights. Those suspected of retaining these items had their homes raided by FBI agents.

In California, about 52,000 Italian-American resident aliens were subjected to a curfew that confined them to their homes between 8 p.m. and 6 a.m. and a travel restriction that prohibited them from traveling further than 5 miles from their homes. These measures made it difficult, if not impossible, for some Italian Americans to travel to their jobs, and thousands were arrested for violations of these and other restrictions.

Then, on February 24, 1942, 10,000 Italian-American resident aliens living in California were ordered by the Federal Government to evacuate coastal and military zones. Most of those had to abandon their homes, some of whom were taken away in wheelchairs and on stretchers. Later in the fall of 1942, about 25 Italian-American citizens were ordered to evacuate these areas.

Mr. Speaker, H.R. 2442, the "Wartime Violation of Italian American Civil Liberties Act," requires the Department of Justice to conduct a comprehensive review of the Federal Government's treatment of Italian Americans during World War II and to submit to the Congress a report that documents the findings of that review.

In addition, H.R. 2442 encourages Federal agencies, including the Department of Education and the National Endowment for the Humanities, to support, among other things, conferences, seminars, and lectures to heighten awareness of the injustices committed against Italian Americans.

The Senate amendments are mostly technical in nature. The bill, as amended by the Senate, would leave it to the Attorney General as opposed to the Inspector General of the Justice Department to conduct a comprehensive review of the government's treatment of Italian Americans during World War II. The House version of the bill directs the President to acknowledge that these events occurred, whereas the Senate version provides that it is the sense of Congress that the President should fully acknowledge them.

Mr. Speaker, I support H.R. 2442 as amended by the Senate and urge members to vote in favor of H.R. 2442.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important bipartisan measure that acknowledges the indignities and discriminations suffered by Italian Americans during World War II. I thank the gentlewoman from California for her leadership, particularly on this very special day.

Of course, I will always remember the vital role that America's greatest generation played in defeating the threats to democracy and freedom abroad during World War II. At the same time, we must never forget that in its zeal to defeat foreign tyrants, the United States Government did a great disservice to democracy by violating the civil rights and civil liberties of hundreds of thousands of Italian-born immigrants here at home.

Simply because of their nationality, Italian Americans were labeled "enemy aliens." More than 600,000 of these citizens were forced to carry identification cards, had their personal property seized, and their freedom of travel restricted. Tens of thousands of other Italian Americans were forced from their homes, placed under curfews, and prohibited from entering coastal areas of our country, and many others were arrested and even interned in military camps.

Unfortunately, most Americans today are not even aware of this tragic chapter in our history. This is why the legislation is so important, because it will allow a full airing of the story of the treatment of Italian Americans during World War II to be told. In telling the story, the legislation would require the Attorney General to conduct a comprehensive review of the government's treatment of Italian Americans that would identify by name those Italian Americans who were innocent victims of discrimination. They are the grandparents, the parents, and cousins of millions of Italian Americans in America today.

We must learn from our history, even when that history shows our national government failed to uphold values underpinning our democracy, so that we do not subject future generations of Americans to senseless and unlawful deprivations of their civil liberties in the name of national security.

However, this legislation has another important purpose. It also provides an opportunity for the United States Government, through the President, to officially acknowledge that discrimination against Italian Americans during World War II represented a fundamental injustice toward Italian Americans. Such an acknowledgment will follow other historic and important acts of official contrition, such as President Clinton's official apology for this Nation's role in the African slave trade and our treatment of Japanese Americans during World War II.

Part of fulfilling the promise of our democracy requires owning up to our past. By passing this bill, we tell Italian Americans and, by extension, all Americans, that equality under the law includes honesty about our history.

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. BONO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of the Wartime Violation of Italian American Civil Liberties Act.

Mr. Speaker, I rise in strong support for H.R. 2442, the Wartime Violation of Italian American Civil Liberties Act. This bill is one that is very important to me, my constituents, and Italian-Americans across the nation. I want to thank my good friend, RICK LAZIO, for introducing this bill, along with Congressman ENGEL.

Much has been written about the internment of 100,000 Japanese-Americans during World War II, but the injustices suffered by Italian-Americans are less well known. During World War II, approximately 600,000 Italian-born immigrants in the United States were branded "enemy aliens" by the federal government. While thousands of Italian-Americans were fighting for our country in Europe and the Pacific, Italian-Americans who were deemed "enemy aliens" were losing their homes, jobs and businesses. Entire Italian-American communities on the West Coast were evacuated. Yet fifty years later, theirs is a largely untold story.

H.R. 2442 will require the Department of Justice to conduct an extensive study on the treatment of Italian-Americans in the United States during World War II, and encourage educational projects to heighten public awareness, and it calls on the President to formally acknowledge this shameful episode in our nation's history.

Such an acknowledgment is long overdue. It is high time that our nation recognize the enormous contributions of Italian-Americans and the discrimination and loss of basic rights that many of them faced.

Doing so will not only help make amends to the specific individuals who suffered, but it will strengthen the fabric of American society which is damaged whenever one segment of the American people is cut off and subjected to discrimination.

I urge my colleagues to support Mr. LAZIO's bill.

Mr. ENGEL. Mr. Speaker, I first want to thank the Chairman of the Judiciary Committee, Mr. HYDE, and the Ranking Member, Mr. CONYERS, for their efforts in bringing HR 2442 to the floor again today. With the recent passage of the Wartime Violation of Italian American Civil Liberties Act in the Senate, I look forward to sending this bill to the President. I have worked on this legislation with may colleague from New York, Mr. LAZIO, and I am proud to be here today to express my support for its passage.

On December 7, 1941, the Japanese bombed Pearl Harbor, and the United States entered World War II. What has been overlooked since that day is the fact that many Italian Americans suddenly became "enemy aliens". Loyal Italian American patriots who had fought alongside the United States Armed Forces in World War I, mothers and fathers of U.S. troops, even women and children were suspected of being dangerous and subversive. With this new enemy alien status, Italians were subjected to strict curfew regulations, forced to carry photo ID's and could not travel further than a 5 mile radius from their homes without prior approval. Furthermore, many Italian fishermen were forbidden from using their boats in prohibited zones. Since fishing was the only means of income for many families, households were torn apart or completely relocated as alternative sources of income were sought.

It is difficult to believe that over 10,000 Italians deemed enemy aliens were forcibly evacuated from their homes and over 52,000 were subject to strict curfew regulations. Ironically, over 500,000 Italians were serving in the United States Armed Forces fighting to protect the liberties of all Americans, while many of their family members had their basic freedoms revoked.

Whe we first started working on this legislation we had vague accounts of mostly anonymous Italians who were subjected to these civil liberties abuses. However, throughout this process we have come in contact with many Italians who experienced the internment ordeal first hand. Dominic DiMaggio testified at a Judiciary Committee hearing about his dismay when he returned from the war to find that his mother and father were enemy aliens. Doris Pinza, wife of international opera star Ezio Pinza, also testified at the hearing about her husband who was only weeks away from obtaining U.S. citizenship when he was classified as an enemy alien and detained at Ellis Island. It still saddens me to think that Ellis Island, the world renowned symbol of freedom and democracy, was used as a holding cell for Italians. There is even documented evidence of Italians being interned in camps at Missoula, Montana.

Mr. Speaker, we must ensure that these terrible events will never be perpetrated again. We must safeguard the individual rights of all Americans from arbitrary persecution or no American will ever be secure. The least our government can do is try to right these terrible wrongs by acknowledging that these events did occur. While we cannot erase the mistakes of the past, we must try to learn from them in order to ensure that we never subject anyone to the same injustices.

The Wartime Violation of Italian American Civil Liberties Act calls for the Department of Justice to publish a report detailing the unjust policies of the government during this time period. Essential to the report will be a study examining ways to safeguard individual rights during national emergencies.

Mr. Speaker, we owe it to the Italian American community, especially those who endured these abuses, to recognize the injustices of the past. Documentation and education about the suffering of all groups of Americans who face persecution is important in order to ensure that no group's civil liberties are ever violated again. I am pleased to support this legislation and urge its swift passage.

Mr. HYDE. Mr. Speaker, I want to congratulate Congressman RICK LAZIO for bringing this bill to our national attention. I was shocked when I first heard of these abuses against one of the most loyal segments of our society. This secret story, this secret history of wartime restrictions on Italian Americans living in the United States has been hidden from the American history books. I first learned of this situation when Anthony La Piana, a constituent from my district, came to visit me last year and told me of the events after the bombing of Pearl Harbor and how the FBI took hundreds of Italian American resident aliens and sent them to camps for the duration of the war. I wondered how many people have never heard of these terrible abuses. This bill does not put the question of reparations or looking for money or anything like that before us. It is simply a matter of the truth has been obscured and it ought not be obscured. The truth has to be told.

During the war, Italian American resident aliens were forced to carry special photo-identification booklets at all times, and required to turn over to the government any shortwave radios, cameras or flashlights. During this time in California, approximately 52,000 Italian American resident aliens were subject to curfews and travel restrictions that made it difficult, if not impossible to travel to their jobs. In February 1942, thousands were ordered evacuated by the government from coastal and military zones.

One of the witnesses before the House Judiciary Committee, Professor Lawrence DiStasi, Executive Director, Order Sons of Italy in America, initiated the process of educating the country about this unspoken chapter of American history. He was instrumental in the early 1990's by working with the American Italian Historical Association's Western Regional Chapter to create a touring exhibit titled, "Una Storia Segreta," (the words in Italian mean both "a secret story" and "a secret history"). This touring educational exhibit, which also has an Internet web site, displays collected photographs, artifacts, letters written by victims, family belongings, posters, memorabilia, and papers. These items provide tangible documentation of the treatment of Italian Americans who endured the confusion, indignity, and losses of World War II, for the most part, in silence. I urge you to support H.R. 2442, as amended by the Senate, and urge Members to vote in favor of this bill.

Mrs. MORELLA. Mr. Speaker, as an original cosponsor of the bill, I am pleased to rise as an original cosponsor of the Wartime Violation of Italian American Civil Liberties Act.

H.R. 2442 will officially acknowledge the denial of human rights and freedoms of Italian Americans during World War II by the United States government. While many Americans know the sad history of our nation's treatment of Japanese-Americans following Pearl Harbor and our entry into World War II, remarkably few Americans know that shortly after that attack, the attention and concern of the U.S. government was similarly focused on Italian-Americans. More than 600,000 Italian Americans were determined to be enemy aliens by their own government. More than 10,000 were forcibly evicted from their homes, 52,000 were subject to strict curfew regulations, and hundreds were shipped to internment camps. Constitutional guarantees of due process were unrecognized.

Although they had family members whose basic rights had been revoked, more than a half million Italian Americans served this nation with honor and valor to defeat fascism during World War II. Thousands made the ultimate sacrifice.

The Wartime Violation of Italian American Civil Liberties Act directs the Department of Justice to prepare a comprehensive report detailing the unjust policies against Italian Americans during this period of American history. It is vital to the foundations of our democratic governance that the people be fully informed of these devastating actions. This legislation recognizes the thousands of innocent victims, and honors those who suffered. In a country that so cherishes its equality, we must recognize and atone for the mistakes of our past.

Mrs. BONO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2442.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MERIT SYSTEMS PROTECTION BOARD ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 2000

Mrs. BONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3312) to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs, as amended.

The Clerk read as follows:

H.R. 3312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Merit Systems Protection Board Administrative Dispute Resolution Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Workplace disputes waste resources of the Federal Government, take up too much time, and deflect managers and employees from their primary job functions.

(2) The Merit Systems Protection Board (hereafter in this Act referred to as the “Board”) has already taken steps to encourage agency use of ADR before appeals are filed with the Board, including extending the regulatory time limit for filing appeals when the parties agree to try ADR, but high levels of litigation continue.

(3) The Board's administrative judges, who decide appeals from personnel actions by Federal agencies, find that by the time cases are formally filed with the Board, the positions of the parties have hardened, communication between the parties is difficult and often antagonistic, and the parties are not amenable to open discussion of alternatives to litigation.

(4) Early intervention by an outside neutral, after the first notice of a proposed action by an agency but before an appeal is filed with the Board, will allow the parties to explore settlement outside the adversarial context. However, without the encouragement of a neutral provided without cost, agencies are reluctant to support an early intervention ADR program.

(5) A short-term pilot program allowing the Board, upon the joint request of the parties, to intervene early in a personnel dispute is an effective means to test whether ADR at that stage can resolve disputes, limit appeals to the Board, and reduce time and money expended in such matters.

(6) The Board is well equipped to conduct a voluntary early intervention pilot program testing the efficacy of ADR at the initial stages of a personnel dispute. The Board can provide neutrals who are already well versed in both ADR techniques and personnel law. The Board handles a diverse workload including removals, suspensions for more than 14 days, and other adverse actions, the resolution of which entails complex legal and factual questions.

SEC. 3. MERIT SYSTEMS PROTECTION BOARD ALTERNATIVE DISPUTE RESOLUTION PILOT PROGRAM.

(a) AMENDMENT TO CHAPTER 5 OF TITLE 5.—Chapter 5 of title 5, United States Code, is amended by adding immediately after section 584 the following:

“§ 585. Establishment of voluntary early intervention alternative dispute resolution pilot program for Federal personnel disputes

“(a) IN GENERAL.—

“(1) The Board is authorized under section 572 to establish a 3-year pilot program to provide Federal employees and agencies with voluntary early intervention alternative dispute resolution (in this section referred to as ‘ADR’) processes to apply to certain personnel disputes. The Board shall provide ADR services, upon joint request of the parties, in matters involving removals, suspensions for more than 14 days, other adverse actions under section 7512, and removals and other actions based on unacceptable performance under section 4303.

“(2) The Board shall test and evaluate a variety of ADR techniques, which may include—

“(A) mediation conducted by private neutrals, Board staff, or neutrals from appropriate Federal agencies other than the Board;

“(B) mediation through use of neutrals agreed upon by the parties and credentialed under subsection (c)(5); and

“(C) non-binding arbitration.

“(b) EARLY INTERVENTION ADR.—

“(1) AUTHORITY.—The Board is authorized to establish an early intervention ADR process, which the agency involved and employee may jointly request, after an agency has issued a notice letter of a proposed action to an employee under section 4303 or 7513 but before an appeal is filed with the Board.

“(2) NOTICE IN PERSONNEL DISPUTES.—During the term of the pilot program, an agency shall, in the notice letter of a proposed personnel action under section 4303 or 7513—

“(A) advise the employee that early intervention ADR is available from the neutral Board, subject to the standards developed pursuant to subsection (c)(1)(A), and that the agency and employee may jointly request it; and

“(B) provide a description of the program, including the standards developed pursuant to subsection (c)(1)(A).

“(3) REQUEST.—Any agency and employee may seek early intervention ADR from the Board by filing a joint request with the Board pursuant to the program standards adopted under subsection (c)(1)(A). All personnel dispute matters appealable to the Board under section 4303 or 7513 shall be eligible for early intervention ADR, upon joint request of the parties, unless the Board determines that the matter is not appropriate for the program subject to any applicable collective bargaining agreement established under chapter 71.

“(4) CONFIDENTIALITY AND WITHDRAWAL.—The consent of an agency or an employee with respect to an early intervention ADR process is confidential and shall not be disclosed in any subsequent proceeding. Either party may withdraw from the ADR process at any time.

“(5) ANCILLARY MATTER.—In any personnel dispute accepted by the Board for the ADR pilot program authorized by this section, the Board may attempt to resolve any ancillary matter which the Board would be authorized to decide if the personnel action were effected under section 4303 or 7513, including—

“(A) a claim of discrimination as described in section 7702(a)(1)(B);

“(B) a prohibited personnel practice claim as described in section 2302(b); or

“(C) a claim that the agency's action is or would be, if effected, not in accordance with law.

“(c) IMPLEMENTATION.—

“(1) PROGRAM DUTIES.—In carrying out the program under this section, the Board shall—

“(A) develop and prescribe standards for selecting and handling cases in which ADR has been requested and is to be used;

“(B) take such actions as may be necessary upon joint request of the parties, including waiver of all statutory, regulatory, or Board imposed adjudicatory time frames; and

“(C) establish a time target within which it intends to complete the ADR process.

“(2) EXTENSION.—The Board, upon the joint request of the parties, may extend the time period as it finds appropriate.

“(3) ADVOCACY AND OUTREACH.—The Board shall conduct briefings and other outreach, on a non-reimbursable basis, aimed at increasing awareness and understanding of the ADR program on the part of the Federal workforce—including executives, managers, and other employees.

"(4) RECRUITMENT.—The Chairman of the Board may contract on a reimbursable basis with officials from other Federal agencies and contract with other contractors or temporary staff to carry out the provisions of this section.

"(5) TRAINING AND CREDENTIALLING OF NEUTRALS.—The Board shall develop a training and credentialing program to ensure that all individuals selected by the Board to serve as program neutrals have a sufficient understanding of the issues that arise before the Board and are sufficiently skilled in the practice of meditation or any other relevant form of ADR.

"(6) REGULATIONS.—The Board is authorized to prescribe such regulations as may be necessary to implement the ADR program established by this section.

"(d) EVALUATION.—

"(1) CRITERIA.—The Board's Office of Policy and Evaluation shall establish criteria for evaluating the ADR pilot program and prepare a report containing findings and recommendations as to whether voluntary early intervention ADR is desirable, effective, and appropriate for cases subject to section 4303 or 7513.

"(2) REPORT CONTENT.—The report, subject to subsection (b)(4) and section 574, shall include—

"(A) the number of cases subject to the ADR program, the agencies involved, the results, and the resources expended;

"(B) a comprehensive analysis of the effectiveness of the program, including associated resource and time savings (if any), and the effect on the Board's caseload and average case processing time;

"(C) a survey of customer satisfaction; and

"(D) a recommendation regarding the desirability of extending the ADR program beyond the prescribed expiration date and any recommended changes.

The recommendation under subparagraph (D) shall discuss the relationship between the Board's pilot ADR program and those workplace ADR programs conducted by other Federal agencies.

"(3) REPORT DATE.—The report shall be submitted to the President and the Congress 180 days before the close of the ADR pilot program.".

(b) APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out the ADR pilot program established by this section, there are authorized to be appropriated such sums as may be necessary for each of the 3 fiscal years beginning after the date of enactment of this Act.

(2) NO REDUCTIONS.—The authorization of appropriations by paragraph (1) shall not have the effect of reducing any funds appropriated for the Board for the purpose of carrying out its statutory mission under section 1204.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect no later than the close of the 60th day after the enactment of appropriations authorized by subsection (b)(1) and shall remain in effect for 3 years from the effective date.

(d) CONFORMING AMENDMENT.—The table of sections for subchapter IV of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 584 the following new item:

"585. Establishment of voluntary early intervention alternative dispute resolution pilot program for Federal personnel disputes.".

SEC. 4. MERIT SYSTEMS PROTECTION BOARD ADMINISTRATIVE JUDGES.

(a) AMENDMENT TO CHAPTER 53 OF TITLE 5.—Chapter 53 of title 5, United States Code, is amended by adding immediately after section 5372a the following:

"§ 5372b. Merit Systems Protection Board administrative judges

"(a) DEFINITIONS.—For the purposes of this section—

"(1) the term 'administrative judge (AJ)' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the MSPB Administrative Judge Schedule established by subsection (b); and

"(2) the term 'administrative judge (GS)' means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the General Schedule described in section 5332 of this title.

"(b) IN GENERAL.—There is established the MSPB Administrative Judge Pay Schedule which shall have 4 levels of pay, designated as AJ–1, AJ–2, AJ–3, and AJ–4. Each administrative judge (AJ) shall be paid at one of those levels in accordance with subsection (c).

"(c) RATES OF PAY.—

"(1) BASIC PAY.—The rates of basic pay for the levels of the MSPB Administrative Judge Pay Schedule established by subsection (b) shall be as follows:

"(A) AJ–1: 70 percent of the next to highest rate of basic pay for the Senior Executive Service.

"(B) AJ–2: 80 percent of the next to highest rate of basic pay for the Senior Executive Service.

"(C) AJ–3: 90 percent of the next to highest rate of basic pay for the Senior Executive Service.

"(D) AJ–4: 92 percent of the next to highest rate of basic pay for the Senior Executive Service.

"(2) LOCALITY PAY.—Locality pay as provided by section 5304 shall be applied to the basic pay for administrative judges (AJ) paid under the MSPB Administrative Judge Pay Schedule.

"(d) APPOINTMENT AND ADVANCEMENT.—

"(1) INITIAL APPOINTMENT.—Except as provided in paragraph (5), an initial appointment of an administrative judge (AJ) to the AJ pay schedule shall be at the AJ–1 level.

"(2) CONVERSION TO MSPB ADMINISTRATIVE JUDGE PAY SCHEDULE.—An administrative judge (GS) who is serving as of the effective date of this section shall be eligible for conversion to the MSPB Administrative Judge Pay Schedule and appointment as an administrative judge (AJ) in accordance with subparagraph (A), (B), or (C) below:

"(A) If the administrative judge (GS) occupies a position at the grade 15 level of the General Schedule and has served for 3 or more years as of the effective date of this section, the judge shall be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) on the effective date of this section so long as the judge's last 3 performance appraisals of record are at the 'exceeds fully successful' level or higher. An administrative judge (AJ) so converted shall be placed in the appropriate pay level prescribed in paragraph (3), based on the amount of time the administrative judge (AJ) has served as an administrative judge (GS).

"(B) If the administrative judge (GS) occupies a position at the grade 15 level of the General Schedule and has served for less than 3 years as of the effective date of this section, the judge shall be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) on the date the judge completes 3 years of service at the grade 15 level so long as the judge's overall performance appraisal ratings for the 3-year period are at the 'exceeds fully successful' level or higher.

"(C) If the administrative judge (GS) occupies a position at a level below grade 15 of the General Schedule on the effective date of this section and is subsequently advanced to grade 15 of the General Schedule, the judge shall, after serving for 3 years at the grade 15 level, be converted to the MSPB Administrative Judge Pay Schedule and appointed as an administrative judge (AJ) so long as the judge's overall performance appraisal ratings for the 3-year period at the grade 15 level are at the 'exceeds fully successful' level or higher.

"(3) ADVANCEMENT.—An administrative judge (AJ) shall be advanced to the AJ–2 pay level upon completion of 104 weeks of service with an appraisal rating for such weeks at the 'exceeds fully successful' level or higher, to the AJ–3 pay level upon completion of 104 weeks of service at the next lower level with an appraisal rating for such weeks at the 'exceeds fully successful' level or higher, and to the AJ–4 pay level upon completion of 52 weeks of service at the next lower level so long as the judge's overall performance appraisal ratings for the period are at the 'exceeds fully successful' level or higher.

"(4) REVIEW BOARD.—If at any time the MSPB establishes a pass-fail or other performance appraisal system that does not include an overall performance appraisal rating of 'exceeds fully successful', upon completion of the applicable qualifying time-in-service requirement and receipt of a 'pass' or equivalent performance appraisal rating for the 3 most recent rating periods, an administrative judge (AJ) shall be eligible for consideration to advancement to the next pay level subject to the approval of a review board made up of senior MSPB officials, as designated by the Chairman.

"(5) EXCEPTIONS.—

"(A) Notwithstanding paragraph (1), the Chairman of the Merit Systems Protection Board may provide for initial appointment of an administrative judge (AJ) at a level higher than AJ–1 under such circumstances as the Chairman may determine appropriate.

"(B) Notwithstanding paragraph (2), the Chairman of the Merit Systems Protection Board may, in exceptional cases, provide for the conversion of an administrative judge (GS) to the MSPB Administrative Judge Pay Schedule under such circumstances as the Chairman may determine appropriate.".

(b) TRANSITION PROVISIONS.—

(1) LIMITATION ON PAY INCREASES.—Notwithstanding the rates of basic pay prescribed under section 5372b(c) of title 5, United States Code, as added by subsection (a), the Chairman of the Merit Systems Protection Board may, on the effective date of this section and each year for a period of 7 years thereafter, limit the pay increase for each administrative judge (AJ) to an adjustment equal to—

(A) the percentage pay adjustment received by members of the Senior Executive Service under section 5382(c) of this title, if any;

(B) locality pay under section 5304; and

(C) an additional $3,000.

The Senior Executive Service percentage pay adjustment, if any, shall be included in basic pay. Annual adjustments in pay after the effective date of this section will be made on the first day of the first pay period of each calendar year. The limitation on pay increases under this subsection may continue during the time period prescribed by this subsection until such time as the pay of each administrative judge (AJ) reaches the appropriate rate of basic pay under section 5372b(c) of title 5, United States Code, as added by subsection (a). The Chairman may waive any limitation on pay under this subsection in the case of an administrative judge (AJ) serving as a chief administrative judge.

(2) PAY IN RELATION TO GRADE 15 OF THE GENERAL SCHEDULE.—In no case shall an administrative judge (AJ) who is converted in accordance with section 5372b(d)(2) of title 5, United States Code, or whose pay increase in any year is limited under paragraph (1), be paid after the effective date of this section at a rate that is less than the administrative judge's (AJ) rate of pay would have been had the administrative judge (AJ) remained as an administrative judge (GS) occupying the grade 15 level of the General Schedule.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term "administrative judge (AJ)" means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the MSPB Administrative Judge Pay Schedule established by the amendment made by subsection (a); and

(B) the term "administrative judge (GS)" means an employee of the Merit Systems Protection Board appointed to an administrative judge position and paid under the General Schedule described in section 5332 of title 5, United States Code.

(c) APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this section.

(2) NO REDUCTION.—The authorization of appropriations by paragraph (1) shall not have the effect of reducing any funds appropriated for the Board for the purpose of carrying out its statutory mission under section 1204 of title 5, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first pay period of the calendar year immediately following the date of enactment of appropriations authorized by subsection (c)(1).

(e) CONFORMING AMENDMENT.—The table of sections for subchapter VII of chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5372a the following new item:

"5372b. Merit Systems Protection Board administrative judges.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO. Mr. Speaker, I yield myself such time as I may consume.

The Committee on the Judiciary has reported H.R. 3312, a bill to establish a pilot, 3-year, early intervention alternative dispute resolution program at the Merit Systems Protection Board. Support for ADR enjoys a rare consensus among those knowledgeable with formal litigation and administrative dispute processes. Resulting savings redound to the benefit of those involved and are, more broadly, to the taxpayers at large.

The MSPB is an independent adjudicatory body that hears appeals from Federal agency personnel disputes. MSPB judges hear a broad range of complex personnel cases that affect thousands of Federal employees and the agencies for which they work. Over the last decade, MSPB judges have seen their jurisdictions steadily increase without a corresponding increase in resources. Last year, the board handled nearly 8,000 cases with a staff of only 71 administrative judges. H.R. 3312, as amended, would help reduce this caseload by encouraging Federal agencies and employees to explore alternatives to costly litigation before the board.

Until 1990, MSPB judges received compensation equivalent to that provided Immigration, Social Security and Administrative Law judges. Since 1990, however, the wage disparity between MSPB judges and other administrative judges has detrimentally affected the board's ability to attract and retain top judges. Over the last 4 years alone, the board has lost nearly 20 percent of its judges to other adjudicatory agencies.

The conference report to the 1999 Omnibus Appropriations Act recognized the need to accord pay equity to MSPB, Immigration and Administrative Law judges. Last year, H.R. 2946 was introduced to address this inequality. Like H.R. 2946, H.R. 3312, as amended, restores a measure of fairness to MSPB judge compensation vis-a-vis Immigration, Social Security and Administrative Law judges. H.R. 3312, as amended, is notable for the spirit of bipartisan cooperation that has surrounded its consideration. It enjoys the support of the Merit Systems Protection Board, Department of Justice, Federal Mediation and Conciliation Service, and Federal employees. The Committee on the Judiciary and Subcommittee on Commercial and Administrative Law, which is chaired by the gentleman from Pennsylvania (Mr. GEKAS), unanimously reported the bill. Finally, the distinguished chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), to whose committee H.R. 3312 was referred, has waived jurisdiction and indicated there is no objection to either H.R. 3312 or the provisions of H.R. 2946, also referred to the Committee on Government Reform.

Mr. Speaker, I enclose for the RECORD the letters of exchange concerning committee jurisdiction between the gentleman from Indiana (Mr. BURTON) and the gentleman from Illinois (Mr. HYDE).

Passage of H.R. 3312, as amended, will help combat debilitating MSPB attrition rates and further reduce costs to taxpayers by ensuring the retention of an experienced cadre of board judges to effectively implement the pilot program. Support for H.R. 3312, as amended, is broad and its advantages are clear. I urge support for this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 3, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on the Judiciary favorably reported H.R. 3312 on September 20, 2000 and has requested to have it considered under suspension of the rules before the end of the session. The bill authorizes the Merit Systems Protection Board (MSPB) to conduct an alternative dispute resolution pilot program. Legislation (H.R. 2946) was earlier introduced by Mr. Gekas, Chairman of the Subcommittee on Commercial and Administrative Law, to establish such a program, but his measure contained additional language establishing an administrative judge pay schedule for administrative judges employed by the MSPB. Because this additional language contains a matter within the Rule X jurisdiction of your committee, the bill was referred to the Committee on Government Reform.

As we understand it, there is no objection by your committee to the matter proposed by that language, but action on it cannot be expected because of the lateness of the session. Recognizing your Rule X jurisdiction over the matter, we would therefore request that you waive that jurisdiction so that the matter can be considered by the House together with H.R. 3312.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 17, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3312, which the Committee on the Judiciary has ordered reported, and H.R. 2946, legislation that would, among other things, establish a new pay scale for administrative judges at the Merit Systems Protection Board. Both of these measures fall within the jurisdiction of the Committee on Government Reform under House Rule X, and I appreciate the close cooperation your staff has provided mine with respect to both bills.

We do not object to either the reported version of H.R. 3312. I understand that you wish to include in a manager's amendment to H.R. 3312 the pay language that has been agreed to by the Civil Service Subcommittee. We also have no objection to that language. Accordingly, in order to expedite floor consideration of this measure, we will not exercise our jurisdiction over either H.R. 3312 or the pay provisions that will be included in the manager's amendment.

Our decision not to exercise our jurisdiction over this measure is not intended or designed to waive or limit our jurisdiction over any future consideration of related matters.

Sincerely,

DAN BURTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allocated to this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3312, the Merit System Protection Board Administrative Dispute Resolution Act of 1999.

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This bipartisan legislation would establish a 3-year alternative dispute resolution pilot program. Under the terms of the bill, Federal agencies and employees would be given assistance in voluntarily resolving personnel action and disputes in administrative agencies through mediation, arbitration and mini trials or combinations of these procedures.

Although formal hearings and litigation are available to both Federal agencies and employees, these methods are often expensive and lengthy. By contrast, the voluntary dispute resolution process offers a potentially less costly alternative system that can encourage examine compromise and settlement. Under the legislation, matters such as removals, suspensions, reduction in pay and pay grade, furlough and performance actions may all be addressed outside the formal court system.

This legislation would not replace litigation but simply offer a voluntary early intervention program. It is the intent of the legislation to provide ADR on a voluntary basis and not compromise or modify contractual or collective bargaining rights of Federal employees.

This bipartisan bill is an excellent example of a method that will relieve the burdened legal system of matters that may be more easily and more effectively resolved using a nonadversarial approach.

I would also note that, under the manager's amendment, administrative judges of the Merit Systems Protection Board will receive an increase in compensation to account for their expanded duties under this bill. This is designed to help ensure that we can recruit and retain these highly qualified judicial officials.

I strongly support H.R. 3312 and urge my fellow Members to vote yes on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of HR 3312, the Merit Systems Protection Board Administrative Dispute Resolution Act of 2000. The bill rightly enjoys bipartisan support and my colleagues should be commended for reaching consensus on this issue.

HR 3312 would authorize the Merits Systems Protection Board to establish a 3-year pilot program that provides voluntary early intervention alternative disputes resolution (ADR) to assist federal agencies and employees in resolving certain personnel actions and disputes. The bill represents an important step forward in identifying innovative ways to resolve disputes that would be better kept outside the domain of the courts.

The Merit Systems Protection Board ("the Board") is an independent adjudicatory agency established by the Civil Service Reform Act of 1978. It has served the nation well. Since its inception, the Board has heard tens of thousands of cases while providing federal employees with an impartial forum for resolving their employment disputes with federal agencies.

Nevertheless, the expanded responsibilities and heavy caseload of the Board is taking a toll. Congress has expanded the jurisdiction of the Board without a requisite level of judicial resources. In 1999, the Board's 71 administrative judges heard nearly 8,000 appeals, or 100 decisions each.

Alternative dispute resolution such as arbitration, facilitation, mini-trials are all used voluntarily to resolve significant issues in controversy. HR 3312 appropriately focuses on encouraging the agency and employee in a dispute to resolve disputes without litigation. The covered disputes include removal, a suspension of more than 14 days, a reduction in pay grade, a furlough of 30 days or less, and an action passed on unacceptable performance. According to the Findings and Purposes of HR 3312, ADR would be more successful if it were utilized earlier in the process. Voluntary early intervention is, of course, a sensible solution.

I share my colleagues enthusiasm for the changes made during a subcommittee markup of the bill; I supported the bill once when it reached the full committee. I am pleased that the changes to HR 3312 clarified the bill's voluntariness provisions. To accomplish this, the amendment makes absolutely clear that the parties in a dispute can only be subject to early intervention ADR by the Merit System Protection Board upon their joint request. As introduced, the bill required that the notice letter in personnel disputes advise the employees as the availability of ADR. The substitute supplements the bill's notice letter requirement to include a description of this pilot program and of standards the Board will use to select from among eligible cases. In addition, it is noteworthy that the amendment clarifies the bill's language regarding arbitration to make clear that it would be non-binding.

Indeed, to further emphasize the voluntary nature of the early intervention ADR offer by the Board under the bill, the substitute added the words "upon joint request of parties" or some variant. As a result of these changes, the only cases eligible for early intervention ADR by the Board are those which both agency and the employee request jointly.

Additionally, the original version of H.R. 3312 compels an agency to advise an employee as the availability of early intervention ADR in the notice letter of proposed personnel action. The substitute expanded this requirement to include (a) a description of this program and (b) a description of the standards the Board must develop for selecting and handling cases. This will clarify the two step process a dispute must entertain before early intervention ADR. First, the parties jointly request ADR from the Board. Then, the Board determines whether or not the matter is "appropriate for the program." These are welcome improvements to the ADR process.

The bill further stipulates that the Board's acceptance of a case for ADR must be subject to any applicable collective bargaining agreement. We can never overestimate the importance of collective bargaining agreements—and the bill reinforces the importance of safeguarding this matter.

Mr. Speaker, I urge my colleagues to support this measure to make the voluntary nature of the ADR process more accessible and perhaps more efficient to potential litigants.

Mr. BAIRD. Mr. Speaker, I yield back the balance of my time.

Mrs. BONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the bill, H.R. 3312, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions."

A motion to reconsider was laid on the table.

VESSEL WORKER TAX FAIRNESS ACT

Mrs. BONO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

The Clerk read as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting "(a) WITHHOLDING.—" before "WAGES"; and

(2) by adding at the end the following:

"(b) LIABILITY.—

"(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

"(2) APPLICATION.—This subsection applies to an individual—

"(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

"(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 893.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the right of States to tax economic activities within their borders is a key feature of federalism rooted in the Constitution and long recognized by Congress. State taxing power is not absolute, however, and Congress and the courts protect residents from State taxes that discriminate against nonresidents and unduly burden interstate commerce.

Interstate transportation workers derive their income in multiple States in the course of regularly assigned duties. Through a patchwork of legislation spanning nearly three decades, Congress has exempted interstate rail, motor, and air carriers from having to pay income taxes in more than one State by making the income of these workers taxable only in the worker's State of residence. While these workers have escaped the onerous burden of multiple taxation, Congress has failed to provide similar relief to interstate water workers.

Under current law, interstate water workers may be taxed in both their State of residence and in any State in which they derive 50 percent or more of their income. This taxing requirement has had an acute impact on waterway workers who reside in Washington but work along the Columbia River in the Pacific Northwest.

Recently, Oregon taxing authorities have presented these workers with staggering tax bills for income they claim was derived in Oregon while working on the Columbia River, which separates Washington from Oregon. In response to this problem, the gentleman from Washington (Mr. BAIRD) introduced legislation that would exempt interstate waterway workers from multiple State income taxation.

The Committee on the Judiciary reported H.R. 1293, legislation nearly identical to S. 893. In order to facilitate prompt consideration of the measure, we are considering S. 893, which was introduced by the distinguished Senator from Washington, Mr. GORTON. Equalizing the taxing status of interstate water workers enjoys bipartisan support in both Houses of Congress. I urge the support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker I ask unanimous consent that the gentleman from Washington (Mr. BAIRD) be permitted to manage the time allotted to this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to be here today on the floor of the House as we take up this important legislation to provide tax fairness for thousands of hard-working Americans in my home State of Washington and throughout this Nation.

While most interstate transportation workers are exempt from taxation by States other than that of their residence, those working on vessels operating on interstate waterways are subject to contradictory laws that are difficult to apply. Consequently, a number of waterway employees who are residents of Washington have been sent notices from other States seeking to collect thousands of dollars in presumably delinquent taxes for which they may not be responsible under Federal law.

I am speaking today about river pilots, I am talking about men and women who work on barges, and I am talking about hard-working boat crew members who do an honest day's work and want a fair shake when it comes to paying their taxes.

Mr. Speaker, I am deeply concerned that, under current tax law, a significant number of interstate waterway employees who are employed on vessels that operate on the Columbia River or the Snake River and many other inland waterways throughout this Nation are being unfairly taxed for their labor.

When truck drivers, railway workers, or aviation employees go about their jobs, all of which require them to conduct work in States other than their home States, Congress has seen fit to grant them an exemption for this type of unfair taxation unless a majority of the work is performed in another State.

Interstate transportation workers, including those employed by interstate railway carriers, motor carriers, water carriers, and air carriers who are engaged in interstate commerce, were first protected from unfair taxation by multiple States in 1970.

In 1990, Congress took additional steps to prohibit States from taxing the income of interstate rail and motor carrier workers, except those States where the employee resides. A similar limitation exists on States' rights to tax employees of interstate air carriers engaged in interstate transportation duties.

An airline pilot, for example, is subject to taxation by the State in which the pilot resides, period. This restriction, for all practical purposes, exempts airline employees from multiple taxation. However, interstate water carriers, bargemen, tug boat operators, river boat pilots, ferry operators, et cetera, for some reason, these folks have been treated differently.

Mr. Speaker, we can fix this problem today. Over the past 30 years, Congress has addressed inequities in the Tax Code when it dealt with interstate transportation employees. I am asking my colleagues today to again take action to correct this problem.

The legislation we put forward is not complex legislation. It is very straightforward. It is not lengthy. It is a two-page bill. But it is good legislation, and it is needed legislation.

As we consider the legislation today, there is another voice I would like to bring to the floor, and that is the voice of Captain Robert Nelson. In late 1998, Captain Nelson got some bad news. He got several pieces of bad news. First, his wife was seriously injured in a car wreck. Then a couple months later, Captain Nelson himself was diagnosed with terminal lung and brain cancer. He was given, at the time, 3 months to live.

That is a heavy enough load. But on his way to the mailbox, he then received a letter from the Oregon Department of Revenue that he was to pay a $78,000 back tax bill to a State that he had not really set foot in the course of his work.

Captain Nelson was assessed those costs, not because he lived or worked in Oregon, but because he worked in a river system.

I would ask Members of this body to put themselves in that family's shoes for just a minute, to ask themselves how they would feel if, on top of worrying about their wife, their family, their own health, they had to then pay an exorbitant tax bill to a State they did not work in.

Things like that should not happen in America. Mr. Speaker, with my colleagues help, we can do something about it. I urge my colleagues to join me in passing this bipartisan bill to ensure tax fairness for transportation workers.

I am proud of the steps we have taken to get here today. This is a bipartisan bill. It is a fair and needed bill. I would like to thank those who have been involved.

Senator GORTON in the other body introduced legislation shortly after I dropped the bill in the House. Our bill also received a committee hearing from the Committee on the Judiciary, and I want to thank the gentleman from Pennsylvania (Chairman GEKAS) and the gentleman from New York (Mr. NADLER), ranking member, for their support and assistance, as well as the able staff, Rob Tracci and the committee's minority staffer, Dave Lachman. They also did a very good job of putting the hearing together, and I want to say thanks for their efforts.

I would like to thank the chairmen and ranking members of both full committees and subcommittees to which the bill was referred: the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary; and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure.

I would like to also particularly thank the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Maryland (Mr. GILCHRIST) also Mr. Ward McCarragher of the Committee on Transportation and Infrastructure for his work and Mr. Turton and Mr. Boyle for their work.

Today we have an opportunity to restore simple fairness to our Tax Code. I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. BONO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the Senate bill, S. 893.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT COMMUNITIES SHOULD IMPLEMENT AMBER PLAN FOR RECOVERY OF ABDUCTED CHILDREN

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Clerk read as follows:

H. RES. 605

Whereas communities should implement an emergency alert plan such as the Amber Plan to expedite the recovery of abducted children;

Whereas the Amber Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas the Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the Amber Plan;

Whereas, to date, the Amber Plan is credited with saving the lives of at least 9 children nationwide;

Whereas the National Center for Missing and Exploited Children endorses the Amber Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the Amber Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Amber Plan is a powerful tool in fighting child abductions and should be used across the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 605.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 605, introduced by the gentlewoman from New Mexico (Mrs. WILSON). This resolution will express the sense of the House of Representatives that communities across the United States should implement what has become known as the Amber Plan to help find and recover children who have been abducted.

Crimes committed against our children is a serious problem in the United States. Congress has played a significant role in our national struggle to protect children by providing grant money to the States to fight crime committed against children and by passing tough new Federal laws to prosecute criminals who victimize children. But of course most of the work to prevent these crimes and punish those who commit them occurs at the local level.

Today Congress has an opportunity to bring national attention to an effective program working at the local level called the Amber Plan. This program, begun in Dallas-Fort Worth, Texas, helps save the lives of children who have been kidnapped. The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was tragically kidnapped and murdered in Arlington, Texas. Because of its success in Dallas-Fort Worth, it has been replicated in communities across the country.

The Amber Plan works by utilizing the national Emergency Alert System. When a child is reported abducted, the abduction, including the description of the alleged perpetrator, is immediately broadcast by local radio and television stations using the Emergency Alert System. These alerts get the word to everyone who might recognize the child or might recognize the abductor and then call the police. Since its inception, the Amber Plan has led to the safe recovery of at least nine children nationwide.

The use of the Emergency Alert System to blanket broadcast areas with the news that a child has been abducted is a wonderful idea. Any time a crime such as a kidnapping is committed, quick action can make all the difference in whether the criminal gets away with his crime or is apprehended.

I want to thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership on this issue. I urge all my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 605 which would express the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Amber Plan provides for community law enforcement, radio and television stations to work together to alert the public of child abductions.

Under the plan, the law enforcement alerts the media which interrupt programs to broadcast notices seeking help from the public when child abductions are reported and confirmed.

The Amber Plan was created in December 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. Since its creation, the system has become a powerful tool, especially in the early hours of an abduction investigation, and is credited with saving the lives of at least nine children nationwide.

□ 1530

The National Center for Missing and Exploited Children, a respected organization dedicated to assisting families in recovering missing children, has endorsed the Amber Plan and is directing its expansion. Versions of the plan have been adopted in several cities already, including Kansas City, Missouri; Memphis, Tennessee; Charlotte, North Carolina; and Cincinnati, Ohio.

Mr. Speaker, the Amber Plan deserves our wholehearted support. It provides for a partnership between law enforcement, the media, and the community which can mean the difference between life and death for a child. I commend those who developed the plan and urge my colleagues to vote for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of House Resolution 605, which expresses the Sense of the House that communities should implement the Amber Plan to expedite the recovery of abducted children.

The Amber Plan is a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases. The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. In response to community concern, regarding the abduction of Amber Hagerman, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas created the Amber Plan. To date, the Amber Plan is credited with saving the lives of at least 9 children nationwide.

The National Center for Missing and Exploited Children endorses the Amber Plan and is promoting the use of such emergency alert plans nationwide. For this reason, I believe that the Amber Plan does offer useful tools to those who are in need of resources in the search for tools to fight child abductions and should be used across the United States.

Mrs. WILSON. Mr. Speaker, House Resolution 605 expresses the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

Mr. Speaker, when a child is abducted, the family's anguish and fear is beyond measure. The Amber Plan was created to quickly enlist the public as partners with law enforcement and the news media to intervene before an abduction ends in serious injury or death for an innocent child.

The plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. To date, the plan is credited with saving the lives of at least 9 children nationwide.

This is how the plan works: When a child is reported abducted, law enforcement notifies local television and radio stations. Both TV and radio announcements are broadcast describing the child and other details. The public is given phone number to call if they see the child. House Resolution 605 calls upon communities across the U.S. to implement their own Amber Alert programs to assist locally in the recovery of abducted children. House Resolution 605 has been endorsed by the National center for Missing and Exploited Children. They are working to bring this program to cities and towns nationwide and I commended them for their efforts.

Mr. Speaker, I would also like to thank my colleague Mr. LAMPSON from Texas for his assistance with this resolution and commend him as the Chairman of the Missing and Exploited Children's Caucus.

Mr. LAMPSON. Mr. Speaker. I rise today in strong support of H. Res. 605, a resolution expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children.

Amber Hagerman, a 9-year-old from Arlington, Texas, was abducted in front of witnesses in 1996. Her body was found 4 days later. After this tragedy, police and local radio station developed the "Amber Plan", named in honor of Amber Hagerman—which was the first use of the Emergency Alert System (EAS), formerly the Emergency Broadcast System, to report a missing child. Under the plan, television and radio stations interrupt programming to broadcast information about a child abduction by using the EAS, a system typically used for weather or other civil emergencies. Since the Amber plan was established in Texas, many areas across the country have adopted a similar emergency alert plan on the local, regional, and even statewide-level. Between 1996 and 2000, these plans have been credited with the safe return of at least nine children.

The National Center for Missing and Exploited Children has endorsed the use of the "AMBER Plan"—America's Missing: Broadcast Emergency Response—to assist in the recovery of missing children. The plan is simple—to alert the public as quickly as possible of a child abduction in hopes of gaining information leading to the safe recovery of that child and capture of the abductor.

Mr. Speaker, children are snatched off the street everyday in America. Tragically, some are never returned to their caretakers, and many are victims of assault and murder. A 1997 study by the Washington States Attorney indicated that 74 percent of children abducted and murdered by strangers were killed within three hours of being taken.

Realizing that time is of the essence in these cases, this resolution encourages states and communities to recognize that the abduction of a child is of the highest priority for response and investigation. In furtherance of this type of investigation, a carefully planned and quick notification of the public in the area of the abduction by commercial broadcast methods, the "AMBER Plan", can be a valuable tool in the quick recovery of abducted children.

I urge my colleagues to vote for this resolution.

Mr. FROST. Mr. Speaker, I rise in strong support of House Resolution 605, which recognizes the importance of the Amber Plan to families across the country, and encourages other communities to implement the plan. I want to thank Mrs. WILSON and NICK LAMPSON for their efforts in bringing this resolution to the floor.

Mr. Speaker, the Amber Plan was created in memory of Amber Hagerman, a nine-year-old girl from Arlington, Texas who was tragically abducted and murdered in 1996. Amber was bright and pretty and was riding her bike on January 13 when someone came along and took her away. This case occurred in my congressional district, but I am sure that events like this have happened—sadly—in every corner of our country, in our cities and in the heartlands.

This case caused the police and broadcasters in the North Texas area to look at how they could better protect our community's children. Now once police have received a report of child abduction, they fax information to area media outlets. Broadcast stations then sound an emergency tone during broadcasts—similar to a weather alert—which is followed by the information from police. It gives a description of the children who are missing, the vehicle that they were kidnapped in, and a description of the kidnappers. It also gives a number that people can call to report information. The Amber Plan treats a child abduction like the entire community's emergency, and enlists their help to find the kidnappers.

The success of the Amber Plan in North Texas has led several other communities to implement the plan. Just recently, I spoke with a radio station in Oklahoma, where the state's first use of the Amber Alert led to the successful recovery of two children during a car theft. The State of Florida just recently implemented the system statewide. And the National Center of Missing and Exploited Children is working on implementing the system in a number of other major metropolitan areas.

Last year, I hosted members of the Amber Plan Task Force at a meeting in the Capitol. They addressed Members of Congress about the effectiveness of the Amber Plan in North Texas, and how it can be expanded to their own congressional districts. The group also met with officials from the National Association of Broadcasters and encouraged them to inform their members about expanding the Amber Plan throughout the country.

Along with Mr. LAMPSON, Mr. FRANKS, and several other Members, I am one of the founding members of the Missing and Exploited Children's Caucus. Members of the Caucus know that each year hundred of thousands of American families are confronted with the tragedy of a missing child. This resolution helps remind us that we must constantly work to increase the awareness of these tragic occurrences and to introduce legislation to combat these heinous crimes.

Whoever took Amber didn't know and didn't care that she was an honor student who made all As and Bs. They didn't care that she was a Brownie who had lots of friends and who loved her little brother dearly. They didn't care that her whole life was ahead of her and that their parents wanted to watch her grow into the lovely young woman she promised to be.

Mr. Speaker, we all need to get involved—parents, relatives, politicians, police and other enforcement agencies—to direct attention to the problem of missing children. It is my hope, Mr. Speaker, that someday we will not need the Amber Plan to combat the growing epidemic of missing and exploited children. It is my hope that someday every child in America will feel safe. It is my hope that someday every child will feel secure while riding his or her bicycle in the neighborhood. It is my hope that someday no parent will ever have to face the tragedy that Amber Hagerman's parents had to face. But until that day comes, we need to support this resolution and work together to protect this country's greatest asset—our children.

Mr. GREEN of Texas. Mr. Speaker, I am proud to join my colleagues in support of this resolution. The Amber program is a great example of law enforcement, the local media and communities coming together to save lives. Today, our children face many obstacles and we need to do what ever we can to ensure their safety. In The Dallas-Fort Worth area Amber program has been successful in the recovery of abducted children.

While we cannot prevent every child abduction, it is important for local communities to respond immediately to child abduction cases and reunite them with their parents as soon as possible. In my district, a young girl was abducted recently. The abductor took the girl on a bicycle to a nearby bus station and then boarded a bus to Florida. This all happened within 20 or 30 minutes. Had the Amber plan been implemented, media outlets would have been interrupted immediately to report a description of the abductor and the location where the abduction took place. This would have saved time and possibly prevented the abductor from getting on that bus to Florida with the child. Fortunately, the young girl was found safely. Unfortunately, it doesn't always end this way.

Since last year, I have been working with law enforcement agencies in the Houston and Harris County area, and our local media, to establish a plan similar to the Amber program. The plan, which is still under development by the Amber Plan Subcommittee, should be operational by January 2001. It will be a cooperative public service effort between 36 law enforcement agencies in the five-county area Fort Bend, Galveston, Harris, Montgomery, and Waller counties and 40 local radio, television stations, cable systems.

Chuck Wolf, Chairman of the Emergency Alert System and Mark McCoy, station manager of KTRH radio station in Houston have been instrumental in the development of this program. It is important to point out that in order to activate the Houston Regional Amber Plan strict criteria must be met. It has to go through a screening process before it is activated. Once it is activated, we have to make sure that the emergency alert message is sent quickly and is easy to understand—it can only be activated if it passes a screening process.

Law enforcement, local media outlets, and communities will collaborate to make sure that the requirements are met and that the emergency alert is activated properly. However, we also need for the Federal Communications Commission to take part in this effort. Currently, broadcasters are limited by the types of codes they can use to describe the alert event. I urge the FCC to expand event codes that will specifically describe if it is an Amber Alert, hazardous and environmental disaster, or any other man made disaster. We must utilize our available technology effectively to protect our citizens and specially our children from all types of disasters and civil disturbances.

I strongly support this resolution and urge other Members to encourage their communities to implement similar programs.

Mr. HYDE. Mr. Speaker, I rise in support of H. Res. 605, which was introduced by the Gentlelady from New Mexico, Mrs. WILSON. H. Res. 605 expresses the sense of the House of Representatives that communities should implement the "Amber Plan" to expedite the recovery of abducted children. As we all know, the problem of missing and abducted children is a continuing national concern. Few things are as disturbing to us as crimes committed against kids, and Congress should do all it can to reduce the threat to our children.

H. Res. 605 is a simple resolution that highlights the "Amber Plan," a very effective partnership between law enforcement and the media in Dallas-Fort Worth that has helped save the lives of kids who have been kidnaped. The resolution urges the replication of the Amber Plan in communities across America.

The Amber Plan was created in 1996 in memory of 9-year-old Amber Hagerman, who was tragically kidnaped and murdered in Arlington, Texas. Since then, many communities across the United States have put similar plans into effect. It is credited with the safe return of at least nine abducted children nationwide. Here's how it works. When a child is reported abducted, the abduction—including a description of the alleged perpetrator—is immediately flashed across local radio and television stations using the Emergency Alert System, what used to be known as the Emergency Broadcast System. This quick action alerts the community to the abduction, and it has apparently spooked child abductors into releasing their victims when they hear descriptions of themselves broadcast on the radio or TV.

Quick action is often necessary to thwart the commission of crime, and the Amber Plan is a great idea that ought to be put in place in every city and town across America. I want to thank the Gentlelady for her leadership on this issue, and I urge all my colleagues to support the resolution.

Mr. VISCLOSKY. Mr. Speaker; I rise today to express my strong support for House Resolution 605 introduced by Representative WILSON. I would also like to applaud the efforts of the Missing and Exploited Children Caucus for raising the awareness of such issues. H. Res. 605 expresses the sense of the House of Representatives that communities should implement the Amber Alert Plan to expedite the recovery of abducted children. The Amber Alert Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas. The Alert has been credited with saving the lives of at least 9 children nationwide.

Last year in Northwest Indiana, more than 1,600 children were reported missing. When a child is abducted, time is the most important factor in determining whether that child will return home alive. Due to the Amber Plan's proven track record of success, I initiated the Alert in my district on April 4, 2000. The Amber Alert is a joint effort between media outlets and police departments that enlists the help of the public to put more eyes on the look out for a missing child. In the event of an abduction, radio, and television stations provide quick, police-generated reports on the child. The notification plan commonly beings with a high-pitched tone and is followed by detailed information about the missing child or kidnaping suspect. A phone number is then given for the public to call if they see either the child or the suspect. Police are careful not to overuse the Amber Plan, carefully evaluating the circumstances of a missing child report before sounding the alert. I truly believe that the Amber Alert will be a valuable resource in my district in the effort to assist localities in the timely return of any missing child.

I support the efforts of communities across the U.S. in implementing their own Amber Alert programs to assist in the recovery of abducted children. This resolution has been endorsed by the National Center for Missing and Exploited Children, which continues to work tirelessly to implement this program nationwide. I urge my colleagues to support this resolution in an effort to combat child abduction and protect our children.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 605.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1865) to provide grants to establish demonstration mental health courts.

The Clerk read as follows:

S. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Law Enforcement and Mental Health Project".

SEC. 2. FINDINGS.

Congress finds that—

(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

(3) estimates say 25 to 40 percent of America's mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored in-patient and out-patient mental health treatment programs, where appropriate, with positive results.

SEC. 3. MENTAL HEALTH COURTS.

(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

“PART V—MENTAL HEALTH COURTS

“SEC. 2201. GRANT AUTHORITY.

“The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

“(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

“(2) the coordinated delivery of services, which includes—

“(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

“(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

“(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

“(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

“SEC. 2202. DEFINITIONS.

“In this part—

“(1) the term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder—

“(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

“(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

“(2) the term ‘preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders’ means a person who—

“(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

“(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

“(B) is deemed eligible by designated judges.

“SEC. 2203. ADMINISTRATION.

“(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

“(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

“(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

“(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

“(1) include a long-term strategy and detailed implementation plan;

“(2) explain the applicant's inability to fund the program adequately without Federal assistance;

“(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

“(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

“(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

“(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

“(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

“(8) describe the methodology and outcome measures that will be used in evaluating the program; and

“(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

“SEC. 2204. APPLICATIONS.

“To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

“SEC. 2205. FEDERAL SHARE.

“The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

“SEC. 2206. GEOGRAPHIC DISTRIBUTION.

“The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

“SEC. 2207. REPORT.

“A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

“(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.”.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:

“PART V—MENTAL HEALTH COURTS

“Sec. 2201. Grant authority.
“Sec. 2202. Definitions.
“Sec. 2203. Administration.
“Sec. 2204. Applications.
“Sec. 2205. Federal share.
“Sec. 2206. Geographic distribution.
“Sec. 2207. Report.
“Sec. 2208. Technical assistance, training, and evaluation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

“(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the Senate bill under consideration, S. 1865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

A recent Bureau of Justice Statistics study estimates that there are over 283,000 mentally ill offenders incarcerated in Federal, State and local prisons and jails. In fact, according to that report, 7 percent of Federal offenders, 16 percent of State inmates, and 16 percent of those held in local jails are mentally ill. A similar percentage of persons on probation, approximately 547,000 people, also have a history of mental illness.

The Bureau of Justice Statistics also has a study that revealed that mentally ill offenders have a higher rate of prior physical and sexual abuse than other inmates. They have higher incidents of alcohol and drug abuse by parents and guardians while they were children. Mentally ill offenders were more likely than other offenders to have been unemployed and homeless prior to their arrest. And these offenders are more likely than other offenders to be involved in fights with other inmates and to be charged with breaking prison rules.

Over the last year, law enforcement and corrections officials, prosecutors, judges, and mental health officials have called and written to the Subcommittee on Crime to urge the subcommittee to address the problem of mentally ill offenders in the criminal justice system. In response, the Subcommittee on Crime held a hearing on this issue just last month. At that hearing representatives of all these groups urged Congress to develop a special program to address the needs of these offenders so that they will be incarcerated less often and so that they will be less likely to commit repeat crimes when they are released from custody.

The bill before the House today will help to do just that. This bill, introduced by Senator DEWINE, of my State of Ohio in the other body, is similar to a bill introduced in the House by the gentleman from Ohio (Mr. STRICKLAND). It authorizes the Attorney General to make grants to States, State courts, local courts, units of local government, and Indian tribal governments for up to 100 programs that involve specialized treatment for mentally ill offenders. These programs include continuing post-conviction judicial supervision of nonviolent and misdemeanor offenders, training for law enforcement and correction officials on how to appropriately handle mentally ill offenders in their custody, and centralized case management of cases involving mentally ill or mentally retarded defendants.

I believe this is a good bill. The testimony before the subcommittee from officials throughout the criminal justice system, from both Republicans and Democrats, was that by taking just a few minor steps, the government can have a great impact on the treatment of these offenders. Simply incarcerating the mentally ill is not going to address the underlying cause of their behavior, but if we deal with their illness, they are less likely to commit future crimes, and that is a result that benefits us all.

Mr. Speaker, I urge all my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1865. This bill will amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to States and localities and to Indian tribal governments to establish what is referred to as the mental health court programs. Such court programs would be similar to the successful drug courts and ASAP, the alcohol safety action programs, for substance abusers.

While I am in support of this bill as one of the neediest programs that are available, because we did not have committee hearings and markups on the measure I am unable to have really the full confidence that I would like to have that it is drafted in such a way to best meet the needs of the public, the mental health, and the criminal justice systems. However, the Subcommittee on Crime did conduct a hearing on "the impact of the mentally ill in the criminal justice system" earlier this fall. The testimony at that hearing revealed, among other things, that our criminal justice system is serving as a primary caregiver for the mentally ill and that mental health courts have proven to be a useful tool for several communities that have such programs.

Additionally, this is a pilot program, not a nationwide initiative, so we will have the opportunity to see these programs and measure their effectiveness and have the opportunity to evaluate them in the context of other approaches to addressing mental health illnesses in the criminal justice system.

The program funded under the bill provides not only for a special court program but also for the continued judicial supervision of qualified offenders with mental illness, as well as grants for coordinated delivery of services. The coordinated services for which the grants would authorize funding include, among other things, specialized training for law enforcement and judicial personnel to identify and address the unique needs of mentally ill offenders, and the voluntary outpatient and inpatient treatment that carries with it the possibility of dismissal of charges or a reduced sentence upon successful completion of treatment and other activities. The bill authorizes $10 million each year for the fiscal years 2001 through 2004 to carry out the provisions of the legislation.

Since the 1960s, the State mental health hospitals have increasingly reduced their population of mentally ill individuals in response to a nationwide and appropriate call for deinstitutionalization. The movement toward deinstitutionalization has been based upon the fact that mentally ill individuals are constitutionally entitled to refuse treatment or at least have it provided in the least restrictive environment. Unfortunately, community mental health treatment centers have not been created at the rate necessary to meet the needs created by deinstitutionalization.

A recent study by the Department of Justice suggests that the criminal justice system has become, by default, the primary caregiver of the most seriously mentally ill. More specifically, the Department of Justice reported last July that at least 16 percent of the United States prison population is seriously mentally ill. The National Alliance for the Mentally Ill reports that on any given day, at least 284,000 seriously mentally ill individuals are incarcerated, while only 187,000 are in mental health facilities.

The bill before us would provide the grant money to help divert from the criminal justice system those who are mentally ill who would benefit more from treatment than by incarceration, and help law enforcement and correctional administrators provide appropriate services to offenders with mental illness. Since this is a pilot program, the information it develops can be used to develop a full-fledged program available to communities throughout the country. Such an approach is not only the right thing to do but it will ultimately reduce crime.

I want to particularly thank the delegation from Ohio, particularly the gentleman from Ohio (Mr. CHABOT), serving on the Committee on the Judiciary, and the other gentleman from Ohio (Mr. STRICKLAND) for their leadership on this bill. Accordingly, Mr. Speaker, I ask my colleagues to vote for the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. STRICKLAND), a leader on this bill who brought it to the committee's attention.

Mr. STRICKLAND. Mr. Speaker, I rise today in support of this bill which addresses the very serious problem of mentally ill people recycling through our criminal justice system.

As a psychologist, and perhaps the only Member of Congress who has ever worked in a maximum security prison, I have personally treated individuals who will live out the rest of their lives behind bars because they have committed crimes that they most likely would not have committed had they been able to receive adequate mental health treatment.

I have seen the ravaging effect that a prison environment has upon the mentally ill and the destabilizing effect that the mentally ill have upon the prison environment. Inmates, families, correctional officers, judges, prosecutors, and the police are in unique agreement that our broken system of punting the most seriously mentally ill to the criminal justice system must be fixed.

The jails have become America's new mental asylums. Our court systems, our prisons, and our jails are being clogged, literally clogged, with mentally ill individuals who should be taking part in mental health treatment.

Law enforcement and correctional officers, who are charged with apprehending and incarcerating the most dangerous criminals in our society, cannot always do their jobs because they are forced to provide makeshift mental health services to hundreds of thousands of mentally ill individuals. Squad cars, jail cells, and courtrooms are being filled with the mentally ill taking up resources that should be directed toward catching real criminals.

Mental illness does not discriminate between Republicans or Democrats, rich or poor, black or white, man or woman, none of the dividing lines that so often create partisan politics. That is why I am especially gratified to be working on legislation with distinguished Members from both sides of the aisle and both sides of the Hill to create mechanisms that will bridge the gap between the mental health and the criminal justice systems, the gap through which so many of the mentally ill defendants currently fall.

I would like to thank especially Senators DEWINE, DOMENICI, KENNEDY and WELLSTONE, as well as the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from California (Mr. WAXMAN), the gentlewoman from California (Mrs. CAPPS), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentlewoman from Ohio (Ms. KAPTUR), and my friend and colleague, the gentleman from Ohio (Mr. CHABOT), for taking the lead on this legislation to provide criminal justice and mental health professionals the resources they need to work together to keep mentally ill defendants in treatment rather than in jail.

In conclusion, I would like to say that I am thankful that this Congress is willing to look closely at a problem from which many of us too often turn away. I believe that there is a welcome consensus among a broad spectrum of stakeholders and political ideologies that there are very practical steps that we can take to stop the criminal justice system from being this country's primary caregiver of the seriously mentally ill. The truth is that law enforcement and correctional officers are not and should not be psychiatrists, psychologists, social workers or nurses with guns.

Mr. Speaker, I support my colleagues' support of this legislation, with deep appreciation for all who have worked on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1865, American's Law Enforcement and Mental Health Project. As a member of the House Judiciary Subcommittee on Crime I know that nearly 1.8 million individuals are incarcerated in our nation's jails and prisons; an increase of 125 percent since 1985.

It is long overdue that this body should address the issue of those who are mentally ill and in our nation's state and federal prison systems. At the end of 1999, 283,800 persons with mental illness were held in federal, state prisons and local jails—making these the largest facilities for people with mental illness in the United States; Jails and prisons have become by default psychiatric facilities. These make shift mental health wards go without the benefit of adequate medical staff, medication, or proper training of guards, who should be medical personal.

The Senate-passed bill authorizes $10 million in each of fiscal years 2001 through 2004 for technical assistance and grants to states, local governments and Indian tribal governments for the delivery of judicial services to mentally ill and mentally retarded offenders. Unfortunately, this bill limits the number of programs that could be funded under this act to 100. The program created by the bill would cover only cases involving mentally ill or mentally retarded persons who are charged with misdemeanors or nonviolent offenders.

Programs funded under the bill would provide specialized training of law enforcement and judicial personnel to identify and address the unique needs of mentally ill or mentally retarded offenders. The programs would also provide voluntary outpatient and inpatient mental health treatment—in the least restrictive manner appropriate—as determined by the court, with the possibility that the charges would be dismissed or reduced if the treatment is successfully completed. These programs would also provide centralized case management and continuing supervision for these individuals.

This is not the Dark Ages, but you could not tell that by looking at how our society treats mentally ill people. The United States is supposed to be the most advanced nation on Earth, but in many ways we are one of most undeveloped nations when considering our approach to mental health and the mentally ill.

Today's hearing is a step forward to highlight and address many of the things that are wrong with a system that the most vulnerable among us are locked up in jails and prisons without adequate health services—while our country enjoys the greatest economic boom in thirty years. Our nation's unemployment rate is at its lowest point in 30 years; core inflation has fallen to its lowest point in 34 years; and the poverty rate is at its lowest since 1979. The last seven years we have seen the Federal budget deficit of $290 billion give way to a $124 billion surplus.

The statistics on our Nation's incarcerated mentally ill is as depressing as the good news of our nation's economy is joyful. The facts are that men and women with mental illness spend on average, 15 months longer in state prisons and five times longer in jails. Research has supported many of the effective strategies that work for people with mental illness in the criminal justice system, yet the corresponding leadership and funding to replicate these strategies have not been provided. According to Ron Honberg, executive director for legal affairs for the National Alliance for the Mentally Ill (NAMI), health care programs, such as Medicaid, will not provide treatment services to those who are incarcerated. This means that any treatment an inmate receives must be subsidized by the penal facility. Dr. Honberg added that the criminal justice system is slow and complicated meaning that few prisoners who really need help will ever get it.

In June 1995, approximately 9.8 million people are booked into jails across the country annually. Seven percent of jail detainees have acute and serious mental illnesses upon booking. In addition, more than 50 percent have other mental health diagnoses, including dysthmia (8 percent, anxiety disorders (11 percent), and anti-social personality disorders (45 percent). The report "Criminalizing the Seriously Mentally Ill: The Abuse of Jails as Mental Hospitals, Washington, DC," that was prepared by Public Citizen's Health Research Group in 1992 found that the four most common offenses committed by the mentally ill were: assault and/or battery, theft, disorderly conduct, and drug and alcohol-related crimes. In total, 63 percent of jail detainees have a mental illness or a substance disorder and 5 percent have both. These figures indicate that 320,000 jail inmates are affected by mental health or substance abuse problems on any given day, of whom 25,350 people have serious mental illnesses and co-occurring substance disorders.

This situation is costing states when families of the mentally ill sue when their loved ones do not receive proper medical attention. In May 1999, a Federal judge in the State of Texas approved a $1.18 million settlement award to eight mentally ill individuals who were previously confined at the Hidalgo County Jail in Edinburg. The inmates had filed a lawsuit in 1994 that claimed the jail violated their civil rights and failed to provide humane conditions and legal services. One of the plaintiffs, suffering from schizophrenia, had been arrested for hitting his father and confined in the facility where he remained for four years without a trial. Upon release, mental health officials determined his condition had deteriorated significantly due to his incarceration. As part of the settlement approved by U.S. District Judge Ricardo H. Hinojosa, Hidalgo County agreed to several provisions for improving jail mental health services, including immediate classification of mentally ill inmates; psychiatric evaluation and regular treatment of individuals suffering from mental illness; and separation of the mentally ill from general population inmates.

Approximately 13 percent of the prison population have both a serious mental illness and a co-occurring substance abuse disorder. Thus an estimated 642,500 inmates are affected by mental health or substance abuse problems on any given day—of which 132,000 have a serious mental illness and a co-occurring substance abuse disorder. The one-year prevalence rate of serious mental illnesses among prisoners was 5 percent with schizophrenia, 6 percent with bipolar disorder, and 9 percent with depression; which are treatable if discovered and addressed by mental health professionals.

EFFECTIVE STRATEGIES

People with serious mental illness require a comprehensive community-based treatment approach that ensures public safety and reduces recidivism in criminal justice institutions. We must work to help communities and families recognize the importance of identification of mental illness and remove the stigma of medical treatment. We must work to educate people especially in the African American and Hispanic Communities who are highly sensitized regarding the attitudes of the group and maintaining a sense of community in the face of mental illness. In many minority communities there is a sense that to admit mental illness is to acknowledge a spiritual flaw or character deficit.

Effective strategies that work for people with mental illness in the criminal justice system should consist of: Diversion programs that assist people with serious mental illness and substance abuse disorders avoid the criminal justice system, such as mental health courts; it has been recognized by mental health professionals for some time that many people who engage in taking illegal drugs are attempting to self medicate for a mental health disorder. It is sad to admit that in our society there is greater acceptance of addictions to alcohol and drugs than mental illness. Screening and assessing individuals with mental illness upon entry into the criminal justice system is vital to addressing the problems that many penal facilities face. It is human and just that this country have the compassion and common sense to openly offer medical assistance to those in need.

A commitment to treatment for individuals with mental health and substance abuse disorders would go a long way in addressing our pressing need to cut the level of demand for illegal drugs coming into our country.

Successful transition program that will implement appropriate support services (such as, housing arrangements, vocational and educational needs, mental health and addiction treatment), to ensure fewer problems for people reentering the community.

Further, we should provide training to law enforcement and criminal justice system personnel to identify persons with mental health and substance abuse disorders. Therefore, it is important that this Congress increased funding for jail diversion initiatives funded through the Substance Abuse and Mental Health Services Administration (SAMHSA) Jail Diversion Knowledge Dissemination Application (KDA) Initiative which is a partnership between the Center for Mental Health Services (CMHS) and the Center for Substance Abuse Treatment (CSAT).

In the State of Texas the Crisis Intervention Teams, or "CIT" is a professional diversion program started in Memphis, Tennessee 10 years ago, teaches a voluntary team of patrol officers a safe way to interact with the mentally ill in crisis. Police officers receive 40 hours of experiential training in mental health issues and communication/de-escalation techniques. For example, officers learn how to deal with individuals who might be suicidal, delusional, or are experiencing side effects from medication. Officers are also trained to ask pertinent questions to better recognize persons with a mental illness.

CIT is expanding across the state and across the nation. The Mental Health Association of Houston, Texas established the CIT initiative in 1997, with the Houston Police Department.

As a result of the Houston CIT initiative, 50 Houston police officers a month are trained in CIT. These officers comprise 25 percent of the patrol force, which comes to about 725 officers. The $300,000 Houston CIT initiative is funded through the federal Center for Mental Health, Knowledge Development and Application (KDA) Jail Diversion Initiative.

As a result of the program's dramatic success, all outlying Houston police departments, including all of the 48 incorporated towns, will begin implementing CIT. Starting in January 2000, the Houston MHA will be training 100 officers a month.

However, I believe that we must do more—earlier in the lives of potential offenders. That is why I introduced H.R. 3455, the Give a Kid a Chance Omnibus Mental Health Services Act of 1999. To amend the Public Health Service Act with respect to mental health services for children, adolescents and their families.

I would only ask that my colleagues join me in finding a way to assist our nation's mentally ill, by addressing the problems that have been documented regarding the treatment of the mentally ill in the judicial system.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the Senate bill, S. 1865.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUDAN PEACE ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, as amended.

The Clerk read as follows:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the

belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) Government of Sudan.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term "IGAD" means the Inter-Governmental Authority on Development.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) Sense of Congress.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) United States Diplomatic Support.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliance and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. SUPPORTING SANCTIONS AGAINST SUDAN.

(a) Sanctions.—Until the President determines, and so certifies to Congress, that the Government of Sudan has—

(1) fully committed to and has made verifiable progress toward a comprehensive, peaceful solution to the war or has otherwise committed to and made verifiable progress in a good faith effort with both northern and southern opposition toward a comprehensive solution to the conflict based on the Declaration of Principles reached in Nairobi Kenya, on July 20, 1994,

(2) made substantial and verifiable progress in controlling the raiding and slaving activities of all regular and irregular forces, including Popular Defense Forces and other militias and murahalliin,

(3) instituted credible reforms with regard to providing basic human and civil rights to all Sudanese, and

(4) ceased aerial bombardment of civilian targets,

the following are prohibited, except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this section:

(A) The facilitation by a United States person, including but not limited to brokering activities of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any location.

(B) The performance by any United States person of any contract, including a financing contract, or use of any other financial instrument, in support of an industrial, commercial, public utility, or governmental project in Sudan.

(C) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section.

(b) Sense of Congress.—It is the sense of Congress that the sanctions in subsection (a), and in the President's Executive Order of November 4, 1997, should be applied to include the sale of stocks in the United States or to any United States person, wherever located, or any other form of financial instruments or derivatives, in support of a commercial, industrial, public utility, or government project or transaction in or with Sudan.

(c) National Security Waiver.—The President may waive the application of any of the sanctions described in subsection (a) if he determines and certifies to Congress that it is important to the national security of the United States to do so.

(d) Report.—Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 4, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process or any other ongoing efforts to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

(e) Statutory Construction.—Nothing in this section shall prohibit—

(1) transactions for the conduct of the official business of the Federal Government or the United Nations by employees thereof;

(2) transactions in Sudan for journalistic activity by persons regularly employed in such capacity by a news-gathering organization; or

(3) legitimate humanitarian operations.

(f) Definitions.—In this section—

(1) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(2) the term "Government of Sudan" includes the Government of Sudan, its agencies, instrumentalities and controlled entities, and the Central Bank of Sudan;

(3) the term "person" means an individual or entity; and

(4) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) Finding.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) Sense of Congress.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) Report.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Plan.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) Element of Plan.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) Report.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require.

(d) Reprogramming Authority.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) Sense of Congress.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) Allocation of Funds.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) Additional ' Authorities.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) Implementation.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) Sense of Congress.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) Programs in Areas Outside Government Control.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Finding.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) Sense of Congress.—It is the sense of Congress that the President should—

(1) conduct a comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) Report.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) Consultations.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) Definition.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on this measure, S. 1453.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure, sponsored by Senator FRIST, passed the Senate Committee on Foreign Relations in November of last year. Sudan has been independent for some 44 years. For 34 of those years, it has been engaged in civil war. Entire generations of Sudanese, in both north and south, have grown up with war as a regular part of their lives.

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Several national governments, military and civilian, have come and gone. Some, like the current regime, have been militant Islamists. Others have been moderate, the historical norm for Islam in Sudan. All, however, attempted, without much success, to subdue the rebellious south with military force.

The cost in human life has been enormous, approximately 2 million southern Sudanese dead in the past 17 years. There is no way to estimate the death toll of the first 17 years of that war, from 1956 to 1973.

Sudan has been implicated in an American death toll, as well. In August 1998, two of our U.S. embassy buildings in Africa were attacked by terrorists with Sudanese support. The World Trade Center in New York was attacked in February 1993 with Sudanese support.

Sudan is a Pandora's box of maladies: humanitarian suffering, civil war, human rights violations, religious persecution, modern-day slavery, and international terrorism. Most of it goes along largely unnoticed by the rest of the world.

This measure attempts to focus the attention of our Nation on this tragedy and report to the Congress on a regular basis. Three decades of war is much too long. It is time to end this war and end the suffering that it has caused.

I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to commend my distinguished colleague, the gentleman New York (Mr. GILMAN), and all the sponsors of this resolution both in the House and in the Senate.

During the last 17 years, the civil war in the Sudan has resulted in 2 million people being killed or starving to death. It is long overdue that this incredibly bloody and brutal conflict come to an end.

Our legislation condemns the most heinous atrocities perpetrated by the government of Sudan and its allied rebel groups. We specifically condemn the use of raiding and making slaves of vast numbers of innocent men, women, and children.

The government of Sudan obviously will have to be pressured by the international community to negotiate a peace agreement with opposing groups. Unfortunately, Sudan continues to receive huge oil revenues, given the current high prices of oil; and they may not be willing to negotiate peace unless international pressure is brought to bear on them.

If Sudan would like to see an end to its international isolation, the time is long overdue, Mr. Speaker, to stop killing innocent civilians and to get about the serious business of making peace.

I urge all of my colleagues to support this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of S. 1453, the Sudan Peace Act. At the outset, I would like to commend the principal Senate sponsor, Senator FRIST, as well as our colleague J.C. WATTS who introduced the companion measure, H.R. 2906.

The Government of Sudan's genocidal religious war against the non-Muslim peoples of southern Sudan have turned the south into—in the words of one Sudanese priest—"the hell of the earth." Enslavement, calculated starvation, forced conversion, and the aerial bombardment of civilian targets such as schools, churches, and hospitals, are still methods of terror favored by the National Islamic Front government. Unfortunately, Khartoum has also begun generating the revenue it needs to extend its self-described jihad by developing Sudanese oil resources.

S. 1453 is an important first step toward addressing the crisis in that war-torn region. Among other things, the bill:

Condemns slavery and the other human rights violations perpetrated by the Khartoum regime;

Expresses support for the ongoing peace process in that region;

Expresses the sense of the Congress relating to the improvement of relief services in the south of Sudan;

Authorizes an additional $16 million for rehabilitation assistance to areas of Sudan not controlled by the government in the north; and

Requires the President to report to Congress on several aspects of the conflict, as well as on options available to the United States for providing non-lethal assistance to members of the National Democratic Alliance.

These are all good things. But the horrors of Sudan—which have already claimed more than 2 million lives—demand more than expressions of concern and new reporting requirements. They require concrete action.

For this reason, I offered an amendment at Subcommittee markup that reinstated certain sanctions language that was present in both the House- and Senate-introduced versions of the bill. Unless the President can certify that Khartoum has made significant progress toward peace and respect for human rights, the language prohibits U.S. corporations and individuals from brokering goods, technology, or services to or from Sudan. It also prohibits U.S. corporations and individuals from performing contracts or using financial instruments in support of the Government of Sudan's industrial or commercial projects. It expresses the sense of Congress that these provisions should apply to the sale of stocks and other financial instruments in the United States or to U.S. persons. In sum, these provisions are meant to keep the Khartoum regime from using U.S. capital markets to underwrite its genocide.

We have already expressed the sense of the House this Congress, when we voted 416 to 1 to condemn the Khartoum regime's genocide against the south. it's time to act on those convictions and pass S. 1453.

Mr. TANCREDO. Mr. Speaker, I rise today in strong support of S. 1453, the Sudan Peace Act. Since coming to Congress, I have devoted a substantial amount of time with my colleagues in the House International Relations Subcommittee on Africa to finding solutions to the horrible current situation in Sudan. Over the last 2 years we have held hearings and passed House Concurrent Resolution 75 condemning the government of Sudan which has continued to harass, bomb, murder and enslave the mainly Christian population in the south. But now is the time for real action.

The Sudan Peace Act addresses the humanitarian concerns that are devastating this nation and also calls for the administration to take a more active role in addressing the peace process and condemning the actions of the government of Sudan. The bill will hopefully make the situation in Sudan more marketable for this administration.

The bill condemns the human rights violations and overall human rights record of the government of Sudan. It condemns the ongoing slave trade and the role of the government in organizing raiding and slaving parties on the people of the South.

The current ban of Operation Lifeline Sudan, imposed by the government of Sudan, and humanitarian relief has resulted in the deaths of thousands of Sudanese and medical epidemics of astounding proportions. The population of the largest displaced camps doubled and, overall, the number of those who have fled just the Blue Nile region increased from 63,000 in May to near 80,000 by the end of June. This adds to the almost 2 million that have already died in the war-torn country.

On November 19, 1999 the Senate passed the bill—whose centerpiece is a provision calling for the President to take actions through our U.N. envoy to pressure the government of Sudan and develop a comprehensive solution to the problems in Sudan. The House version of this bill introduced last September and passed by the International Relations Committee this month was the same as the Senate version but included a substantial difference. We felt very strongly that without language levying sanctions against Sudan, we would continue down the path we have pursued for the last couple of years, namely passing resolutions and holding hearings but having no change in the government of Sudan's policies. We now have a bill that has real teeth and has a chance to send a message to the government of Sudan. It is time for the leaders of Sudan to get the message and stop persecuting Christians and other minorities in the South.

If you think the situation in Sudan will fade away or somehow correct itself, you are sadly mistaken. In fact, a recent U.N. report accused the Sudanese Government of using an airfield built with Chinese assistance to bomb schools and hospitals in the South. In addition, we have recently learned that Sudan has acquired 34 new jet fighters from China, doubling the size of the country's air force. We can no longer turn our head when it comes to the situation in Sudan. I would encourage this Congress and this administration to act now before the government of Sudan continues to evolve and before the Chinese increase their foothold in Sudan. The longer we wait without substantive changes to our policy in Sudan, the more innocent people will get killed and the more the government of Sudan will court friends to help them in their evil bidding.

I would encourage my colleagues to accept the House version of S. 1453 the Sudan Peace Act, and pass it here today. The time has come for this Congress and this administration to act on Sudan.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 1453, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONDEMNING ASSASSINATION OF FATHER JOHN KAISER AND OTHERS IN KENYA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 410) condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya.

The Clerk read as follows:

H. CON. RES. 410

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota who served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya for 36 years advocating the rights of all Kenyans, was shot dead on August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests have stated that Father Kaiser had told them the night before he was killed that he feared for his life;

Whereas the brutal murders of Father Stallone, Father Graiff, and Father Luigi Andeni, all of the Marsabit Diocese, and the circumstances of the murder of Brother Larry Timons of the Nakuru Diocese, and that of Father Martin Boyle of the Eldoret Diocese have not yet been satisfactorily investigated nor have the perpetrators of the murders been brought to justice, raising growing concern over the rule of law and the justice system in Kenya;

Whereas Father Kaiser's death is one more example of the hostile actions being directed against Kenyan civil society and in particular human rights groups and advocates;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the investigation into the politically motivated ethnic violence between 1992–1997 in Kenya's Great Rift Valley, has not yet been released, in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas documents were found on Father Kaiser's body that he had intended to hand over to the Akiwumi Commission;

Whereas the Kenyan Human Rights Commission has expressed the fear that the progress in the struggle for democracy, the rule of law, respect for human rights, and the basic needs of all Kenyans achieved during the last few years is jeopardized by the current Kenyan Government;

Whereas the Kenyan Human Rights Commission has expressed concern over the continued blatant violations of the rule of law and the constitution, acts of torture, and murder and rape by the Kenyan security forces;

Whereas private armies that work with the police are known to exist in Kenya and the Government of Kenya encourages informal repression as a means of intimidating and denying citizens their rights; and

Whereas the human rights movement in Kenya is in need of international support and solidarity for the important work they are doing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the violent deaths of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya and expresses its outrage with respect to such deaths;

(2) calls for an independent investigation of such deaths, in addition to the initiatives of the Government of Kenya;

(3) calls on the Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, And Labor, to prepare and submit to the Congress, not later than December 15, 2000, a report on the progress of the independent investigation and initiatives of the Government of Kenya described in paragraph (2);

(4) calls for the findings of such independent investigation to be made public; and

(5) calls on the President to support such independent investigation through all diplomatic means.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 410.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. An outspoken and passionate defender of the poor, the weak and the oppressed, Father John Kaiser was shot and killed just 1 month ago. His killer still remains at large.

Although Father Kaiser knew that he was in danger, his courage and compassion never left him. He is one of a distressingly long line of clergy who have been murdered in Africa.

Eight years ago, five American nuns from Illinois were killed by Charles Taylor's NPFL soldiers in Liberia. We are still waiting for their killers to be brought to justice. We must not let 8 years slip by with no resolution of Father Kaiser's case. We owe it to him and to the voiceless on whose behalf he spoke with such energy, devotion, and commitment. We also owe it to the future of democracy and the rule of law in Kenya.

As the theologian, Reinhold Niebuhr, wrote, "Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary."

Accordingly, I urge my colleagues to fully support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I speak with great feeling on this legislation because I introduced this legislation; and obviously, I rise in strong support of the measure.

This measure condemns the assassination of Father John Kaiser and others who fought for human rights and justice in Kenya.

Father Kaiser worked as a missionary in Kenya for over 30 years, was highly respected by all Kenyans whose lives he touched. He was an outspoken champion of human rights and justice in Kenya. But the government arrested him, placed him under house arrest, and eventually contributed to his assassination.

Prior to his death, Mr. Speaker, Father Kaiser confided in family and friends that he feared for his life. On August 23, 2000, just a few months ago, his body was found shot to death on a road not far from his home. Kenyan police immediately ruled out suicide, but there are few clues regarding his mysterious death.

I strongly applaud our Federal Bureau of Investigation for becoming involved in the effort to solve the crime, which took away one of the finest Americans ever to serve in Africa.

I strongly urge all of my colleagues to support H. Con. Res. 410 in memory of Father Kaiser.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 146) condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's "overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar concurrent resolution (H. Con. Res. 410) was laid on the table.

RELATING TO REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 414) relating to the reestablishment of representative government in Afghanistan, as amended.

The Clerk read as follows:

H. CON. RES. 414

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a "Loya Jirgah", or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency "Loya Jirgah" to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States—

(1) supports democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a "Loya Jirgah" process that would lead to the people of Afghanistan determining their own destiny through a democratic process and free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, illicit drug production, and human rights abuses in Afghanistan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 414.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from California (Mr. CAMPBELL) for crafting this important initiative. I wish to commend the gentleman from California (Mr. ROHRABACHER) for his expertise regarding Afghanistan and the Loya Jirgah process.

I strongly endorse H. Con. Res. 414, legislation that expresses the sense of Congress that the United States supports the former Afghan king, Mohammed Zahir Shah's, initiative to convene an emergency Loya Jirgah, a Grand Assembly, to establish a democratic government in Afghanistan.

During the times of Afghan national crises, it is traditional to hold a Grand Assembly to democratically consider means and methods to tackle significant problems. The power behind the Loya Jirgah is its assurance that all groups within Afghanistan will be equally represented in a historic effort to resolve the crisis at hand.

As the Taliban has extended its sway over Afghanistan, it has grown increasingly extremist and anti-Western, with its leaders proclaiming that virtually every aspect of Western culture violates their version of Islam.

In addition to restrictions against women, such as barring them from holding jobs or traveling unaccompanied by a male relative, ancient and cruel forms of punishment, such as stoning, have been revived.

The Taliban also continues to give refuge to Osama bin Laden, the Saudi terrorist who plots against American citizens and who may have been responsible for the bombing of the destroyer U.S.S. *Cole*.

Disturbingly, Taliban leaders, who have made narcotics the economic base of their regime, view the drug trade itself as a potential weapon. Viewing the West and the many pro-Western countries in the Muslim world as corrupt, the Taliban have no compunction against trafficking in narcotics.

The United States should firmly support this Grand Assembly process so that Afghanistan can begin again to play a constructive role in the world and so that the Afghan people can live in peace.

Accordingly, I fully urge our colleagues to support H. Con. Res. 414.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to commend my colleagues, the gentleman from California (Mr. CAMPBELL) and the gentleman from California (Mr. ROHRABACHER), for taking the lead on this most important issue.

Afghanistan has existed as an independent and sovereign nation from the middle of the 18th century. But in recent times, under the rule of the Taliban, it has sunk to unprecedented levels of depth in all aspects of everyday living.

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Afghanistan today is the country on the face of this planet where the rights of women are least observed and most abused. Afghanistan has given haven to some of the worst terrorist groups on the face of this planet. The former king of Afghanistan, who ruled his country peacefully for 40 years, is now asking for a grand assembly, which is the traditional method in Afghanistan for settling policy issues. I strongly support this call, although the chances of its success are certainly not assured, but clearly the goal of this grand assembly would be to restore to the Afghan people their fundamental human rights; to reestablish representative government in that country; to rebuild civil institutions; to bring stability; and most importantly, to end the terrorist activities and the appalling human rights abuses which prevail in Afghanistan today.

I call on all of my colleagues to join us in approving this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) for his strong support of this measure. I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of our Committee on International Relations and chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I begin by thanking the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, as a cosponsor of H. Con. Res. 414, this Member is pleased to rise in strong support of this measure and to commend the distinguished gentleman from California (Mr. CAMPBELL) for introducing the resolution.

The Committee on International Relations considered this resolution on October 3, 2000, and this Member wishes to express appreciation to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for expeditiously moving this measure to the floor and thank the minority for their cooperation.

Unfortunately, the situation in Afghanistan largely has disappeared from the U.S. Government's collective radar screen in recent years. This is despite the fact that Afghanistan has become a haven for terrorist activity, including Osama bin Laden; that it seems to have become a major drug producing country; and that the Taliban are extraordinarily intolerant toward women, minorities, and non-Muslims.

It is also important to understand that Afghanistan has been the scene of a lengthy and devastating civil war, one which has resulted in millions of casualties. In the past few days, a renewed Taliban offensive resulted in an estimated 135,000 Afghans fleeing north into Tajikistan in the aftermath of a battle where the Taliban was victorious. Moreover, the violence in Afghanistan is spilling over into its neighboring countries. Uzbekistan, Tajikistan, Kyrgyzstan, and others are fighting armed Islamic militants who have become trained over the years in Afghanistan. To the south, individuals seeking to turn Pakistan into a militant Islamic state, a nuclear-armed one at that, are on the rise. In addition, there are stories of Afghan fighters traveling as far as Chechnya to battle anyone who disagrees with their extreme social and religious views.

There are courageous individuals who are trying to help Afghanistan find a way out of this circle of violence. A number of Afghans from around the world have looked to Afghanistan's history and are seeking to convene a grand council, or Loya Jirgah. This is a forum where leaders from around Afghanistan would be allowed to air their views and to resolve their differences. It is not clear whether this effort would succeed. Clearly, the Taliban opposes the convening of a grand council; but it certainly is a long-shot effort worth trying in order to end this violence that has plagued Afghanistan for decades.

Mr. Speaker, this Member urges this body to approve H. Con. Res. 414.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the sponsor of this resolution, who has a very special expertise in matters of Afghanistan.

Mr. ROHRABACHER. Mr. Speaker, the Taliban represent one of the great threats to stability and peace and civility on this planet. They, in fact, represent an aspect of Islam that if accepted and if influencing other areas of the world will have a tremendously, tremendously negative impact on the peace of the world but also the well-being of women who are in these Muslim countries who would then become chattel and treated like slaves, which is what happens under the Taliban's rule.

The Taliban is anti-Western beyond belief. They treat their own people like tyrants, and vicious tyrants at that. They are engaged in terrorism against the West. They are involved up to their eyeballs in the drug trade. One-third of all of the world's heroin is grown in Taliban-controlled territory in Afghanistan. These people are evil, and they pose a threat to the Western world; but also they pose a threat to those positive elements among the Muslim world that would seek to be part of the world community and are responsible in their behavior and believe in the Western-style democracy or at least Western-style freedom for their people.

Unfortunately, over the years, as I have worked with the pro-Western elements within Afghanistan, I have been undermined over and again by our own State Department. This administration, and I really am sorry that I have to say this on the floor, this administration I honestly believe has had a policy, a covert policy, of supporting the Taliban, believing that the Taliban will at least create stability in Afghanistan. This is like the stability that Adolf Hitler brought to Europe, or the stability that prison guards bring to a prison. Yet we know that the Taliban's repression, their involvement with drugs and terrorism, is almost unconscionable.

Now, why do I say this administration has failed on this point? Because the administration has time and again undermined efforts on this Congressman's part to support those people who are opposing the Taliban in Afghanistan. My efforts and the efforts of other moderate Muslims have been undermined over and over again. In fact, this administration disarmed the opposition, was part and parcel of disarming the opposition to the Taliban, who then moved forward and wiped out their opposition in northern Afghanistan. It is a horrendous, horrendous legacy that we have to deal with now that this administration's policies have led to bolstering this horrible regime.

I would ask that this resolution be supported because it does offer another alternative. There is a king of Afghanistan who is pro-Western and a very reasonable person and tried to lead his country, where women had their rights respected under the former king. He was overthrown at a time just before the Soviet Union invaded Afghanistan. We need to work with that former king to bring about a democratic government. The people are not fanatics in Afghanistan. They are devoted Muslims, but they are not fanatics like the Taliban. They are dedicated people who love their families; yet they have been abandoned after their fight with the Soviet Union; they have been abandoned to forces like the Taliban.

Let me just say that the Taliban, by and large, and I know this very well because I, probably the only Member of this body now, was in Afghanistan during the war, fighting the Russians with the Mujadin, and I was there in 1988 with the Mujadin and I know the commanders. The Taliban are not the Mujadin who fought the Russians. Unfortunately, once the Mujadin had defeated the Russians, the United States walked away and we did not support the type of elements that would have created a more positive country in Afghanistan, and other anti-Western Muslim countries moved in to get control of the drug trade and to create this monstrous regime.

We need to reassert ourselves and to become a positive force for the people of Afghanistan so they can determine their own destiny through elections, and this Loya Jirgah would be the first step in doing that. That is part of their culture.

I would like to commend the gentleman from New York (Chairman GILMAN), who over the years of me trying to find peace and getting rid of this horrible Taliban regime, he has been so active and supportive of my efforts, and over and over again he joined with me in calling for the State Department to provide me the documents to find out if indeed our State Department had this horrible policy of supporting the Taliban, and the State Department has not provided us the documents that we need to determine whether or not these charges are false or not.

What does that say if the State Department is unwilling to provide those documents? So I would like to commend the gentleman from New York (Chairman GILMAN). He has done so much for the cause of peace and justice in this part of the world and to create a more stable world, especially concerning the Taliban.

I would ask for my colleagues to support H. Con. Res. 414.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. ROHRABACHER) for his strong support of this measure and for his kind words. I thank the gentleman from Indiana (Mr. BEREUTER) and the gentleman from California (Mr. ROHRABACHER) for coming to the floor in support of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 414, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING VIOLENCE IN MIDDLE EAST

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 426) concerning the violence in the Middle East.

The Clerk read as follows:

H. CON. RES. 426

Whereas the Arab-Israeli conflict must be resolved by peaceful negotiation;

Whereas since 1993 Israel and the Palestinians have been engaged in intensive negotiations over the future of the West Bank and Gaza;

Whereas the United States, through its consistent support of Israel and the cause of peace, made the current peace process possible;

Whereas the underlying basis of those negotiations was recognition of the Palestine Liberation Organization (PLO) by Israel in exchange for the renunciation of violence by the PLO and its Chairman Yasser Arafat, first expressed in a letter to then-Israeli Prime Minister Yitzhak Rabin dated September 9, 1993, in which Mr. Arafat stated: "[T]he PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.";

Whereas as a result of those negotiations, the Palestinians now fully control over 40 percent of the West Bank and Gaza, with over 95 percent of the Palestinian population under the civil administration of the Palestinian Authority;

Whereas as a result of peace negotiations, Israel turned over control of these areas to the Palestinian Authority with the clear understanding and expectation that the Palestinians would maintain order and security there;

Whereas the Palestinian Authority, with the assistance of Israel and the international community, created a strong police force, almost twice the number allowed under the Oslo Accords, specifically to maintain public order;

Whereas the Government of Israel made clear to the world its commitment to peace at Camp David, where it expressed its readiness to take wide-ranging and painful steps in order to bring an end to the conflict, but these proposals were rejected by Chairman Arafat;

Whereas perceived provocations must only be addressed at the negotiating table;

Whereas it is only through negotiations, and not through violence, that the Palestinians can hope to achieve their political aspirations;

Whereas even in the face of the desecration of Joseph's Tomb, a Jewish holy site in the West Bank, the Government of Israel has made it clear that it will withdraw forces from Palestinian areas if the Palestinian Authority maintains order in those areas; and

Whereas the Palestinian leadership not only did too little for far too long to control the violence, but in fact encouraged it: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its solidarity with the state and people of Israel at this time of crisis;

(2) condemns the Palestinian leadership for encouraging the violence and doing so little for so long to stop it, resulting in the senseless loss of life;

(3) calls upon the Palestinian leadership to refrain from any exhortations to public incitement, urges the Palestinian leadership to vigorously use its security forces to act immediately to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations;

(4) commends successive Administrations on their continuing efforts to achieve peace in the Middle East;

(5) urges the current Administration to use its veto power at the United Nations Security Council to ensure that the Security Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestinian Authority; and

(6) calls on all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process in order to prevent further senseless loss of life by all sides.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

PARLIAMENTARY INQUIRY

Mr. RAHALL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) will state his parliamentary inquiry.

Mr. RAHALL. Mr. Speaker, would not somebody in opposition have time allotted to them in opposition to the resolution?

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the resolution?

Mr. LANTOS. No, Mr. Speaker. I favor the resolution.

The SPEAKER pro tempore. Does the gentleman from West Virginia (Mr. RAHALL) oppose the resolution?

Mr. RAHALL. Mr. Speaker, yes, I do, in its current form.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) will control the time in opposition.

Mr. RAHALL. How much time, Mr. Speaker?

The SPEAKER pro tempore. Twenty minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 426.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 426. The past several weeks have seen the situation in the Middle East spiral almost out of control. The underlying cause is that PLO Chairman Yassir Arafat is attempting to dictate Israeli concessions at the negotiating table through the unbridled use of violence; but this Congress, together with our friends in Israel and elsewhere, must join in saying no to that sort of violence.

As Israeli Prime Minister Ehud Barak said today, at the moment the Palestinian Authority and Arafat have chosen the path of conflict. With violence they will not gain a thing. We will know how to operate and stand united against violence to win, closed quote.

The current massive and fundamental violations of the Oslo Accords is apparently intentional, as underscored when the leaders of the Palestinian Tanzim paramilitary forces in the West Bank said last week that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, and I quote, "This blessed Intifada is looking ahead and the mass activity is moving forward," closed quote.

Mr. Speaker, it has been especially troubling to see the reaction to these troubles in the Arab world and the broader international community. An Arab summit fixed all the blame for the current violence on Israel.

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It called for rollbacks and freezes in Arab relationships with Israel and made no reference to any of the concessions that Israel has made in the peace process. It implicitly endorses the use of force by the Palestinians.

In the United Nations, things are little better. Countries whose leaders should know better, such as France and Spain, which have faced violence in their own streets, ganged up against Israel in endorsing an awful, one-sided resolution.

I was gratified that Israel, the administration and its friends, including Members of Congress phoning ambassadors, succeeded in persuading 46 member states to abstain, even though only four joined the United States and Israel in voting "no."

I want to commend those nations which could see their way to either abstaining or voting "no." I am submitting a list of those nations voting on all sides of the issue for printing in the RECORD at the close of my remarks.

Mr. Speaker, I believe it is time that the Congress go on record on one side or the other on this issue. That is why I felt compelled to introduce this resolution on behalf of myself; the gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member on the Committee on International Relations; our distinguished majority leader, the gentleman from Texas (Mr. ARMEY); and our distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), condemning this Palestinian violence and expressing congressional support for the people of Israel in this time of crisis. On this measure we now have nearly 160 cosponsors.

This measure is also sponsored by a lengthy bipartisan list of Members of this body, which is a significant indication to the Palestinians that you cannot have it both ways. The government of Israel has made it clear to the world with regard to its commitment to peace time and time again, and yet we see that the Palestinian response has been more violence.

The facts on the ground also make it absolutely clear at this time that the Palestinians are in no position to be trusted as the custodian of another religion's holy sites.

I believe it is patently clear that Israel today does not have a peace partner, and that Prime Minister Barak is right to call for a time out until the true intentions of the Palestinians can be understood.

Accordingly, the resolution we are now considering finds that the Palestinian leadership not only did far too little for far too long to stop the violence, but in fact encouraged that violence. The resolution therefore condemns those actions, and urges the Palestinian leadership to vigorously use its security forces to stop all violence, to show respect for all holy sites, and to settle all grievances through negotiations, something our President has been attempting to do.

I must register my great disappointment that the administration merely abstained during the latest Palestinian-inspired U.N. Security Council resolution, which blamed everything on Israel. Our congressional response urges the administration to use its veto power at the U.N. Security Council to make certain that such appeasement does not again pass unchallenged.

Accordingly, Mr. Speaker, I urge all of my colleagues to support the pending resolution.

Mr. Speaker, I am pleased to yield 10 minutes to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to yield time.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend for yielding me time, and I want to thank him for introducing this resolution, which I strongly support.

At the outset, Mr. Speaker, let me express on behalf of all of us in this body our regret at the tragic deaths which have resulted from the violence that broke out in the Middle East. As a grandfather of 17, I particularly regret the death of children, although I recognize that there was a reckless and cynical exploitation of children by the Palestinian leadership. Children have no place in such violent demonstrations, and their reckless exploitation I think stands self-condemned.

Mr. Speaker, once again the situation in the Middle East has turned from efforts to resolve the conflict peacefully to a new wave of violence that undermines the basis for peace between Israelis and Palestinians.

No one is more supportive of the Middle East peace process than I am, Mr. Speaker. I also support the efforts to assist the Palestinians in their attempt towards moving towards self-government, increasing their economic well-being, and facilitating their cooperation in all areas with the Israelis.

The current wave of violence, however, Mr. Speaker, is simply unacceptable. It is undermining the very basis for peace, the notion that Palestinians and Israelis can live together.

In 1993, at Oslo, the principle of reconciliation was that the Palestinian leadership renounce violence as a means of achieving their political aims. In the last few weeks it has become obvious that Arafat and his group are unwilling to live up to this commitment.

At Camp David, the government of Israel made sweeping proposals that moved the two sides closer than they have ever been in reaching a historic agreement and reconciliation. Instead of making a counterproposal to this most important move, Arafat has encouraged, promoted, and abetted violence and refused to engage in further negotiations.

Even after an international summit prescribed the way of winding down this violence, the Palestinians continued their violent actions. These actions now show dangers of spilling over into other countries and have the potential of becoming a regional crisis. I therefore believe, Mr. Speaker, it is important that our resolution move forward at this time.

Under our resolution, Congress expresses its solidarity with the state and people of Israel, condemns the Arafat leadership for doing so little to stop the violence, calls upon that leadership to refrain from further encouragement of violence and to show respect for all holy sites, and to settle all grievances through negotiations. Our resolution commends past and present administrations in their effort to find balanced resolutions to this longstanding conflict.

Now all the parties in the region need to step back and to try to find the way to end this violence and to return to the negotiating table. That will not come very fast. We need to pass this resolution today to ensure that the Congress of the United States sends a clear message in support of peace and the State of Israel.

Mr. Speaker, I urge all of my colleagues to support H. Con. Res. 426.

Mr. Speaker, I submit for the RECORD the results of the General Assembly vote on Israeli actions in occupied territory.

Annex to Mr. Gilman's Remarks

[SOURCE: GENERAL ASSEMBLY PLENARY PRESS RELEASE GA/9793 EMERGENCY SPECIAL SESSION 20 OCTOBER 2000 14TH MEETING (PM)]

"Vote on Israeli Actions in Occupied Territory"

"The Assembly adopted the resolution on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory (document A/ES–10/L.6) by a recorded vote of 92 in favour to 6 against, with 46 abstentions, as follows:"

"In favour: Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gambia, Ghana, Greece, Guinea, Guyana, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Oman, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal Singapore, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe."

"Against: Federated States of Micronesia, Israel, Marshall Islands, Nauru, Tuvalu, United States."

"Abstain: Albania, Antigua and Barbuda, Australia, Barbados, Benin, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Germany, Grenada, Guatemala, Haiti, Hungary, Iceland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Netherlands, New Zealand, Nicaragua, Norway, Poland, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Sweden, The former Yugoslav Republic of Macedonia, Tonga, United Kingdom."

"Absent: Afghanistan, Angola, Bahamas, Belarus, Bhutan, Cambodia, Chad, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Eritrea, Gabon, Honduras, Kiribati, Lesotho, Malawi, Nigeria, Palau, Panama, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Solomon Islands, Trinidad and Tobago, Turkmenistan, Uganda, Uzbekistan, Vanuatu."

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong opposition to H. Con. Res. 426 concerning the violence in the Middle East. If this body wishes to pass a resolution of support for Israel, then let us do it honestly, straightforwardly; not this way. Not through a resolution that is rife with bias and prejudice against the Palestinian people.

This resolution could have a lasting adverse impact upon our goal of peace in the Middle East. We are talking about peace between two peoples here, not between political factions in Israel and Palestine; factions that never want peace in the first place.

Regrettably, the language of this resolution is not balanced. It is not a straightforward vote of solidarity in support for Israel. If it were, I would not be standing here today. In sum, by passing this resolution, we abandon our role as an honest broker and take a step that undermines negotiations between Israel and the Palestinians.

Our words and our actions do bear consequences. In the past, we have passed resolutions in this body that do not reflect our greater interest and evenhandedness, and, as a result, people have suffered.

We should be standing here today, Mr. Speaker, urging both parties instead to return to the negotiating table and help them find their way back on a path toward peace. Instead, we have a resolution before us that is an indictment of the Palestinian people's desire for peace; and, indeed, it is an indictment of the Israeli people's desire for peace as well. This resolution condemns one side, and it inflames passions to do the opposite of continuing the peace process.

The true heirs to peace in the region, the peoples of Israel and Palestine, want the killing to stop. I know there is a deep despair, if you will, among Palestinians that they will never be able to live as a free and independent people. There is a feeling of frustration among the Palestinians that their lives mean less than Israeli lives. I know that the people of Israel have their legitimate concerns about the security of their borders.

We as Americans know and Israelis and Palestinians know that there is no military solution to the terribly difficult solutions that have made the Middle East a region of tension and conflict for so long. In today's climate, when at this very moment sees our security forces in parts of the Middle East on the highest of security alerts, this body must act in a manner that is in the best interests of our country and the security interests of America, Mr. Speaker, instead of passing provocative resolutions of this nature.

This resolution is about bashing the Palestinians as though they have not lost more than 130 lives in the conflict, as though innocent Palestinian fathers and sons have not been gunned down as they walked home, innocent of the conflict around them. We cannot ignore the fact that an American Red Cross worker was gunned down when he tried to intervene to save the child and his father.

I condemn these excessive and brutal actions, just as I strongly condemn the mob-lynching mentality of Israeli soldiers by Palestinians. I would note that Chairman Arafat said that he would conduct an investigation, and those responsible for this grueling act are in custody.

There is a line in this resolution that says perceived provocation should be subject only to negotiation, not violence. That line, of course, refers to the fact that Ariel Sharon deliberately timed his visit to the Nobel Sanctuary, accompanied by more than 1,000 Israeli security units. Sharon made his trip because he wanted to create strife among Palestinians, because creating strife among Palestinians would help him and those who follow him get rid of Prime Minister Barak's efforts toward peace, putting the Likud back in power in Israel.

It is about politics, not about peace, and, after all, the Israeli Knesset does return to session this Sunday, and the usual blackmailers in that country are at work.

This resolution only helps the extremes on both sides, those who never wanted the peace process to succeed in the first place. It plays directly in the hands of Prime Minister Barak's enemies, enemies of peace in the Middle East. He knows it, and I would even have my serious doubts whether Prime Minister Barak would want to see this resolution pass in its present form.

For 7 long years, hard years, the U.S. has been the proud father of the peace process. We have worked as an honest broker in the Middle East. But we all know that to be an honest broker, you must be without bias. This resolution will do more to silence the proud U.S. role as an honest broker than all of the conflict of the region can do, for there is no honesty in the biased language of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to commend the chairman of the committee and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON), as well as the leadership of both Houses for introducing this resolution and bringing it up for a vote at this time.

This is the time for this House to express its solidarity with the state and the people of Israel. Back in September of 1993, Chairman Arafat wrote in a letter to Prime Minister Yitzak Rabin, the PLO renounces the use of terrorism and other acts of violence, and will assume responsibility over all the PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.

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In July of 2000, Prime Minister Barak made a proposal to the Palestinian Authority, the successor to the PLO, providing for statehood for the Palestinians, for withdrawal and secession of 90 percent of the land to the Palestinian state, for removal of jurisdiction of

Israel and sovereignty of Israel from a substantial number of settlements now occupied by Israelis and, where the Israelis are now living, for substantial control in the city of Jerusalem, including two of the four quarters of the old city of Jerusalem, as well as a number of Palestinian areas within the municipal boundaries of Jerusalem.

That offer was rejected. As the gentleman from California (Mr. LANTOS), my friend, pointed out, no counterproposal was made. There is a mythology going on here. There are two myths, which I would like to deal with. One is that the violence that we are seeing now was triggered by the trip, by Ariel Sharon to the Temple Mount. There are quotes throughout July and throughout August from Palestinian leaders, from officials in the Palestinian authority, which indicate that now is the time as Yasser Arafat found that world opinion was against his rejection and failure to make a counter to the Israeli proposal at Camp David, that now is the time to resume the Intifada. Those quotes included references to the fact that this Intifada will not simply be an Intifada of stones, but that the substantial amount of weaponry now held in the hands of Palestinians and the Palestinian Fatah militia would be utilized in this Intifada.

Sharon's trip was a pretext. It was not a reason for this violence. This violence had been planned. The quotations are out there, and the people of this Chamber, and the people of this country should understand that.

The tragedy of this, the young people who have died, in some cases the innocent people have died. But another one of the myths is that this is caused by rock-throwing young people with an excessive Israeli response.

Read yesterday's U.S. Today, ambulance drivers bringing rocks and ammunition to Palestinian militia, ambulance drivers claiming to be on a humanitarian mission, getting out of their ambulance and shooting assault weapons at Israeli troops. The fact is the general conventional belief about what is going on there is not accurate.

Mr. Speaker, I urge people to look more closely at what is happening and at this effort to try an armed uprising. This is the time for this resolution. I urge the body to adopt it.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to House Concurrent Resolution 426, and I do so reluctantly out of my deep respect for the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations. I, in fact, originally cosponsored this bill at the request of the gentleman from New York (Chairman GILMAN), because of my deep admiration for how he has handled himself and he had done a fair, very fair job in being the chairman of our committee; and I was hoping that I would have the opportunity possibly to amend the bill to correct some of the unevenness parts of this legislation.

Unfortunately, I will not have a chance to amend it, and so I have to oppose it. It is appropriate, as I am certain was the intent of the gentleman from New York (Chairman GILMAN), for the United States to be a force for peace in the Middle East, but we cannot do this by just at this time declaring that we are totally in favor of one side, which is what this bill does.

This bill unamended will not further the cause of peace. Instead of reaching out to those in Israel and Palestine who are committed to compromise and finding a just peace for all people in the region, this legislation simply and unequivocably backs up one side of the conflict. That is not how peace will be achieved.

America should be an even-handed peacemaker. Our goal should be a secure Israel living at peace with its neighbors; but in achieving this noble, yet difficult goal, justice for the Palestinian people has to be part of the formula. And that is why this has been able to go on for so long, because no one has been willing to accept that the Palestinians and their rights have to be brought into consideration.

All of these years, they have been ignored and treated as nonhuman beings; and they have legitimate claims that need to be addressed and honestly addressed. And, as I say, for so long, it was total intransigence even dealing with them.

Mr. Speaker, passing a resolution that condemns the Palestinian authority for the current violence on the West Bank, yet ignores the fact that of the 110 people killed that only 2 have been Israeli and over 100 have been Palestinian. This will not help the cause of peace. Ignoring that Ariel Sharon, a former Israeli defense minister, incited the current violence, he knew what would happen if he went there. And he went there anyway.

Any of the information that the gentleman from California (Mr. BERMAN), my good friend, said was available, to say there was a potential for violence, he knew. Yet, this defense minister arrogantly and irresponsibly went on this provocative trip to a Muslim Holy site.

This will not help our country to end the cycle of violence by simply ignoring that this act took place and that was what sparked this violence. There are people of good will on both sides, and we should be siding with them, the people of good will on both sides, rather than unconditionally backing up one side.

The policy of unquestioning support has undermined the willingness to compromise, which is what has kept this dispute festering for decades. Just as we should condemn the United Nations resolution, which was one sided, as this bill would do, let us not commit the same offense by passing one-sided resolutions that take us out of the role of being an even-handed peacemaker.

Seeking a secure Israel and justice for the Palestinian people is an enormously difficult endeavor, but one that deserves our best effort. This resolution does not further that cause, and I will have to oppose it.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER)

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I first want to associate myself with the remarks of all who have said that we ought to condemn violence wherever we find it.

Mr. Speaker, I think everybody in this House agrees with that premise. I think we ought to also agree with the premise that the United States really is the best hope for resolution of the peace process as an honest broker. I agree with that premise, but agreeing with that premise does not, in my opinion, adopt another premise, and, that is, that the United States ought not to call things as it sees it.

That we do not adopt the facts as we find them. I find the facts to be as have been stated on this floor, that the two parties share a great enmity for one another, but I believe that one of those parties, Israel, has accepted the premise that they will exist in an area with Palestinians and with Arabs.

Regrettably, however, I must say to my friends that I am not sure that the Palestinians have accepted the premise that they will live in a neighborhood with the Israelis. It is my view that that is the nub of the problem.

Mr. Speaker, because that is the nub of the problem, it is appropriate for us to say so, and it is appropriate for us to urge both sides, but particularly, Mr. Arafat—and I say to my friend, the gentleman from West Virginia (Mr. RAHALL), who is a dear and good friend of mine—that I think Mr. Arafat does have a responsibility, and to exercise that responsibility, to articulate to his people whom he leads, that peace is the only avenue to bring resolution, and that the 40,000 police force that he commands should, in fact, make a greater effort to maintain peace.

We know they cannot do it perfectly, but we would urge them, and do so in this resolution, to accomplish peace in the Middle East through reconciliation and not violence.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), our dean of the House of Representatives, and my dear friend.

Mr. DINGELL. Mr. Speaker, I do thank my good friend, the gentleman from West Virginia, for yielding me this time.

Mr. Speaker, I rise in very sad opposition to this legislation out of respect for my dear friend, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, who is one of the great chairmen of the history of this institution, particularly of the Committee on International Relations.

I am satisfied that those who have spoken for this resolution do so in the best of good faith, and I express my respect and my affection for each of them, Mr. Speaker. But this resolution is not in the interests of the United States. It is not in the interests of Israel. It is not in the interests of the Palestinians, and it is not in the interests of peace. I think that the United States has to look to see what its purposes in this area of the Middle East, which has had so much trouble for so long, are.

The United States has one goal and one purpose here, peace, and, very frankly, the continued existence of the state of Israel. But without a recognition of the role which we must play in this area, there will be no peace. And unless the United States has the courage to recognize that we have to be an honest broker in the area, trusted by all parties there and visible working for peace in the most objective and fair fashion, there will probably be no peace and we will see to peace and there will be no success for the United States in carrying out this great purpose.

The simple fact of the matter is, if we look at this legislation, the language of it makes it very plain, it condemns one side. I am not going to rise to say who is at fault here. I think that is something that needs a greater amount of time and debate. I want to rise to urge my colleagues to recognize the proper function of the United States, that of an honest, impartial respected, independent, honest broker. Unless we accept that responsibility, we will not be able to achieve the necessary trust in the area.

As I speak and as we sit here and as this matter is debated, the Middle East, Israel and Palestine are slipping towards a war. That war is not in the interests of the world, in the interests of Israel or in the interests of the Palestinians, and it is assuredly not in the interests of the United States.

I would urge my colleagues, reflect, first of all, as to whether it is in the interests of the United States to take sides in this matter, and very much so, whether it is in the interests of the United States to take sides in a matter on which we are the only Nation in the world who can speak as honest brokers, who can convene the parties to work together to eliminate a threatened war and a conflict. Hundreds of people have already died. More will die unless this country does something about it.

But to take sides, to ship weapons, to engage in support or castigation of one side, is not the way that we serve our purpose, the purposes of the world, the purposes of peace or the purposes of the Palestinians or the purposes of the Israelis.

Mr. Speaker, I urge my colleagues to stand really for peace, to recognize the responsibility of the ability and the interests of the United States require us to be an honest broker, not a partisan, not a participation in castigation of one side or another, but rather leader in an attempt to see to it that the parties convene and talk.

Ask yourself if someone were to put out a resolution like this when we had a border difficulty with your neighbor, if that would engage you to accept them as the impartial mediator of the differences between you and that neighbor. I think the answer is very simple. It would not. If we have listened to the discussions today, the discussions have said one thing amongst those who support the legislation, and, that is, that the supporters of the legislation as well as the resolution castigate the Palestinians. Ask yourself if that works for peace, ask yourself if that enables us to function as honest brokers.

□ 1645

Ask yourself if that is going to enable us to speak with the respect and the trust of both sides to them about the need for peace, and ask yourself whether you could expect to function as an honest broker and to encourage the parties to work together.

Mr. Speaker, there is little enough goodwill in the area now. There is hatred and ill will on both sides, and people are dying. I am not going to say who is at fault in this matter, because I do not believe that that is the function of this debate, nor is it in the interest of the United States to get ourselves in a position where we are obvious partisans of one side. But, if we read the language, if we listen to the remarks, ask ourselves, have these discussions talked about how we can, through this resolution, fulfill the great purposes and functions which can be those of the United States, by working for a meaningful, lasting peace; by achieving the trust of both sides; by holding the willingness of both sides to work together to resolve the differences.

It is with a very heavy heart that I see the killings over there, and I observe the numbers of people who have died. It is also with a very heavy heart that I see how many people are going to die, and when I see how the United States is throwing away, with this kind of resolution, the opportunity to achieve lasting peace for Israel and for the Palestinians, for the Middle East, and for the United States.

Mr. Speaker, I rise in strong opposition to the legislation before us. I do not question the sincerity of the authors of this resolution. Like me, they watched the bloodshed in the Occupied Territories and Israel with heavy hearts. However, this legislation seems much more to do with the American electoral process than with the crisis in the Middle East. I do not want any of my colleagues to think that by opposing this legislation you oppose Israel. This is not a referendum on the American relationship with Israel.

Viewed objectively, this legislation is simply not in the best interest of the United States, Israel, or the Palestinians, and is damaging to the prospects of peace in the Middle East. It focuses on assigning blame for violence rather than stopping it. It is unfair and biased, and in condemning only one side of this conflict, it jeopardizes the American ability to negotiate peace as a fair and honest broker. It also endangers American lives and economic interests, and places our Arab allies in a precarious position. It is precisely reactionary measures like the one before us that builds up so much ill-will toward America, the only nation with the ability to negotiate peace between Israel and its neighbors. This places Israel in a much more dangerous, isolated position.

Mr. Speaker, it is irresponsible to be debating and voting on this measure as President Clinton, Prime Minister Barak and President Arafat work to end the violence. It will already be difficult enough for Barak and Arafat to calm their people; this resolution throws rhetorical fuel on the fire that is dangerously close to burning out of control.

When the violence abates, the Palestinian Authority, Israel and the world will rely on the United States to get the peace process back on track. We must not let our personal emotions cloud our judgment. It is our duty, and our government's duty, to work as a peace facilitator, not as a judge or partisan.

The Palestinians and Israelis have much to resolve without fighting for the sympathy of the American government and public. The Israelis must realize that the Palestinians have a legitimate right to an independent state and to return to their homes, just as the Palestinians must realize Israel has a right to exist and desires safety and security. Both sides must recognize that the status of Jerusalem is profoundly important to Palestinians and Israelis alike, and that the holy sites are sacred to Jews, Muslims, and Christians. It must be known that the sanctity of life is a shared value. America can help the parties understand their differences and similarities only if all parties trust us.

I do wonder why this legislation, in pinning blame solely on the Palestinians, fails to explain why Palestinians are angry, mention Ariel Sharon's provocation march through al-Haram as-Sharif, or note the tactics employed by Israeli soldiers, who have been criticized by the United Nations and the Israeli press for responding to rocks with bullets. We must not treat this as a black and white issue.

The jobs of President Clinton, Ehud Barak, and Yasser Arafat are not easy. I do not envy them. As Yitzhak Rabin stated moments before he was assassinated, "Without partners for peace, there can be no peace." President Clinton must, despite all that has been said and done, keep Barak and Arafat together as partners in peace. Barak and Arafat must convince highly skeptical publics that the other is a partner. We must not undermine their efforts by passing this resolution. I would urge my colleagues to act responsibility for the sake of the United States, Israel, the Palestinian Authority, and the peace process. Vote down this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH), a senior member of our Committee on International Relations.

Mr. LEACH. Mr. Speaker, this is clearly the most difficult time for Israel since the 1967 war. It is the most difficult time for the United States in the Middle East since the Gulf War, and perhaps ever. In circumstances like these, one of the great questions is: What are the basics? I think the basics are threefold.

One is that we are a bedrock ally of Israel and always will be. The second is that we have to be a committed facilitator for peace. The third is that we have to be respectful of differing views, philosophies, and religions.

The problem at the moment and the reason fundamentally behind this resolution is that the third aspect, the respect for differing views, is harder in a circumstance where the most progressive proposal for change was placed on the table, turned back, and no counterproposal was put forth. This spring, we were all hopeful that we would see resolution of these extraordinary issues come in an early time frame, based on the fact that Mr. Barak was clearly placing his political life on the line for progressive change, given the fact that the Palestinians and Mr. Arafat seemed in a mood to compromise, and given the fact that an American President had committed himself to be a peace facilitator.

Now the question is, is there any alternative to the peace process? Obviously, there is only one, and that is war. So, while this resolution, I believe, will receive the general support of this body, although with respectful opposition, it is clear that the Congress has to go on very strong record in the context of this resolution of saying that above all, we only want peace, that there is no desire for increased conflict between the Muslim world and the Judeo-Christian traditions, and above all, there is no desire for anything except a fair and reasoned compromise on all sides for the issues of the day, a compromise that can allow people in the region to live in harmony. That is what the Congress desires.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent, so that the debate will not be stifled, that the gentleman from New York (Mr. GILMAN) and the gentleman from West Virginia (Mr. RAHALL) each be granted 5 additional minutes.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the gentleman from New York (Mr. GILMAN) and the gentleman from West Virginia (Mr. RAHALL) each will have an additional 5 minutes.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) will now have 7½ minutes remaining, and the gentleman from West Virginia (Mr. RAHALL) has 10 minutes remaining.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Does it help us move toward peace in the Middle East for the United States to deny the reality of what is happening today in the Middle East and to turn its back on our staunchest ally, the only democracy in the Middle East? I have to tell Members of this Chamber that we should not, in the earnest hope for peace, turn our backs on Israel. We ought to adopt this resolution and stand in solidarity with the people of Israel.

Let us look at the events. A peace process brought, through our efforts, the head of the Palestinian Authority and the Prime Minister of Israel together to try to work out a settlement. Prime Minister Barak offered the most generous settlement that anyone ever imagined he would; and he was rejected by Arafat, the President of the Palestinian Authority. Chairman Arafat was unresponsive to this proposal and then went home and, either because he did not have the ability to stop it or the conviction to rein it in, permitted the paramilitary forces to engage in mob fury. Chairman Arafat's unresponsiveness to the tremendous proposals put forth indicates that he has very little credibility as a partner for peace.

What else did he do? He opened up the prison doors and let 100 Hamas and Islamic Jihad prisoners out, which is a green light for them to strap bombs on their backs, go into civilian populations and blow up people, to engage in the worst kind of terrorism.

Mr. Speaker, the loss of life on both sides has been tragic, but the refusal of Chairman Arafat to do anything now except to run to international organizations that have always been biased against Israel and urge them to adopt resolutions to internationalize the conflict, to try to point fingers at Israel alone, makes it incumbent on us in the United States, the only superpower in the world, the only country that says to people around the world, follow us into democracy, stick with us and we will stick with you; it is incumbent upon us to stand with Israel and to urge the parties to go back to the table if they can, but only understanding that the United States supports Israel's right to exist and supports them in this terrible conflict.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I say to my colleagues, America's number one ally in the Middle East, our strategic partner and our dear friend for 52 years, the State of Israel, is today fighting for its very life. Our friend, the State of Israel, who helped us in the Persian Gulf War against Saddam Hussein and in so many other crises in the region and on a day-to-day basis when, as our military is described, America's aircraft carrier in a sea of trouble, is fighting for its very life.

We remember who fought against us in the Persian Gulf War. Chairman Arafat and the Palestinian Authority supported Saddam Hussein against America and its allies. Chairman Arafat rejected an offer for an independent state for the Palestinian people just a few months ago, an offer made by Prime Minister Barak of Israel. He did not like the terms. What did he do? He was supposed to, under the Oslo Accords, continue negotiating. Instead, he walked out, made no counteroffer, left the negotiating table. Days later, violence ensued and lots of innocent people have been killed.

The Palestinian people deserve a leader who will negotiate peace without resorting to violence. Until they get such a leader, the people of the United States need to stand with their friend, the only democracy in the region, America's strategic partner; the only democracy in the region who was traditionally called Satan by the people of the region, along with America, as the Great Satan. We wish peace for all of the peoples of the region. They are all good people; they deserve peace and democracy. Until the Palestinian Authority gets leaders who are committed to peace and can rein in their extremists, just as Israel needs to rein in their extremists, we will not have peace.

Support America's friend until the other side is willing to come back to the negotiating table and negotiate a peace and not send their children into the street to be killed for CNN's purposes.

Mr. RAHALL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as we conclude this debate, certainly I have no illusions as to the outcome, just as I believe nobody in this body or in the region or in the world has any illusions about the outcome if, truly, as the previous speaker has said, that Israel is fighting for its very life. That is certainly speaking from emotions, and this is an emotional moment in the region. But who can deny the outcome of gun ships and helicopter gunfire and smart bombs, precision targeting, pinpoint targeting, one of the most well-equipped armies in the world, against the Palestinian people? Who could deny that outcome? Who even thinks that this truly is a war of all wars?

I understand a lot of the accusations that have been made and leveled by my friends and supporters of this resolution, and a lot of that cannot be completely denied. If there is one accurate statement that can be said about this part of the world and the way of life in this region, it is the fact that no side is without their share of the blame, no side is without their share of miscalculations, no side is without their share of inflammatory statements, pandering to their domestic opponents. All of these statements could describe all sides of the fighting in this region.

Mr. Speaker, I truly believe that we in this body have a higher responsibility, not to get involved in internal divisions of any country in the region, not to point fingers, not to take so obvious a side at so obvious an emotional moment; not to speak and take actions that can be perceived in some parts of the world, although not reality, but can be perceived as the law of the Congress when we take actions. We have a responsibility not to take those provocative actions in this body. Granted, we have taken and passed a number of resolutions over the decades, some of which I have supported, that have jumped up at the moment to address what many of us feel is the best sense of peace in the Middle East.

However, we are not secretaries of state in this body. I believe that we have a responsibility, while recognizing what is truly in our hearts, while recognizing our support, as I have today and in the past for our ally, Israel and the region, recognizing our legitimate concerns for the security of its borders; but we have a responsibility. We have a responsibility at this particular time to take action that reflects the thinking in our heads.

As I noted earlier, today we see our armed forces in parts of the Middle East on the highest state of security alert than we have seen in several years. Now, for us to come through with an action of this nature could very well be misinterpreted by some in the region who do not understand that this is merely a resolution and does not carry the force of law, but it is still perceived as an expression of this body that can have devastating effects in the minds of those who in the region have only violence in their heads, who have only suicide missions on their agenda, and who truly have never been for the peace process to begin with.

□ 1700

There are those extremists on all sides in the region who have never been for the peace process. If we are to support this administration and their role as an honest broker and President Clinton's Herculean efforts day in and day out, continuous without fatigue, as he works nonstop to bring the sides to the negotiating table, our role today should be to call for a cessation of violence in a nonpartisan, in a truly objective manner, and urge the parties to come back to the peace process.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, as the senior Member of this body said earlier, the United States and we, as Members of Congress, must not abandon our role as an honest broker and take a step that this resolution would do that undermines negotiations between Israel and the Palestinians. We must heed the advice of the executive branch that has urged opposition to this resolution, both the National Security Council and the Department of State.

Because although our words may seem removed from the violence that has engulfed the region, they do matter, and people listen. Instead of passing resolutions that condemn one side and further inflame passions, we should urge both parties to return to the negotiating table and to help them find their way back on a path toward peace. This resolution does not do that.

We should offer words of consolation for all the loss of life and injuries. We should call for acts of violence to be halted on all sides in the conflict and call upon all parties to find ways back to the negotiating table no matter how difficult that task may be. We should not be engaging in taking sides and thereby further inflaming the rage and the despair.

Mr. Speaker, I would remind my colleagues of the United Nations Security Council resolution that was adopted on October 7, dealing with the violence in the Middle East. The United States did not veto that. It chose to abstain because it felt that preserving the greater U.S. interests of remaining neutral in the conflict would, in fact, bring us further toward the peace that we all desire.

We also need to keep a number of things in mind. There have been over 130 deaths in this region of the world, almost all of them Palestinians, more than a quarter of them under the age of 18, and almost all of them in an area that was supposed to be under the control of the Palestinian Authority.

The reason for this conflict, Mr. Speaker, is because the Oslo Accords were not implemented. The Israeli Army still controls over 60 percent of the West Bank, a considerable amount of the Gaza Strip. It was clear that, unless we fully implemented the Oslo Accords, there was going to be conflict.

In fact, we ought to recognize as well, if we were to do an evenhanded resolution, that the deliberately provocative act of Ariel Sharon in going to al-Haram al-Sahrif, or otherwise known as the Temple Mount, was a deliberate, conscious act. He was warned against doing that, yet, he took an entourage of more than 1,000 soldiers.

The Secretary of State, Madeline Albright, criticized that visit as extremely provocative. But to many Palestinians, that visit was a show of military might, a blatant reminder of military solutions sought in the past. It was a humiliating message of disrespect to Palestinians and the Arab world. That is not how we bring about peace in the world and particularly in the Middle East.

We as Americans, the rest of the international community, the Israelis, and the Palestinians should know that there is no military solution to these terribly difficult issues that have made the Middle East a region of tension and violence for far too long.

In fact, the presence of Israeli tanks and helicopter gunships in Palestinian territories has only reinforced the despair among Palestinians that they will never be able to live free and independently. That is the source of the violence. That must be addressed.

The Oslo Accords should have been implemented. In fact, since the Oslo Accords 7 years ago, the roads that have been built that have not been opened to Palestinians has further constrained their lives. Parameters are set upon their lives, around their lives that show that there is no hope for the future. It is out of that desperation that we see people sacrificing their lives, that we see people exhibiting real hatred for the situation that they have been put under.

We have a responsibility to address that hatred, to try to find a common goal for the Middle East, one of peace and reconciliation, economic independence. We could only do that if we try to serve, as the gentleman from Michigan (Mr. DINGELL) said, the gentleman from West Virginia (Mr. RAHALL) has said, if we try to serve as an honest broker, representing the views of both sides in this conflict.

This resolution accomplishes nothing except to make Members of the Congress look good. That is not our objective. What we should be trying to do is creating a better life for all people around the world in a fair and honest manner so that we can have a sustainable and just peace.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I rise in support of the resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, there have been many calls for the United

States to be an honest broker. I share those calls. We have been an honest broker since President Carter brought the parties together at Camp David, but there were two willing parties. We can be an honest broker when both sides are eager to move towards peace, as President Sadat and Prime Minister Begin did.

Arafat's latest contribution to this dialogue was to tell the Prime Minister of Israel to go to hell. It is difficult to be an honest broker under those circumstances. Under those circumstances, our job is to stand up with the only political democracy in the entire Middle East that has gone way beyond anything that anybody in this body thought would be offered the Palestinians and, as a reward, had a walkout by Arafat and the fermenting of an uprising. This resolution must be passed as the overwhelming voice of the conscience.

We all grieve for every single person who lost his life. All lives are of equal value. But the cynical exploitation of little children who are sent into harm's way with financial rewards is not very impressive. It is the most cynical exploitation of the young who do not know any better.

Peace has to come, but in order for peace to come, both parties must be willing to return to the negotiating table with good intentions and the determination that was present at Camp David.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, let me again say that there is enough blame to go around on all sides in this part of the world. There is a lot of finger pointing today. But it is incumbent upon this body at this crucial time in the region to step back to urge the party to stop the inflammatory statements on both sides, on all sides, and there have been those statements as I referred to earlier, in order to show the bravo, in order to play to the factions within one's own side in that region.

But this body has a higher responsibility not to get involved in that, but, rather, to urge the parties to get back to the negotiating table, as President Clinton and Secretary of State Albright have so excellently tried to do in Egypt and continue to do this very hour. Let us support this administration and their efforts.

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, permit me to remind my colleagues that our resolution, H. Con. Res. 426, begins with the statement that the Arab-Israeli conflict must be settled peacefully and through negotiations. But the question is how do we bring about this kind of peaceful negotiations in the Middle East in the current situation?

We have observed in the past few weeks shocking violence in the Middle East. Shall we not take a stand with regard to that violence?

We have a situation where the General Assembly is passing resolutions that our ambassador, the UN Ambassador Holbrooke called, and I quote, unbalanced and unhelpful. That is not the way to bring about peaceful negotiations. We need to focus on the violence, on the parties responsible for the violence. We need to send a firm message to them and send a strong message for peace and of the solidarity of our closest friends in the Middle East, the State of Israel.

Accordingly, I urge my colleagues to pass this resolution.

Mr. WEINER. Mr. Speaker, I rise today in strong support of H. Con. Res. 426. Today, when the U.N. issues resolutions faulting Israel, when the Arab world convenes a summit in order to condemn Israel, is the appropriate time for this House to speak with one voice on the side of our ally. Israel did not start the current violence, the Palestinian Authority did. And while each and every one of us hopes for a peaceful resolution to a conflict that has been ongoing for tens, if not thousands, of years, we must also use this opportunities to express our solidarity with the state and people of Israel. The Resolution before us states unequivocally that the Congress condemns the Palestinian leadership for encouraging the violence and doing nothing to stop it. It urges the Administration to use its veto power to stop biased U.N. resolutions from going into effect, and it encourages the parties to settle their grievances through negotiations.

The time has come to stand with our friend Israel and to stand up against those who would lay the blame for the recent unfortunate events at her feet. Indeed, in many respects the Resolution does not go far enough. The American people continue to contribute to the Palestinian Authority in the form of foreign aid, and I would suggest that that aid be suspended pending a Presidential determination that the Palestinian Authority is doing all it can to stop the violence. But until that more significant step is taken, I welcome the House's passage today of H. Con. Res. 426. It sends an important message from the members of this body that while we stand on the side of peace, more importantly we stand on the side of Israel. I urge my colleagues to support the Resolution.

Mr. CROWLEY. Mr. Speaker, I rise today to express my support for House Concurrent Resolution 426. I commend the distinguished Chairman of the International Relations committee, Mr. GILMAN, along with 152 cosponsors, for bringing this important and timely resolution to the floor. I watched the events unfold during the past several weeks with extreme concern. I watched as Chairman Arafat remained silent while Palestinians and Israelis alike, were being killed in Ramallah and Nablus. It was not simply the silence that was so troubling. Mr. Arafat took active steps to fuel the fire by meeting with representatives of Hamas and Hizbollah. These groups have made it their mission to undermine the peace process and destroy the state of Israel. Dealing with such groups calls into question the goals of Chairman Arafat.

I was encouraged by the Palestinian and Israeli commitment to meet at Sharm-El-Sheikh to work out the terms of a cease fire agreement. Unfortunately, Chairman Arafat, once again, failed to fulfill his obligations to the peace process. The agreement called for an immediate and public denunciation of the violence. The statement made by Mr. Arafat to the Palestinian public to that effect was ambiguous and unenthusiastic. It fell far short of what was agreed to in Egypt.

As a result, the violence has persisted and has cast serious doubt over achieving peace in the region. In addition the United Nations General Assembly recently passed a one-sided resolution condemning the use of force by the Israeli security forces. At this crucial time, it is essential that the State of Israel knows that we will stand alongside her in her quest for peace. To that end, I am a proud cosponsor of this resolution.

House Concurrent Resolution 426 expresses Congressional solidarity with the state and people of Israel. In addition, it condemns the Palestinian leadership not only for inciting further violence, but for failing to take the necessary steps to prevent it.

Mr. Arafat, the United States, Israel and the Palestinian people have all recognized you as the leader of the Palestinian Authority. It is time for you to step up and lead. Tell your people, there will be no intifada, only salaam. If you cannot wholeheartedly support the peace process, the United States can no longer support you. Therefore, I urge my colleagues to join me in supporting this process. Let there be no ambiguity as to position the United States will take in this process.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting for H. Con. Res. 426 to express support for the resolution of Arab-Israeli differences by peaceful negotiation and to condemn the violence that has engulfed the region. In doing so, I am mindful of the special relationship our country has and must maintain with our ally, Israel, and of the heroic efforts of our President to bring about a cease-fire and to restart negotiations. I also commend Prime Minister Barak for the pathbreaking proposals he put forward during the negotiations at Camp David. It is now even clearer than it was then how unfortunate, indeed tragic, it is that the parties were not able to refine and build upon those proposals to achieve final agreement.

The resolution before us, however, falls considerably short of the kind of expression that might best contribute to stopping the violence and resuming negotiations. I therefore support it with great ambivalence. Some have suggested that the tone and content of this resolution is justified by the one-sidedness of the anti-Israeli resolutions adopted at the United Nations. I disagree. This House should not be primarily reactive, nor should we see our main purpose as the affixing of blame. We should not second-guess the difficult decision the administration took, to abstain from using its veto in the Security Council in order to maintain its leverage in bringing the conflicting parties together. I am aware of the particular responsibility Chairman Arafat has to condemn and contain the violence and can only hope that he has the ability as well as the will to do so. But it is critically important that our government be absolutely clear and absolutely fair in demanding that both sides refrain from reckless provocation, end the cycle of violence, reject extremist elements who stoke the violence and block the path to accommodation, and earnestly attempt to restart the negotiations that alone can resolve this conflict.

I regret, Mr. Speaker, that the resolution before us falls so far short. But in its last sentence it captures a sentiment which I believe all of us share, calling on "all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process in order to prevent further senseless loss of life by all sides." May we as a body and as a government find ways to tirelessly advance this goal in the critical days and weeks ahead.

Mr. McCOLLUM. Mr. Speaker, I rise today in strong support of this resolution and urge my colleagues to vote for this important statement on the ongoing events in the Middle East. The events in the Middle East have revealed to all Americans the asymmetrical relationship that has existed in the peace process. I have been a strong supporter of that process, and was willing to lend it my full support so long as it was clear that both sides were equally committed to fair and compromise peace. We see now that the peace process was not mutual.

Israel, a staunch and loyal friend that shares our democratic values was seeking honest compromise. At Camp David, Prime Minister Barak made compromises far bolder and more sweeping than any Israeli prime minister had dared to go. Under his proposal, 90% of the West Bank and 92% of the Palestinian population would have been ruled by a Palestinian government. Jerusalem's Holy Places would have been placed under joint administration and a part of the city made the capital of an independent Palestine. Mr. Speaker, to these sweeping proposals, Chairman Arafat offered not even counter-proposals.

Mr. Speaker, this resolution is a balanced and appropriate response to the events in the Middle East. It calls for a restoration of the peace. It does not relinquish hope that compromise might yet be achieved. Yet it strongly and rightly condemns the Palestine Authority and Mr. Arafat for their incitement of the current round of violence and for their failure to put a stop to it. It properly calls upon Mr. Arafat to renounce violence, and it recognizes that Israel remains a friend of the United States. In a similar vein, it calls for the United States "to insure that the Security Council does not again adopt unbalanced resolutions addressing the uncontrolled violence in the areas controlled by the Palestine Authority."

Mr. Speaker, we should adopt this resolution and we should make clear that as between a democratic Israel and an autocratic Palestine Authority there is no choice. I therefore urge my colleagues to vote for this bill.

Mrs. MORELLA. Mr. Speaker, I am deeply concerned by the outbreak of violence and the abdication of responsibility by Palestinian authorities for restoring the peace. We must make clear that peace may be achieved only through peaceful and negotiated means.

I am pleased to be an original cosponsor of H. Con. Res. 426, which expresses solidarity with the state and the people of Israel, condemns Palestinian authorities for encouraging violence and urges them to act to restore calm, states that peace in the region may be achieved only through negotiations, and calls for a U.S. Veto of biased U.N. Security Council resolutions.

Should Arafat continue to pursue violence instead of negotiations, or should he declare a Palestinian state absent an agreement, we should cut off all assistance to the Palestinian Authority.

I hope that there will be a return to the peace process. However, if Arafat rejects a negotiated solution and continues supporting an armed uprising, we must be clear. We will stand with Israel.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Con. Res. 426. This important resolution expresses the solidarity of the Congress with the sate and people of Israel at this time of crisis. As a cosponsor of the resolution, I urge its passage by the House. Only a few short months ago at Camp David, the Israeli Government demonstrated the willingness to make sweeping concessions. The world would not have dreamed of how far Israel was willing to go. Not 10 years ago, 1 year ago, or even 6 months ago. It was the Palestinian leadership that rejected compromise and showed that it was not interested in peace. Not only did they reject Barak's offer, but they did not even counter-offer in response.

The violent Palestinian riots we are witnessing result directly from the fact that Yasir Arafat did not prepare his people for peace. As Barak was restraining the expectations—preparing the Israeli people for compromise—Arafat was pumping up the Palestinian demands—preparing them for conflict. We must today say that Arafat is not a partner for peace.

Although Israel has today taken a time out from the peace process, it remains as willing as ever to make peace with its neighbors. However, Israel must have a real partner. One that does not engage in incitement to violence; one that does not look the other way when their people are destroying ancient shrines, such as Joseph's tomb in Nablus; one that does not allow their people to beat innocent Israelis to death, as happened recently in Ramallah; and one that does everything in its power to set the conditions for peace.

The underlying basis of negotiations was the recognition of the PLO by Israel in exchange for the renunciation of violence by the PLO and Chairman Arafat. In his September 9, 1993 letter to the late Prime Minister Yitzhak Rabin, Chairman Arafat "renounced the use of terrorism and other acts of violence" and pledged to "prevent violence and discipline violators."

Unless the Palestinian leader calls on his people to halt their fanatical, hostile public violence and directs his security services to maintain order—as he promised—the Palestinians will be in violation of not only the text of the peace agreements, but the basic understanding which underlay the process. Furthermore, as the Palestinian rock and molotov cocktail throwers, and gun-men continue to rage, Israel will be within its rights as a sovereign nation to take whatever actions it needs to protect its people and frontiers.

Now, there is a moral imperative to stand our ground. Israel is not only our closest friend and ally in the Middle East, they are in the right. Israel has demonstrated its willingness to make peace and is now under attack by thousands of violent rioters. It is time for Congress to express its solidarity with the people of Israel and, stand with them in the days to come. The resolution on the floor of the House today does just that.

Furthermore, we must condemn the Palestinian leadership for its cowardly encouragement of mass riots and for doing so little to halt the hysterical rampagers. We must also demand that Arafat and his lieutenants use their security services to restrain unnecessary acts of violence, show respect for all holy sites, and settle grievances only through negotiations.

In the days to come, I expect new challenges to U.S. policy. In particular, we must be prepared to firmly and without hesitation reject a unilateral declaration of Palestinian statehood. Such a question can only be settled at the peace table. We must pass the bill which would deny any assistance to the Palestinians if they unilaterally declare statehood.

We must also consider other actions, including, once again, putting the PLO on the list of groups responsible for acts of terrorism. For the Palestinians to engage in violent riots today after they rejected what all reasonable observers thought was a far-reaching and statesman-like offer from Prime Minister Barak, is only leading the world to see that Yassir Arafat and his PLO cohorts prefer conflict to negotiation, and taking land through violence and coercion rather than agreeing on exchanges at the bargaining table.

Mr. Speaker, I would like to commend the chairman and ranking minority member of the House International Relations Committee who wrote this excellent resolution. I urge my colleagues to give it their strong support.

Mr. GEJDENSON. Mr. Speaker, once again the situation in the Middle East has turned from efforts to resolve the conflict peacefully to a new wave of violence that undermines the basis for peace between Israelis and Palestinians.

Mr. Speaker, there is no one more supportive of the Middle East Peace Process than I am. I also support efforts to assist the Palestinian peoples, and to facilitate exchanges and other programs to promote reconciliation between Israelis and Palestinians.

The current wave of violence, however, is simply unacceptable. It is undermining the very basis for peace, the notion that Palestinians and Israelis can trust each other and live together. In 1993, a key principle of reconciliation was that the Palestinian leadership renounced violence as a means of achieving their political aims. The last few weeks have proven that the Palestinians have not lived up to this commitment.

At Camp David, the Government of Israel and Prime Minister Barak made sweeping proposals that moved the two sides closer than they have ever been in reaching a historic agreement ending the Israeli Palestinian violence. Instead of making a counterproposal to this important move, the Palestinian side has allowed and even promoted, violence on a huge scale.

I can only conclude that the Palestinians have decided that they need to resort to violence in order to create more pressure on

Israel to make further concessions. Even after an international summit prescribed a way of winding this violence down, the Palestinians continue their violent actions. These actions are spilling over to other countries both inside and outside the region, and have the potential to become increasingly widespread.

I therefore believe that it is important that this resolution move forward at this time. Under this resolution, Congress expresses its solidarity with the state and people of Israel, condemns the Palestinian leadership for doing so little to stop the violence, and calls upon the leadership to refrain from exhortations to violence, to stop all violence, to show respect for all holy sites and to settle all grievances through negotiations.

It also commends the current and past administrations for their efforts to find Middle East peace, urges the Clinton administration to stop future unbalanced resolutions, and calls on all parties involved in the Middle East conflict to make all possible efforts to reinvigorate the peace process to prevent further senseless loss of life by all sides.

Mr. Speaker, despite my disappointment and outrage at this developing violence, I remain convinced that there is no alternative to a peaceful settlement between Israel, the Palestinians and its Arab neighbors. The sooner that all parties in the region not only recognize that Israel is here to stay, but also truly internalize that reality and negotiate on that basis, real peace cannot be achieved.

Now, all the parties in the region need to step back and to try to find a way to end this violence and return to the negotiating table. We need to pass this resolution today to ensure that the U.S. Congress sends a clear message of its support for Israel during this crisis.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 426.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, as amended.

The Clerk read as follows:

S. 1452

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Homeownership and Economic Opportunity Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Reduced downpayment requirements for loans for teachers, public safety officers, and other uniformed municipal employees.
Sec. 202. Home equity conversion mortgages.
Sec. 203. Law enforcement officer homeownership pilot program.
Sec. 204. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

Subtitle E—Mortgage Insurance for Health Care Facilities

Sec. 871. Rehabilitation of existing hospitals, nursing homes, and other facilities.
Sec. 872. New integrated service facilities.
Sec. 873. Hospitals and hospital-based integrated service facilities.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects.

TITLE X—BANKING AND HOUSING AGENCY REPORTS

Sec. 1001. Short title.

Sec. 1002. Amendments to the Federal Reserve Act.
Sec. 1003. Preservation of certain reporting requirements.
Sec. 1004. Coordination of reporting requirements.
Sec. 1005. Elimination of certain reporting requirements.
TITLE XI—NUMISMATIC COINS
Sec. 1101. Short title.
Sec. 1102. Clarification of Mint's authority.
Sec. 1103. Additional report requirement.
TITLE XII—FINANCIAL REGULATORY RELIEF
Sec. 1200. Short title.
Subtitle A—Improving Monetary Policy and Financial Institution Management Practices
Sec. 1201. Repeal of savings association liquidity provision.
Sec. 1202. Noncontrolling investments by savings association holding companies.
Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 1204. Expedited procedures for certain reorganizations.
Sec. 1205. National bank directors.
Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 1208. Purchased mortgage servicing rights.
Subtitle B—Streamlining Activities of Institutions
Sec. 1211. Call report simplification.
Subtitle C—Streamlining Agency Actions
Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 1222. Payment of interest in receiverships with surplus funds.
Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
Sec. 1224. Agency review of competitive factors in Bank Merger Act filings.
Subtitle D—Miscellaneous
Sec. 1231. Federal Reserve Board buildings.
Sec. 1232. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.
Sec. 1233. Extension of time.
Subtitle E—Technical Corrections
Sec. 1241. Technical correction relating to deposit insurance funds.
Sec. 1242. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 1243. Amendments to the Revised Statutes of the United States.
Sec. 1244. Conforming change to the International Banking Act of 1978.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the priorities of our Nation should include expanding homeownership opportunities by providing access to affordable housing that is safe, clean, and healthy;

(2) our Nation has an abundance of conventional capital sources available for homeownership financing;

(3) experience with local homeownership programs has shown that if flexible capital sources are available, communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens in realizing the American dream of homeownership; and

(4) each consumer should be afforded every reasonable opportunity to access mortgage credit, to obtain the lowest cost mortgages for which the consumer can qualify, to know the true cost of the mortgage, to be free of regulatory burdens, and to know what factors underlie a lender's decision regarding the consumer's mortgage.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage and facilitate homeownership by families in the United States who are not otherwise able to afford homeownership; and

(2) to expand homeownership through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of flexible capital for homeownership opportunities and provide local governments with increased flexibility under existing Federal programs to facilitate homeownership.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Housing Affordability Barrier Removal Act of 2000".

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

"(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking "STATE GRANTS" and inserting "GRANT AUTHORITY";

(2) in the matter preceding paragraph (1), by inserting after "States" the following: "and units of general local government (including consortia of such governments)";

(3) in paragraph (3), by striking "a State program to reduce State and local" and inserting "State, local, or regional programs to reduce";

(4) in paragraph (4), by inserting "or local" after "State"; and

(5) in paragraph (5), by striking "State".

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking "and for the selection of units of general local government to receive grants under subsection (f)(2)"; and

(2) by inserting before the period at the end the following: "and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act".

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

"(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).".

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting "and" after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "receive, collect, process, and assemble" and inserting "serve as a national repository to receive, collect, process, assemble, and disseminate";

(B) in paragraph (1)—

(i) by striking ", including" and inserting "(including"; and

(ii) by inserting before the semicolon at the end the following: "), and the prevalence and effects on affordable housing of such laws, regulations, and policies";

(C) in paragraph (2), by inserting before the semicolon the following: ", including particularly innovative or successful activities, strategies, and plans"; and

(D) in paragraph (3), by inserting before the period at the end the following: ", including particularly innovative or successful strategies, activities, and plans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

"(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

"(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted."; and

(3) by adding at the end the following new subsections:

"(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

"(d) TIMING.—The clearinghouse under this section (as amended by section 09 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.".

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS, PUBLIC SAFETY OFFICERS, AND OTHER UNIFORMED MUNICIPAL EMPLOYEES.

(a) In General.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

"(11) Reduced downpayment requirements for teachers and uniformed municipal employees.—

"(A) In general.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

"(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

"(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

"(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

"(B) Mortgages covered.—A mortgage described in this subparagraph is a mortgage—

"(i) under which the mortgagor is an individual who—

"(I) is employed on a part- or full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); or (cc) a uniformed employee of a unit of general local government, including sanitation and other maintenance workers; and

"(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii);

"(ii) made for a property that is located within the jurisdiction of—

"(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located);

"(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor; or

"(III) in the case of a mortgage of a mortgagor described in clause (i)(I)(cc), the unit of general local government that employs the mortgagor; and

"(iii) that is closed on or before September 30, 2003.".

(b) Deferral and Reduction of Up-Front Premium.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "Notwithstanding" and inserting "Except as provided in paragraph (3) and notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(3) Deferral and reduction of up-front premium.—In the case of any mortgage described in subsection (b)(11)(B):

"(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

"(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(11)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.".

SEC. 202. HOME EQUITY CONVERSION MORTGAGES.

(a) Insurance for Mortgages to Refinance Existing HECMs.—

(1) In General.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

"(k) Insurance Authority for Refinancings.—

"(1) In general.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

"(2) Anti-churning disclosure.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

"(3) Waiver of counseling requirement.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

"(A) the mortgagor has received the disclosure required under paragraph (2);

"(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

"(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

"(4) Credit for premiums paid.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

"(5) Actuarial study.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

"(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

"(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

"(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

"(6) Fees.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.".

(2) Regulations.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) Housing Cooperatives.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking "'mortgage',"; and

(2) by adding at the end the following new paragraphs:

"(4) Mortgage.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

"(A) under a lease for not less than 99 years that is renewable; or

"(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

"(5) First mortgage.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—

''(1) IN GENERAL.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

''(3) DEFINITION.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

''(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

''(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).''.

(2) APPLICABILITY.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 203. LAW ENFORCEMENT OFFICER HOMEOWNERSHIP PILOT PROGRAM.

(a) ASSISTANCE FOR LAW ENFORCEMENT OFFICERS.—The Secretary of Housing and Urban Development shall carry out a pilot program in accordance with this section to assist Federal, State, and local law enforcement officers purchasing homes in locally-designated high-crime areas.

(b) ELIGIBILITY.—To be eligible for assistance under this section, a law enforcement officer shall—

(1) have completed not less than 6 months of service as a law enforcement officer as of the date that the law enforcement officer applies for such assistance; and

(2) agree, in writing, to use the residence purchased with such assistance as the primary residence of the law enforcement officer for not less than 3 years after the date of purchase.

(c) MORTGAGE ASSISTANCE.—If a law enforcement officer purchases a home in locally-designated high-crime area and finances such purchase through a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.), notwithstanding any provision of section 203 or any other provision of the National Housing Act, the following shall apply:

(1) DOWNPAYMENT.—

(A) IN GENERAL.—There shall be no downpayment required if the purchase price of the property is not more than the reasonable value of the property, as determined by the Secretary.

(B) PURCHASE PRICE EXCEEDS VALUE.—If the purchase price of the property exceeds the reasonable value of the property, as determined by the Secretary, the required downpayment shall be the difference between such reasonable value and the purchase price.

(2) CLOSING COSTS.—The closing costs and origination fee for such mortgage may be included in the loan amount.

(3) INSURANCE PREMIUM PAYMENT.—There shall be one insurance premium payment due on the mortgage. Such insurance premium payment—

(A) shall be equal to 1 percent of the loan amount;

(B) shall be due and considered earned by the Secretary at the time of the loan closing; and

(C) may be included in the loan amount and paid from the loan proceeds.

(d) LOCALLY-DESIGNATED HIGH-CRIME AREA.—

(1) IN GENERAL.—Any unit of local government may request that the Secretary designate any area within the jurisdiction of that unit of local government as a locally-designated high-crime area for purposes of this section if the proposed area—

(A) has a crime rate that is significantly higher than the crime rate of the non-designated area that is within the jurisdiction of the unit of local government; and

(B) has a population that is not more than 25 percent of the total population of area within the jurisdiction of the unit of local government.

(2) DEADLINE FOR CONSIDERATION OF REQUEST.—Not later than 60 days after receiving a request under paragraph (1), the Secretary shall approve or disapprove the request.

(e) LAW ENFORCEMENT OFFICER.—For purposes of this section, the term ''law enforcement officer'' has such meaning as the Secretary shall provide, except that such term shall include any individual who is employed as an officer in a correctional institution.

(f) SUNSET.—The Secretary shall not approve any application for assistance under this section that is received by the Secretary after the expiration of the 3-year period beginning on the date that the Secretary first makes available assistance under the pilot program under this section.

SEC. 204. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) DOWNPAYMENT ASSISTANCE.—

"(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

"(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term "disabled family" has the meaning given the term "person with disabilities" in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) Treatment of Adjustable Rate Mortgages.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(B) in paragraph (16)(B), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) Amortization schedule then in effect.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

"(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

"(B) the unpaid balance of the loan after each such scheduled payment is made."; and

(2) in section 3(f)(1)(B)(ii), by striking "amortization schedules" and inserting "the amortization schedule then in effect".

(b) Treatment of Balloon Mortgages.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: "A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.".

(c) Treatment of Loan Modifications.—

(1) In general.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

"(d) Treatment of Loan Modifications.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.".

(2) Conforming amendments.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "section 3(f)(1)" and inserting "section 3(g)(1)";

(ii) in subparagraph (A)(ii)(IV), by striking "section 3(f)" and inserting "section 3(g)"; and

(iii) in subparagraph (B)(iii), by striking "section 3(f)" and inserting "section 3(g)"; and

(B) in paragraph (2), by striking "section 3(f)(1)" and inserting "section 3(g)(1)".

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) Termination of Private Mortgage Insurance.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting "on residential mortgage transactions" after "imposed"; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "mortgage or";

(B) in paragraph (2), by striking "mortgage or"; and

(C) in paragraph (3), by striking "mortgage or" and inserting "residential mortgage or residential".

(b) Disclosure Requirements.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "mortgage or" the first place it appears; and

(ii) by striking "mortgage or" the second place it appears and inserting "residential"; and

(B) in paragraph (2), by striking "mortgage or" and inserting "residential";

(2) in subsection (c), by striking "paragraphs (1)(B) and (3) of subsection (a)" and inserting "subsection (a)(3)"; and

(3) in subsection (d), by inserting before the period at the end the following: ", which disclosures shall relate to the mortgagor's rights under this Act".

(c) Disclosure Requirements for Lender-Paid Mortgage Insurance.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "a residential mortgage or"; and

(B) in paragraph (2), by inserting "transaction" after "residential mortgage"; and

(2) in subsection (d), by inserting "transaction" after "residential mortgage".

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "cancellation date" the following: "or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)";

(B) in paragraph (2), by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) is current on the payments required by the terms of the residential mortgage transaction; and"; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking "subsection (a)(3)" and inserting "subsection (a)(4)".

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) Good Payment History.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the period at the end.

(b) Automatic Termination.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

"(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction."

(c) Premium Payments.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

"(h) Accrued Obligation for Premium Payments.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.".

SEC. 406. DEFINITIONS.

(a) Refinanced.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after "refinanced" the following: "(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))".

(b) Midpoint of the Amortization Period.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

"(7) Midpoint of the amortization period.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.".

(c) Original Value.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting "transaction" after "a residential mortgage"; and

(2) by adding at the end the following new sentence: "In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.".

(d) Principal Residence.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal"; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal";

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) Establishment.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the "Commission") to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) Membership.—

(1) Appointment.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Qualifications.—

(A) Members of tribes.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) Experience in land title matters.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) Chairperson.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) Travel expenses.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Initial Meeting.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) Duties.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) Report.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) Powers.—

(1) Hearings and sessions.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) Staff of federal agencies.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) Obtaining official data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) Administrative support services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) Staff.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) Termination.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) Limitation on outstanding aggregate principal amount.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year."; and

(2) in paragraph (7), by striking "each of fiscal years 1997, 1998, 1999, 2000, and 2001" and inserting "each fiscal year".

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) Restriction on Waiver Authority.—

(1) In general.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows through the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.".

(2) Local cooperation agreement.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).".

(b) Assistance to Families That Are Not Low-Income.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

"(6) Certain families.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

(c) Elimination of Waiver Authority for Small Tribes.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) Environmental Compliance.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

"(d) Environmental Compliance.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

"(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

"(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

"(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

"(4) may be corrected through the sole action of the recipient.".

(e) Eligibility of Law Enforcement Officers for Housing Assistance.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

"(A) the officer—

"(i) is employed on a full-time basis by the Federal Government or a State, county, or tribal government; and

"(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

"(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.".

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(b) ADDITIONAL REVIEWS AND AUDITS.—

"(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

"(c) REVIEW OF REPORTS.—

"(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking "Except as provided" and inserting the following:

"(1) IN GENERAL.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000".

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians:

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101-235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C.

491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Department of Hawaiian Home Lands; Department.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) Director.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) Elderly families; near-elderly families.—

"(A) In general.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person; or

"(ii) for a near-elderly family, a near-elderly person.

"(B) Certain families included.—The term 'elderly family' or 'near-elderly family' includes—

"(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

"(4) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(5) Housing area.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

"(6) Housing entity.—The term 'housing entity' means the Department of Hawaiian Home Lands.

"(7) Housing plan.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

"(8) Median income.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

"(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

"(B) the median income for the State of Hawaii.

"(9) Native Hawaiian.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

"(a) Grant Authority.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

"(b) Plan Requirement.—

"(1) In general.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

"(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

"(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

"(2) Waiver.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

"(c) Use of Affordable Housing Activities Under Plan.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

"(d) Administrative Expenses.—

"(1) In general.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

"(2) Administrative and planning expenses.—The administrative and planning expenses referred to in paragraph (1) include—

"(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

"(B) expenses incurred in preparing a housing plan under section 803.

"(e) Public-Private Partnerships.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

"SEC. 803. HOUSING PLAN.

"(a) Plan Submission.—The Secretary shall—

"(1) require the Director to submit a housing plan under this section for each fiscal year; and

"(2) provide for the review of each plan submitted under paragraph (1).

"(b) Five-Year Plan.—Each housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

"(A) Mission statement.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

"(B) Goal and objectives.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

"(C) Activities plans.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

"(c) One-Year Plan.—A housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

"(A) Goals and objectives.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

"(B) Statement of needs.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

"(I) the geographical needs of those families; and

"(II) needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all families to be served by the Department.

"(C) Financial resources.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

"(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

"(ii) the uses to which the resources described in clause (i) will be committed, including—

"(I) eligible and required affordable housing activities; and

"(II) administrative expenses.

"(D) Affordable housing resources.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

"(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

"(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

"(I) rental assistance;

"(II) the production of new units;

"(III) the acquisition of existing units; or

"(IV) the rehabilitation of units;

"(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

"(I) the involvement of private, public, and nonprofit organizations and institutions;

"(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

"(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

"(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

"(v) a description of—

"(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vi) a description of—

"(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vii) a description of—

"(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

"(aa) transitional housing;

"(bb) homeless housing;

"(cc) college housing; and

"(dd) supportive services housing; and

"(II) the requirements and assistance available under such programs;

"(viii)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for that demolition or disposition; and

"(III) any other information required by the Secretary with respect to that demolition or disposition;

"(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

"(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

"(I) promote the safety of residents of the affordable housing;

"(II) facilitate the undertaking of crime prevention measures;

"(III) allow resident input and involvement, including the establishment of resident organizations; and

"(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

"(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

"(E) Certification of compliance.—Evidence of compliance that shall include, as appropriate—

"(i) a certification that the Department of Hawaiian Home Lands will comply with—

"(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

"(II) other applicable Federal statutes;

"(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

"(d) Applicability of Civil Rights Statutes.—

"(1) In general.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

"(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

"(B) to an eligible family on the basis that the family is a Native Hawaiian family.

"(2) Civil rights.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability..

"(e) Use of Nonprofit Organizations.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 804. REVIEW OF PLANS.

"(a) Review and Notice.—

"(1) Review.—

"(A) In general.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

"(B) Limitation.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

"(2) Notice.—

"(A) In general.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

"(B) Effect of failure of secretary to take action.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

"(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

"(ii) the Director shall be considered to have been notified of compliance.

"(b) Notice of Reasons for Determination of Noncompliance.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

"(1) the reasons for noncompliance; and

"(2) any modifications necessary for the plan to meet the requirements of section 803.

"(c) Review.—

"(1) In general.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(A) set forth the information required by section 803 to be contained in the housing plan;

"(B) are consistent with information and data available to the Secretary; and

"(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

"(2) Incomplete plans.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

"(d) Updates to Plan.—

"(1) In general.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

"(2) Complete plans.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

"(e) Effective Date.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

"SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

"(a) Program Income.—

"(1) Authority to retain.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

"(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

"(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

"(2) Prohibition of reduction of grant.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

"(A) whether the Department retains program income under paragraph (1); or

"(B) the amount of any such program income retained.

"(3) Exclusion of Amounts.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

"(b) Labor Standards.—

"(1) In General.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

"(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

"(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

"(2) Exceptions.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

"SEC. 806. ENVIRONMENTAL REVIEW.

"(a) In General.—

"(1) Release of funds.—

"(A) In general.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

"(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

"(ii) to the public undiminished protection of the environment.

"(B) Alternative environmental protection procedure.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

"(2) Regulations.—

"(A) In general.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) Contents.—The regulations issued under this paragraph shall—

"(i) provide for the monitoring of the environmental reviews performed under this section;

"(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

"(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

"(3) Effect on assumed responsibility.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

"(b) Procedure.—

"(1) In general.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

"(2) Effect of approval.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

"(c) Certification.—A certification under the procedures under this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the Director of the Department of Hawaiian Home Lands;

"(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the Director—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

"(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

"SEC. 807. REGULATIONS.

"The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

"SEC. 808. EFFECTIVE DATE.

"Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

"(a) National Objectives and Eligible Families.—

"(1) Primary objective.—The national objectives of this title are—

"(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

"(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

"(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

"(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

"(E) to—

"(i) promote the development of private capital markets; and

"(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

"(2) Eligible families.—

"(A) In general.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

"(B) Exception to low-income requirement.—

"(i) In general.—The Director may provide assistance for homeownership activities under—

"(I) section 810(b);

"(II) model activities under section 810(f); or

"(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

"(ii) Limitations.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

"(C) Other families.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

"(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

"(ii) the need for housing for the family cannot be reasonably met without the assistance.

"(D) Preference.—

"(i) In general.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

"(ii) Application.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

"(E) Use of nonprofit organizations.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

"(a) In General.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

"(1) develop or to support affordable housing for rental or homeownership; or

“(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

“(b) Activities.—The activities described in this subsection are the following:

“(1) Development.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

“(A) real property acquisition;

“(B) site improvement;

“(C) the development of utilities and utility services;

“(D) conversion;

“(E) demolition;

“(F) financing;

“(G) administration and planning; and

“(H) other related activities.

“(2) Housing services.—The provision of housing-related services for affordable housing, including—

“(A) housing counseling in connection with rental or homeownership assistance;

“(B) the establishment and support of resident organizations and resident management corporations;

“(C) energy auditing;

“(D) activities related to the provisions of self-sufficiency and other services; and

“(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

“(3) Housing management services.—The provision of management services for affordable housing, including—

“(A) the preparation of work specifications;

“(B) loan processing;

“(C) inspections;

“(D) tenant selection;

“(E) management of tenant-based rental assistance; and

“(F) management of affordable housing projects.

“(4) Crime prevention and safety activities.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

“(5) Model activities.—Housing activities under model programs that are—

“(A) designed to carry out the purposes of this title; and

“(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

“SEC. 811. PROGRAM REQUIREMENTS.

“(a) Rents.—

“(1) Establishment.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

“(2) Maximum rent.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

“(b) Maintenance and Efficient Operation.—

“(1) In general.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

“(2) Disposal of certain housing.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

“(c) Insurance Coverage.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

“(d) Eligibility for Admission.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

“(e) Management and Maintenance.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

“SEC. 812. TYPES OF INVESTMENTS.

“(a) In General.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

“(1) the discretion to use grant amounts for affordable housing activities through the use of—

“(A) equity investments;

“(B) interest-bearing loans or advances;

“(C) noninterest-bearing loans or advances;

“(D) interest subsidies;

“(E) the leveraging of private investments; or

“(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

“(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

“(b) Investments.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

“(a) In General.—Housing shall qualify for affordable housing for purposes of this title only if—

“(1) each dwelling unit in the housing—

“(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

“(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

“(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

“(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

“(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

“(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

“(I) avoid termination of low-income affordability, in the case of foreclosure; or

“(II) transfer ownership in lieu of foreclosure; and

“(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

“(b) Exception.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

“(a) Leases.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

“(1) do not contain unreasonable terms and conditions;

“(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

“(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

“(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

“(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

“(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

“(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

“(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

“(C) is criminal activity (including drug-related criminal activity) on or off the premises.

“(b) Tenant or Homebuyer Selection.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

“(1) are consistent with the purpose of providing housing for low-income families;

“(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

“(3) provide for—

“(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

“(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

“SEC. 815. REPAYMENT.

“If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

"(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

"(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

"For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

"(a) Establishment.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

"(b) Factors for Determination of Need.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

"(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

"(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

"(3) any other objectively measurable conditions that the Secretary and the Director may specify.

"(c) Other Factors for Consideration.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

"(1) geographic distribution within Hawaiian Home Lands; and

"(2) technical capacity.

"(d) Effective Date.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

"(a) Actions by Secretary Affecting Grant Amounts.—

"(1) In general.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

"(A) terminate payments under this title to the Department;

"(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(2) Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

"(b) Noncompliance Because of a Technical Incapacity.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

"(1) is not a pattern or practice of activities constituting willful noncompliance; and

"(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

"(c) Referral for Civil Action.—

"(1) Authority.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

"(2) Civil action.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

"(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

"(B) for mandatory or injunctive relief.

"(d) Review.—

"(1) In general.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

"(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

"(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

"(2) Procedure.—

"(A) In general.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

"(B) Objections.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

"(3) Disposition.—

"(A) Court proceedings.—

"(i) Jurisdiction of court.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

"(ii) Findings of fact.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

"(iii) Addition.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

"(B) Secretary.—

"(i) In general.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

"(I) may—

"(aa) modify the findings of fact of the Secretary; or

"(bb) make new findings; and

"(II) shall file—

"(aa) such modified or new findings; and

"(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

"(ii) Findings.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

"(I) supported by substantial evidence on the record; and

"(II) considered as a whole.

"(4) Finality.—

"(A) In general.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

"(i) the jurisdiction of the court shall be exclusive; and

"(ii) the judgment of the court shall be final.

"(B) Review by supreme court.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

"SEC. 819. MONITORING OF COMPLIANCE.

"(a) Enforceable Agreements.—

"(1) In general.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

"(2) Measures.—The measures referred to in paragraph (1) shall provide for—

"(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

"(B) remedies for breach of the provisions referred to in paragraph (1).

"(b) Periodic Monitoring.—

"(1) In general.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

"(2) Review.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

"(3) Results.—The results of each review under paragraph (1) shall be—

"(A) included in a performance report of the Director submitted to the Secretary under section 820; and

"(B) made available to the public.

"(c) Performance Measures.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

"SEC. 820. PERFORMANCE REPORTS.

"(a) Requirement.—For each fiscal year, the Director shall—

"(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

"(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

"(b) Content.—Each report submitted under this section for a fiscal year shall—

"(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

"(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

"(3) indicate the programmatic accomplishments of the Department; and

"(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

"(c) Submissions.—The Secretary shall—

"(1) establish a date for submission of each report under this section;

"(2) review each such report; and

"(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

"(d) Public Availability.—

"(1) Comments by beneficiaries.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

"(2) Summary of comments.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

"SEC. 821. REVIEW AND AUDIT BY SECRETARY.

"(a) Annual Review.—

"(1) In general.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

"(A) the Director has—

"(i) carried out eligible activities under this title in a timely manner;

"(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

"(iii) a continuing capacity to carry out the eligible activities in a timely manner;

"(B) the Director has complied with the housing plan submitted by the Director under section 803; and

"(C) the performance reports of the Department under section 821 are accurate.

"(2) Onsite visits.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

"(b) Report by Secretary.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

"(c) Effect of Reviews.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

"SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

"To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

"(a) In General.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

"(1) a description of the progress made in accomplishing the objectives of this title;

"(2) a summary of the use of funds available under this title during the preceding fiscal year; and

"(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

"(b) Related Reports.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

"(a) Definitions.—In this section:

"(1) Department of Hawaiian Home Lands.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) Eligible entity.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

"(3) Family.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

"(4) Guarantee fund.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

"(5) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(6) Native hawaiian.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"(7) Office of hawaiian affairs.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

"(b) Authority.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

"(c) Eligible Loans.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

"(1) Eligible borrowers.—The loan is made only to a borrower who is—

"(A) a Native Hawaiian family;

"(B) the Department of Hawaiian Home Lands;

"(C) the Office of Hawaiian Affairs; or

"(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

"(2) Eligible housing.—

"(A) In general.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

"(B) Housing plan.—A housing plan described in this subparagraph is a housing plan that—

"(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

"(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

"(3) Security.—The loan may be secured by any collateral authorized under applicable Federal or State law.

"(4) Lenders.—

"(A) In general.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

"(B) Approval.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

"(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

"(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

"(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

“(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

“(5) Terms.—The loan shall—

“(A) be made for a term not exceeding 30 years;

“(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

“(C) involve a principal obligation not exceeding—

“(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

“(ii) the amount approved by the Secretary under this section; and

“(D) involve a payment on account of the property—

“(i) in cash or its equivalent; or

“(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

“(d) Certificate of Guarantee.—

“(1) Approval process.—

“(A) In general.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

“(B) Approval.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

“(2) Standard for approval.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

“(3) Effect.—

“(A) In general.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

“(B) Evidence.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

“(C) Full faith and credit.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

“(4) Fraud and misrepresentation.—This subsection may not be construed—

“(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

“(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

“(e) Guarantee Fee.—

“(1) In general.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

“(2) Payment.—The fee under this subsection shall—

“(A) be paid by the lender at time of issuance of the guarantee; and

“(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

“(3) Deposit.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(f) Liability Under Guarantee.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

“(g) Transfer and Assumption.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

“(h) Disqualification of Lenders and Civil Money Penalties.—

“(1) In general.—

“(A) Grounds for action.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

“(i) has failed—

“(I) to maintain adequate accounting records;

“(II) to service adequately loans guaranteed under this section; or

“(III) to exercise proper credit or underwriting judgment; or

“(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

“(B) Actions.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

“(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

“(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

“(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

“(2) Civil money penalties for intentional violations.—

“(A) In general.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

“(i) to maintain adequate accounting records;

“(ii) to adequately service loans guaranteed under this section; or

“(iii) to exercise proper credit or underwriting judgment.

“(B) Penalties.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f-1) with respect to mortgagees and lenders under that Act.

“(3) Payment on loans made in good faith.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

“(i) Payment Under Guarantee.—

“(1) Lender options.—

“(A) In general.—

“(i) Notification.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

“(ii) Payment.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

“(I) Foreclosure.—

“(aa) In general.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

“(bb) Payment.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

“(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(II) No foreclosure.—

“(aa) In general.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

“(bb) Payment.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

“(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(B) Requirements.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

“(2) Limitations on liquidation.—

“(A) In general.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

“(B) Limitation.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

"(j) Hawaiian Housing Loan Guarantee Fund.—

"(1) Establishment.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

"(2) Credits.—The Guarantee Fund shall be credited with—

"(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

"(B) any amounts appropriated pursuant to paragraph (7);

"(C) any guarantee fees collected under subsection (d); and

"(D) any interest or earnings on amounts invested under paragraph (4).

"(3) Use.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

"(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

"(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

"(C) acquiring such security property at foreclosure sales or otherwise;

"(D) paying administrative expenses in connection with this section; and

"(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

"(4) Investment.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

"(5) Limitation on commitments to guarantee loans and mortgages.—

"(A) Requirement of appropriations.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

"(B) Limitations on costs of guarantees.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

"(C) Limitation on outstanding aggregate principal amount.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

"(6) Liabilities.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

"(7) Authorization of appropriations.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

"(k) Requirements for Standard Housing.—

"(1) In general.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

"(2) Standards.—The standards referred to in paragraph (1) shall—

"(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

"(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

"(i) be decent, safe, sanitary, and modest in size and design;

"(ii) conform with applicable general construction standards for the region in which the housing is located;

"(iii) contain a plumbing system that—

"(I) uses a properly installed system of piping;

"(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

"(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

"(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

"(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

"(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

"(l) Applicability of Civil Rights Statutes.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.".

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) Short Title.—This title may be cited as the "Manufactured Housing Improvement Act of 2000".

(b) References.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

"SEC. 602. FINDINGS AND PURPOSES.

"(a) Findings.—Congress finds that—

"(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

"(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

"(b) Purposes.—The purposes of this title are—

"(1) to protect the quality, durability, safety, and affordability of manufactured homes;

"(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

"(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

"(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

"(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

"(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

"(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

"(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.".

SEC. 603. DEFINITIONS.

(a) In General.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

"(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.".

(b) Conforming Amendments.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Establishment.—

"(1) Authority.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the purposes of this title; and

"(iii) be performance-based and objectively stated, unless clearly inappropriate; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) Consensus standards and regulatory development process.—

"(A) Initial agreement.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) recommend the initial members of the consensus committee under paragraph (3);

"(II) administer the consensus standards development process until the termination of that agreement; and

"(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

"(B) Competitively procured contract.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

"(C) Performance review.—The Secretary—

"(i) shall periodically review the performance of the administering organization; and

"(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

"(3) Consensus committee.—

"(A) Purpose.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

"(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

"(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

"(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

"(iv) be deemed to be an advisory committee not composed of Federal employees.

"(B) Membership.—The consensus committee shall be composed of—

"(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

"(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

"(C) Disapproval.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

"(D) Selection procedures and requirements.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

"(i) Producers.—Seven producers or retailers of manufactured housing.

"(ii) Users.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

"(iii) General interest and public officials.—Seven general interest and public official members.

"(E) Balancing of interests.—

"(i) In general.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

"(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

"(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

"(ii) Dominance defined.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

"(F) Additional qualifications.—

"(i) Financial independence.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

"(I) a significant financial interest in any segment of the manufactured housing industry; or

"(II) a significant relationship to any person engaged in the manufactured housing industry.

"(ii) Post-employment ban.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

"(G) Meetings.—

"(i) Notice; open to public.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

"(ii) Reimbursement.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(H) Administration.—The consensus committee and the administering organization shall—

"(i) operate in conformance with the procedures established by the American National

Standards Institute for the development and coordination of American National Standards; and

“(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

“(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

“(i) provide reasonable staff resources to the consensus committee; and

“(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

“(I) the support is necessary to ensure the informed participation of the consensus committee members; and

“(II) the costs of providing the support are reasonable.

“(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

“(4) REVISIONS OF STANDARDS.—

“(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

“(i) consider revisions to the Federal manufactured home construction and safety standards; and

“(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

“(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

“(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

“(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

“(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

“(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

“(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

“(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

“(5) REVIEW BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

“(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

“(C) PROCEDURES.—If the Secretary—

“(i) adopts a standard recommended by the consensus committee, the Secretary shall—

“(I) issue a final order without further rulemaking; and

“(II) cause the final order to be published in the Federal Register;

“(ii) determines that any standard should be rejected, the Secretary shall—

“(I) reject the standard; and

“(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

“(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

“(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

“(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

“(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

“(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the ‘committees’) on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

“(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

“(b) OTHER ORDERS.—

“(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

“(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

“(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

“(A) the Secretary shall—

“(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

“(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

“(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

“(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

“(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

“(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

“(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

“(B) reject the proposed regulation or interpretative bulletin and—

“(i) provide to the consensus committee a written explanation of the reasons for rejection; and

“(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

“(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

“(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

"(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

"(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

"(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.";

(2) in subsection (d), by adding at the end the following: "Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.";

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

"(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—";

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

"SEC. 605. MANUFACTURED HOME INSTALLATION.

"(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

"(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

"(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(3) FACTORS FOR CONSIDERATION.—

"(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

"(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

"(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

"(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

"(2) INSTALLATION STANDARDS.—

"(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

"(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

"(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

"(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

"(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

"(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

"(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

"(B) the training and licensing of manufactured home installers; and

"(C) inspection of the installation of manufactured homes.".

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

"(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);".

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following: "The Secretary shall submit such cost and other information to the consensus committee for evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

"(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604;

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—

"(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

"(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

"(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

"(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.".

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking "$2,500" and inserting "$7,500".

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking "nonprofit limited partnership" and inserting "limited partnership".

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

"(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

"(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

"(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

"(1) ACTION TO RECOVER ASSETS OR INCOME.—

"(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

"(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

"(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

"(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

"(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

"(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

"(2) AMOUNT RECOVERABLE.—

"(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

"(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

"(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

"(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.".

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking "1990 decennial census" and inserting "1990 or 2000 decennial census"; and

(2) by striking "year 2000" and inserting "year 2010".

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking "project" and inserting "tenant or unit".

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (c), by inserting "an Indian tribe," after "thereof,";

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

"(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;";

(3) in subsection (i)(2), by striking "(A) conveyance to the Secretary" and all that follows through "(C) assignment" and inserting "(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment";

(4) in subsection (s), by adding at the end the following new subsection:

"(4) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

"(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.";

(5) in subsection (t), by inserting before the period at the end the following: "to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000";

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

"(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

"(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.".

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

"SEC. 543. ENFORCEMENT PROVISIONS.

"(a) EQUITY SKIMMING.—

"(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

"(b) CIVIL MONETARY PENALTIES.—

"(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

"(A) submitting information to the Secretary that is false;

"(B) providing the Secretary with false certifications;

"(C) failing to submit information requested by the Secretary in a timely manner;

"(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

"(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

"(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

"(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

"(3) AMOUNT.—

"(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

"(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

"(ii) $50,000 per violation.

"(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

"(i) the gravity of the offense;

"(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

"(iii) the ability of the violator to pay the penalty;

"(iv) any injury to tenants;

"(v) any injury to the public;

"(vi) any benefits received by the violator as a result of the violation;

"(vii) deterrence of future violations; and

"(viii) such other factors as the Secretary may establish by regulation.

"(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

"(5) REMEDIES FOR NONCOMPLIANCE.—

"(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

"(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.".

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming)," after "coupons having a value of not less than $5,000,".

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949," before "shall be fined under this title".

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the "Affordable Housing for Seniors and Families Act".

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the "Secretary") shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.".

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.".

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).".

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking "from the Resolution Trust Corporation"; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking "RTC PROPERTIES" and inserting "ACQUISITION"; and

(B) by striking "from the Resolution" and all that follows through "Insurance Act".

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

"(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).".

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

"(4) TENANT-BASED RENTAL ASSISTANCE.—

"(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

"(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

"(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937."; and

(2) in subsection (l)(1)—

(A) by striking "subsection (b)" and inserting "subsection (b)(2)";

(B) by striking the last comma and all that follows through "subsection (n)"; and

(C) by adding at the end the following: "Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.".

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

"(7) Use of project reserves.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) Increased Flexibility for Use of Service Coordinators in Certain Federally Assisted Housing.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking "**MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT**" and inserting "**CERTAIN FEDERALLY ASSISTED HOUSING**";

(2) in subsection (a)—

(A) in the first sentence, by striking "(E) and (F)" and inserting "(B), (C), (D), (E), (F), and (G)"; and

(B) in the last sentence—

(i) by striking "section 661" and inserting "section 671"; and

(ii) by adding at the end the following: "A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.";

(3) in subsection (d)—

(A) by striking "(E) or (F)" and inserting "(B), (C), (D), (E), (F), or (G)"; and

(B) by striking "section 661" and inserting "section 671"; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) Requirement To Provide Service Coordinators.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking "to carry out this subtitle pursuant to the amendments made by this subtitle" and inserting the following: "for providing service coordinators under this section";

(2) in subsection (d), by inserting ")" after "section 683(2)"; and

(3) by adding at the end following:

"(e) Services for Low-Income Elderly or Disabled Families Residing in Vicinity of Certain Projects.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.".

(c) Protection Against Telemarketing Fraud.—

(1) Supportive housing for the elderly.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking "and (F)" and inserting the following: "(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)".

(2) Other federally assisted housing.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after "response," the following: "education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),"; and

(B) by adding at the end the following:

"(f) Protection Against Telemarketing Fraud.—

"(1) In general.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

"(2) Contents.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

"(A) informs such residents of—

"(i) the prevalence of telemarketing fraud targeted against elderly persons;

"(ii) how telemarketing fraud works;

"(iii) how to identify telemarketing fraud;

"(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

"(v) how to report suspected attempts at telemarketing fraud; and

"(vi) their consumer protection rights under Federal law;

"(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

"(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.".

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) Extension of Authority To Retain Excess Charges.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking "Subject to paragraph (3) and notwithstanding" and inserting "Notwithstanding"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) Treatment of Excess Charges Previously Collected.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

Subtitle E—Mortgage Insurance for Health Care Facilities

SEC. 871. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1)—

(A) by striking "the refinancing of existing debt of an"; and

(B) by inserting "existing integrated service facility," after "existing board and care home,";

(2) in paragraph (4)—

(A) by inserting "existing integrated service facility," after "board and care home," each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: ", which refinancing, in the case of a loan on a hospital, home, or facility that is within 2 years of maturity, shall include a mortgage made to prepay such loan";

(C) in subparagraph (B), by inserting after "indebtedness" the following: ", pay any other costs including repairs, maintenance, minor improvements, or additional equipment which may be approved by the Secretary,"; and

(D) in subparagraph (D)—

(i) by inserting "existing" before "intermediate care facility"; and

(ii) by inserting "existing" before "board and care home"; and

(3) by adding at the end the following:

"(6) In the case of purchase of an existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) the Secretary shall prescribe such terms and conditions as the Secretary deems necessary to assure that—

"(A) the proceeds of the insured mortgage loan will be employed only for the purchase of the existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) including the retirement of existing debt (if any), necessary costs associated with the purchase and the insured mortgage financing, and such other costs, including costs of repairs, maintenance, improvements, and additional equipment, as may be approved by the Secretary;

"(B) such existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility, or any combination thereof) is economically viable; and

"(C) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, existing assisted living facility, intermediate care facility, board and care home, existing integrated service facility or any combination thereof, proposed to be purchased) or of section 242 (for the existing hospital proposed to be purchased) have been met.".

SEC. 872. NEW INTEGRATED SERVICE FACILITIES.

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "are not acutely ill and";

(B) in paragraph (2), by striking "nevertheless"; and

(C) by adding at the end the following:

"(4) The development of integrated service facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who do not require hospital care, and the support of health care facilities which provide such health care and related services (including those that support hospitals (as defined in section 242(b))).";

(2) in subsection (b)—

(A) in paragraph (1), by striking "acutely ill and not";

(B) in paragraph (4), by inserting after the second period the following: "Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.";

(C) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

"(A) meets all applicable licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all applicable licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any underwriting requirements of the Secretary for such purposes;"; and

(ii) in subparagraph (C), by striking "and" at the end;

(D) in paragraph (7), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(8) the term 'integrated service facility' means a facility—

"(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof, to sick, injured, disabled, elderly, or infirm persons, or providing services for the prevention of illness, or any combination thereof;

"(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary, for the sick, injured, disabled, elderly, or infirm;

"(C) providing clinical services, outpatient services, including community health services and medical practice facilities and group practice facilities, to sick, injured, disabled, elderly, or infirm persons not in need of the services rendered in other facilities insurable under this title, or for the prevention of illness, or any combination thereof; or

"(D)(i) designed, in whole or in part to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, professional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery by such hospitals; and

"(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

"(E) that provides any combination of the services under subparagraphs (A) through (D).";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "board and care home," after "rehabilitated nursing home,";

(ii) by inserting "integrated service facility," after "assisted living facility," the first 2 places it appears;

(iii) by inserting "board and care home," after "existing nursing home,"; and

(iv) by striking "or a board and care home" and inserting ", board and care home or integrated service facility";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting before ", including" the following: "or a public body, public agency, or public corporation eligible under this section"; and

(ii) in subparagraph (B), by striking "energy conservation measures" and all that follows through "95–619)" and inserting "energy conserving improvements (as defined in section 2(a))".

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting ", and integrated service facilities that include such nursing home and intermediate care facilities," before ", the Secretary";

(II) by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),";

(III) by inserting ", or the portion of an integrated service facility providing such services," before "covered by the mortgage,"; and

(IV) by inserting "or for such nursing or intermediate care services within an integrated service facility" before ", and (ii)";

(ii) in the second sentence, by inserting "(which may be within an integrated service facility)" after "home and facility";

(iii) in the third sentence—

(I) by striking "mortgage under this section" and all that follows through "feasibility" and inserting the following: "such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the integrated service facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project";

(II) in clause (i)(II), by striking "and its relationship to, other health care facilities and" and inserting "or such facilities within an integrated service facility, and its relationship to, other facilities providing health care";

(III) in clause (i)(IV), by striking "in the event the State does not prepare the study,"; and

(IV) in clause (i)(IV), by striking "the State or"; and

(V) in clause (ii), by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),";

(iv) by striking the penultimate sentence and inserting the following: "A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence."; and

(v) in the last sentence—

(I) by inserting "the proposed mortgagor or applicant for mortgage insurance may obtain from" after "10 individuals,";

(II) by striking "may" and inserting "and"; and

(III) by inserting a comma before "written support"; and

(D) in paragraph (4)(C)(iii), by striking "the appropriate State" and inserting "any appropriate"; and

(4) in subsection (i)(1), by inserting "integrated service facilities," after "assisted living facilities,".

SEC. 873. HOSPITALS AND HOSPITAL-BASED INTEGRATED SERVICE FACILITIES.

Section 242 of the National Housing Act (12 U.S.C. 1715z–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding "and" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B) and striking "and" at the end;

(B) in paragraph (2), by striking "respectfully" and all that follows through the period at the end and inserting "given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide; and"; and

(C) by adding at the end the following:

"(3) the term 'integrated service facility' has the meaning given the term in section 232(b).";

(2) in subsection (c), by striking "title VII of" and inserting "title VI of";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "operation," the following: "or that covers an integrated service facility owned or to be owned by an applicant or proposed mortgagor that also owns a hospital in the same market area, including equipment to be used in its operation,";

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: "and who, in the case of a mortgage covering an integrated service facility, is also the owner of a hospital facility"; and

(ii) by adding at the end the following: "A mortgage insured hereunder covering an integrated service facility may only cover the real and personal property where the eligible facility will be located.";

(C) in paragraph (2)(A), by inserting "or integrated service facility" before the comma; and

(D) in paragraph (2)(B), by striking "energy conservation measures" and all that follows through "95-619)" and inserting "energy conserving improvements (as defined in section 2(a))";

(E) in paragraph (4)—

(i) in the first sentence—

(I) by inserting "for a hospital" after "any mortgage"; and

(II) by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),";

(ii) by striking the third sentence and inserting the following: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in subparagraph (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless: (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that: (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary). A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement."; and

(iii) in the last sentence, by striking "feasibility"; and

(4) in subsection (f), by inserting "and public integrated service facilities" after "public hospitals".

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking "fifteen" and inserting "twenty".

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) IN GENERAL.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking "fiscal year 1996" and inserting "fiscal year 1994".

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: ", except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families".

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

"(6) WAIVER OF QUALIFYING RENT.—

"(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

"(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

"(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

"(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.".

TITLE X—BANKING AND HOUSING AGENCY REPORTS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Federal Reporting Act of 2000".

SEC. 1002. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) REPEAL.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

"(a) APPEARANCES BEFORE THE CONGRESS.—

(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

"(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

"(B) economic developments and prospects for the future described in the report required in subsection (b).

"(2) SCHEDULE.—The Chairman of the Board shall appear—

"(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

"(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

"(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

"(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.".

SEC. 1003. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1004. COORDINATION OF REPORTING REQUIREMENTS.

(a) Federal Deposit Insurance Corporation.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

"(3) Coordination with other report requirements.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(b) Board of Governors of the Federal Reserve System.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: "The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.".

(c) Comptroller of the Currency.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: "The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(d) Export-Import Bank.—

(1) In general.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking "a annual" and inserting "an annual"; and

(B) by adding at the end the following new sentence: "The annual report required under this subparagraph shall include the report required under section 10(g).".

(2) Technical and conforming amendment.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking "On or" and all that follows through "the Bank" and inserting "The Bank"; and

(B) by striking "a report" and inserting "an annual report".

(e) Department of Housing and Urban Development.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: "The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.".

(f) Federal Housing Administration.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

"The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).".

(g) International Financial Institutions Act.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking "Not later" and all that follows through "quarterly" and inserting "The Secretary of the Treasury shall report annually".

SEC. 1005. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Export-Import Bank.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking "(i)"; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) Federal Deposit Insurance Corporation.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XI—NUMISMATIC COINS

SEC. 1101. SHORT TITLE.

This title may be cited as the "United States Mint Numismatic Coin Clarification Act of 2000".

SEC. 1102. CLARIFICATION OF MINT'S AUTHORITY.

(a) Silver Proof Coins.—Section 5132(a)(2)(B)(i) of title 31, United States Code, is amended by striking "paragraphs (1)" and inserting "paragraphs (2)".

(b) Platinum Coins.—Section 5112(k) of title 31, United States Code, is amended by striking "bullion" and inserting "platinum bullion coins".

SEC. 1103. ADDITIONAL REPORT REQUIREMENT.

Section 5134(e)(2) of title 31, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "reflect" and inserting "contain";

(2) by striking "and" at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(4) by adding at the end the following new subparagraph:,

"(E) a supplemental schedule detailing—

"(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

"(ii) the gross revenue derived from the sales of each such denomination of coins.".

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000".

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) Repeal of Liquidity Provision.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is repealed.

(b) Conforming Amendments.—

(1) Section 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

"(M) Liquidity investments.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.".

(2) Section 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting "as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000, after "Loan Act,".

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting ", except with the prior written approval of the Director," after "or to retain"; and

(2) by striking "so acquire or retain" and inserting "acquire or retain, and the Director may not authorize acquisition or retention of,".

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

"SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

"(a) In General.—A national banking association may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such association owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

"(b) Reorganization Plan.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

"(1) specifies the manner in which the reorganization shall be carried out;

"(2) is approved by a majority of the entire board of directors of the association;

"(3) specifies—

"(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing association in exchange for their shares of stock of the association;

"(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

"(C) the manner in which the exchange will be carried out; and

"(4) is submitted to the shareholders of the reorganizing association at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

"(c) Rights of Dissenting Shareholders.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the association who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

"(d) Effect of Reorganization.—The corporate existence of an association that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

"(e) Approval Under the Bank Holding Company Act.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).".

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) Amendments to the Revised Statutes.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking "for one year" and inserting "for a period of not more than 3 years"; and

(2) by adding at the end the following: "In accordance with regulations issued by the Comptroller of the Currency, an association may adopt bylaws that provide for staggering the terms of its directors.".

(b) Amendment to the Banking Act of 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period ", except that the Comptroller of the Currency may, by regulation or order, exempt a national banking association from the 25-member limit established by this section".

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

"SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

"(a) In General.—Upon the approval of the Comptroller, a national banking association may merge with 1 or more of its nonbank subsidiaries or affiliates.

"(b) Scope.—Nothing in this section shall be construed—

"(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

"(2) to grant a national banking association any power or authority that is not permissible for a national banking association under other applicable provisions of law.

"(c) Regulations.—The Comptroller shall promulgate regulations to implement this section.".

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) Amendment to the Revised Statutes.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

"SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

"(a) General Prohibition.—No national banking association shall make any loan or discount on the security of the shares of its own capital stock.

"(b) Exclusion.—For purposes of this section, an association shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

(b) Amendments to the Federal Deposit Insurance Act.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

"(v) Loans by Insured Institutions on Their Own Stock.—

"(1) General prohibition.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

"(2) Exclusion.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting "(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))" after "90 percent";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) Authority To Determine Percentage by Which To Discount Value of Servicing Rights.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions."; and

(3) in subsection (c), by striking "and" and inserting ", 'deposit insurance fund', and".

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) Modernization of Call Report Filing and Disclosure System.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) Uniform Reports and Simplification of Instructions.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) Review of Call Report Schedule.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) Definition.—In this section, the term "Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

"(C) Rulemaking authority of corporation.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.".

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking "Each" and all that follows through "a report" and inserting "The Federal banking agencies shall jointly submit an annual report"; and

(2) by inserting "any" before "such agency" each place that term appears.

SEC. 1224. AGENCY REVIEW OF COMPETITIVE FACTORS IN BANK MERGER ACT FILINGS.

(a) Report Required.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended by striking "request reports" and all that follows through the period at the end and inserting the following: "request a report on the competitive factors involved from the Attorney General. The report shall be furnished not later than 30 calendar days after the date on which it is requested, or not later than 10 calendar days after such date if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.".

(b) Timing of Transaction.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by striking the third sentence and inserting the following: "If the agency has advised the Attorney General of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.".

(c) Evaluation of Competitive Effect.—

(1) Amendments to the bank holding company act of 1956.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended—

(A) by adding at the end the following new paragraph:

"(6) Evaluation of competitive effect.—The Board may not disapprove of a transaction pursuant to paragraph (1)(B) unless the Board takes into account, to the extent that data are readily available—

"(A) competition from institutions, other than depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), that provide financial services;

"(B) efficiencies and cost savings that the transaction may create;

"(C) deposits of the participants in the transaction that are not derived from the relevant market;

"(D) the capacity of savings associations to make small business loans;

"(E) lending by institutions other than depository institutions to small businesses; and

"(F) such other factors as the Board deems relevant."; and

(B) in paragraph (1)(B), by striking "restraint or trade" and inserting "restraint of trade".

(2) Amendments to the federal deposit insurance act.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(5)";

(C) by striking "In every case" and inserting the following:

"(B) In every case under this subsection"; and

(D) by adding at the end the following:

"(C) The responsible agency may not disapprove of a transaction pursuant to subparagraph (A), unless the agency takes into account, to the extent that data are readily available—

"(i) competition from institutions that provide financial services;

"(ii) efficiencies and cost savings that the transaction may create;

"(iii) deposits of the participants in the transaction that are not derived from the relevant markets;

"(iv) the capacity of the institutions to make small business loans;

"(v) lending by institutions other than depository institutions to small businesses; and

"(vi) such other factors as the responsible agency deems relevant.".

Subtitle D—Miscellaneous

SEC. 1231. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: "After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board."; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking "the site" and inserting "any site"; and

(B) by inserting "or buildings" after "building" each place such term appears.

SEC. 1232. POSITIONS OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) In General.—

(1) Positions at level i of the executive schedule.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Governors of the Federal Reserve System.".

(2) Positions at level ii of the executive schedule.—Section 5313 of title 5, United States Code, is amended—

(A) by striking "Chairman, Board of Governors of the Federal Reserve System."; and

(B) by adding at the end the following:

"Members, Board of Governors of the Federal Reserve System.".

(3) Positions at level iii of the executive schedule.—Section 5314 of title 5, United States Code, is amended by striking "Members, Board of Governors of the Federal Reserve System.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1233. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking "1 year" and inserting "18 months".

Subtitle E—Technical Corrections

SEC. 1241. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) In General.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104-208; 110 Stat. 3009-496) is amended—

(1) by striking "7(b)(2)(C)" and inserting "7(b)(2)(E)"; and

(2) by striking ", as redesignated by section 2704(d)(6) of this subtitle".

(b) Effective Date.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104-208; 110 Stat. 3009-496).

SEC. 1242. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking "subsection (d) of section 4" and inserting "subsection (c) or (d) of section 4".

SEC. 1243. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) Waiver of Citizenship Requirement for National Bank Directors.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period ", and waive the requirement of citizenship in the case of not more than a minority of the total number of directors".

(b) Technical Amendment to the Revised Statutes.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking "to be interested in any association issuing national currency under the laws of the United States" and inserting "to hold an interest in any national bank".

(c) Repeal of Unnecessary Capital and Surplus Requirement.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is repealed.

SEC. 1244. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. Leach) and the gentleman from New York (Mr. LaFalce) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Leach).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the amendment being offered today, S. 1452, the Manufactured Housing Improvement Act combines a number of important banking and housing proposals that are supported in the House on a bipartisan basis.

With regard to housing, the committee amendment takes from H.R. 1776, the American Homeowners Act, which passed the House by a vote of 417 to 8 on April 6. There are also provisions drawn from H.R. 202, Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century, another bipartisan bill designed to help the elderly and disabled with their housing needs which passed the House on September 27 by a strong vote of 405 to 5.

Let me stress that the housing provisions in this bill are a testament to the extraordinary work and thoughtfulness of the gentleman from New York (Mr. LAZIO), who is the chairman of the subcommittee, and reflect substantial bipartisan input from the minority, particularly the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK).

Affordable housing is increasingly out of the reach for many Americans. A strong economy has created a situation where in many parts of the country the price of housing is simply going up faster than income levels.

Secondly, although interest rates are not as high as at other times in our history, an unprecedented differential has nevertheless come into being between inflation and long-term interest rates, making financing of a home purchase extremely difficult.

Today more than 3 million working households spend half their income on housing. Of these, more than 220,000 are educators, police and public safety officers. In many cases, these public servants are precluded, due to high housing costs, from living in the communities they serve.

□ 1715

These are the people who teach our children and protect our homes and families. H.R. 1776, for the first time, creates unique housing opportunities for these working families who have been unable to achieve the dream of owning a home, particularly in the communities in which they serve.

This bill provides access to low-interest rate loans and 1 percent down payments on Federal Housing Administration, FHA, insured mortgages for teachers and public safety officers. We also authorize a pilot program to assist law enforcement officers, including correctional officers, to purchase homes in locally designated high crime areas with no down payment. In this way, we achieve not only a homeownership goal but community development objectives as well.

The provisions included in this bill from H.R. 202 will help the elderly and disabled immensely and facilitate the construction and financing of more facilities for these populations. Included are innovative homeownership programs to empower low-income and disabled recipients of Section 8 housing assistance to apply that assistance towards buying a home.

The bill also contains important provisions modernizing the Federal manufacturing housing regulatory regime, helps Native Americans and Native Hawaiians, and contains many more provisions that will improve our Nation's housing and increase homeownership opportunities.

In legislation, there is never a perfect agreement. The manufactured housing provisions, for example, while neither exactly what the consumers nor industry have advocated, represent a middle ground that both sides can support. Manufactured housing is an important part of America's housing mosaic. Modernizing the reform and regulations governing manufactured housing is long overdue. It is critical to the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

With regard to the banking provisions of the bill, the legislation includes several provisions that the House has previously approved this session in separate pieces of legislation, combined with noncontroversial bipartisanly supported elements of the regulatory relief package. Many of these regulatory provisions were contained in H.R. 4364 of the 105th Congress, which the House approved by a voice vote 2 years ago, and were carried over this session in legislation introduced in the House by the gentlewoman from New Jersey (Mrs. ROUKEMA), the distinguished chair of our Subcommittee on Financial Institutions and Consumer Credit, and to her I extend a great debt of gratitude.

In this package, we are also renewing, some with slight changes, reporting requirements by the executive branch and independent regulators in some 45 instances, largely as provided for in legislation passed by the House last year on a voice vote. Included is the semiannual report to Congress and the Federal Reserve Board on the conduct of monetary policy.

While the reports being renewed are deemed important for the oversight work of the Committee on Banking and Financial Services, I know of no more important oversight responsibility of the Congress than the review of the Fed's conducted of monetary policy.

With regard to the Federal Reserve System, there is one other section of the bill that deserves note. This is a section that provides pay parity for Fed Governors and their cabinet and subcabinet counterparts.

Let me conclude by thanking all of those Members and staff on both sides of the House who have participated in putting together this legislation before us today and to thank, in particular, the ranking member, the gentleman from New York (Mr. LAFALCE), who has contributed much to all aspects of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are now considering includes not only the Manufactured Housing Improvement Act, largely the House version, but a number of other initiatives that have broad bipartisan support, including other housing proposals; language reauthorizing the Humphrey-Hawkins report and other key consumer and housing reports; and also some technical changes of importance to the United States Mint and to the banking and thrift regulators.

With respect to the housing provisions, this bill includes a number of provisions with bipartisan support that have been pulled together from various homeownership and elderly housing legislation that has previously passed the House but been stymied in the Senate. This bill addresses the challenge of meeting the affordable housing and health care needs of our growing elderly population. In particular, I am pleased that the House is again acting on my initiative to make FHA reverse mortgages more affordable when used to buy long-term care insurance. This provision has recently been enhanced by adding a requirement that any long-term care insurance policy must comply with disclosure, suitability and contingent nonforfeiture requirements recently adopted under the National Association of Insurance Commissioners model regulation in order to qualify for the lower premium.

The bill also includes a number of provisions designed to encourage mixed income, mixed finance elderly housing, and it increases flexibility for federally funded service coordinators and provides more resources to sponsors of existing elderly housing to make needed capital repairs.

I am also pleased to see adoption of a bill I introduced to authorize 1 percent down FHA loans for teachers, policemen, and firemen buying a home in their school district or employing local jurisdiction on a 3-year demonstration basis. This strengthens the ties of our local public servants to their local communities creating an important nexus between where teachers and public safety officials work and where they live.

This bill also represents a balanced resolution of the 3-year efforts to reform our manufactured housing legislation. I would point out that the final product reflects a number of Democrat pro-consumer initiatives. For the first time, we will be establishing a national Federal installation standard and requiring that there be a dispute resolution process in each State to adequately address consumer complaints. With regard to the process of updating our construction and safety standards, we have revised the initial legislation to put HUD back in charge of setting standards and have balanced the consensus committee process and eliminated its strong role in setting enforcement regulations, as proposed in previous drafts of this bill.

The provisions in this bill dealing with manufactured housing regulation reflect some 3 years of discussions and negotiations that, in my opinion, have transformed the legislation from being strongly tilted toward industry to being a balanced approach which includes two new, critically important proconsumer initiatives.

In April 1998, the majority party in the House introduced manufactured housing legislation with a worthy goal—that of establishing a consensus committee to provide recommendations to HUD to update manufactured housing construction and safety standards—but drafted with an anticonsumer, pro-industry slant. Through negotiations over the last 3 years, Democrats have won major concessions to address concerns expressed by AARP and other consumer groups. I would like to briefly compare the original draft to the revised bill before us today.

The original bill failed to address the fact that many states have weak, and in some cases, no installation standards. As a result, even well-built manufactured homes which are incorrectly installed can create health and safety risks, and impose unnecessary costs to a homeowner that must subsequently make repairs. At the urging of Democrats, this bill has been revised to require HUD to develop and impose model installation standards. States that wish to have their own installation standards may continue to do so, as long as they provide protections comparable to the model standards. However, HUD is charged with enforcing the model standards in those states that do not have comparable standards.

In addition, the original bill did not include provisions to address the so-called "ping pong" effect, in which consumers have difficulty getting defects repaired, as manufacturers and installers point fingers at each other, each refusing to take responsibility. The revised bill requires states to order correction of defects at no cost to the homeowner.

With regard to the main text of the original bill, the major problem was that it effectively ceded control of both construction and safety standards, as well as enforcement regulations, to an industry-dominated consensus committee. It did this by giving that committee authority to promulgate regulations, which the HUD Secretary could reject or modify only if "implementation of such standard or regulation would jeopardize public health or safety or is inconsistent with the purposes of this title."

The revised bill restores HUD control and autonomy over enforcement regulations, limiting the consensus committee role to making recommendations, which HUD can summarily reject. With regard to construction and safety standards, the revised bill removes the provision under which consensus committee recommendations could become effective if HUD took no action on such recommendations within one year.

With regard to the basic purposes of manufactured housing regulation, the original bill replaced the decades old purposes of reducing injuries, property damage, and insurance costs in favor of a mandate "to promote availability of affordable manufactured homes." The revised bill reinstates proconsumer purposes and deletes references to the promotion of industry.

The original bill created a consensus committee whose composition of membership was heavily tilted towards industry. Moreover, members would have been appointed by a private administering organization, with almost no HUD veto power over such appointments. In contrast, the revised bill provides for a balanced committee, with one third of the members to be from industry, one third from consumer organizations, and one third from a public interest category. Moreover, the revised bill gives HUD final authority over the appointment of individual members.

Finally, unlike the original bill, the revised bill directs the HUD Secretary to furnish technical support to consumer representatives on the consensus committee, upon a showing of need.

The result is that we have developed a balanced approach to the worthy goal of updating our manufactured housing construction and safety standards, while creating two new proconsumer initiatives designed to make manufactured housing more safe and more affordable.

Mr. Speaker, I would also like to give special recognition to a number of individuals who have been extremely helpful in promoting this particular aspect of the legislation: the gentleman from Indiana (Mr. ROEMER), the gentleman from Iowa (Mr. BOSWELL), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Illinois (Mr. EVANS).

Finally, the legislation includes a number of noncontroversial but important provisions in the housing area, including technical corrections of the Private Mortgage Insurance Act, Native Hawaiian housing legislation, Native American housing legislation, and a number of rural housing provisions. The package also contains other important initiatives that have had broad bipartisan support in our House, including, as I said, legislation reauthorizing the critical Humphrey-Hawkins report and a number of other important consumer and housing reports that are essential in helping the authorizing committee shape policy, technical corrections required by the U.S. Mint, and technical changes intended to remove some inefficiencies in the bank and thrift regulatory system.

Both Republicans and Democrats have played an important role in developing provisions of the bill before us today. One might well dispute whether this legislation should be expanded to include additional provisions. I think it should. But I think we have done a good job of selecting a limited number of critical noncontroversial provisions that we ought to enact into law prior to adjournment.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the distinguished chair of the Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this legislation. It comprehensively addresses so many banking issues, including important housing provisions and regulatory burden reduction provisions, as have been very well outlined by our chairman and by the ranking member, the gentleman from New York (Mr. LAFALCE).

I also specifically want to thank the chairman of the Committee on Banking and Financial Services for his leadership in bringing these bills to the floor, this one and the one to follow today. It is very important.

But let me comment, Mr. Speaker, on the important regulatory burden relief provisions of the bill. Congress has a responsibility and a duty to assure that the Federal laws and regulations and the supervisory system promote the safety and soundness of the banking system. We are not undermining that in any way here. That is absolutely protected. But there are unnecessary regulatory burdens on which we have agreed with broad bipartisan support; and those regulatory burdens, by their very nature, have had the proven effect of undermining the ability of banks to operate efficiently and effectively. I think this bill addresses those in a very meaningful way.

I am pleased that the bill we are considering today contains several provisions that were part of the bill. The chairman recognized my leadership on H.R. 158, the Depository Institution Regulatory Streamlining Act, which I had introduced in Congress. It was similar to the legislation that was passed in the 105th Congress but, unfortunately, did not go anyplace. Fortunately, we have focused on this, we are going to get this passed; and I am pleased to be here in that regard.

But I also want to strongly support the issue of the Private Mortgage Insurance Technical Corrections and Clarifications included in this legislation. These provisions will eliminate the confusion that has resulted from the implementation of the Homeowners Protection Act of 1998. In particular, the bill clarifies cancellation and termination issues, known as the PMI, Private Mortgage Insurance, section, as Congress intended. The clarification is absolutely necessary.

These provisions mirror legislation which I introduced, and it mirrors legislation introduced by the gentleman from Utah (Mr. HANSEN). And I want to particularly mention this because I do not see the gentleman from Utah (Mr. HANSEN) here today. His leadership should be commended and recognized by all of us in terms of this PMI component. The bill passed the House on May 23 of 2000, and I am thankful that the chairman has continued to recognize the importance of these provisions.

I will say, in conclusion, Mr. Speaker, that this bill will create a new doorway to homeownership for millions of Americans, as the chairman outlined, who, under present law, cannot qualify. I am pleased to be a partner with the chairman and with the ranking member in seeing to it that this legislation is passed.

Mr. Speaker, I rise in strong support of S. 1452 which comprehensively addresses so many banking issues, including important housing provisions and regulatory burden reduction provisions as have been outlined by our chairman. I thank the chairman of the Banking Committee for his leadership in bringing this bill to the floor. It is necessary that Congress address these issues this year, and I urge passage of this bill.

I have been very involved in several of this legislation's provisions, and I want to comment on some of the significant parts of this bill that will resolve many of these issues once and for all.

First, I want to comment on the important regulatory burden relief provisions of the bill. Congress has a responsibility and duty to assure that the Federal laws and regulations and the supervisory system promote the safety and soundness of the banking system. Unnecessary regulatory burdens by their very nature have the effect of undermining the ability of banks to operate efficiently and effectively.

I am pleased that the bill we are considering today addresses several provisions that were part of H.R. 1585, the Depository Institution Regulatory Streamlining Act, which I introduced this Congress. Many of these provisions were also a part of similar legislation I introduced and which passed the House in the 105th Congress. These provisions cover a wide variety of issues, such as removing restrictions on the number and term of national bank's board of directors, and permitting expedited processing for certain corporate reorganizations. These issues are really too technical to elaborate on here, but they are important and I am pleased that the chairman has included them in this legislation.

Second, I strongly support the Private Mortgage Insurance Technical Corrections and Clarifications included in this legislation. These provisions will eliminate some confusion that has resulted from implementation of the Homeowners Protection Act of 1998. In particular, this bill will clarify cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance ("PMI") as Congress intended in 1998. This clarification will particularly be helpful to those with certain adjustable rate mortgages. The bill also ensures that "defined terms" such as "adjustable rate mortgage" and "balloon mortgages' are used consistently and appropriately. These provisions mirror H.R. 3637, which I introduced with the chairman and it mirrors legislation introduced by Mr. HANSEN of Utah. His leadership should be commended. This bill passed the House May 23, 2000, and I am thankful that the chairman has continued to recognize the importance of these provisions and include them in this piece of legislation. This will create a new doorway to homeownership for millions of Americans who under present law can not qualify.

In summary, I want to express my strong support for this bill. Again, I thank the chairman for his leadership on this legislation in particular, as well as for his leadership throughout his term as chairman of the Banking Committee.

Mr. LaFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Subcommittee on Housing and Community Opportunity.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to begin with a colloquy with the chairman of the full committee.

Mr. Speaker, as I read this bill, the manufactured housing legislation would require the Secretary to ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor. While the goal of the legislation is to require HUD Secretaries to use multiple contractors for various program functions, would the gentleman agree that any HUD Secretary should not be prevented from consolidating or reconfiguring contracts, in the event insufficient or inadequate bids are received by HUD, in order to carry out its regulatory functions?

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. I would advise the gentleman that I agree.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the chairman. That would have been a terrible anticlimax had he not.

Mr. Speaker, I rise in support of this legislation. It is a product of the legislative process, and it is a product of a legislative process in a democracy, which means it is a good bill with some imperfections. Personally, I would like to see some changes in the manufactured housing section.

I want to talk about manufactured housing briefly. Manufactured housing is a very important housing resource, particularly for people of limited income. It has not been given the respect it deserves in our law. This legislation, on the whole, with regard to the regulation of manufactured housing, the ability of the manufactured housing industry to produce the housing, and the rights of the people who live in it, improves the law in this area. It does not improve it enough, in my judgment; but I believe that taken overall, the provisions in this legislation are better than existing law. It will be my intention to work in the future to try to further improve it.

□ 1730

But I do want to stress that this is, in part, a recognition of the importance of manufactured housing as a housing resource, particularly for people of moderate incomes; and it also improves the situation insufficiently, but improvement is better than the alternative. And I, therefore, support the bill.

I appreciate the chairman's acknowledging, particularly in this colloquy, that we do intend to give HUD some flexibility in carrying this out.

There are other important provisions in the bill. There are provisions that do not on the whole commit new resources to housing. Let me say, I regret that we were not able to work that out. There were in many quarters, both here and in the other body, people willing to add some funds for the production of housing. But in the constraints of the legislative process, we did not get the unanimity that we needed for that.

I want to express my appreciation to those on both sides of the aisle and both sides of the building who were interested in that.

I hope that no matter who is in control of this place next year and no matter who is the President, we will address the important issue of housing production. We have a housing crisis in this country. We have an economy that is booming and has helped many people. But it does not help everybody equally, and some people are not helped at all.

There are many people in this country who are living in areas where some have prospered in this new economy and they have not, and the result has been an exacerbation of a housing crisis from which they suffer. I think we have an obligation morally, and it makes sense economically, to help with the production of housing.

Indeed, many parts of the country, including the one I represent, the high cost of housing and lack of affordability becomes a problem in trying to employ public employees. One of the things we have in this bill is an effort to deal with the stress that has been placed financially on public employees who are expected to live in a certain community but cannot afford to live there because of these trends. It also becomes a problem for employers. It becomes a problem in trying to get a rational distribution of employees.

So I again note that this bill has some good things in it, but the thing that it has in it involves flexibility in the use of existing resources. Those are important, and I am glad to be supportive of the bill that provides them, but they leave undone the important task of getting into a production program. And I look forward to our being able to do that next year.

I was pleased in the conversations that went on around the appropriations bill and this bill to see a number of people agreeing that it is time to get back into a flexible and thoughtful housing production program to help with the affordability crisis, and I look forward to us being able to work on that together next year.

There are provisions in this bill that also deal with the problems of people who live in subsidized housing and whose owners use provisions of the law that have been put in years ago that were pretty dumb provisions, but none of us here voted for them and so we were stuck with them. It allows people who owned housing and who benefited from Federal subsidies, now as the economy has changed and as the areas that they have their housing has changed, to throw out in effect the subsidized tenants, to turn affordable housing into unaffordable housing.

This bill has some provisions that further help the tenant. Unfortunately, we will lose some of those units eventually when the tenants move out or move on. But this bill does do something to help. And, therefore, overall, despite the gaps, it is very much worth supporting.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, along with many of this Member's colleagues on the committee, this Member has a long history of initiating and supporting measures which promote homeownership. This bill is another substantial step toward this and other worthy ends.

This Member would particularly like to express his appreciation to the distinguished gentleman from Iowa (Mr. LEACH), chairman of the committee, and the distinguished gentleman from New York (Mr. LAFALCE), the ranking minority member, and the distinguished gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK).

The legislation contains many of the same provisions that were in the American Homeownership and Economic Opportunity Act, H.R. 1776, which passed the House by a vote of 417–8 on April 6 of this year with this Member's support. Unfortunately, the other body has yet to act on that legislation.

Now, for most Americans, the biggest and most important investment they make is to purchase a home. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as their community. This legislation advances the opportunity for homeownership by Americans across the entire country.

Mr. Speaker, the following are, in this Member's opinion, among others, six significant provisions of S. 1452, which this Member would emphasize.

One, this legislation allows families to use their Federal monthly assistance as resources for a housing down payment.

Two, this legislation would allow borrowers of the Rural Housing Service single-family loans to refinance either an existing section 502 direct or guaranteed loan to a new section 502 guaranteed loan providing the interest rate is at least equal or lower than the current interest rate being refinanced and the same home is used as security.

This Member supports this legislation as it utilizes the RHS section 502 program. In particular, this loan guarantee program, which was first authorized because of this Member's initiative but with the energetic support of my colleagues and the chairman, has been very effective in bringing homeownership opportunities for non-metropolitan communities by guaranteeing loans made by approved lenders to low- and moderate-income households.

In particular, since its inception as a pilot program in 1991, the section 502 program has facilitated over $10.2 billion in lending in non-metropolitan areas, with a very low default rate. This translates into 151,000 loans to families thus far.

Third, this legislation extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, in my district, or several cities in Texas and a limited number of other communities, to continue to be able to use the USDA Rural Housing Service programs. The current grandfather clause until the 2000 census needs to be extended.

Fourth, this legislation also includes a permanent authorization of section 184, the Native American Loan Guarantee program, which again this Member had something to do with along with his colleagues.

A very conservative estimate would suggest that the section 184 program should annually facilitate over $72 million in guaranteed loans for privately financed homes for Indian families living on reservations who in reality would have no other alternative due to the trust status of Indian reservation land.

Fifth, a provision is included in the act which would create the Indian Lands Title Report Commission to approve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the sale of Indian lands. This provision is identical to a bill that this Member introduced earlier in this Congress.

Moreover, this Commission should facilitate the section 184 program to benefit additional Native Americans in purchasing homes.

I would say to the gentleman from New York (Mr. LAFALCE) that I learned just a few minutes ago that he had some concern about the way the commission was appointed and recommended. I would just vouch and pledge that I will work with the gentleman in finding an equitable solution on that issue. I was unaware of the content in that particular provision.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I assure the gentleman that in the next Congress I will consult with the minority before appointing Members.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, whatever the case may be, we will work on it together.

Sixth, this Member is pleased that, as a matter of equity, S. 1452 extends Native American housing assistance to Native Hawaiians. In particular, it applies the Section 184 Loan Guarantee program to those American citizens who would reside on the Hawaiian homelands.

Mr. Speaker, in closing, this Member, because of the many provisions that relate to housing and many other reasons, would encourage his colleagues to vote in support of S. 1452.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) will be managing the next banking bill. So this will be the last banking bill that the chairman of the full committee and I will be managing together.

I want to take this opportunity to say that it has been my pleasure to serve with the gentleman for 24 years. I have been in Congress 26 years. In all that time, I have never had a finer chairman, there is no question about it, with respect to knowledge, dedication, integrity, perseverance, tenacity. And the world should know it. He has been a great chairman. It has been a pleasure and an honor to serve with him.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentleman from Texas (Mr. BENTSEN), for yielding me this time.

Mr. Speaker, first of all I want to join in praising the bipartisan bill to help improve affordable housing opportunities in the American dream for more and more Americans.

I have a number of employees and employers in the manufactured housing industry in my State of Indiana, and one in four of every new homes built in America is a manufactured home.

At the same time that we hear that very important statistic, we look down this street, down Pennsylvania Avenue at HUD, and we have not updated the code to treat those homes in a fair manner with consumer and homeowner perspectives in mind in over 25 years. It is high time that this body in a bipartisan way recognize the great quality homes that are manufactured in this country, recognize that these homes have changed dramatically over the last 20 years; many of them now two stories with wrap-around decks and porches, basements. We cannot tell by looking at them from the street that they are manufactured housing.

Still, we have not worked enough in a bipartisan way until the gentleman from Iowa (Mr. LEACH), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New York (Mr. LAFALCE) have finally put this bill together. So I strongly applaud those efforts to bring this bill to the floor. I hope, Mr. Speaker, that this bill will be passed by the Senate and that we do not go another year on top of the 25 and 26 years that we have waited for consumers and homeowners, for people all across this country, to see a modernization and an updating in the code for these houses to make sure that they are safe, to make sure they reflect the needs and concerns of homeowners today.

So I want to again applaud the chairman for bringing this bill today, in October, to the floor. We hope that the Senate will take this up and pass it, and we hope that we will be able to see HUD develop these new regulations and codes so that more and more Americans can achieve the dream of homeownership.

Mr. Speaker, I rise today in support of S. 1452, the Manufactured Housing Improvement Act. I want to commend Chairman JIM LEACH, Ranking Member JOHN LAFALCE, Representative BARNEY FRANK and HUD Secretary Andrew Cuomo, for their hard work in developing this bill.

This is a bipartisan bill which has the support of the manufactured housing industry, the Administration, and major consumer groups, including the AARP. It has taken a lot of time and effort to get to this point. They deserve credit for their hard work.

This legislation is long overdue. It has been 25 years since the federal regulations governing the manufactured housing industry have been updated. Since that time, the industry has undergone tremendous changes. It is important that the federal regulations be updated to keep pace with these changes.

For example, there are more than 150 proposed changes to construction and safety standards currently pending at HUD. Some of these are more than five years old. This kind of backlog is not beneficial to either the manufacturers or the purchasers of these homes. S. 1452 provides for the creation of a consensus committee, made up of industry, government and consumer representatives, to streamline the review process and ensure that proper standards are in place and effectively updated and enforced. This is a major step forward.

I would point out that manufactured housing is a key to home ownership in America. Almost one of every four new homes in America is a manufactured house. This is the preferred choice for a growing number of Americans, including first-time homebuyers, young families and senior citizens. At a time when more than 5.3 million Americans pay over 50% of their income in rent, an affordable manufactured home is an attractive option which we should be encouraging.

I am very proud to represent a district that is home to much of the manufactured housing industry. In fact, this industry employs some 20,000 people in Indiana and has a total economic impact of nearly $3 billion per year.

Mr. Speaker, I have visited many of the factories in my district and seen firsthand the remarkable progress which this industry has made over the years in the design, layout and style of homes. Clearly, this industry is committed to innovation, safety and affordability. We need to do our share at the federal level to work with the manufactured industry, and to support the growing number of Americans who desire to purchase their own home. I urge my colleagues to support this bill.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my distinguished friend. And would I reciprocate. I cannot think of a finer individual to work with on this committee.

I would just like to conclude with two quick observations. One, this bill, at the leadership of the gentleman from Nebraska (Mr. BEREUTER), includes some of the most important Native American housing initiatives ever before the Congress.

It also includes a provision by the gentleman from Wisconsin (Mr. GREEN) that will allow police officers who choose to live in high-crime areas access to FHA, no-down-payment provisions for housing.

Mr. Speaker, I believe this is a very solid consensus bill, and I would urge its adoption.

Mr. RILEY. Mr. Speaker, today I rise in praise of my colleagues on the House Banking Committee, particularly Chairman LEACH, and Mr. LAZIO, for their work on legislation to bring long-awaited reforms to the overall housing industry. On the whole, I believe that S. 1452 is a bill with which we can all be satisfied.

I am pleased to see that several components of H.R. 1776, the Housing and Economic Opportunity Act, have been included in the Senate legislation. My friends on both sides of the aisle may recall that earlier this year we worked together in passing H.R. 1776 by a resounding vote of 417 to 8.

I do, however, take issue with an omission that may ultimately effect the number of families who are able to realize the American Dream of homeownership. The provision omitted from S. 1452 is Section 102 of H.R. 1776, requiring the Federal Government to perform a housing impact analysis before issuing any new regulations. The impact analysis would determine whether the proposed regulations would have a negative effect on affordable housing. In the context of Section 102, "significant" is any increase in overall consumer housing costs by more than $100,000,000 each year. This section of the bill would also permit the private sector to offer an alternative plan to the proposed regulations if such a plan would lessen any negative effect on homeownership cost.

The excluded section would have required a housing impact analysis be performed to alert federal agencies and the general public as to the impact that such regulations may have on housing affordability. Such analysis would help bring down the cost of a home by minimizing those regulations obstructing the purchase of a home. The housing impact analysis addresses this issue by requiring the Federal government to perform an "internal check" of sorts. This internal check would effectively ensure that more people would have access to homeownership.

Mr. Speaker, I see this internal check as a positive step and I am concerned that such a positive step—which was supported by 417 of my colleagues here in the House—was not included in the legislation before us today. I sincerely hope that this concept does not die with the closing of the 106th Congress, but is reexamined next year, in the formative months of the 107th.

Mr. SESSIONS. Mr. Speaker, I rise to voice my support for S. 1452. This legislation contains many provisions that will have a positive impact on homeownership and ensure that housing is affordable for more Americans. As a former Member of the Housing Subcommittee, I know how hard my friend Chairman RICK LAZIO has worked with Members of the House and Senate to bring this legislation to the floor today.

Mr. Speaker, S. 1452 contains many of the provisions of legislation originally passed by the House, H.R. 1776, the "Housing and Economic Opportunity Act". I was proud to manage the Rule that enabled the bill to be passed by the House by an overwhelming margin.

One important provision of this legislation is the Law Enforcement Officer Homeownership Pilot Program that assists law enforcement officers in purchasing a home in a locally designated high-crime area. Specifically, the program would enable law enforcement officers to include the downpayment, closing costs and origination fee in the loan amount. I strongly support this provision and believe that it will help make our communities safer for our children.

I do regret, however, that Section 102 of H.R. 1776 was not included in S. 1452. This section would require that the Federal Government perform a housing impact analysis before it issues new regulations. Such an analysis would make it more difficult to implement regulations that would impose a significant cost to consumers who wish to buy homes. Furthermore, the private sector would have the opportunity to offer alternative regulations if the government-created regulations exceeded a certain cost.

Although this section was not included in an attempt to reach consensus on the overall legislation, the Republican-led Congress and myself remain committed to stopping burdensome regulations as they are proposed by government agencies.

Mr. KANJORSKI. Mr. Speaker, I rise today to commend Chairman LEACH and Ranking Member LAFALCE for their tireless work on moving legislation that brings some much-needed reforms to the housing and banking industries. S. 1452, the American Homeownership and Economic Opportunity Act, is for the most part valuable legislation that deserves our support.

As you know, Mr. Speaker, our economy continues its record expansion, and our nation has achieved its highest homeownership rate in its history. The 1993 Budget Act helped to form the foundation on which these accomplishments have been built. The budget policies outlined in that law have contributed to record budget surpluses, lower interest and mortgage rates, more than seven years of robust economic growth, and record levels of consumer confidence. Despite our successes, significant numbers of households are still precluded from sharing in the benefits of homeownership. S. 1452 addresses many of these inequities.

Specifically, S. 1452 contains many provisions of H.R. 1776, legislation previously passed by the House in April by an overwhelming, bipartisan vote of 417 to 8. Like H.R. 1776, S. 1452 will increase homeownership opportunities for all Americans, enhance access to affordable housing for low- and moderate-income individuals, and expand economic opportunity for underserved communities. It will also help schoolteachers, police officers, and firefighters to purchase homes in the jurisdiction that employs them with reduced downpayments in addition to restructuring and streamlining manufactured housing standards. Furthermore, it will allow elderly homeowners to refinance their reverse mortgages while establishing consumer protections to shield them against fraud or abuse. Finally, S. 1452 contains language to reauthorize numerous reports by federal banking regulators, some regulatory relief for financial institutions, and provisions to improve financial contract netting in bankruptcy cases.

Although S. 1452 is a good beginning, we still need to do more to encourage economic investments in underserved communities. After all, increased homeownership rates often flow from increased prosperity. That is why I hope that before the 106th Congress completes its work we will pass the Administration's New Markets Initiative and the Speaker's Community Renewal proposal. This legislation passed the House in July on a strong, overwhelming, and bipartisan vote of 394 to 27. This program includes tax credits and guaranteed loans for private firms to invest in targeted communities and small businesses.

When the House considers the Community Renewal and New Markets Act of 2000, I also hope that it will include the text of H.R. 4314, Anthracite Region Redevelopment Act of 2000. This legislation, which has the bipartisan support of the four Members of Congress who represent the anthracite coal region in Eastern Pennsylvania, will provide interest-free capital by authorizing a qualified entity to issue special tax credit bonds. Proceeds from the sale of the bonds will then be used to fund comprehensive environmental restoration and economic development of the twelve counties making up the anthracite coal region of Pennsylvania.

Additionally, while I am pleased that S. 1452 contains several important components of H.R. 1776 as well as other needed reforms, one particular omission concerns me. Unfortunately, this omission may ultimately have an effect on the number of families who will realize the dream of homeownership.

One provision not included in S. 1452 is Section 102 of H.R. 1776. Section 102, as my colleagues may recall, would require federal agencies to perform a housing impact analysis before issuing new regulations. The impact analysis would determine if a significant negative impact on affordable housing would result from those new regulations. We would define "significant" as increasing consumers' housing costs by more than $100 million per year. Further, Mr. Speaker, H.R. 1776 stipulates that the private sector would have an opportunity to submit an alternative to the proposed regulation if it would have less of a negative impact on the cost of homeownership.

As with the other provisions in Title I of H.R. 1776, the goal of the housing impact analysis is to alert federal agencies and the general public of the effects of a regulation on housing affordability. Ultimately, the objective would help lower the cost of a home by minimizing regulations that pose a barrier to homeownership. The housing impact analysis addresses this issue by requiring the federal government to perform an "internal check" of sorts in an attempt to discern whether the agency might construct the rule in a better way that would not lock some individuals out of homeownership.

Mr. Speaker, I view this internal check as a positive action, and I am concerned that we excluded this worthy provision, a provision 417 of my colleagues supported, from the bill that comes before us today. although this legislative provision will die with the closing of the 106th Congress, I hope that we can revive this concept next year, with the commencement of the 107th Congress.

In closing, Mr. Speaker, S. 1452 is a solid piece of legislation that helps more people become homeowners in very innovative ways. Because increased homeownership rates strengthen communities, I support S. 1452 and encourage my colleagues to vote for its passage.

Mr. EHRLICH. Mr. Speaker, I rise today to commend the hard work of House Banking Committee Chairman JIM LEACH and the Housing and Community Opportunity Subcommittee Chairman RICK LAZIO on moving legislation (S. 1452) that will bring much-needed reform to the housing industry in the United States.

I am particularly pleased that several provisions of H.R. 1776, the Housing and Economic Opportunity Act, have been included in the legislation we consider before us today. There is, however, one provision of H.R. 1776 that is important to removing barriers to homeownership which has been excluded.

The provision omitted from S. 1452, which was previously contained in the bipartisan-supported H.R. 1776, requires the Federal government to perform a housing impact analysis before it issues new regulations. This commonsense provision is consistent with my philosophy of reducing and avoiding excessive government regulations. In short, the housing impact analysis determines if a significant negative impact on affordable housing would result from the proposed housing regulation, and provides the private sector an opportunity to submit an alternative to the proposed regulation.

Mr. Speaker, I view this provision as a responsible and fair method of minimizing the unnecessary impact of federal regulations and as an opportunity for the private sector to provide more input to their government regulators. Accordingly, I rise in strong support of S. 1452 with the hope that this provision to reduce government regulation and prevent barriers to affordable housing is reconsidered during the 107th Congress.

Mr. CAPUANO. Mr. Speaker, I rise in support of S. 1452, the American Homeownership and Economic Opportunity Act of 2000. This important legislation contains numerous provisions that will help low- and moderate-income Americans purchase their own home.

Two provisions in this bill are particularly important to my District. The first allows the Department of Housing and Urban Development to provide enhanced Section 8 vouchers to tenants living in buildings where the owner opted out of the program prior to 1995. There are a number of these developments around the nation, including one in my District, where tenants are at risk of being forced from their homes because of large rent increases. This important step will allow these residents to stay in their homes without the constant threat of eviction.

The second provision has already passed this House as part of H.R. 1776 earlier this year, but I am especially pleased that it is included in this legislation as well. It is estimated that more than 1.5 million children are being raised by their grandparents or other relatives because of divorce, death, or other circumstances. Many of these families live in public or subsidized housing in both urban and rural communities, although their unique needs may not be best served in these situations.

A group in my District, Boston Aging Concerns/Young and Old United, has developed the first affordable housing in the country designed specifically for grandparents raising their grandchildren. This innovative development, called the Grandfamilies House, has a playground, computer learning center, and after-school programs to serve the children, as well as service coordinators, and exercise classes for the elderly residents.

The provision included in this bill will give non-profit groups greater flexibility with HOME and Section 8 funds so that more of these developments can be built. The staff of the Grandfamilies House has already had inquiries from groups across the country interested in developing similar projects. It is my hope that enactment of this legislation will help create new housing opportunities for these families.

Mr. ROEMER. Mr. Speaker, I rise today in support of S. 1452, the Manufactured Housing Improvement Act. I want to commend Chairman JIM LEACH, Ranking Member JOHN LAFALCE, Representative BARNEY FRANK and HUD Secretary Andrew Cuomo, for their hard work in developing this bill.

This is a bipartisan bill which has the support of the manufactured housing industry, the Administration, and major consumer groups, including the AARP. It has taken a lot of time and effort to get to this point. They deserve credit for their hard work.

This legislation is long overdue. It has been 25 years since the federal regulations governing the manufactured housing industry have been updated. Since that time, the industry has undergone tremendous changes. It is important that the federal regulations be updated to keep pace with these changes.

For example, there are more than 150 proposed changes to construction and safety standards currently pending at HUD. Some of these are more than five years old. This kind of backlog is not beneficial to either the manufacturers or the purchasers of these homes. S. 1452 provides for the creation of a consensus committee, made up of industry, government and consumer representatives, to streamline the review process and ensure that proper standards are in place and effectively updated and enforced.

I would point out that manufactured housing is a key to homeownership in America. Almost one of every four new homes in America is a manufactured house. This is the preferred choice for a growing number of Americans, including first-time homebuyers, young families and senior citizens. At a time when more than 5.3 million Americans pay over 50 percent of their income in rent, an affordable manufactured home is an attractive option which we should be encouraging.

I am very proud to represent a District that is home to much of the manufactured housing industry. In fact, this industry employs some 20,000 people in Indiana and has a total economic impact of nearly $3 billion per year.

Mr. Speaker, I have visited many of the factories in my district and seen firsthand the remarkable progress which this industry has made over the years in the design, layout and style of homes. Clearly, this industry is committed to innovation, safety and affordability. We need to do our share at the federal level to work with the manufactured industry, and to support the growing number of Americans who desire to purchase their own home. I urge my colleagues to support this bill.

Mr. GARY MILLER of California. Mr. Speaker, I rise because I am concerned that we left an important provision out of S. 1452. The provision that has been omitted from S. 1452 is Section 102 of H.R. 1776, which requires the Federal government to perform a "housing impact analysis" before it issues new regulations.

My district has shortage of affordable housing, and housing prices are only increasing to the point where less and less people can afford a home. Supply is not keeping up with demand, and as a result, many of the people in my district and throughout the nation suffer. This problem hits my lower income constituents the hardest.

That is why I supported creating a "housing impact analysis," which would determine if a significant negative impact on affordable housing would result from new government regulations. The purpose of the "housing impact analysis" would be to alert local and federal decision makers to how federal regulations would impact the affordability of housing. I strongly believe that an analysis on the cost of regulation would be a critical tool to help control the rising cost of housing in my district, and throughout the country.

I know affordable housing is a key issue for many of my colleagues. I anticipate working on the concept of a "housing impact analysis" as we look forward to the 107th Congress.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the Senate bill, S. 1452, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

"A bill to expand homeownership in the United States, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1452.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FINANCIAL CONTRACT NETTING IMPROVEMENT ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1161) to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Contract Netting Improvement Act of 2000".

SEC. 2. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting ", resolution or order" after "any similar agreement that the Corporation determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a

commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).".

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to the term 'reverse repurchase agreement')—

"(I) means an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) DEFINITION OF SWAP AGREEMENT.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or a weather option;

"(II) any agreement or transaction similar to any other agreement or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.".

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.".

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A), by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(2) in subparagraph (A)(i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration";

(3) by amending subparagraph (A)(ii) to read as follows:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);"; and

(4) by amending subparagraph (E)(ii) to read as follows:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);".

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

SEC. 3. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(2) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with paragraph (1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers" after "the appointment".

SEC. 4. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property pursuant to subparagraph (A)(i), the conservator or receiver for such depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITION.—For purposes of this section, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution as determined by the Corporation by regulation to be a financial institution.".

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended by amending the flush material following clause (ii) to read as follows: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver, in the case of a receivership, or the business day following such transfer, in the case of a conservatorship.".

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is further amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(A) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to terminate, liquidate, or net such contract under paragraph (8)(E) or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this subsection, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A) of this subsection.

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9)—

"(i) a bridge bank; or

"(ii) a depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between such institution and the Corporation as receiver for a depository institution in default.".

SEC. 5. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) IN GENERAL.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is further amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)), as amended by section 2(i), is further amended in subparagraph (C)(i), by striking "(11)" and inserting "(12)".

SEC. 6. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS 1 AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 7. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) by inserting "or exempt from such registration pursuant to an order of the Securities and Exchange Commission" before the semicolon at the end of subparagraph (A)(ii); and

(B) by inserting "or that has been granted an exemption pursuant to section 4(c)(1) of such Act" before the period at the end of subparagraph (B);

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(3) in paragraph (11), by adding before the period "and any other clearing organization with which such clearing organization has a netting contract";

(4) by amending paragraph (14)(A)(i) to read as follows:

"(i) means a contract or agreement between two or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or

payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any two financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any two financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to 1 or more netting contracts between any two members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code) and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by adding after section 406 the following new section:

"SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency except—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meaning as in section 1(b) of the International Banking Act.''.

SEC. 8. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract on the date of the filing of the petition;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a 'reverse repurchase agreement')—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities, or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, loans, or interests of the kind described above, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan,

and, for purposes of this paragraph, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development;'';

(D) in paragraph (48) by inserting ''or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such *agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or an equity swap, option, future, or forward agreement; a debt index or a debt swap, option, future, or forward agreement; a credit spread or a credit swap, option, future, or forward agreement; a commodity index or a commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;*

"(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

"(I) is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(iii) any combination of agreements or transactions referred to in this paragraph;

"(iv) any option to enter into an agreement or transaction referred to in this paragraph;

"(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

"(B) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (A), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(C) is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) by amending section 741(7) to read as follows:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(ii) any option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(iv) any margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(vi) any combination of the agreements or transactions referred to in this paragraph;

"(vii) any option to enter into any agreement or transaction referred to in this paragraph;

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this paragraph, except that such master agreement shall be considered to be a securities contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan."; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) any combination of the agreements or transactions referred to in this paragraph;

"(H) any option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition;".

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following new paragraph:

"(22) the term 'financial institution'—

"(A) means a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, a bank or a corporation organized under section 25A of the Federal Reserve Act and, when any such bank or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; and

"(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;";

(2) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means an entity that, at the time it enters into a securities contract, commodity contract or forward contract, or at the time of the filing of the petition, has 1 or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of at least $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of at least $100,000,000 (aggregated across counterparties) in 1 or more such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(3) by amending paragraph (26) to read as follows:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity whose business consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing or in the forward contract trade;".

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) 'master netting agreement' means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing. If a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

"(38B) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (6), by inserting ", pledged to and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to and under the control of," after "held by";

(C) by amending paragraph (17) to read as follows:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with 1 or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to and under

the control of, or due from such swap participant to margin, guarantee, secure, or settle any swap agreement;'';

(D) in paragraph (18) by striking the period at the end and inserting ''; or''; and

(E) by inserting after paragraph (18) the following new paragraph:

''(19) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17), or (32) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by adding at the end the following:

''(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A), and except to the extent the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of 1 or more swap agreements''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of 1 or more swap agreements''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—(1) Title 11, United States Code, is amended by inserting after section 560 the following:

''§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b) EXCEPTION.—

''(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(c) RULE OF APPLICATION.—Subparagraphs (A) and (B) of subsection (b)(2) shall not be construed as prohibiting the offset of claims and obligations arising pursuant to—

''(1) a cross-margining arrangement that has been approved by the Commodity Futures Trading Commission or that has been submitted to such Commission pursuant to section 5a(a)(12) of the Commodity Exchange Act and has been permitted to go into effect; or

''(2) another netting arrangement, between a clearing organization (as defined in section 761) and another entity, that has been approved by the Commodity Futures Trading Commission.

''(d) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

(2) CONFORMING AMENDMENT.—The table of sections of chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.''.

(l) MUNICIPAL BANKRUPTCIES.—Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562,'' after ''557,''.

(m) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any proceeding under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(n) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(o) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(32), 555, 556, 559, 560 or 561)" before the period; and

(2) in subsection (b)(1), by striking "362(b)(14)" and inserting "362(b)(17), 362(b)(32), 555, 556, 559, 560, 561".

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant";

(2) in section 546(e), by inserting "financial participant," after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by inserting before the period at the end ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant" after "commodity broker".

(r) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections of chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.
"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections of chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 9. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.".

SEC. 10. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) 1 or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 11. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

"§562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract as defined in section 741, forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections of chapter 5 by inserting after the item relating to section 561 the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 12. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding after subparagraph (B) the following new subparagraph:

"(C) EXCEPTION FROM STAY.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by the Securities Investor Protection Corporation from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, each as defined in title 11 United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with 1 or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor whether or not with respect to 1 or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on or disposition of securities collateral pledged by the debtor, whether or not with respect to 1 or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement or securities lent under a securities lending agreement.

"(iii) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

SEC. 13. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "or" at the end of paragraph (4)(B)(ii);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a)(1); or"; and

(2) by adding at the end the following new subsection:

"(e) For purposes of this section, the following definitions shall apply:

"(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including all securities issued by governmental units, at least 1 class or tranche of which is rated investment grade by 1 or more nationally recognized securities rating organizations, when the securities are initially issued by an issuer;

"(2) the term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not such assets are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units (including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue), and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities, including all securities issued by governmental units.

"(3) the term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) the term 'issuer' means a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

"(5) the term 'transferred' means the debtor, pursuant to a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5) (whether or not reference is made to this title or any section of this title), irrespective, without limitation, of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 14. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of the enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the provisions of this bill, the Financial Contract Netting Improvement Act, are not new to the House. They were approved in the 105th Congress and again this year as part of the bankruptcy reform legislation. But because of the uncertainty whether a bankruptcy bill can become law, it is important to move this legislation on its own.

After all, if a major derivatives player were to become insolvent, cascading effects on the economy could too easily ensue. What this change in law accomplishes is the orderly unwinding of contracts in a timely, indeed almost immediate basis, in the event of a bankruptcy circumstance. If, on the other hand, the derivatives contracts of a company that declares bankruptcy become tied up on a lengthy basis in bankruptcy court proceedings, the financial system could be destabilized.

This is the case in part because of the timing but in larger part because of the difference between the growing size of derivatives contracts and their netted value, the latter being quantumly smaller and more manageable.

Without liquidation procedures of this nature, delays in the handling of these contracts could spread to financial problems of one derivatives firm to other companies which could be required to make payments on the other side of a deal, but unable to immediately collect on the other side.

This legislation, which has bipartisan sponsorship and is strongly supported by both the Federal Reserve and the Treasury, may not seem important in good times. But if there is a downturn in the economy or a wrench in world politics, its provisions become self-evidently imperative.

In closing, I would like to thank the chairman of the Committee on the Judiciary and the chairman of the Committee on Commerce, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. BLILEY), for their cooperation in allowing this bill to come to the floor today. I include for the RECORD an exchange of letters between the Committee on Banking and these committees.

I would also again like to thank the minority, particularly the gentleman from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. BENTSEN), whose expertise in these areas is second to none on the committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 6, 2000.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, Washington, DC.

DEAR JIM: I am writing with regard to your committee's recent action on H.R. 1161, the Financial Contract Netting Improvement Act of 1999. As you know, the Committee on Commerce was named as an additional committee of jurisdiction upon the bill's introduction based upon its jurisdiction over securities and exchanges pursuant to Rule X of the Rules of the House of Representatives.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner, and I will not exercise the Committee's right to further consideration of this legislation. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction of H.R. 1161. In addition, the Committee on Commerce reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I appreciate your commitment to support any request by the Commerce Committee for conferees on H.R. 1161 or similar legislation.

I request that you include a copy of this letter and your response in your committee report on the bill and as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,
TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES
Washington, DC, September 7, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, Washington, DC.

DEAR TOM: I have received your letter concerning H.R. 1161, which the Committee on Banking and Financial Services on July 27, 2000, voted to favorably report to the House. In your letter you indicate that the Committee on Commerce would agree not to seek further consideration of H.R. 1161. I appreciate your cooperation in this matter and understand that the Commerce Committee's jurisdictional interest in this legislation is not prejudiced by such cooperation. Pursuant to your request I will include a copy of your letter and my response in the report to accompany H.R. 1161.

Thanks again for your assistance.

Sincerely,
JAMES A. LEACH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 7, 2000.

Hon. JAMES A. LEACH,
Chairman, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH: I am writing in regard to H.R. 1161, the Financial Contract Netting Improvement Act of 1999. As you know, the Committee on the Judiciary was named as an additional committee of jurisdiction upon the introduction of H.R. 1161 pursuant to its jurisdiction over bankruptcy law under Rule X of the Rules of the House. The Judiciary Committee has jurisdictional interests in sections 8, 11, 13 and 15 of this bill.

The Judiciary Committee has no substantive objection to H.R. 1161 as ordered to be reported by your Committee on July 27, 2000. It is my understanding that the bill as ordered reported is substantively similar to Title X of H.R. 833, the Bankruptcy Reform Act of 1999, which the House passed, as amended, on May 5, 1999. Therefore, in view of the substantively similar language and in the interest of expeditiously moving H.R. 1161 forward, the Judiciary Committee will agree to be discharged from further consideration of H.R. 1161. By agreeing not to exercise its jurisdiction, the Judiciary Committee does not waive its jurisdictional interest in this bill or similar legislation. This agreement is based on the understanding that the Judiciary Committee's jurisdiction will be protected through the appointment of conferees should H.R. 1161 or a similar bill go to conference. Further, I request that a copy of this letter be included in the Congressional Record as part of the floor debate on this bill.

I appreciate your consideration of our interest in this bill and look forward to working with you to secure its passage.

Sincerely yours,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, September 7, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR HENRY: This letter responds to your correspondence, dated September 7, 2000, concerning H.R. 1161, the Financial Contract Netting Improvement Act of 1999, which was jointly referred to the Committee on Banking and Financial Services and the Committee on the Judiciary.

I agree that the bill contains matter within the Judiciary Committee's jurisdiction and I appreciate your Committee's willingness to be discharged from further consideration of H.R. 1161 so that we may proceed to the floor.

Pursuant to your request, a copy of your letter will be included in the Congressional Record during consideration of H.R. 1161.

Sincerely,

JAMES A. LEACH,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the efforts of the chairman, the gentleman from Iowa (Mr. LEACH), as well as the gentleman from New York (Mr. LAFALCE), the ranking member, to insist that this crucial legislation come to the floor of the House today.

I also want to thank the chairman and ranking members of the two committees of jurisdiction, the Committee on Commerce and the Committee on the Judiciary, for their roles in discharging H.R. 1161 for today's suspension calendar.

I do not believe there is any contention over the measure's substance. The House, as the chairman pointed out, has enacted this legislation in the past. The Committee on Banking has reported the bill three times in this Congress and once in the 105th Congress.

This is a bill that would enact into law a priority recommendation of the President's Working Group on financial markets.

□ 1745

The absence of controversy should not give a false impression of a lack of urgency. Last Friday, in an unusual joint letter the Secretary of the Treasury, Mr. Summers, and the Federal Reserve Chairman, Mr. Greenspan, wrote the majority and minority leadership of both Houses urging adoption of H.R. 1161 during the remaining days of this Congress; and I might add that we just received the statement of administration policy strongly supporting passage of H.R. 1161, and states that this is something that, as I stated, the President's Working Group on Financial Markets favored which included not only the Secretary of the Treasury and the chairman of the Federal Reserve but also the chairman of the Securities and Exchange Commission and the Commodities Futures Trading Commission.

The chairman of the Federal Reserve and the Secretary, in their letter to the leadership of the Congress, said this bill would reduce the likelihood that incidents such as the near collapse of long-term capital management in September 1998 would pose a broader threat to our financial system.

Some in this Chamber might not vividly recall the long-term capital management incident, but it sent shudders through the financial world and could have easily destabilized the world's financial system. The Federal Reserve salvaged the company and luckily the rescue it orchestrated kept the system afloat. I do not believe, however, the American financial system should be dependent upon luck.

Last week, the House approved a conceptually related bill when it reauthorized the Commodity Exchange Act on the suspension vote by 377–4. That bill, in part, provided legal certainty for swaps among healthy institutions. This bill provides legal certainty for what is owed when an institution becomes terminal. By all reports, the difficulty in transmitting this measure to the President is not in this House. It is in the other Chamber. Substance, again, is not the impediment. Rather, in the other body this bill is entangled in another highly controversial piece of legislation which some in that Chamber are refusing to unbundle in order to pass the content of H.R. 1161. Failing to enact this legislation this year is to take a huge risk with domestic and international finance and the stability of our financial markets.

I hope that risk and the House action today will send a powerful signal to the other body that it must pass this legislation, and I trust that they will do so.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1161. I want to associate myself with the statements of the chairman with respect to the benefits of this legislation.

Clearly, the primary purpose is to minimize the systemic risk that is evident in our Nation's financial system. The bill serves to minimize that risk that would occur when a counterparty to a derivatives contract becomes insolvent. This legislation amends our banking and bankruptcy insolvency laws to allow netting to fulfill the contracts of the financial and over-the-counter derivatives instruments that are often traded among large financial institutions.

Mr. Speaker, this bill should have strong bipartisan support, as it has in the past and it should here today. It must be said that in the last Congress, the Committee on Banking and Financial Services reported this kind of legislation out and it included netting provisions; and additionally, as has been noted, this Congress included these provisions in a bankruptcy bill. While I strongly support the enactment of comprehensive bankruptcy reform this year, it is my understanding that that does not seem possible because of some concerns on the Senate side, not well founded in my opinion but nevertheless concerns; but I am most grateful to the chairman for bringing this component of the bill before us so that we can pass this important bill and deal with the netting provisions.

Finally, Mr. Speaker, I want to acknowledge and commend the chairman of our Committee on Banking and Financial Services for his exceptional leadership. Not only did we get the landmark and historic financial modernization bill through under his leadership, but evidently here tonight we are passing two additional excellent pieces of legislation.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say, and this may be the only bill I have ever managed with the chairman of the committee, I want to associate myself with the remarks of the gentleman from New York (Mr. LAFALCE) on the previous bill in honoring the chairman on his work. I have had the honor to serve with him for 6 years on the Committee on Banking and Financial Services while he has been the chairman. He has been both a worthy teacher and supporter and adversary and has always been very kind to me, and his leadership is to be respected.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I thank the gentleman from Texas (Mr. BENTSEN), and I would only again reciprocate by saying how much I have appreciated working with him, and I would urge support for this very important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from

Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 1161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4656, LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 634 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 634

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site. All points of order against the bill and against its consideration are waived. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 634 is a closed rule waiving all points of order against H.R. 4656, the conveyance of certain forest service land in the Lake Tahoe Basin and against its consideration. The rule provides 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule also provides one motion to recommit with or without instruction.

H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value approximately 8.7 acres of Federal land in the Lake Tahoe Basin to the Washoe County District for use as an elementary school site. The bill provides that the land may be used only for this purpose and that it would revert back to the Federal Government if used for any other purpose. The bill was introduced by my friend, the gentleman from Nevada (Mr. GIBBONS), and was considered by the House on October 10, 2000. Although the bill was supported by a considerable majority in the House, it failed to receive the two-thirds necessary for passage under the suspension of the rules. The Congressional Budget Office estimates that enactment of H.R. 4656 would have no significant impact on the Federal budget. Because the bill would affect direct spending, pay-as-you-go procedures would apply. However, CBO estimates that such effects would be less than $500,000 per year. H.R. 4656 does not contain any intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this closed rule. This rule provides for the consideration of a bill allowing the Forest Service to sell environmentally sensitive land at below market value to an affluent school district in a Republican Member's congressional district. Now, Mr. Speaker, I realize that our schools are overcrowded; but they are overcrowded everywhere, from Boston to Burbank, from Bismarck to Biloxi.

With this bill, Republicans are doing a special favor for one school while my Republican colleagues are ignoring overcrowded schools everywhere else.

Mr. Speaker, American children deserve better. The Democrats' number one priority is the education of our children. They deserve much more than the crowded schools that are crumbling down around them.

The average age of schools in the United States is 42 years. Rather than helping out one affluent school district, my Republican colleagues should be funding the Democrat initiative to help all school districts; but this bill will not do that, Mr. Speaker. Furthermore, this bill sells the taxpayers short. It transfers land at far less than its value. The land is worth between $2 million and $4 million and this bill will sell it for $500,000. Rather than allowing the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, to offer his amendment selling the land for its actual value, my colleagues are proposing this closed rule that prohibits amendments. Meanwhile, Mr. Speaker, schools everywhere else are scrambling for the funds to go expand and modernize their buildings and getting nothing from my colleagues on the other side. The Republican budget neither provides nor guarantees funding for urgent school repairs and no money for school modernization bonds. Mr. Speaker, it should.

American children do deserve better. I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of the underlying legislation.

Mr. GIBBONS. Mr. Speaker, to my colleague and friend, the gentleman from the State of Washington (Mr. HASTINGS), I want to also thank him for his leadership and for allowing me to speak on this rule today.

Mr. Speaker, I rise in strong support for this rule, which will allow an open debate on H.R. 4656 a bill which will sell 8.7 acres of the Forest Service land to Washoe County School District at fair market value for the limited use as an elementary school site. H.R. 4656 is a product of much hard work, compromise and discussion and strikes a careful balance that will benefit all parties involved and provide over 400 students at Incline Village with a safe and accommodating school facility.

□ 1800

Local officials from both the school district and the United States Forest Service, as well as environmental groups such as the League to Save Lake Tahoe, have had an integral role in crafting this important legislation. As a result of this valuable local input, this legislation is supported by the entire Nevada congressional delegation, as well as interested community groups.

Most significantly, Mr. Speaker, H.R. 4656 is strongly supported by the parents, teachers and the students of Incline Village. The present Incline Village Elementary School was constructed in 1964 and can no longer meet the needs of an increasing student population. The overcrowding problems have become so severe that the school must now place up to 40 children in each classroom. There is simply no room left to expand the current school, and the only available land suitable for a new school is the Federal land to be sold to the county school district under H.R. 4656.

Mr. Speaker, I say "sold," not given away, because the land will not be given away for free, although this Congress has done so for even Members on the other side of the aisle recently in the past for school construction. Instead, the school district will pay the fair market value for the land for its use as a school site. Yet I understand the administration and my colleagues on the other side of the aisle would like to get 800 percent more for this land than its appraised value would be as a school site:

Mr. Speaker, this is just unconscionable to me, that the administration wants to put such a high price on the education of 400 children. I am committed to working to enhance the educational opportunities for the children of Nevada, and this bill will allow 400 students the space to learn and grow in a suitable school facility.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value approximately 8.7 acres of land in a parcel in the Tahoe National Forest in Incline Village, Nevada, to the Washoe County School District for the use as an elementary site. The parcel has been valued at between $2 million and $4 million. However, because of the deed restriction directing the use of the school site or a reversionary clause, the Forest Service believes that the appraised value would be reduced by 75 percent, or approximately $500,000.

This bill requires the proceeds of the sale to be used for acquiring environmentally sensitive land in Lake Tahoe. This all sounds good, until you examine this deal.

The deed restriction, this land was purchased because it is environmentally-sensitive land. I realize that there has been development around it, but that was the purpose and the priority for which it was purchased by the public. Now, because it has a deed restriction, they say that they want it transferred to the school district for $500,000, as opposed to fair market value.

Well, if you are a school district and you are using it for that purpose, and that is the purpose of the deed restriction, it is like getting a full-valued piece of property, because that is all you are going to use it for. But now we have worked in a discount in this property, and then we are told we can take this $500,000 and we can take that and go out and try to buy equally environmentally-sensitive land somewhere else in the Tahoe Basin, when in fact we are talking about some of the most expensive land in the State.

In many parts of the Tahoe Basin, $500,000 will not buy you a 50-by-100 building lot, much less a school site or environmentally-sensitive land or anything else. The fact of the matter is that this land is valuable for that very reason, because either people want to enjoy it for their own homes or recreational benefits and/or because there is so little land left in the Tahoe Basin, given what we have to do.

Yesterday we passed a bill here to spend $300 million of Federal taxpayer monies to protect this very same basin, and yet we are giving away environmentally-sensitive land here, with the belief that somehow we are going to replace it, and I object to that.

I think that this is a continuation of a misuse of public resources, when in fact the local entity has all of the wherewithal to purchase the land at fair market value. Certainly they ought to purchase it for, at a minimum, what they just sold their own school land for, which was, I guess, about $850,000. They could take that and buy this site, which they believe to be a superior site, but they would rather have a discount paid for by the Federal taxpayers.

The gentleman from Nevada suggested that somehow this is the same as other legislation that we have done. The fact of the matter is that is not the case, because in most instances, as we do with little disagreement on a bipartisan basis, we transfer land from the Federal Government to public agencies all the time. In most instances, that land is sort of generic Federal land, if you will. It really in some cases has no other value other than to be transferred to a local agency, whether it is a city or a school district or a sanitation district or whatever, as we have done now in a number of instances in the Committee on Resources.

But this bill is simply bad policy, and it is bad economics for the taxpayer; and I think it is bad for the environment in the Lake Tahoe Basin.

I think this bill also points out a continuing problem that we have in the Committee on Resources; and although this is not technically a land exchange, it is part of the same parcel where, once again, we just continue to dip into the Federal land base and we parcel it out on less than a fair market value, less than equal basis, when we engage in land exchanges.

This committee and the Congress was just recently again put on notice by the General Accounting Office as to the problems that we are having in these exchanges. A number of them exist in the gentleman's home State, where the Federal Government, through, I think, bad policy on behalf of the Forest Service and the Bureau of Land Management, but especially the Bureau of Land Management, has engaged in real estate practices on behalf of the taxpayer, where the taxpayer ought to just scream to high heaven that they want a new real estate agent.

We have seen properties that have been flipped on the same day of sale, where the Federal Government got its "value" of $763,000 in Nevada, only to find out that the same day that property was resold for $4.5 million. In another instance we got the "value" of $504,000, only to have that property sold for $1 million the very same day. I think it calls into question.

So when the Forest Service makes a determination that because this land has a deed restriction, but it happens to be a deed restriction that allows you to use it exactly for that purpose, of a school, of which you want it, land which you cannot find suitably elsewhere, for the Forest Service now to step forward with a straight face and suggest that the value of this 8.5 acres of land in the middle of Incline Village, somehow the value here is $500,000, is simply not true. If the school district went out on the open market and sought to purchase 8.5 acres in the Tahoe Basin, the land value would exceed $500,000 in any instance.

For those reasons, I think that the Congress ought to reject this legislation. This is not a declaration against all land swaps, because we have done land swaps, we have done land exchanges and done outright grants of land, as we did yesterday in a number of instances. But in those cases, the value of the land was essentially de minimis, other than the purpose for which some local agency wanted to put it to use.

So I think at some point you have got to cry "halt" here to having the Federal taxpayer just continuing to subsidize these kinds of arrangements, where in fact we simply cannot look our constituents in the face and suggest to them we got fair value or in any way did we get market value.

The fact of the matter was that the gentleman from Washington (Mr. SMITH) tried to offer an amendment to provide for fair market value. That was rejected in the committee, and now we are operating under a closed rule so that he cannot offer that amendment so that we will have an opportunity to find out whether or not we can get fair market value for the taxpayers in the use of this land for the school district.

I think that would be a much fairer way to go, but it is obvious that the proponents of this legislation do not want to engage in that public process of determining fair market value. They simply want the Forest Service, which I might add, the proponents here who show such great support for the Forest Service evaluation are the same people who are usually beating the hell out of the Forest Service on a daily basis, but all of a sudden they become outstanding appraisers of the public land in the Tahoe Basin. But I guess it is the end of the session.

Mr. Speaker, I would hope Members would vote against this rule and that the gentleman from Washington (Mr. SMITH) would get an opportunity to offer his amendment, and we could square the books on behalf of the taxpayer.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

After this 15-minute vote on House Resolution 634, pursuant to clause 8, rule XX, the Chair will resume proceedings on—and will reduce to 5 minutes the minimum time for electronic voting on—two of the motions to suspend the rules debated earlier today on which the yeas and nays were ordered, to wit:

(1) House Concurrent Resolution 414; and

(2) H.R. 4271.

Other questions on which proceedings were postponed earlier today will resume tomorrow.

The vote was taken by electronic device, and there were—yeas 196, nays 181, not voting 55, as follows:

[Roll No. 541]

YEAS—196

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cunningham
Davis (VA)
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—55

Becerra
Bilbray
Bilirakis
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Castle
Chenoweth-Hage
Crowley
Cubin
Danner
Deal
DeGette
Delahunt
DeLay
Dickey
Duncan
Engel
Fattah
Fletcher
Forbes
Fowler
Franks (NJ)
Gilman
Goode
Green (WI)
Hall (OH)
Hastings (FL)
Hilleary
Hyde
John
King (NY)
Klink
Kolbe
Lazio
Lewis (CA)
McCollum
McIntosh
Meek (FL)
Menendez
Mica
Ney
Nussle
Peterson (PA)
Shaw
Shays
Stupak
Talent
Visclosky
Watts (OK)
Weiner
Weygand
Wise
Wolf

☐ 1832

Messrs. THOMPSON of California, DAVIS of Illinois, MORAN of Virginia, GEPHARDT and LaFALCE changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on rollcall No. 541, I was detained by an accident which forced me to miss my flight to Washington, DC. Had I been present, I would have voted "yea."

RELATING TO REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 414, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 414, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 542]

YEAS—381

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—51

Becerra
Bilbray
Bilirakis
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Castle
Chenoweth-Hage
Crowley
Cubin
Danner
Deal
Delahunt
DeLay
Dickey
Duncan
Engel
Fattah
Forbes
Fowler
Franks (NJ)
Goode
Green (WI)
Hastings (FL)
Hilleary
Houghton
Hyde
John
King (NY)
Klink
Kolbe
Lazio
Lewis (CA)
McCollum
McIntosh
Meek (FL)
Menendez
Mica
Ney
Nussle
Peterson (PA)
Shaw
Stupak
Talent
Visclosky
Watts (OK)
Weiner
Weygand
Wise
Wolf

□ 1846

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Earlier today, the Chair announced that he would postpone proceedings on a number of motions to suspend the rules until tomorrow. The Chair now announces that he will resume proceedings tonight on some of those questions as, follows:

Pursuant to clause 8 of rule XX, after a 5-minute vote on H.R. 4271, the Chair will put the question on the following motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1752, de novo;
S. 1474, de novo;
S. Con. Res. 114, de novo;
S. 698, de novo;
S. 1438, de novo;
H.R. 5478, de novo;
S. 2749, de novo; and
H.R. 5375, de novo.

The Chair will continue to reduce to 5 minutes the time for each electronic vote in this series.

NATIONAL SCIENCE EDUCATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4271, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4271, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 156, answered "present" 4, not voting 57, as follows:

[Roll No. 543]

YEAS—215

Aderholt
Allen
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Cunningham
Davis (VA)
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Houghton
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kingston
Kleczka
Knollenberg
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Maloney (CT)
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Miller (FL)
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Obey
Olver
Ose
Oxley
Packard
Pascrell
Pease
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—156

Abercrombie
Ackerman
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Bentsen
Berman
Berry
Blumenauer
Bonior
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Hefley
Hill (IN)
Hilliard
Hinchey

Hinojosa
Hooley
Hostettler
Hoyer
Jefferson
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Spratt
Stark
Stenholm
Strickland
Tancredo
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—4

Coburn
Jackson-Lee (TX)
Johnson, E.B.
Larson

NOT VOTING—57

Barr
Becerra
Bilbray
Bilirakis
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Campbell
Castle
Chenoweth-Hage
Crowley
Cubin
Danner
Deal
Delahunt
DeLay
Dickey
Duncan
Engel
Fattah
Forbes
Fowler
Franks (NJ)
Goode
Green (WI)
Gutierrez
Hastings (FL)
Hilleary
Hunter
Hyde
John
King (NY)
Klink
Kolbe
Lazio
Lewis (CA)
McCollum
McIntosh
Meek (FL)
Menendez
Mica
Ney
Nussle
Peterson (PA)
Pickett
Roukema
Shaw
Stump
Stupak
Talent
Visclosky
Watts (OK)
Weiner
Weygand
Wise
Wolf

□ 1857

Mr. LUTHER changed his vote from "yea" to "nay."

Mr. OLVER and Mr. QUINN changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls Nos. 541, 542 and 543. Had I been present, I would have voted "yea" for each measure.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1752.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1752.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1900

PALMETTO BEND CONVEYANCE ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the Senate bill, S. 1474.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1474.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS NATIONAL WORLD WAR I SYMBOL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 114.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REVIEW OF COSTS OF HIGH ALTITUDE RECOVERIES IN DENALI NATIONAL PARK, ALASKA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 698.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 698.

The question was taken; and (two-thirds of those present having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1438.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1438.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING RELOCATION OF HOME OF ALEXANDER HAMILTON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5478.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5478.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALIFORNIA TRAIL INTERPRETIVE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2749, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.".

A motion to reconsider was laid on the table.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5375, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HINCHEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on Thursday, October 12, I was unavoidably detained in my district and missed rollcall votes 527 through 530. I would like the Record to reflect that, had I been present, I would have voted yes on rollcall vote 527, yes on rollcall vote 528, no on rollcall vote 529, and yes on rollcall vote 530.

And, Mr. Speaker, on Thursday, October 19, I was also unavoidably detained and missed rollcall vote 540. I would like the Record to reflect that, had I been present, I would have voted aye on rollcall vote 540.

BRING THEM HOME ALIVE ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 484) to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I will not object, I ask the gentleman from Texas for an explanation.

Mr. SMITH of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for yielding, and let me explain the purpose of this bill.

It would grant refugee status to foreign nationals who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States. This bill is the good work of Senator BEN NIGHTHORSE CAMPBELL and our colleague, the gentleman from Colorado (Mr. HEFLEY), and I hope that that answers the gentlewoman's question about the contents of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentleman very much. Let me add my support to the legislation. I believe that the explanation is satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bring Them Home Alive Act of 2000".

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

(a) Asylum for Eligible Aliens.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) Eligibility.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) Definitions.—In this section:

(1) American Vietnam War POW/MIA.—

(A) In general.—Except as provided in subparagraph (B), the term "American Vietnam War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) Exclusion.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) Missing status.—The term "missing status", with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) Vietnam war.—The term "Vietnam War" means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

(a) Asylum for Eligible Aliens.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) Eligibility.—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) Definitions.—In this section:

(1) American Korean War POW/MIA.—

(A) In general.—Except as provided in subparagraph (B), the term "American Korean War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) Exclusion.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) Korean war.—The term "Korean War" means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

(3) Missing status.—The term "missing status", with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula; or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE "BRING THEM HOME ALIVE" PROGRAM.

(a) Requirement.—

(1) In general.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA–TV, VOA Radio, or otherwise, information that promotes the "Bring Them Home Alive" refugee program under this Act to foreign countries covered by paragraph (2).

(2) Covered countries.—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) Level of Programming.—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning

with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—International Broadcasting Bureau shall ensure that information regarding the "Bring Them Home Alive" refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) DEFINITION.—The term "International Broadcasting Bureau" means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

The Senate bill was ordered to be read a third time, was read the third third, and passed, and a motion to reconsider was laid on the table.

FOR THE RELIEF OF PERSIAN GULF EVACUEES

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) IN GENERAL.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

(4) Shaher M. Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sesinando P. Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.

(37) Hanan Said and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Farah Bader Shaath and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raoof Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaj M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Hazem A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) OFFSET IN NUMBER OF VISAS AVAILABLE.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I will not object, I would ask the gentleman from Texas for an explanation.

Mr. SMITH of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from Texas for yielding.

H.R. 3646 would allow certain individuals we evacuated from Kuwait in 1990 during the Persian Gulf War to become permanent residents of the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, I thank the gentleman very much. That was a tragic war and certainly one that brought about a number of evacuees. I am very delighted that we are responding to their need and as well to bring closure to this period in our lives.

Further reserving the right to object, I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman from Texas for yielding to me, and certainly want to commend her as the ranking member and the gentleman from Texas, the chairman of the subcommittee, for their help on this legislation that I introduced.

Both of my colleagues from Texas have adequately explained the bill, and I certainly commend them for their sense of fairness and justice on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from West Virginia for his very hard work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

ESTABLISHING TASK FORCE TO RECOMMEND APPROPRIATE RECOGNITION FOR SLAVE LABORERS WHO WORKED ON CONSTRUCTION OF U.S. CAPITOL

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 130) establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 130

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2000 marks the 200th anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas previous to that date, African American slave labor was both legal and common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Speaker of the House of Representatives and the President pro tempore of the Senate shall establish a special task force to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall recommend to the Speaker of the House of Representatives and the President pro tempore of the Senate an appropriate recognition for these slave laborers which could be displayed in a prominent location in the United States Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF "THE UNITED STATES CAPITOL"

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 141) to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 141

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed a total of 2,850,000 copies of the pamphlet in English and seven other languages at a cost not to exceed $165,900 for distribution as follows:

(1)(A) 206,000 copies of the pamphlet in the English language for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the pamphlet in the English language for the use of the House of Representatives with 2,000 copies distributed to each Member; and

(C) 1,758,000 copies of the pamphlet for distribution to the Capitol Guide Service in the following languages:

(i) 908,000 copies in English;

(ii) 100,000 copies in each of the following seven languages: Spanish, German, French, Russian, Japanese, Italian, and Korean; and

(iii) 150,000 copies in Chinese.

(2) If the total printing and production costs of copies in paragraph (1) exceed $165,900, such number of copies of the pamphlet as does not exceed total printing and production costs of $165,900, shall be printed with distribution to be allocated in the same proportion as in paragraph (1) as it relates to numbers of copies in the English language.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Earlier today, the Chair announced that he would postpone proceedings on a number of motions to suspend the rules until tomorrow. The Chair now announces that he will resume proceedings tonight after consideration of H.R. 4656 on all de novo questions but will postpone any further requests for recorded votes thereon.

LAKE TAHOE BASIN LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, pursuant to House Resolution 634, I call up the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4656 is as follows:

H.R. 4656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN.

(a) CONVEYANCE.—Upon application, the Secretary of Agriculture, acting through the Chief of the Forest Service, may convey to the Washoe County School District all right, title, and interest of the United States in the property described as a portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977, as file No. 465601, Official Records.

(b) REVIEW OF APPLICATION.—When the Secretary receives an application to convey the property under subsection (a), the Secretary shall make a final determination whether or not to convey such property before the end of the 180-day period beginning on the date of the receipt of the application.

(c) USE; REVERSION.—The conveyance of the property under subsection (a) shall be for the sole purpose of the construction of an elementary school on the property. The property conveyed shall revert to the United States if the property is used for a purpose other than as an elementary school site.

(d) CONSIDERATION BASED ON REQUIREMENT TO USE FOR LIMITED PUBLIC PURPOSES.—The Secretary shall determine the amount of any consideration required for the conveyance of property under this section based on the fair market value of the property when it is subject to the restriction on use under subsection (c).

(e) PROCEEDS.—The proceeds from the conveyance of the property under subsection (a) shall be available to the Secretary without further appropriation and shall remain available until expended for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Act entitled "An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act").

(f) APPLICABLE LAW.—Except as otherwise provided in this section, any sale of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance of National Forest System lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. UDALL) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada (Mr. GIBBONS), the author of this legislation, be permitted to control the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend and colleague, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on Parks and Public Lands. And, as well, I would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his support and leadership on this very important bill that is before us this evening.

To my Democratic colleagues on other side of the aisle, let me say this is indeed a very important bill for a rural community in Nevada.

H.R. 4656 will sell, and I want to emphasize that again, "sell" 8.7 acres of U.S. Forest Service land inside a developed community, located in the Lake Tahoe Basin, to the Washoe County School District at fair market value for limited use as an elementary school site.

The proceeds of the sale will go towards the purchase of environmentally-sensitive land in the Lake Tahoe region. The site will become the home of an elementary school for 400 children in Incline Village in Nevada.

Mr. Speaker, the present site of Incline Elementary School was constructed in 1964 and serves as the only elementary school in the town. Presently, the Incline Elementary School is burdened by serious overcrowding problems, forcing the school to put more than 40 students in a classroom because there is just simply no place else for these children to go.

Due to the school's size limitations, expanding beyond its current physical design is simply not an option.

After reviewing all private and public property in the Incline Village area, the school district, in concert with parents, teachers and community leaders, agreed that the only possible location for a new school would be the 8.7 acres currently owned by the U.S. Forest Service.

This land, Mr. Speaker, was purchased over a decade ago for approximately $500,000 as environmentally-sensitive land under the Santini-Burton Act. However, let me state that this land is not the pristine, beautiful land which one thinks of when thinking about the Lake Tahoe area.

In fact, this 8.7 acres is surrounded by condominium complexes on both sides and a retail shopping mall on the other. Furthermore, the environmentally-sensitive area, which is a seasonal stream which runs through a portion of the land, will be completely protected from development.

In addition, the school district will be installing a water filtration system at the end of the stream channel and the stream will be incorporated into existing educational programs on water quality.

I can confidently state, Mr. Speaker, that any environmental concerns have been fully addressed. As a result, even former Congressman Jim Santini, the author of the Santini-Burton Act, has expressed his support for the legislation.

Mr. Speaker, I include for the RECORD his letter:

OCTOBER 17, 2000.

Hon. JIM GIBBONS,
House of Representatives, Cannon HOB, Washington, DC.

DEAR JIM: Recently, I learned that your legislation to convey land in the Lake Tahoe Basin to the Washoe County School District fell twenty-four votes short of passage in the House of Representatives under suspension of the rules. I was disturbed to learn further that much of the contentious debate over your important bill centered around the fact that the land had been acquired under legislation bearing my name, the Santini-Burton Act. Consequently, I felt compelled to write you about this matter and to express my strong support for your legislation, which in no way would threaten the intent, objectives, or goals of the Santini-Burton Act.

The intent of the Santini-Burton Act was to protect environmentally sensitive land from rampant commercial development. However, the opposition to your bill does not reflect the original intent of my legislation in any way. The educational needs of the children of Incline Village, currently crowded into classrooms with over 40 students, must be addressed. Your bill, which was crafted with the input of the League to Save Lake Tahoe, Washoe County School District, and local Forest Service officials, will address these needs while still protecting both the environment and the original intent of my legislation.

Over a decade ago, the U.S. government acquired, as environmentally sensitive land under the Santini-Burton Act, 8.7 acres of land in the Lake Tahoe Basin, for approximately $500,000. The environmental sensitivity of the land stems solely from the seasonal stream bed which runs through a portion of the site. In the years since the federal acquisition, as you know, a condominium development and retail strip mall have been built on the borders of the land. I have also been informed that the next closest U.S. Forest Service owned land is 26 miles away.

Under your bill, H.R. 4656, the Washoe County School District would purchase the 8.7 acres for fair market value for the limited use as an elementary school site to alleviate the overcrowding problems currently burdening the present Incline Elementary School. The environmental sensitivity of the land would be protected, even enhanced, by the addition of water filtration systems and the seasonal stream area would not be disturbed by development. The sensitive area would be incorporated into the school's current curriculum on water quality.

Clearly, the use of this land as an elementary school site would better serve the public than developing the land for any other use—which could garner the full fair market value (perhaps as much as $4 million) for which the Administration so strenuously advocates. It astonishes me that anyone would put such a high price on educating over 400 children.

Jim, please be assured that you have my strong support on this matter. It is my hope that during the debate on this bill the intent of the Santini-Burton Act will no longer be misrepresented. However, my greater hope is that your legislation will pass Congress and be signed into law promptly so that the students of Incline Village can learn in a safe school facility that meets all of their educational needs.

Sincerely,

JAMES D. SANTINI,
Former Member of Congress.

Mr. Speaker, Congressman Santini realized the importance of putting education before government profit. In his letter, he states very clearly, "Clearly, the use of this land as an elementary school site would better serve the public than developing the land for any other use, which could garner the full market value (perhaps as much as $4 million) for which the administration so strenuously advocates. It astonishes me that anyone would put such a high price on educating over 400 children."

Mr. Speaker, it astonishes me, too, that they would be advocating such a price for this land. In fact, Mr. Speaker, I can hardly believe that just this week this administration stated that it has no higher priority than education and yet continues to object to this bill simply because they could get more money for the land if it were commercially developed rather than developed as a school site.

Under this bill, the Federal Government will receive compensation for the land, the environment will be protected, the families of Incline Village will have a school for their children which will encourage education and not inhibit it because of limited space.

Mr. Speaker, H.R. 4656 is about education. It is about school construction. It is about having that mysterious mythical girl standing in the back of the classroom without room for her desk. And this bill is about children, 400 children as a matter of fact, over 50 percent of whom are ESL students who are learning English as a second language. All of these children deserve a safe and adequate school facility that meets their individual and educational needs.

Mr. Speaker, it is my fear that if this legislation is not enacted today that the previously fabricated stories that I mentioned earlier about the young girl being forced to stand in the back of the school without her own desk and chair will become a reality in Incline Village.

Voting for H.R. 4656 gives every Member of this House the opportunity to keep their promise and prove their commitment to supporting education. This is good public policy, and it is government's civic duty to provide education to our children, not to be greedy and price them out of an adequate and healthy learning environment.

So, Mr. Speaker, with that, I encourage all Members to vote for H.R. 4656, a bill that is truly a win-win for everybody.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the general concept that is being proposed by my colleague, the gentleman from Nevada (Mr. GIBBONS). But I have to tell the House that I have concerns about the fact that we have had a closed rule that will not allow us to perfect this piece of legislation.

It would sail through, I am convinced, both this House and the other body if we could ensure that this parcel of land was purchased at a price that would allow us then to purchase equivalent land in the Tahoe area. And I think that is at the core of the issue that we are now debating here tonight.

The gentleman from California (Mr. GEORGE MILLER), my colleague, spoke earlier on the rule and I think made the case strongly and eloquently that this is not an appropriate way to proceed because these are taxpayer lands and these are taxpayer monies that are at risk here.

I urge my colleague to continue to work with us so that we can continue to perfect the bill and do right by the school system in his State and also do right by the taxpayers of the country.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I appreciate the remarks of the gentleman. I have made my views known on this matter. I have a difference of opinion with the gentleman from Nevada (Mr. GIBBONS) on whether or not this is a sale at fair market value. I realize the restriction. But I have been over that. It is pretty clear the gentleman has the votes and, so, I will not belabor the point.

I would hope that before this bill finishes its journey that we could do a little bit better by the taxpayers.

H.R. 4656 authorizes the Secretary of Agriculture to convey for fair market value an approximately 8.7 acre parcel on the Tahoe National Forest in Incline Village, NV to the Washoe County School District for use as an elementary school site. The parcel is valued at between $2–4 million. However, because of a deed restriction directing use as a school site and a reversionary clause, the Forest Service believes that the appraised value would be reduced by 75% to approximately $500,000. The bill requires the proceeds of the sale to be used for acquiring environmentally sensitive land in the Lake Tahoe Basin.

The parcel, although in a developed area, was originally acquired by the Forest Service in 1981 under the Santini-Burton Act for approximately $500,000. That act authorizes the acquisition of environmentally sensitive land in Lake Tahoe thru sales of BLM land in and near Las Vegas. While the Santini-Burton Act allows transfer of lands or interests in land to state and local government, deed restrictions must protect the environmental quality and public recreation purposes of the land. Legislation is needed in this instance because this conveyance does not fall within the parameters of the Act. While local ordinances may protect the stream on the parcel, nothing in the legislation explicitly protects the stream area from development.

The town sold off a potential school site in 1995 for $855,000. That money, plus a $7.2 million bond issue for construction of the school facility and environmental remediation, would pay for the project.

H.R. 4656 was introduced by Representative GIBBONS on June 14, 2000. A companion measure, S. 2728, was introduced by Senator BRYAN (D–NV) on June 14, 2000. At the September 12, 2000 Committee mark-up, ADAM SMITH offered an amendment that would have removed the deed restriction and reversionary clause thereby allowing the federal government to get full fair market value. The amendment was rejected, the bill was reported out, and the minority filed dissenting views. Over our objections, the bill was placed on the suspension calendar on October 10, 2000 and when a recorded vote was requested, failed on suspension 248–160 on October 12, 2000. In retaliation, the Majority killed Mr. KILDEE's noncontroversial suspension bill (H.R. 468). Now being brought up under a closed rule, we are foreclosed from offering the Smith amendment.

The administration opposes the bill as is, but would support it if it were amended so that the federal government could get fair market value for the land. Were it allowed, the amendment we would have offered simply removes both the deed restriction and the reversionary clause thereby allowing the federal government to get full fair market value for the land. The closed rule prohibits offering the amendment that would get full fair market value for the taxpayers. This is unfair. It's also unfair that the majority killed a noncontroversial bill and failed to reschedule it.

The taxpayers deserve fair compensation for this land in particular, because they purchased the land under a federal program (Santini-Burton) to buy environmentally sensitive land around Lake Tahoe and because the proceeds of the sale will be used to purchase additional environmentally sensitive land in the Lake Tahoe area. Like other land around Lake Tahoe, this land has appreciated considerably in the last 20 years (from $500,000 to several million), and full market value would ensure the government has the ability to replace the land with comparable property. To offset the fiscal and environmental loss of this environmentally valuable property, the federal government should get full value.

The Majority argues that there is precedent for conveying land at less than FMV with a reversionary clause. But in H.R. 695 (San Juan College-T. Udall) and other bills, the land conveyed was simply public domain land or surplus land. H.R. 2890 (Vieques-Crowley) returns land to Puerto Rico that has been used as a bombing range in an effort to restore its environmental integrity. In H.R. 2737 (Lewis and Clark Trail to State of Illinois-Costello), National Park Service land was conveyed for a purpose wholly consistent with the purpose for which the land was acquired (land went to the state to build an interpretive center). Finally, H.R. 1725 (Milwaleta Park Expansion-DeFazio (passed October 23, 2000 on suspension)) conveys park land to be used as park land.

In this bill, the land is not surplus, and it is not being conveyed for a purpose consistent with the purpose for which it was acquired. The land is Santini-Burton land which the public purchased specifically for its environmental value and whose protection represents a federal priority. This bill undermines that act, which, thru restrictions on disposal of property, aims to protect the lands' environmental quality and public recreation purposes. It is sound fiscal policy for the public to receive full value for its public assets. This bill is a sweetheart deal for one school district and is yet another example of using federal lands to subsidize local interests. This is not the solution to school construction problems. It is a rip-off for taxpayers and the environment. The school gets an added windfall because it recently sold a potential school site for $855,000. It also gets not just the property, but the development rights. Unfortunately, this land conveyance is not just an isolated example of a giveaway. It is representative of public lands bills and policies that benefit a few people at the expense of the public.

I have long been concerned that land deals—especially land exchanges—are being cut behind closed doors with tremendous special-interest pressure and limited public input. A General Accounting Office report that I requested confirmed my fears: too many of these exchanges lead to environmental damage and taxpayer rip-offs. The GAO report, "Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest," released in July found that the Forest Service and the Bureau of Land Management have wasted hundreds of millions of dollars swapping valuable public land for private land of questionable value, and the report concludes that the BLM may even be breaking the law. The GAO reported that the agencies "did not ensure that the land being exchanged was appropriately valued or that exchanges served the public interest or met certain other exchange requirements." GAO went on to state that "the exchanges presented in our report demonstrate serious, substantive, and continuing problems with the agencies' land exchange programs."

In addition, GAO found that the BLM has—under the umbrella of its land exchange authority—illegally sold federal land, deposited the proceeds into interest-bearing accounts, and used these funds to acquire nonfederal land (or arranged with others to do so). These unauthorized transactions undermine congressional budget authority, GAO said. Specific findings of the GAO report include:

Private parties in one Nevada exchange made windfall profits, in one case acquiring land "valued" by BLM at $763,000 and selling it for $4.6 million on the same day and in another instance acquiring land "valued" at $504,000 and selling it for $1 million on the same day.

In the DelMar exchange in Utah, the BLM paid more than seven times the appraised value.

The Forest Service acquired lands in three exchanges in Nevada that were "overvalued by a total of $8.8 million" because the appraised values "were not supported by credible evidence."

In the Cache Creek exchange in California, the BLM failed to "present the reasons for acquiring" the land.

In another Nevada exchange, the Del Webb exchange, BLM removed an agency appraiser and violated the BLM's own policy by hiring a non-federal appraiser recommended by the exchange's private party.

The GAO said the problems were so bad that Congress should consider eliminating the programs altogether. I believe that the appropriate step is to halt the programs and then fix them. in light of the GAO's report, I asked the Forest Service and the Bureau of Land Management to immediately suspend their programs while they evaluate the best method to achieve exchanges' laudable goals. Both agencies declined my request for a moratorium but have begun to review their exchange programs. Although, the reviews may prove to correct many of the problems, I will watch the efforts closely, especially because the BLM continues the land transactions that GAO said were illegal. So now what does this Congress do when faced with a clear demonstration of the problems of the exchange program? Instead of supporting efforts to ensure that taxpayers and the environment are protected, Congress has passed some of the worst land swaps I have seen in my 26 years of Congress.

Since the GAO report was released: The House passed and the President signed into law, S. 1629, the Oregon Land Exchange Act, which mandated the exchange of 90,000 acres without sufficient NEPA review or public disclosure of appraisal information. The House and Senate passed H.R. 4828, the Steens Mountain exchange bill. The bill contains 5 legislated land exchanges. The exchanges were negotiated behind closed doors among a select group of participants. No appraisals were done. Further, while the exchanges themselves are unequal, the ranchers asked for even more and the bill includes nearly $5 million in cash payments to them. As if that was not enough, the bill directs the Secretary to provide fencing and water developments for their grazing operations.

Finally, these trades involve the unprecedented transfer of more than 18,000 acres of wilderness study areas (WSAs) to the ranchers. While it is true that the BLM would receive more than 14,000 acres of private land within WSAs, this is not only a net loss but it also sets a bad precedent of trading wilderness for wilderness. Further, significant private inholdings will remain in the proposed wilderness areas even after these trades.

Mr. UDALL of Colorado. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to respond to my friend and colleague, the gentleman from Colorado (Mr. UDALL), and to the gentleman from California (Mr. GEORGE MILLER) that those perfecting amendments they were talking about were, of course, removing the restrictions for the limitation of using this property only as a school site and also to remove the restriction of a reversionary clause, which would be that, if it were not used for a school, it would be reverted back to the Federal Government.

Those provisions are in the bill; and to remove those, of course, would allow for the appraisal process to be one which would garner that of a commercially developed piece of property. This school district is not interested in developing this property as commercial property. It certainly wants to use the property for a school site. It is going to protect the environment.

Let me also say to my good friend and colleague, the gentleman from Colorado (Mr. UDALL), over here that his support of H.R. 695, which is a bill that the gentleman from New Mexico (Mr. TOM UDALL) supported not long ago to acquire land for San Juan College, was sold and acquired with a restriction to be used for educational purposes, which, of course, had an effect on the valuation of it.

Mr. Speaker, there have been a number of bills that have been passed through this body with the support of the other side that have not been raised on the issue of fairness to the taxpayer that actually gave property away and let Federal taxpayers receive zero, zip, nada, nothing for the property that was given away; and those are clearly on record here. I can go through and cite many of those bills, Mr. Speaker.

But this is an important piece of legislation for the education of some children. We are asking for the fair market value based on the use of the land as an educational site. It was acquired for $500,000. I think with the restrictions placed on it that we could actually give back to the taxpayers the money they paid for it and maybe even a little extra, depending upon the valuation of that property.

But this is an important bill for the education of those children. We want to have an opportunity to give these children up there a place to go to school. The nearest, closest land that could be suitable for a school for an elementary school site in the area is about 26 miles away. Otherwise, these schoolchildren will have to be bussed over a mountainous pass in the wintertime, which is oftentimes closed by snow and ice, a very dangerous road in the wintertime.

It is the safety of these children, it is the education of these children that we are so very, very much concerned about.

Mr. Speaker, noting that my good friends on the other side of the aisle have been gracious, and I do have great respect for their opinions, I would ask that all of my colleagues support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 634, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now put the question on all de novo questions on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 2413, de novo;
H.R. 4940, de novo;
S. 1865, de novo; and
S. 1453, de novo.

COMPUTER SECURITY ENHANCEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2413, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2413, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN MUSEUM OF SCIENCE AND ENERGY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4940, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4940, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1865.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the Senate bill, S. 1865.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUDAN PEACE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1453, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 1453, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 5388) to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Education and Administrative Center", and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) DESIGNATION.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Education and Administrative Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Herbert H. Bateman Education and Administrative Center".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 4, line 1, strike out all after "REQUIREMENTS.—" down to and including "Forest." in line 5 and insert: *Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.*

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Utah?

There was no objection.

A motion to reconsider was laid on the table.

GREAT SAND DUNES NATIONAL PARK AND PRESERVE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2547) to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

The Clerk read as follows:

S. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Sand Dunes National Park and Preserve Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) Advisory council.—The term "Advisory Council" means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) Luis Maria Baca Grant No. 4.—The term "Luis Maria Baca Grant No. 4" means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) Map.—The term "map" means the map entitled "Great Sand Dunes National Park and Preserve", numbered 140/80,032 and dated September 19, 2000.

(4) National monument.—The term "national monument" means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) National park.—The term "national park" means the Great Sand Dunes National Park established in section 4.

(6) National wildlife refuge.—The term "wildlife refuge" means the Baca National Wildlife Refuge established in section 6.

(7) Preserve.—The term "preserve" means the Great Sand Dunes National Preserve established in section 5.

(8) Resources.—The term "resources" means the resources described in section 2.

(9) Secretary.—The term "Secretary" means the Secretary of the Interior.

(10) Uses.—The term "uses" means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) Establishment.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Notification.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) Abolishment of National Monument.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Great Sand Dunes National Monument" shall be considered a reference to "Great Sand Dunes National Park".

(e) Transfer of Jurisdiction.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) Establishment of Great Sand Dunes National Preserve.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

(b) Map and Legal Description.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Boundary Survey.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) Establishment.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) Administration.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) Protection of Water Resources.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) In General.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4) and

(B) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Grazing.—

(1) Acquired state or private land.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) Federal land.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) Termination of leases.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) Hunting, Fishing, and Trapping.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) Administrative exceptions.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) Agency agreement.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) Savings clause.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) Closed Basin Division, San Luis Valley Project.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) Withdrawal.—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) Wildnerness Protection.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) Acquisition Authority.—(1) Within the area depicted on the map as the "Acquisition Area" or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) Boundary Adjustment.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) Administration of Acquired Lands.—

(1) General authority.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) Forest service administration.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) San Luis Valley Protection, Colorado.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

"(3) adversely affect the purposes of—

"(A) the Great Sand Dunes National Monument;

"(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

"(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

"(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

"(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).".

(b) Effect on Water Rights.—

(1) In general.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) Water rights for national park and national preserve.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) National Forest Water Rights.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) National Monument Water Rights.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) Acquired Water Rights and Water Resources.—

(1) In general.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) Use.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) State authority.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) Disposal.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Great Sand Dunes National Park Advisory Council".

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill provides for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. MCINNIS), who is the author of the legislation.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to point out, so we have kind of a perspective of what we are talking about, this is a photo of the Great Sand Dunes, what we propose to make a national park in Colorado. I want to let everyone know that this is our opportunity to mark for all future generations of Americans a national park that is well deserved. This bill was carried out of the United States Senate with unanimous consent by Senator WAYNE ALLARD. Senator ALLARD and myself have spent a lot of time in the local community and we have also had a lot of help, frankly, from our Democratic colleagues in Colorado and some of our Republican colleagues, not only here in Congress through the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Colorado (Mr. UDALL) but also through the State House in Colorado, the State Senate in Colorado, which by strong majorities support naming a new national park in the State of Colorado.

We also have the support of Governor Bill Owens, who strongly believes that a national park of the Sand Dunes is long time overdue in the State of Colorado. We have the Attorney General in the State of Colorado. We have community support. This proposal was built at the community level up. Neither Senator ALLARD nor myself walked into this community and said, hey, we would like to create a new national park down there.

Obviously both Senator ALLARD and I and my colleagues on both sides of the aisle have been down to look at this national park, what we hope to be the national park, and are amazed by what we walk into. The fact is, it did not come from us. This started at the local community level, and over a period of years we have built up the momentum and we are now finally on the verge, finally on the verge of one final vote to create a national park in Colorado that will last forever, for all generations of America. That is why I urge support tonight.

Let me say that the Great Sand Dunes, this makeup if we can see right behind it, that is not painted in on this picture, those over 14,000 foot peaks of the Alpine Meadows. It is the only place in the world, the only place in the world, where we can see desert sands piled up as great sand dunes mixed in amongst the Alpine 14,000 Rocky Mountain foot peaks. Take a look at everything from the ecosystems of the water and the sand and the wind, there is no other combination like this in the world. All America deserves the privilege of having this as a national park for preservation.

I look forward and I am honored to be the one that is sponsoring this on the House side and I openly thank my colleague on the Senate side, of whom it means as much to him as it does to me, as it does to the people of Colorado, as it does to the people of America, that this become a national park.

Now in the last few hours somebody has suggested that it is not in my congressional district. I want to point out that this is entirely, entirely in the Third Congressional District. This is my congressional district this national park proposal is in, and I know this. My family has multiple generations not very far from that park. I have been in that park numerous times. Now is our opportunity, Mr. Speaker, to stand up and be counted. Now is our opportunity for future generations of America to create a new national park in the State of Colorado. I ask for support.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. Mr. Speaker, along with my colleague, the gentleman from Colorado (Mr. MCINNIS), I strongly support passage of this bill to provide for an expansion of the Great Sand Dunes National Monument in Colorado and its redesignation as a national park. I want to thank again my colleague, the gentleman from Colorado (Mr. MCINNIS), for his leadership in making it possible for the House to consider this legislation today.

Mr. Speaker, the Great Sand Dunes National Monument is one of Colorado's gems. The remarkable dunes within its boundaries exist because of a set of very unusual circumstances. They are also part but only part of a complex ecosystem that includes adjacent lands. This natural interconnective system includes towering peaks soaring 14,000 feet above sea level, an intricate underground water supply, and a vast valley filled with wonderful wildlife and rare plants. The natural resources of the area are complemented by a rich human history that includes American Indians, Spanish explorers and the mountain men.

All of these elements culminate in the amazing site of sand dunes reaching hundreds of feet high piled up against the rugged snow capped Rockies.

Enactment of this bill will authorize the acquisition of key parts of adjacent lands from willing sellers. That will allow not just an expansion of the national monument but also for boundary revisions of the San Isabel National Forest and for establishment of a national wildlife refuge.

This will protect the Dunes and also protect the many lives that depend on the water and other resources of the affected lands.

Physically, these dunes have a long geologic history. Politically, their protection is an example of one of the most important conservation laws on our books, the Antiquities Act. That law gave President Hoover the authority for establishment of the national monument and it gave Presidents Truman and Eisenhower the authority to enlarge it.

The Antiquities Act has proved its value over the years. Since its enactment, almost every President, starting with Theodore Roosevelt, has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations.

In some instances, Presidential action has been controversial, but they have stood the test of time and nowhere more than with the Great Sand Dunes and other national monuments in Colorado. We are very proud of the special places that have been set aside in our State. We do not want to abolish the Colorado National Monument. We do not want to weaken the protection of Dinosaur National Monument. We highly prize the archeological and other values of Yucca House and Hovenweep Monuments, and we are very protective of both the Great Sand Dunes National Monument and the Black Canyon of the Gunnison.

We know the values of these areas. That is why last year the Colorado delegation worked together to further expand the Black Canyon Monument and to redesignate it as a national park. That is why I strongly support this bill. Like the Black Canyon, the Great Sand Dunes are a remarkable natural wonder, visible for many miles and attracting the interest of ordinary visitors as well as geologists, biologists, and other scientists.

Together with the adjacent lands addressed by the bill, they are part of an array of diverse natural, environmental and scientific resources that the Department of Interior has found deserving of inclusion in our national park system.

In short, this is a good bill. It has broad support among our Coloradans, including both Senators, our governor and our State's attorney general. It is supported as well by the Clinton-Gore administration. I urge its approval by the House.

Currently, the Great Sand dunes National monument covers approximately 38,000 acres in the San Luis Valley of south central Colorado. The current monument boundary includes only the dunes themselves, which, at over 700 feet in height, are the tallest in North America. The dunes, however, are only one part of a highly complex system that includes the extremely fragile and vulnerable sand sheet, the surrounding watershed, and the underground aquifer, all of which are integral to the flow of water and replenishment of sand that created and maintains the dunes. These critical elements of the system are located mostly outside of the monument boundaries, on Federal, State, and private lands. Expanding the boundaries of the national monument to include the entire natural system, as provided for in S. 2547, will help to ensure the long-term preservation of the dunes.

The bill will also help to address long-standing concerns surrounding protection of the water resources of the San Luis Valley. A large ranch, known as the Luis Maria Baca Grant No. 4, is located to the west of the existing national monument and contains key lands in the sand sheet and water resources that support the dune system, as well as other wetlands, rich wildlife habitat, and a diversity of ecosystem types.

In 1986, the private owners of the Baca property attempted to obtain a water right to pump as much as 200,000 acre-feet-per year from the unconfined aquifer beneath the land to communities along Colorado's Front Range. The effort failed when the courts dismissed their claims, and the owners subsequently sold the property.

The potential for development and export of the water, however, is still a major concern for residents of the valley because of the potential for such a project to affect the availability of water for irrigation and other local uses. S. 2547 would authorize the Federal acquisition of the Baca property, incorporating parts of the property into a national park, national wildlife refuge, and the existing national forest. The legislation requires the Department of the Interior to work with the State of Colorado to protect the water dependent resources of the dunes while not jeopardizing valid existing water rights.

S. 2547 authorizes the Secretary of the Interior to establish the Great Sand Dunes National Park when the Secretary determines that land having a sufficient diversity of resources has been acquired to warrant its designation as a national park.

The national park will include the existing national monument (which will be abolished when the national park is established), as well as adjacent lands located generally to the west, including the Baca property and other State, private, and Federal lands which would be acquired by or transferred to the National Park Service.

In addition, S. 2547 establishes the Great Sand Dunes National Preserve from lands that are currently included in the Rio Grande National Forest. Administrative jurisdiction over these lands is transferred from the Secretary of Agriculture to the Secretary of the Interior to be managed as a unit of the National Park System.

Finally, S. 2547 authorizes the Secretary to establish the Baca National Wildlife Refuge after determining that sufficient lands have been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge. The refuge would be comprised of the western portion of lands acquired from the Luis Maria Baca Grant No. 4, as well as adjacent State and private lands, and land currently managed by the Bureau of Land Management.

As noted by Stephen Saunders, the Assistant Secretary of the Interior for Fish and Wildlife and Park, this legislation is an excellent example of what Congress and the Administration can accomplish when we work together.

In December of last year Secretary Babbitt traveled to Colorado and met with Senators ALLARD and CAMPBELL, Congressman MCINNIS, Colorado Attorney General Ken Salazar, and other Coloradans to explore the threats to the sand dunes and the opportunities to preserve them. In that meeting—which some in the Colorado press immediately called the Summit at the Dunes—it became evident that there was broad agreement about what needs to be done, and about the need to work together to make it happen.

Since then, the Secretary and others in the Department have worked closely with the Colorado Congressional delegation, the state government, and others in reaching agreement on the broad outlines of this legislation.

The bill before the House is the result of that process. It is supported by Colorado Senators and Representatives of both parties, by Governor Bill Owens, a Republican, and by the Attorney General of Colorado, Ken Salazar, the highest ranking Democrat in the state government, who, as a native of this part of the State, understands this issue especially well. It has been editorially endorsed and is supported by people throughout Colorado. It deserves enactment.

STATEMENT OF KEN SALAZAR, ATTORNEY GENERAL OF COLORADO, ON S. 2547, GREAT SAND DUNES NATIONAL PARK ACT OF 2000

I offer this statement to express my strong support for S. 2547, which redesignates the Great Sand Dunes National Monument as a national park and adds protection to the rare geological and ecological area within and surrounding the current Monument. This action will protect and enhance one of the great ecosystems in the Sangre de Cristo mountain range, as well as head off damaging water export schemes that threaten the existence of that ecosystem.

The San Luis Valley in Colorado is the largest, highest alpine valley in the country with an average elevation of over 7,000 feet. The Valley extends 140 miles from the divide with the Arkansas River on the north to the San Antonio Mountains in New Mexico to the south. The Valley spans about 70 miles east to west, from the Sangre de Cristo Mountain Range to the San Juan Mountain Range. The headwaters of the Rio Grande are located in the San Juans above the town of South Fork. The Valley has a colorful and rich heritage starting with the Native American tribes, the first Colorado settlements in the 1850's, and a history of agriculture and mining.

The Great Sand Dunes became a national monument in 1932. The Dunes cover 39 square miles and sit at the center of one of the most extensive wetland systems in the Rocky Mountains. The Dunes are inextricably tied to the flows of Sand Creek and Medano Creek, the latter of which not only transports sands, but exhibits an interesting and rare phenomenon known as a "pulsating" or "surge" flows, creating mini-waves in the creek. The government has obtained reserved rights for those creeks. The Dunes and the surrounding area overlie the groundwater system on which the features of the Dunes and adjacent wetlands rely.

The San Luis Valley in Colorado has unique hydrologic characteristics. Underlying the lands in the Valley are two aquifers: the upper aquifer is known as the "unconfined" or "shallow" aquifer, the lower aquifer is called the "confined" aquifer. These aquifers interact with the surface streams to create a delicate hydrologic balance within the Valley. The agricultural economy and the wildlife values are dependent on maintaining that balance. Although there is a considerable amount of water in the confined aquifer, pumping that water to the surface will disrupt the overall balance. The State Engineer recognized this in 1972, when he stopped issuing well-permits.

S. 2547 recognizes that some lands adjacent to the Dunes contain important portions of the sand dune mass and the ground water system on which the sand dune and wetland systems depend. S. 2547 provides the Secretary of the Interior with authority to protect this hydrologic system by purchasing lands surrounding the dunes, thus protecting the aquifers from being significantly depleted.

The State of Colorado, along with New Mexico and Texas, is party to the Rio Grande

Compact, which allocates waters of the Rio Grande among the three states. Under the 1938 Compact, Colorado must make deliveries to the state line pursuant to a schedule based on the amount of flows in the river. The State Engineer closely regulates all withdrawals of water from the stream system and connecting groundwater system in order to make Colorado's Compact deliveries. The Closed Basin Project, located in the San Luis Valley, is a federal project, authorized by the Reclamation Project Authorization Act of 1972 to provide water to local federal reserves and to assist Colorado in making its Compact deliveries. The Project captures water historically discharged by evapotranspiration from water on the surface or in the soil or by native plant life. That water is then used to augment the flows of the Rio Grande, assisting Colorado in meeting its Compact delivery obligations and the United States in meeting its treaty obligations to Mexico. Viability of the project is dependent upon maintenance of the delicate hydrologic balance in the Valley.

The Baca Grant No. 4 is a 100,000-acre parcel of land located just north and west of the Great Sand Dunes National Monument. In 1986 American Water Development, Inc. ("AWDI") sought the right to withdraw 200,000 acre-feet of ground water per year from the aquifers underlying the Grant. AWDI's plans met with strong opposition from the water users, the State, and the United States, all of whom spent a great deal of time, effort and funds to protect the Valley resources. The United States opposed the project not only because of its effect on the Sand Dunes, but also because of the damage that would be sustained by the Closed Basin Project and the national wildlife reserves in the Valley. The water court found that the withdrawals of groundwater proposed by AWDI would lower the water level in the unconfined aquifer, depleting flows in the natural stream system and significantly reducing the annual yield of the Closed Basin Project. The Colorado Supreme Court affirmed the findings of the water court.

Water users and the State of Colorado have been concerned about a new project that threatens the hydrologic balance in the Valley. The project, billed as the "No Dam Water Project," is sponsored by Stockman's Water Company, successors in interest to AWDI. The project proposes the transbasin export of up to 100,000 acre-feet of confined aquifer water from a well field on the Baca Grant No. 4. We know that the withdrawal of any water will affect the system overall.

Over the last seven years, the community has made efforts through The Nature Conservancy to acquire land near the Sand Dunes in an effort to protect this natural resource. Last year, The Nature Conservancy purchased over 50,000 acres of land in two ranches known as the Zapata Ranch and the Medano Ranch located directly adjacent and south of the Sand Dunes National Monument. The federal government has also acquired another parcel of land in the area known as the White Ranch for inclusion in the National Wildlife Refuge system. S. 2547 will assure further protection of the ecosystem.

I strongly support the creation of the Sand Dunes National Park and Preserve as provided in S. 2547. The bill contains sufficient language to protect existing water rights and provides that the Secretary shall obtain any new water right in accordance with federal and State law. Further, if lands on the Baca Grant No. 4 are acquired, all water rights and water resources associated with the Grant shall be restricted for use only within the park, preserve, or immediately surrounding areas of Alamosa or Saguache Counties in Colorado. This protects the Valley from future speculative water projects intended to export water to other basins within and outside the State of Colorado, which would be damaging to the Sand Dunes and its ecosystem.

S. 2547 will preserve a very unique and outstanding resource in this country, the Sand Dunes and their associated resources. It will also protect the delicate hydrologic balance of the San Luis Valley, assuring the resources necessary to sustain the Sand Dunes. I am committed to working with Congress and the Administration to achieve these laudable goals.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado (Mr. HEFLEY), a senior member of the Committee on Resources.

Mr. HEFLEY. Mr. Speaker, I must object to the bill before us, Senate bill 2547, the Great Sand Dunes National Park and Preserve Act. This bill has never been the subject of hearings in the House of Representatives before the Committee on Resources.

National parks should not be designated without going through the process. The gentleman from Utah (Mr. HANSEN) and I have worked long and hard in that committee, the gentleman from Utah (Mr. HANSEN) is chairman of the Subcommittee on National Parks and Public Lands, to see that there is a logical process for naming national parks.

One of the reasons for that is that we love national parks. We are proud of our national parks, and we do not have the resources, it seems, to take care of the national parks we have like they should be taken care of.

We have in Yellowstone, one of the jewels of the system, in Yosemite, we have roads that have potholes in them; we have guardrails that are falling down, all kinds of maintenance things that we simply do not have the resources to take care of evidently because we are not doing a very good job of it.

So when we add national parks, that draws on all the other national parks, and the pie is divided up that much more. The main thing is it ought to go through a logical process. The gentleman from Utah (Mr. HANSEN) and I several years ago put in legislation in place to see that that would happen. What ought to happen with this bill is that next year we ought to have hearings on it. We ought to take it through the process and we ought to answer all the questions.

Now there are a number of questions to be answered. First, most National Park Service regulations say that a park comprises a variety of resources. Now I know the proponents of this would say that there are a variety of resources. There are mountains, there are streams and so forth, but the basic thing is there is a pile of sand, a beautiful pile of sand. But that is the basic resource for this park.

If the gentleman from Colorado (Mr. UDALL) has been, and he has, in a lot of national parks, I would start with Rocky Mountain National Park, for instance, in our own State, I would ask the gentleman to compare that in his own mind to the Sand Dunes National Park, and it does not compare.

I do not honestly feel this rises to the level of a national park. I think it is a great national monument, but I do not think it rises to the level of a national park.

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Second, the land acquisition provisions of this bill are open to discussion. This gives the Secretary the right to acquire land, and it takes it out of the hands of Congress. Usually we are the ones that do the acquiring of land. This gives the Secretary the right to do that.

The Baca Ranch, which is adjacent to the existing monument, I would have no objection to us buying and adding to the monument, except there is a problem with whether it is for sale or not; some of the owners want to sell it, some do not, and the price that has been quoted to me is far above the appraised value on it. I do not think we want to get into that kind of a situation.

Third, the act would create as many as four inholders, none of which have been contacted, as far as I can tell, as to their feelings in this matter.

Lastly, there is a question of water beneath the dunes. One of the main reasons for this bill is to stop the speculation on water in that valley. Now, I do not want water in that valley to come to the front range of Colorado. I do not want it to come to Colorado Springs, Aurora, or anywhere else. I want that water to stay in the valley.

So this is a good part of the bill. If you actually bought the ranch and tied up the water and kept it in the valley, that is a good part of it. I think that can be done as a monument. It does not have to be a national park. In fact, every bit of this, except the Baca Ranch, is protected in one way or another. It is either wilderness, national forest, or monument. So this is not an environmental vote. The environment is being protected, whether it is a national park or not.

There are many public officials in Colorado who would like to have input into this and have contacted me, not the least of which are the three county commissioners from the county where this is, who are opposed to this.

By circumventing the process, we lose the opportunity for the public to have input in it, which I think that the gentleman from Colorado (Mr. UDALL) would champion, that the public should have input into anything like this. We have been contacted by numerous public officials who say, we would like to testify on this. We would like to testify on this.

Therefore, I urge that S. 2547 be rejected and that next year we have full hearings on it. It may be this is the right thing to do. We may decide it is the right thing to do. But is not the right thing to do this way. I do not know very many times in the history of this House where you have designated a national park without it going through the full procedure of both the House and the Senate.

The arguments I get for it are twofold. The water we have already talked about. That is a good argument. Second, economic development. Well, you should not name national parks as an economic development process. That is not why they should be named.

All I am asking is we go through the normal process; we have the hearings, and we make a decision based upon the merit, not based upon who can put the most pressure on the Speaker. This did not come out of the committee; this came out of the Speaker's office. He put it on the calendar. I do not know why he put it on the calendar and circumvented the whole process. I do not think he should have, but this should not be based on that. It should be based upon merit.

I ask us to reject this and have the hearings, go through the process, and then we may well decide it is a good idea.

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise today in strong support of this legislation. Colorado's Great Sand Dunes area is an amazing site, well worth the protection afforded by a national park designation.

As we have seen from that magnificent photo that my colleague from the Western Slope has, the Sand Dunes rise up from the Colorado plains evoking the great Sahara Desert's mountains of sand. Yet the Great Sand Dunes are but a part of the larger unique ecosystem. The snow-capped Sangre de Cristo Mountains tower in the background, and nearby wetlands harbor numerous species, including sandhill cranes and white-faced ibis. The entire ecosystem will benefit from the protection Congress provides today.

This designation will also benefit the people of southern Colorado, not only because it protects one of their most treasured natural resources, but also because such protection will boost the local economy. Preserving natural resources provides Western Slope communities with a comparative advantage over other rural areas for diversifying their economy by enhancing their ability to attract and retain businesses and a talented workforce. Protecting public lands provides many economic benefits and maintains the natural capital that forms the foundation of Colorado's identity, quality of life and economic well-being.

I sincerely hope that the passage of this bill is the next step in a concentrated effort to safeguard all lands in Colorado which are deserving of appropriate protection.

Last year, for example, I introduced H.R. 829, the Colorado Wilderness Act. This legislation would designate 1.4 million acres of land in Colorado as wilderness, including a small portion of the Great Sand Dunes. Today's legislation does not include any wilderness designation, and I hope the Colorado delegation will work together, as we did on this bill and several other bills, to provide the protection wilderness designation affords to these areas.

Earlier this year, the Colorado delegation came together to designate the Black Ridge Canyons as wilderness. Yesterday the House passed the Spanish Peaks Wilderness Act. Today we have another bipartisan effort that will result in strong protections for unique parts of Colorado.

These are good first steps. However, because of the growth pressures on our precious public lands in Colorado, we need to look at a comprehensive Colorado public lands policy.

Public support throughout the State is growing for this proposal tonight and other public lands proposals, as is evidenced by the bipartisan support you heard from my colleagues, that our legislature, that our local elected officials and that our citizens have all across the State for more protection of public lands. Well, today's legislation will provide protection for some of Colorado's most unique areas.

We must not stop there. We need to take additional steps to protect other areas of Colorado from the threats of growth and overuse. Areas such as Dominguez Canyon and Handies Peak are wilderness study areas that must be protected through permanent wilderness designation. If we wait to act on each of the 48 areas in Colorado included within my bill that deserve wilderness protection individually, many of them will be gone by the time we are ready to legislate.

So I want to commend my colleague from the Western Slope. I want to commend my colleague, the gentleman from Colorado (Mr. UDALL), and the bipartisan support of my fellow Members of Congress on this bill. I hope we can all sit together and work over the recess to have comprehensive Colorado omnibus wilderness legislation in the next session.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I think the gentleman from Colorado (Mr. HEFLEY) brought up a few points that should be addressed here.

First of all, in regard to the inholdings, there are three inholdings within the national park. All three of those are held by the Nature Conservancy District, which is 100 percent behind this national park.

In regard to the gentleman's discussions on process and we should never have a national park and have not had one in the best of the gentleman's memory that has happened in a process that did not go through the House committee, remember, this went through full hearings at the Senate committee. To the best of my knowledge, none of the gentleman's staff, none of the staff of any of the people the gentleman was talking about, even expressed an interest to go sit in on these hearings.

But back to my point: 2 weeks ago there was a national park, which, by the way, I support, that was included in the Interior bill, and there were no objections raised on the floor.

That is the mystery of this. I want the gentleman to know, I have gone to the committee. I have gone to my good colleague, and I say this with all due respect, because our dispute is a professional dispute, not a personal dispute, but I have gone to the gentleman and said, give me a hearing. I want this bill heard on its merits. Let it rise or fall on its own merits. But Colorado and the future of America, they deserve this national park.

It is in my district, by the way. I know a little something about it. I was denied the hearing month after month after month. Not by the chairman, by the way, not by the chairman, but at the request of the chairman.

I had no other choice but use the same rules that the gentleman who is opposed to this this evening, the rules he is using to kill this national park, the same rules I used to get to the House floor. The beauty of bringing it to the House floor is 435 Congressmen, 435 Congressmen make the decision whether this should be a national park. Not one Congressman. Not one Congressman kills this national park; 435 or 434 of my colleagues make the decision based on the merits whether we deserve another national park.

There are a number of other issues we ought to talk about. When we talk about the water to the dunes, as the gentleman and I discussed, and I know this and I say this to the credit of the gentleman, this gentleman understands water. He has years of meritorious service in the State legislature of Colorado as well as the U.S. Congress on water issues.

But the gentleman could agree with me; you drain the water out of the Sand Dunes and you destroy it. You destroy the most unique, or the only, the only geological, geographical, any type of archeological, I could go on and on, type of site in the world that exists.

You cannot drain the water out of there. Draining the water out is like taking the blood out of a human body and then telling the body to continue to live. It does not happen. It is destroyed. That water is the human blood for the San Luis Valley. I urge my colleague to join me in regards to that.

Mr. Speaker, it is clear that this process is within the process of the House, or we would not be here today. We had suspensions. In fact the Sand Creek, by our colleague, the gentleman from Colorado (Mr. SCHAFFER), yesterday, followed the exact same process. But I did not see anybody up there objecting to that.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I would say to the gentleman from Colorado (Mr. MCINNIS), I do not want to prolong this. I think we have said what needs to be said.

The gentleman repeated several times that this is his district, his district, his district, as if it is in his district, we ought to do it.

When I got on the Subcommittee on National Parks and Public Lands several years ago, I discovered that a lot of Members were bringing parks home to their district, whether they had any merit or not. Steamtown, the gentleman from Utah (Mr. HANSEN) may remember Steamtown is one of them. Our good friend Joe McDade brought that one home. I guess this has a whole lot more merit than that did, by the way. So there is interest by people when that is not in their district. There is interest in that park, or whether it is a park or not.

I do not know if the gentleman heard me, because I think the gentleman was talking to one of his staff at the time, but when the gentleman starts talking about draining water out from under the Dunes, I have no intention, and the gentleman knows that, of draining water out from under the Dunes.

The gentleman is absolutely right; you take that water, and the Dunes go away. The water has to stay there. I want the water to stay there, not just for the Dunes, but I want the water in the San Luis Valley to stay in the San Luis Valley. I do not want it coming to the Eastern Slope or the big cities. I want it to stay there, because if it does not stay there, I think that valley, which is already economically depressed in many ways, becomes a real problem. So I want the water to stay there, and I do not want there to be any mistake about that.

I guess I would just close by saying again, yes, this is part of the process; but it is a subversion of the process. There was a national park put in the Interior bill. I voted against that. I think that was wrong. I do not think that this should be part of the process. I think the process should be both Houses go through their committee structure, ask the questions, have the hearings, let everybody who wants to have input into it, and then make a logical decision.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had two comments I wanted to add to the debate this evening. I agree with my colleague, the gentleman from Colorado (Mr. HEFLEY), that this is not just a question of the third district in Colorado; it is a question I think for all of Colorado and really for all of the Nation; and that is why I support the bill, because I believe it will be good for Colorado, and it will be good for the Nation. I think it is important to bring it to the House and let all 435 of us have our say on this idea, that we would create a national park.

The other thing I want to add just from a personal point of view is that when you go to that area and you look at the Sand Dunes and their uniqueness, I agree with the gentleman, if it was just the Sand Dunes we were talking about, they might not rise to the level of a park. But when you add in this very diverse set of ecosystems that rise to the 14,000-foot level, it is truly unique, and I believe truly worthy of national park status.

That is why I support this legislation, and I think my colleague, the gentleman from Colorado (Mr. MCINNIS), has been right in bringing this question forward to the full House.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, again to the colleague, talk about subversion of the process, subversion of the process occurs when you cannot even get a committee hearing. I will not embarrass the gentleman by asking him, but I would if I were in some kind of real knock-down-drag-out, ask the question, did not I in fact request that this go to the committee? Did not the gentleman in fact request that it not go to the committee?

□ 2000

The fact is this has had Senate hearings. The fact is that the gentleman can stall this bill to its death. Today is the last opportunity this bill will have to pass. It is the last opportunity to create a national park in the Third Congressional District, in my opinion, for a long period of time.

It has the unanimous support of the Governor's office, the Attorney General, near unanimous support of the State House, near unanimous support of the State Senate, unanimous support of the United States Senate.

This bill will pass on its merits, and that is what we have asked it to do, go on its merits. I should also bring up the point, because I am a strong private properties advocate, and my colleague from Colorado (Mr. HEFLEY) brings up the point to the best of his knowledge the owners of the Baca Ranch that would be involved in this are not interested in selling the ranch; wrong.

I have their correspondence.

Mr. Speaker, I submit the following for the RECORD:

HOGAN & HARTSON, L.L.P.,
Washington, DC, October 24, 2000.

Office of Congressman SCOTT MCINNIS,
Cannon House Office Building,
Washington, DC.

DEAR MEMBER OF CONGRESS: Farallon Capital Management owns a controlling interest in the Baca Ranch, located adjacent to Great Sand Dunes National Monument in southern Colorado. As controlling owners, we are fully supportive of establishment of Great Sand Dunes National Park and National Preserve as proposed in S. 2547 and of the government's interest in acquiring the Baca Ranch property as provided for in Section 8 of S. 2547. To that end, we completed an independent Appraisal Report on April 18, 2000, and we look forward to continuing our cooperation with completion of the National Park and National Preserve. In addition, we have been in close contact with the Administration which fully supports this legislation and we look forward to completing the transaction for Baca Ranch following enactment of S. 2547.

Sincerely,

DOUGLAS P. WHEELER,
Attorney for Farallon Capital Management.

Mr. Speaker, let me quote from the correspondence, as controlling owners, as controlling owners, we are fully supportive of establishment of the Great Sand Dunes National Park and the government's interest in acquiring the ranch property.

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, maybe the gentleman misunderstood what I said or I did not say it very well. I said there was a division among the owners as to whether or not to sell or not. The owners in San Francisco want to sell; the owners in Colorado do not.

Mr. MCINNIS. Mr. Speaker, I will accept that from the gentleman. I will say the controlling owners. We do have a minority holder out there who thinks for pricing and negotiation purposes. The fact is that the controlling owners think it is a great proposal. The end holders think it is a great proposal; they support it. The people of the valley think it is a great proposal.

The gentleman brought up three county commissioners in a very small county. I have gone to them. They were worried about their $68,000 loss of property tax. I replaced it with $80-some-thousand, and it has an inflationary type of clause in it. It is not exactly stuck with inflation, but it goes up, that we will increase that amount every year.

We have done everything we can to appease those people, but what I think is the most important as I speak to the gentleman from Colorado (Mr. HEFLEY) is this process that we are talking about. I agree with the gentleman on Steamtown. I agree with the gentleman on some of these other issues, but I think everybody with a couple of exceptions who has taken a look at this, the Sand Dunes say, gosh, this ought to be preserved for all future of America. We ought to expand on this and make it a national park.

The fact that we have it on here on the House floor is exactly where it ought to be. The best point I think the gentleman has made this evening is, Mr. MCINNIS, just because it is in your congressional district does not mean we should vote for it; that is right. That is why 435 Members of the United States Congress should vote for it, not one person in one committee stop it from ever having a hearing.

Mr. Speaker, just the same as we should not pass it just because of the fact it is in my district, we should also not allow it to have a committee hearing because of one person. We should bring it to the whole body, and that is exactly what we have done this evening. I encourage all of my 434 colleagues to vote yes on this and create a national park for the future of America.

I am proud of it. People in Colorado are proud of it. We want to show it off, not just to America, but to the world.

Mr. Speaker, I am submitting a letter from the State of Colorado raising an issue regarding control and management of hunting in the Great Sand Dunes National Preserve. I share the State of Colorado's concern, and as the House author of this bill and one involved in the negotiations that produced the final Senate version, I would read the current language in the light most favorable to Colorado's sovereignty and predominant role in hunting, fishing and trapping that states have in our federal/state system. Specifically, the term "limited periods" in section 7(c)(2) of the bill, referring to the time periods that hunting, fishing or trapping in the preserve may be prohibited, should be strictly construed to limit the time and nature of the closures or restrictions on hunting, fishing and trapping in the Great Sand Dunes National Preserve. Permanent closures or expansive closures would absolutely run counter to the intent of this legislation.

Moreover, section 7(c)(3) of the legislation calls for consultation by the Park Service with the appropriate Colorado agency on any limited prohibitions of hunting, fishing and trapping. As an author of this legislation, this language should be read as expansively as possible to require real, meaningful consultation with the State of Colorado, including involvement in the decisions and crafting the scope and nature of any closures to allow for the maximum management of the bighorn sheep herds and other wildlife in the Great Sand Dunes Preserve.

STATE OF COLORADO,
DEPARTMENT OF NATURAL RESOURCES,
Denver, CO, October 4, 2000.

Mr. MIKE HESS,
Cannon Building,
Washington, DC.

DEAR MIKE: Per our telephone conversation earlier today, it has come to our attention that some important language in the Great Sand Dunes National Park bill was not included. Specifically, the paragraph requiring the Secretary of the Interior to obtain approval of the Colorado Division of Wildlife before closing hunting opportunities, except for emergencies, was replaced with general consultation language.

This current form causes problems for the State of Colorado. We are concerned about giving the Secretary carte blanche to control the way we manage game and non-game species on a new national park.

As you know, the bighorn sheep is Colorado's state animal, and the Sangre de Christo Mountains are home to the State's largest bighorn sheep herds. The management of this herd has been one of the Division of Wildlife's biggest success stories over the years, and the possibility that our most important management tool could be taken away by the Secretary of the Interior is adverse to the best interests of the State and our wildlife.

Furthermore, any ban on hunting in the expansion areas would also greatly reduce our ability to properly manage the elk herd in that game unit. This will increase our animal damage payments to citizens and reduce recreational opportunities.

I hope this is helpful. Thanks for all your great work on this important bill.

Sincerely,

GREG WALCHER,
Executive Director.

Mr. UDALL of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to add a final word. I urge passage of this bill. I think it is the right thing to do for the State of Colorado. It is the right thing to do for the country. My colleague, the gentleman from Colorado (Mr. MCINNIS), has made a powerful argument. It is the right thing to do for the citizens of the world who would come to see this very unique area that starts with the Sand Dunes in a low elevation and rises to 14,000-foot peaks. I hope the House will do the right thing.

Madam Speaker, I urge passage of this bill.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2547.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

The Clerk read as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman Special Resource Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a "conductor" on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91-383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105-391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 2345, introduced by Senator CHUCK SCHUMER, directs the Secretary of the Interior to conduct a special study to determine the potential inclusion of sites associated with Harriet Tubman in the National Park System.

Harriet Tubman is a famous figure in our Nation's history. After gaining her own freedom by escaping to the North, Harriet Tubman helped hundreds of enslaved individuals escape to freedom along the Underground Railroad. During the Civil War, she served the Union as a guide, spy, and nurse. After the war, she acted as a powerful advocate for the education of black children and care for the elderly.

This piece of legislation will help determine the suitability and feasibility of designating sites associated with Harriet Tubman as a unit of the National Park Service.

Madam Speaker, I urge my colleagues to support S. 2345.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Madam Speaker, I thank the gentleman for yielding the time to me. This will be the shortest endorsement ever, but I would like to second the words of the gentleman from Utah (Mr. HANSEN). He has explained the importance of the Harriet Tubman legacy, and what this is is really a resources bill, a study bill.

This is an extraordinary woman who had a great record in saving many, many lives, and the whole thrust of this thing is to be able to study the various institutions and the buildings and the area not only in New York, but also in Maryland.

Madam Speaker, I would also like to thank Senator SCHUMER for his endorsement of this. I would like to thank Vince DeForest of the National Park Service and also Mike Long of the Auburn City Planning. They have done a wonderful job in trying to espouse this whole project.

As the gentleman from Utah (Mr. HANSEN) has said, Ms. Tubman was an extraordinary historic figure. She served as a nurse and a guide and did all sorts of things for saving the lives of people and also educating them later on, so we have this opportunity to preserve such a tremendous legacy. I would like to ask the House to join in voting for this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to join my colleagues in support of this legislation, and thank them for bringing it to the floor, the gentleman from New York (Mr. HOUGHTON) for his support and Senator SCHUMER for drafting this legislation. I urge Members to support the bill.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2345.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 1999.

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1482) to amend the National Marine Sanctuaries Act, and for other purposes.

The Clerk read as follows:

S. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Amendments Act of 1999".

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

(a) AMENDMENT OF FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) by striking "research, educational, or aesthetic" in paragraph (2) and inserting "scientific, educational, cultural, archaeological, or aesthetic";

(2) by inserting "ecosystem" after "comprehensive" in paragraph (3);

(3) by striking "wise use" in paragraph (5) and inserting "sustainable use";

(4) by striking "and" after the semicolon in paragraph (5);

(5) by striking "protection of these" in paragraph (6) and inserting "protecting the biodiversity, habitats, and qualities of such"; and

(6) by inserting "and the values and ecological services they provide" in paragraph (6) after "living resources".

(b) AMENDMENT OF PURPOSES AND POLICIES.—Section 301(b) (16 1431(b)) is amended—

(1) by striking "significance;" in paragraph (1) and inserting "significance and to manage these areas as the National Marine Sanctuary System;";

(2) by striking paragraph (3) and inserting the following:

"(3) to maintain natural biodiversity and biological communities, and to protect, and where appropriate, restore, and enhance natural habitats, populations, and ecological processes;";

(3) by striking "understanding, appreciation, and wise use of the marine environment;" in paragraph (4) and inserting "understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;";

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

"(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;";

(5) by striking "areas;" in paragraph (8), as redesignated, and inserting "areas, including the application of innovative management techniques; and";

(6) by striking "marine resources; and" in paragraph (9), as redesignated, and inserting "marine and coastal resources."; and

(7) by striking paragraph (10), as redesignated.

SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking "304(a)(1)(C)(v)" in paragraph (1) and inserting "304(a)(2)(A)";

(2) by striking " 'Magnuson" in paragraph (2) and inserting " 'Magnuson-Stevens";

(3) by striking "and" after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking "resources;" in subparagraph (C) of paragraph (6) and inserting "resources; and";

(5) by inserting after paragraph (6)(C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;";

(6) by striking "injury;" in paragraph (7) and inserting "injury, including enforcement activities related to any incident;"

(7) by striking "educational, or " in paragraph (8) and inserting "educational, cultural, archaeological,";

(8) by striking "and" after the semicolon in paragraph (8);

(9) by striking "Magnuson Fishery Conservation and Management Act." in paragraph (9) and inserting "Magnuson-Stevens Act;"; and

(10) by adding at the end thereof the following:

"(10) 'system' means the National Marine Sanctuary System established by section 303; and

"(11) 'person' has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.".

SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

"SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.";

(2) by striking subsection (a) and inserting the following:

"(a) Establishment of System.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.";

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

"(b) Sanctuary Designation Standards.—

"(1) In general.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

"(A) the area is of special national significance due to its—

"(i) biodiversity;

"(ii) ecological importance;

"(iii) archaeological, cultural, or historical importance; or

"(iv) human-use values;

"(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

"(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.";

(5) by striking "subsection (a)" in paragraph (2), as redesignated, and inserting "paragraph (1)";

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

"(E) the areas's scientific value and value for monitoring as a special area of the marine environment;";

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

"(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;";

(8) by striking "vital habitats, and resources which generate tourism;" in subparagraph (I), as redesignated, and inserting "and vital habitats;";

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

"(J) the value of the area as an addition to the System;"; and

(10) by striking "Merchant Marine and Fisheries" in subparagraph (A) of paragraph (3), as redesignated, and inserting "Resources";

(11) by inserting after "Administrator" in subparagraph (B) of paragraph (3), as redesignated the following: "of the Environmental Protection Agency,"; and

(12) by adding at the end of subsection (b) the following:

"(4) Required findings.—

"(A) New designations.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

"(i) an operational level of facilities, equipment, and employees;

"(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

"(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

"(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

"(B) Exception.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.".

SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) Changes in Notice Requirements.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

"(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

"(2) Sanctuary designation documents.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement under paragraph (3).

"(B) A management plan document, which the Secretary shall make available to the public, containing—

"(i) the terms of the proposed designation;

"(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

"(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

"(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

"(vi) the regulations proposed under paragraph (1)(A).

"(C) Maps depicting the boundaries of the proposed sanctuary.

"(D) A statement of the basis for the findings made under section 303(b)(2).

"(E) An assessment of the considerations under section 303(b)(1).

"(F) A resource assessment that includes—

"(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

"(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisidiction of the Department of the Interior; and

"(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.".

(b) Other Notice-Related Changes.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking "as provided by" in subparagraph (A) of paragraph (3), as redesignated, and inserting "under";

(2) by inserting "cultural, archaeological," after "educational," in paragraph (4), as redesignated;

(3) by striking "only by the same procedures by which the original designation is made." in paragraph (4), as redesignated, and inserting "by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.";

(4) by inserting "this Act and" after "objectives of" in the second sentence of paragraph (6), as redesignated; and

(5) by striking "Merchant Marine and Fisheries Resources" in paragraph (7), as redesignated, and inserting "Resources".

(c) Other Changes.—Section 304 (16 U.S.C. 1434) is amended—

(1) by inserting "or the national system" in subsection (b)(2) after "sanctuary";

(2) by striking "management techniques," in subsection (e) and inserting "management techniques and strategies,"; and

(3) by striking "title." in subsection (e) and inserting "title. This review shall include a prioritization of management objectives."

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) by striking "sell," in paragraph (2) and inserting "offer for sale, sell, purchase, import, export,"; and

(2) by striking paragraph (3) and inserting the following:

"(3) interfere with the enforcement of this title by—

"(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

"(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

"(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

"(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or".

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

"(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);";

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

"(c) Criminal Offenses.—

"(1) In general.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

"(2) Aggravated violations.—If a person in the course of violating section 306(3)—

"(A) uses a dangerous weapon,

"(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

"(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.";

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

"(e) Judicial Civil Penalties.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.";

(4) by inserting "electronic files," after "books," in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

"(i) Nationwide Service of Process.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

"SEC. 308. REGULATIONS AND SEVERABILITY.

"(a) Regulations.—The Secretary may issue such regulations as may be necessary to carry out this title.

"(b) Severability.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.".

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

"(a) In General.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

"(b) Research and Monitoring.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

"(c) Education and Interpretive Facilities.—The Secretary may establish facilities or displays—

"(1) to promote national marine sanctuaries and the purposes and policies of this title; and

"(2) either solely or in partnership with other persons, under an agreement under section 311.".

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), and by inserting after subsection (a) the following:

"(b) Public Notice Required.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).";

(2) by striking "insurance" in paragraph (4) of subsection (c), as redesignated, and inserting "insurance, or post an equivalent bond,";

(3) by striking "resource and a reasonable return to the United States Government." in paragraph (2)(C) of subsection (d), as redesignated, and inserting "resource.";

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

"(3) Waiver or reduction of fees.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system."; and

(5) by striking "designating and" in paragraph (4)(B) of subsection (d), as redesignated.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: "Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title."; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

"(b) Use of State and Federal Agency Resources.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the government of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.".

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) Liability.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking "used to destroy, cause the loss of, or injure" in subsection (a)(2) and inserting "that destroys, causes the loss of, or injures";

(2) by inserting "or vessel" after "person" in subsection (a)(4);

(3) by inserting "(as defined in section 302(11))" after "damages" in subsection (b)(2);

(4) by striking "vessel who" in subsection (c) and inserting "vessel that";

(5) by striking "person may" in subsection (c) and inserting "person or vessel may";

(6) by inserting "by the Secretary" after "used" in subsection (d); and

(7) by adding at the end of subsection (d) the following:

"(4) Statute of limitations.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) $30,000,000 for fiscal year 2000;
"(2) $32,000,000 for fiscal year 2001;
"(3) $34,000,000 for fiscal year 2002;
"(4) $36,000,000 for fiscal year 2003; and
"(5) $38,000,000 for fiscal year 2004.".

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1446) is amended by striking "provide assistance" in subsection (a) and inserting "advise and make recommendations".

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1447) is amended—

(1) by striking "use" in subsection (a)(4) and inserting "manufacture, reproduction, or other use";

(2) by striking "sanctuaries;" in subsection (a)(4) and inserting "sanctuaries or by persons that enter cooperative agreements with the Secretary under subsection (f);";

(3) by striking "symbols" in subsection (a)(6) and inserting "symbols, including sale of items bearing the symbols,";

(4) striking "Secretary; and" in paragraph (3) of subsection (f), as redesignated, and inserting "Secretary, or without prior authorization under subsection (a)(4); or"; and

(5) by adding at the end thereof the following:

"(f) Authorization for Non-Profit Organization To Solicit Sponsors.—

"(1) In general.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

"(2) Reimbursement for administrative costs.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 1482, which includes a 5-year authorization of the National Marine Sanctuaries Program. The bill designates the existing sanctuaries as the National Marine Sanctuaries System in order to promote programwide constituency and coordination.

In addition, this legislation assures that the value and protection of cultural, historical, and archaeological resources are adequately considered in the designation and management of the National Marine Sanctuaries; clarifies the requirements for sanctuary designation and the authority of the Secretary to carry out monitoring, education and research activities; and allows the President to manage a reserve in the Northwest Hawaiian Islands in a manner that conforms with the management of a national marine sanctuary.

S. 1482 also establishes a program in honor of Dr. Nancy Foster. Dr. Foster was a 23-year NOAA employee and former director of the Sanctuary Program who recently passed away.

This program encourages better understanding of the marine environment. This bill provides ongoing authority for a very successful program that has consistently improved the conservation and management of our marine national resources, which are our Nation's underwater parks.

Madam Speaker, I urge an aye vote on this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this legislation. The gentleman from Utah (Mr. Hansen) has quite properly explained the legislation, and I am pleased that the legislation will finally establish a National Marine Sanctuary System to elevate the stature and importance of the Sanctuary Program both inside and outside of NOAA.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. Hansen) that the House suspend the rules and pass the Senate bill, S. 1482.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PYRAMID OF REMEMBRANCE FOUNDATION

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1804) to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

The Clerk read as follows:

H.R. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) In General.—The Pyramid of Remembrance Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(b) Compliance With Standards for Commemorative Works.—The Pyramid of Remembrance Foundation shall establish the memorial authorized by this Act in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.), except that section 3(c) of that Act shall not apply.

SEC. 2. FUNDS FOR MEMORIAL.

(a) Use of Federal Funds Prohibited.—Except as provided by the Commemorative Works Act, no Federal funds may be used to pay any expense of the establishment of the memorial.

(b) Deposit of Excess Funds.—If—

(1) upon payment of all expenses of the establishment of the memorial, including payment to the Treasury of the maintenance and preservation amount required by section 8(b) of the Commemorative Works Act; or

(2) upon expiration of the authority for the memorial under section 10(b) of the Commemorative Works Act,

there remains a balance of funds received for the establishment of the memorial, the Pyramid of Remembrance Foundation shall transmit that balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of the Commemorative Works Act.

SEC. 3. DEFINITION.

For the purposes of this Act, the term "the District of Columbia and its environs" has the meaning given that term in section 2 of the Commemorative Works Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill authorizes the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorists attacks or covert operations.

The memorial would generally conform to the Commemorative Works Act.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support this legislation, and the gentleman from Utah (Mr. Hansen) has explained it well, and I would urge Members to support the bill.

Madam Speaker, H.R. 1804 would authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

H.R. 1804 is being brought to the House under unusual circumstances, by way of discharge of the Resources Committee. We have had no hearings or mark-up of the legislation in the Committee, despite the fact that this bill has been pending before the Committee since May 1999. H.R. 1804 differs markedly from the bill (H.R. 1608) that was before the Committee in the 105th Congress. We have not heard testimony from the Foundation nor do we know the views of the Administration on this legislation. In fact, it has come to our attention that the Foundation may not be a functioning entity.

Madam Speaker, while H.R. 1804 may well be a noncontroversial measure the procedure being used to consider this bill has left us with very little information on this measure.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE), the author of this legislation.

Mr. LATOURETTE. Madam Speaker, I rise today in support of H.R. 1804.

Madam Speaker, I first want to thank the gentleman from Alaska (Mr. YOUNG), chairman of the full committee, and the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and the leadership for permitting this bill to go forward, and also the gentleman from California (Mr. GEORGE MILLER), the ranking member.

Madam Speaker, when I first came to Congress in 1995, a group of students from Riverside High School in Painsville, Ohio, asked to meet with me and presented an idea for military memorial in our Nation's Capitol to honor the men and women of our Armed Forces who have died in training exercises, peacekeeping missions, humanitarian efforts and terrorists attacks.

The students vowed to honor this sacrifice with a memorial called the Pyramid of Remembrance.

Madam Speaker, while I was immediately convinced of the worthiness of this proposal, in all honesty, I feared that these students had stumbled on to a great idea that was already taken. Surely, I thought there must be a memorial someplace in Washington to honor those who die in peacekeeping accidents, training exercises, humanitarian efforts, and terrorists attacks, but I was wrong.

There is no such memorial. None exists, but one should. Today, the House of Representatives has an opportunity to make this worthy military memorial one step closer to reality.

Madam Speaker, H.R. 1804 will authorize the foundation to create the Pyramid of Remembrance. The memorial will be built on Department of Defense land here in the Washington area, and without the use of taxpayers' funds. It is important to note, Madam Speaker, that no one has suggested that the memorial be placed on the Mall; that is not under consideration. Instead, the Pyramid of Remembrance will be erected on DOD land. When we appeared before the National Monument Commission, Fort McNair was one of the selections suggested, but site selection is many steps down the road.

Madam Speaker, the Pyramid of Remembrance has broad bipartisan support here in the House with nearly 100 cosponsors. It has already attracted some high-level endorsements from the likes of Secretary of Defense William Cohen and General Hugh Shelton.

Madam Speaker, our Nation has been reeling since the terrorist attack and bombing of the U.S.S. *Cole* just 12 days ago. Madam Speaker, 17 sailors were killed when a bomb ripped a 40-by-40 foot hole in the hull of this great destroyer as it was refueling in the Yemeni port of Aden.

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Nearly 40 other sailors were injured, including a young man from Lorain County in the State of Ohio.

Today, there is no memorial in Washington to specifically honor these men and women of courage, largely because their heroism and sacrifice occurred in a time other than a declared conflict. Their sacrifice does not fall into one tidy category, but it is just as worthy as those who died fighting in our greatest wars. What is more, the sacrifice of the men and women of the U.S.S. *Cole* surely reflects the changing role of our Armed Forces as we enter this new century and a host of new challenges, including terrorism directed specifically at the United States of America.

Madam Speaker, the idea for the Pyramid of Remembrance originated in a classroom in Painesville, Ohio, and it was sparked by a group of Generation X's who were horrified by the sight of a U.S. soldier being dragged through the streets of Mogadishu, Somalia. When we appeared before the National Capital Memorial Commission, they heard our proposal and our plea, and they have made it clear in writing that they believe it will fill a void in our Nation's military memorial.

Madam Speaker, I thank the students of Riverside High School for coming up with this wonderful idea and for not giving up on their dream. They have waited nearly 6 years since the original introduction of this bill until today, and I ask my colleagues to join me in supporting H.R. 1804.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1804.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HAWAII WATER RESOURCES ACT OF 2000

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1694) to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, as amended.

The Clerk read as follows:

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HAWAII WATER RESOURCES STUDY

SEC. 101. SHORT TITLE.

This title may be cited as the "Hawaii Water Resources Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Hawaii.

SEC. 103. HAWAII WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: the Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 422*l*) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the "Small Reclamation Projects Act"); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and other agricultural water delivery systems (including alternatives that would improve the use and conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) COST SHARING.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) Use of Outside Contractors.—The Secretary is authorized to employ the services and expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) Authorization of Appropriations.—There are authorized to be appropriated $300,000 for the Federal share of the activities authorized under this title.

SEC. 104. WATER RECLAMATION AND REUSE.

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: ", and the State of Hawaii".

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

TITLE II—DROUGHT RELIEF

SEC. 201. DROUGHT RELIEF.

(a) Relief for Hawaii.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after "Reclamation State" the following: "and in the State of Hawaii"; and

(2) in subsection (c), by striking "ten years after the date of enactment of this Act" and inserting "on September 30, 2005".

(b) Assistance for Drought-Related Planning in Reclamation States.—Such Act is further amended by adding at the end of title I the following:

"SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.

"(a) In General.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

"(b) Report.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II.".

TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) In General.—The Secretary shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) Effective Date.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 401. SHORT TITLE.

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) District.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) Agreement.—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) Distribution System.—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 406. LIABILITY.

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Sugar Pine Dam and Reservoir Conveyance Act".

SEC. 502. DEFINITIONS.

In this title:

(1) Bureau.—The term "Bureau" means the Bureau of Reclamation.

(2) District.—The term "District" means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) Project.—The term "Project" means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89-161 (79 Stat. 615).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) Water Services Contract.—The term "Water Services Contract" means Water Services Contract #14-06-200-3684A, dated February 13, 1978, between the District and the United States.

SEC. 503. CONVEYANCE OF THE PROJECT.

(a) In General.—As soon as practicable after date of enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) Sale Price.—Except as provided in subsection (c), on payment by the District to the Secretary of $2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) Mitigation and Restoration Payments.—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.

(a) In General.—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) Right To Occupy and Flood.—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) Changes in Use or Operation.—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

SEC. 505. FUTURE BENEFITS.

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

SEC. 506. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance under section 503, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the Project.

SEC. 507. COSTS.

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89-161.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

SEC. 602. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this title referred to as the "Secretary"), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

SEC. 603. PROJECT SELECTION.

(a) Eligible Projects.—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled "Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin", dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) Compatibility Requirement.—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

SEC. 604. COST SHARING.

(a) Non-Federal Share.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) Planning, Design, and Compliance Assistance.—Funds appropriated pursuant to this title may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) Treatment of Contributions.—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

SEC. 608. COOPERATIVE AGREEMENTS.

(a) In General.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) Subcontracting.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) Authority To Convey.—

(1) In General.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) Interests Described.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1-4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) Deed Covenants and Conditions.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of $\frac{15}{16}$ of all gas, oil, metals, and mineral rights.

(10) A reservation of $\frac{1}{16}$ of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 2000".

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity

Lake for municipal water supply or other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1694 would amend title 16 of the Reclamation Wastewater and Groundwater Study and Facilities Act to include Hawaii as one of the States eligible to participate in the Bureau of Reclamation's title 16 program to help alleviate some of the economic stresses facing rural Hawaii as a result of the decline in sugar production. In the past decade, acreage of production has declined from 180,000 acres of cane in 1989 to 60,000 acres today.

In addition, the bill provides for drought planning in States that are eligible under the Reclamation States Emergency Drought Relief Act and reimbursed by the Bureau of Reclamation for pumping facilities advanced by the City of Roseville, California, land and facility transfers in California and Arizona, approval of a program for water management in Colusa, California, and a correction concerning debt recovery for a Bureau of Reclamation project in North Dakota.

I urge the adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1694, as amended, includes important provisions that affect programs and water management activities under the jurisdiction of the Bureau of Reclamation. Most of these provisions have previously been considered by the 106th Congress, and none of them are controversial.

Section 507 of S. 1694, as amended, addresses the issue of how the costs of the Sugar Pine Unit of the Central Valley Project are to be accounted for.

A guiding principle of my approach to Reclamation law has been that the beneficiaries of a project or program should bear their fair share of costs. Generally, this equitable concept that meant increasing the costs or repayment obligations of project beneficiaries so that they bear a fair share for the public benefits received. In the case of the Sugar Pine transfer being considered here, Section 507 of the measure relies on the same principle, but for the opposite purpose of relieving numerous Central Valley contractors, both municipal/industrial and agricultural, from project cost allocations where they received no benefits whatever. In short, the authorization for Sugar Pine Dam and Reservoir in 1965 (P.L. 89–161) specifically directed that the project be integrated, both operationally and financially, into the Central Valley Project. As a factual matter, operational integration never occurred, yet the costs of Sugar Pine have nonetheless been included in the pooled costs of the CVP, to be recovered from all CVP contractors through cost of service rates for water which are now in the process of being implemented. My remarks here are intended to clarify the intent and meaning of Section 507 of the Sugar Pine transfer legislation, which relieves CVP contractors of this inequitable financial obligation until operational integration occurs.

Section 507 reflects the recognition of Congress that the Sugar Pine Project is not integrated operationally into the CVP, as well as the principal that there was and is no authority, in the 1965 authorization of Sugar Pine or elsewhere, for these project costs to be included in the pooled reimbursable costs of the CVP in the absence of operational integration. The exclusion of "all costs" by Section 507 is meant to ensure that not only principal, but also interest charges on unpaid principle, are excluded from pooled reimbursable costs. This is intended to be consistent with the treatment provided in similar legislation related to the Sly Park Unit of the CVP, which was passed recently by the Congress in the Energy and Water appropriations bill soon to be signed by the President. The Sly Park provision was drafted in the other body, but the Sly Park language addressed similar facts and had the same purpose as the Sugar Pine bill. Both involve transfers of project ownership for small California Bureau of Reclamation projects which originally were directed to be integrated into the CVP but never were, and both provide for the exclusion of costs which were improperly included in the obligations of CVP contractors even though the project was never operationally integrated into the CVP. With respect to the costs to be excluded, the Sly Park bill terms them "non-reimbursable and non-returnable," the same result which is intended here.

Mr. ABERCROMBIE. Madam Speaker, I support S. 1694, the Hawaii Water Resources Development Act and urge its passage.

The legislation authorizes the Bureau of Reclamation to undertake a study of the reclamation and reuse of water and wastewater in Hawaii. The Bureau is to survey irrigation and water delivery systems, identifying the costs of rehabilitating systems and evaluating future water demand.

Much of Hawaii is experiencing a major drought. Sugar, long the dominant agricultural product of Hawaii, is rapidly ending as a viable commercial enterprise, freeing vast quantities of water previously devoted to irrigation. Both factors result in the need to determine prudent use of existing water resources to meet future demands.

In the last 10 years, 96 sugar farms and plantations have closed and only two substantial plantations remain in commercial production. Over 130,000 of 180,000 acres previously in sugar cane production is now idle. Although economic dislocations have resulted, it also affords Hawaii the first opportunity in more than a century to diversify the agricultural sector of our economy. Diversified agriculture is now growing at 5.5% annual rate, surpassing $300 million in value. Vast tracts of some of the most productive land in the world, however, remain empty and idle. The availability of water will be a key factor in determining how these lands will be used for generations to come.

The present water resources transportation and irrigation systems began in 1856 and now involve some of the most extensive and hydraulically complex systems in the world, involving tunnels blasted through mountains, open ditches, syphons and channels carrying water from the wetter sides of the islands to the interior and leeward sides for irrigation. Because of declining use, these facilities, engineering marvels of their time, are falling into disrepair. There may also be opportunities to restore traditional watersheds. But in all cases, it is essential that a comprehensive study be undertaken to assess our current needs and resources before these crucial decisions are made. Under all existing and projected scenarios, water usage will remain high.

Many see Hawaii as a lush paradise filled with unique sights and recreational opportunities. It certainly is all of those, but it would be fewer of those things without water, which is not abundant in many parts of the islands. Prior to 1856, what is now some of the most fertile and productive land in the world was arid due to the geological characteristics of the Hawaiian Islands whereby most of the rain falls in the mountain ranges and windward sides, leaving the interior and leeward sides often sparse in rainfall.

S. 1694, initiated by Senator Akaka, authorizes an important study, focusing on opportunities for water reuse, recycling, reclamation and conservation of water and wastewater for agriculture and non-agriculture uses.

It is essential to the future of generations to come to Hawaii that wise decisions on water conservation and allocation be made. Enactment of S. 1694 is a major step in that direction and I urge passage of the bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.".

A motion to reconsider was laid on the table.

ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 700) to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The Clerk read as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ala Kahakai National Historic Trail Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the "Ala Loa" (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 700, is to amend the National Trail System to designate the Ala Kahakai Trail as a national historic trail. This trail, known in English as The Trail by the Sea, is part of an important national trail used by the native Hawaiians. It is associated with numerous prehistoric areas and played a significant part in Hawaiian history, including the landing of Captain Cook. This bill will provide a necessary recreational resource to the State of Hawaii, and I urge my colleagues to support S. 700.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 700 completes an important designation. We join the administration in supporting the passage of this measure introduced by Senator AKAKA and the Hawaii delegation.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

The Clerk read as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Volcanoes National Park Adjustment Act of 1999".

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes", approved June 20, 1938 (16 U.S.C. 391b), is amended by striking "park: *Provided,*" and all that follows and inserting "park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.".

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI‘I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai‘i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai‘i Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PU‘UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Pu‘uhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Pu‘uhonua o Hōnaunau National Historical Park".

(e) PU‘UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Pu‘ukoholā Heiau National Historic Site".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Pu‘ukoholā Heiau National Historic Site".

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai‘i Volcanoes".

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 938, the Hawaiian Volcanoes National Park Adjustment Act of 1999, would provide for the expansion of the Hawaiian Volcanoes National Park in the State of Hawaii. The bill was introduced by the two Senators representing the State of Hawaii. This bill would allow for expansion of the park through willing sellers or through donations.

The bill makes some additional technical amendments to the original park.

Currently, the National Park Service may only acquire property by donation. Hawaiian Volcanoes National Park was established as part of Hawaii National Park on August 1, 1916. The park is located on the island of Hawaii, 96 miles from Kailua Kona and 30 miles from Hilo.

There are approximately 2,000 acres that are adjacent to the park that may be placed on the market. This bill would allow the park to expand by buying land from willing sellers.

Madam Speaker, I urge support of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 938 is supported by the administration, the Hawaii congressional delegation, and I support the measure as well, and I urge its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 938.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the seven bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4868, TARIFF SUSPENSION AND TRADE ACT OF 2000

Mr. CRANE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 644) providing for the concurrence by the House, with an amendment, in the amendment of the Senate to H.R. 4868.

The Clerk read as follows:

H. RES. 644

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4868, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tariff Suspension and Trade Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drug.
Sec. 1102. HIV/AIDS drug.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron red LS–B HC.
Sec. 1108. Cibacron brilliant blue FN–G.
Sec. 1109. Cibacron scarlet LS–2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-Dichlorotoluene.
Sec. 1113. 3-Amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-Fluoro-2-nitrobenzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. 2,4-Dicumylphenol.
Sec. 1120. Certain cathode-ray tubes.
Sec. 1121. Other cathode-ray tubes.
Sec. 1122. Certain raw cotton.
Sec. 1123. Rhinovirus drug.
Sec. 1124. Butralin.
Sec. 1125. Branched dodecylbenzene.
Sec. 1126. Certain fluorinated compound.
Sec. 1127. Certain light absorbing photo dye.
Sec. 1128. Filter Blue Green photo dye.
Sec. 1129. Certain light absorbing photo dyes.
Sec. 1130. 4,4′-Difluorobenzophenone.
Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPME.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2 Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4-triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodothioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN–N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungaflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion navy H-EXL.
Sec. 1176. Procion yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperse 17260.
Sec. 1184. Solsperse 17000.
Sec. 1185. Solsperse 5000.
Sec. 1186. Certain TAED chemicals.
Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent blue 124.
Sec. 1189. Solvent blue 104.
Sec. 1190. Pro-jet magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. ' 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-Cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.
Sec. 1203. Vulkalent E/C.
Sec. 1204. Baytron M.
Sec. 1205. Baytron C–R.
Sec. 1206. Baytron P.
Sec. 1207. Molds for use in certain DVDs.
Sec. 1208. KN001 (a hydrochloride).
Sec. 1209. Certain compound optical microscopes.
Sec. 1210. DPC 083.
Sec. 1211. DPC 961.
Sec. 1212. Petroleum sulfonic acids, sodium salts.
Sec. 1213. Pro-jet cyan 1 press paste.
Sec. 1214. Pro-jet black ALC powder.
Sec. 1215. Pro-jet fast yellow 2 RO feed.
Sec. 1216. Solvent yellow 145.
Sec. 1217. Pro-jet fast magenta 2 RO feed.
Sec. 1218. Pro-jet fast cyan 2 stage.
Sec. 1219. Pro-jet cyan 485 stage.
Sec. 1220. Triflusulfuron methyl formulated product.
Sec. 1221. Pro-jet fast cyan 3 stage.
Sec. 1222. Pro-jet cyan 1 RO feed.
Sec. 1223. Pro-jet fast black 287 NA paste/liquid feed.
Sec. 1224. 4-(cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1225. 4''-epimethylamino-4''-deoxyavermectin B_{1a} *and* B_{1b} *benzoates.*
Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1227. Mixtures of 2-(2-chloroethoxy) - N - [[4-methoxy-6-methyl - 1,3,5 - triazin - 2-yl) - mino]carbonyl-benzenesulfonamide] and 3,6-dichloro - 2 - methoxybenzoic acid.

Sec. 1228. (E,E)-α-(methoxyimino) - 2 - [[[[1-[3-(trifluoro- methyl)phenyl]-ethylidene]amino] oxy]methyl]benzeneacetic acid, methyl ester.
Sec. 1229. Formulations containing sulfur.
Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin - 2 - yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl - N - phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1232. (R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester.
Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
Sec. 1234. Benzothialdiazole-7-carbothioic acid, S-methyl ester.
Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.
Sec. 1236. 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
Sec. 1237. Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
Sec. 1240. 4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
Sec. 1241. Mixtures of 2-(((((4,6-dimethoxypyrimidin - 2 - yl)aminocarbonyl)) aminosulfonyl))-N,N - dimethyl-3-pyridine- carboxamide and application adjuvants.
Sec. 1242. Monochrome glass envelopes.
Sec. 1243. Ceramic coater.
Sec. 1244. Pro-jet black 263 stage.
Sec. 1245. Pro-jet fast black 286 paste.
Sec. 1246. Bromine-containing compounds.
Sec. 1247. Pyridinedicarboxylic acid.
Sec. 1248. Certain semiconductor mold compounds.
Sec. 1249. Solvent blue 67.
Sec. 1250. Pigment blue 60.
Sec. 1251. Menthyl anthranilate.
Sec. 1252. 4-Bromo-2-fluoroacetanilide.
Sec. 1253. Propiophenone.
Sec. 1254. m-chlorobenzaldehyde.
Sec. 1255. Ceramic knives.
Sec. 1256. Stainless steel railcar body shells.
Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
Sec. 1258. Pendimethalin.
Sec. 1259. 3,5-Dibromo-4-hydoxybenzonitril ester and inerts.
Sec. 1260. 3,5-Dibromo-4-hydoxybenzonitril.
Sec. 1261. Isoxaflutole.
Sec. 1262. Cyclanilide technical.
Sec. 1263. R115777.
Sec. 1264. Bonding machines.
Sec. 1265. Glyoxylic acid.
Sec. 1266. Fluoride compounds.
Sec. 1267. Cobalt boron.
Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
Sec. 1269. Fipronil technical.
Sec. 1270. KL540.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Technical correction.
Sec. 1303. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.
Sec. 1406. Printing cartridges.
Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
Sec. 1408. Certain entries of tomato sauce preparation.
Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
Sec. 1412. Neoprene synchronous timing belts.
Sec. 1413. Reliquidation of drawback claim number R74-10343996.
Sec. 1414. Reliquidation of certain drawback claims filed in 1996.
Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
Sec. 1416. Reliquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
Sec. 1417. Reliquidation of certain drawback claims relating to juices.
Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
Sec. 1419. Reliquidation of drawback claim number WJU1111031-7.
Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
Sec. 1421. Reliquidation of certain drawback claims relating to juices.
Sec. 1422. Drawback of finished petroleum derivatives.
Sec. 1423. Reliquidation of certain entries of self-tapping screws.
Sec. 1424. Reliquidation of certain entries of vacuum cleaners.
Sec. 1425. Liquidation or reliquidation of certain entries of conveyor chains.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
Sec. 1432. Findings; purpose.
Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1441. Short title.
Sec. 1442. Findings and purposes.
Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.
Sec. 1464. Importation of gum arabic.
Sec. 1465. Customs services at the Detroit Metropolitan Airport.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.
Sec. 2002. Chief Agricultural Negotiator.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10
9902.08.07
9902.29.10
9902.29.14
9902.29.22
9902.29.25
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.38
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.48
9902.29.49
9902.29.56
9902.29.59
9902.29.64
9902.29.70
9902.29.71
9902.29.73
9902.29.77
9902.29.78
9902.29.79
9902.29.89
9902.29.94
9902.29.99
9902.30.00
9902.30.05
9902.30.08
9902.30.11
9902.30.13
9902.30.14
9902.30.15
9902.30.21
9902.30.23
9902.30.25
9902.30.27
9902.30.30
9902.30.32
9902.30.34
9902.30.35
9902.30.36
9902.30.37
9902.30.39
9902.30.40
9902.30.42
9902.30.43
9902.30.46
9902.30.47
9902.30.48
9902.30.55
9902.30.57
9902.30.61
9902.30.62
9902.30.81
9902.30.82
9902.30.85
9902.30.88
9902.30.94
9902.30.95
9902.30.97
9902.31.05
9902.38.07
9902.39.08
9902.39.10
9902.44.21
9902.57.02
9902.62.01
9902.62.04
9902.64.02
9902.70.12
9902.70.13
9902.70.14
9902.70.15
9902.78.01
9902.84.47
9902.85.40

9902.29.80
9902.29.81
9902.30.50
9902.30.51
9902.85.44
9902.98.00
9902.29.83
9902.29.84
9902.30.52

Subtitle A—Temporary Duty Suspensions and Reductions
CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidinecarboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	".

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.93	*Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.04	*1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	”.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.03	*p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	”.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.05	*Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	”.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.19.80	*2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.42	*Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.41	*Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)*	*1%*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.52.01	*Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	
	9902.52.03	*Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.97	*(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.00	*N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	”.

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.01	*Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)*	*Free*	*Free*	*No change*	*On or before 12/31/2003*	”.

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.96	*(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.55	*4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.62	*Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	”.

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940-17-2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066-12-9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266-02-1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268-31-1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4- pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863-74-4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1130. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345-92-6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345-83-5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.10	Di-trimethylolpropane (CAS No. 23235-61-2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	Hydroxypivalic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.15	Allyl pentaerythritol (CAS No. 1471-18-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	”.

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.62	2-Chloro-p-toluidine (CAS No. 95-74-9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353-60-5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961-42-4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832-76-7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432-99-7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436-21-5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	".

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	".

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

"	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.61	Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4- triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

"	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60) ..	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "Free" each place it appears and inserting "1.1%"; and

(B) by striking "On or before 12/31/2001" each place it appears and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking "1.1%" each place it appears and inserting "2.3%"; and

(B) by striking "On or before 12/31/2002" each place it appears and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "5.4%" and inserting "4.7%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.7%" and inserting "4.0%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking "4.0%" and inserting "3.3%"; and

(B) by striking "On or before 12/31/2002" and inserting "On or before 12/31/2003".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN–N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-yloxy]phenyl-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.09	Mixtures of enilconazole (CAS No. 35554–44–0 or 73790–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.22	2-(2'-Hydroxy-5'- methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.10	Enilconazole (CAS No. 35554–44–0 or 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5-(tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	”.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b')-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b')-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b')-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “7.4%” and inserting “6.7%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “6.7%” and inserting “6.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087-01-4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	”.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking “6.8%” and inserting “5.9%”; and
(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking “5.9%” and inserting “5.4%”; and
(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5 dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879-66-2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94-74-6) and its 2-ethylhexyl ester (CAS No. 29450-45-1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039-46-5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	”.

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100-36-5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159-98-0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1200. o-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936-80-8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038-54-4, 25038-74-8, and 25191-04-1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.14	Mixture of phenyl esters of C_{10}-C_{18} alkylsulfonic acids (CAS No. 70775-94-9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213-50-1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214-82-5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090-83-8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1207. MOLDS FOR USE IN CERTAIN DVDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.19	Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting "cleanroom class 1" criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8" or more; and fitted with special microscope stages having a lateral movement range of 6" or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287-99-7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287-88-4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608-26-4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	Direct blue 199 acid (CAS No. 80146-12-9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.46	Solvent yellow 145 (CAS No. 27425-55-4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535-15-7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.11	[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxyethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295-11-7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—

(A) by striking "9.5%" and inserting "8.5%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "8.5%" and inserting "7.4%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	".

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—

(A) by striking "7.8%" and inserting "7.1%"; and

(B) by striking "On or before 12/31/2000" and inserting "On or before 12/31/2001".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "7.1%" and inserting "6.4%"; and

(B) by striking "On or before 12/31/2001" and inserting "On or before 12/31/2002".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1225. 4"-EPIMETHYLAMINO-4"-DEOXYAVERMECTIN B$_{1A}$ AND B$_{1B}$ BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.94	4"-Epimethyl-amino-4"-deoxyavermectin B$_{1a}$ and B$_{1b}$ benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	".

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-$_N$-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO]CARBONYL BENZENE SULFONAMIDE] AND 3,6-DICHLORO-2 -METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1228. ($_{E,E}$)-A-(METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL] -ETHYLIDENE]AMINO]OXY] METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethylidene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808..30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-$_N$-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1$_H$-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, $_S$-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No chahge	On or before 12/31/2003	".

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1235. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	".

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL))-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30) ..	Free	No change	No change	On or before 12/31/2003	".

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70) ..	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	
	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24) ..	Free	No change	No change	On or before 12/31/2003	

	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 100237-71-6) (provided for in subheading 2921.49.45) ..	Free	No change	No change	On or before 12/31/2003	".

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	".

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.53	Solvent blue 67 (CAS No. 81457-65-0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.08	Pigment blue 60 (CAS No. 81-77-6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.08.10	Menthyl anthranilate (CAS No. 134-09-08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326-66-9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.16	Propiophenone (CAS No. 93-55-0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587-04-2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487-42-1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	".

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689-99-2 and 56634-95-8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689-99-2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	".

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112-29-0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	".

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.64*	*1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)*	*5.7%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.33.40*	*(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.84.16*	*Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)*	*1.7%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.13*	*Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	*9902.28.20*	*Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.80.05*	*Cobalt boron (provided for in subheading 8105.10.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.84.02*	*Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)*	*4.9%*	*No change*	*No change*	*On or before 12/31/2003*	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.98*	*5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)*	*5.6%*	*No change*	*No change*	*On or before 12/31/2003*	".

SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.29.91*	*Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)*	*Free*	*No change*	*No change*	*On or before 12/31/2003*	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting "12/31/2003":

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting "12/31/2003".

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking "Free" and inserting "1.6%"; and

(II) by striking "12/31/2000" and inserting "12/31/2001".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking "1.6%" and inserting "1.8%"; and

(II) by striking "12/31/2001" and inserting "12/31/2002".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking "1.8%" and inserting "1.9%"; and

(II) by striking "12/31/2002" and inserting "12/31/2003".

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking "4011.91.50" each place it appears and inserting "4011.91";

(B) by striking "4011.99.40" each place it appears and inserting "4011.99"; and

(C) by striking "86 cm" each place it appears and inserting "63.5 cm".

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U–9069)) is amended—

(A) by striking "7.6%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

(4) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(A) by striking "5.3%" and inserting "Free"; and

(B) by striking the date in the effective period column and inserting "12/31/2003".

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking "(provided for in subheading 2916.39.45)" and inserting "(provided for in subheading 2916.39.75)".

SEC. 1303. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85-0001814-6	10/05/89	Miami, FL
E85-0001844-3	10/30/89	Miami, FL
E85-0002268-4	07/21/90	Miami, FL
E85-0002510-9	12/15/90	Miami, FL
E85-0002511-7	12/15/90	Miami, FL
E85-0002509-1	12/15/90	Miami, FL
E85-0002527-3	12/12/90	Miami, FL
E85-0002550-0	12/20/90	Miami, FL
102-0121558-8	12/11/91	Miami, FL
E85-0002654-5	04/08/91	Miami, FL
E85-0002703-0	05/01/91	Miami, FL
E85-0002778-2	06/05/91	Miami, FL
E85-0002909-3	08/05/91	Miami, FL
E85-0002913-5	08/02/91	Miami, FL
102-0120990-4	10/18/91	Miami, FL
102-0120668-6	09/03/91	Miami, FL
102-0517007-8	11/20/91	Miami, FL
102-0122145-3	03/05/91	Miami, FL
102-0121173-6		Miami, FL
102-0121559-6		Miami, FL
E85-0002636-2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509-0210046-5	August 18, 1989
815-0908228-5	June 25, 1989
707-0836829-8	April 4, 1990
707-0836940-3	April 12, 1990
707-0837161-5	April 25,1990
707-0837231-6	May 3, 1990
707-0837497-3	May 17, 1990
707-0837498-1	May 24, 1990
707-0837612-7	May 31, 1990
707-0837817-2	June 13, 1990
707-0837949-3	June 19, 1990
707-0838712-4	August 7, 1990
707-0839000-3	August 29, 1990
707-0839234-8	September 15, 1990
707-0839284-3	September 12, 1990
707-0839595-2	October 2, 1990
707-0840048-9	November 1, 1990
707-0840049-7	November 1, 1990
707-0840176-8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110-1197671-6	10/18/86	7/6/92
110-1198090-8	12/19/86	1/23/87
110-1271919-8	11/12/86	11/6/87
110-1272332-3	11/26/86	11/20/87
110-1955373-1	12/17/86	7/26/96
110-1271914-9	11/12/86	11/6/87
110-1279006-6	09/09/87	8/26/88
110-1279699-8	10/06/87	11/6/87
110-1280399-2	11/03/87	12/11/87
110-1280557-5	11/11/87	12/28/87
110-1280780-3	11/24/87	01/29/88
110-1281399-1	12/16/87	2/12/88
110-1282632-4	02/17/88	3/18/88
110-1286027-3	02/26/88	2/17/89
110-1286056-2	02/23/88	2/12/89
719-0736650-5	07/27/87	3/13/92
110-1285877-2	09/08/88	06/02/89
110-1285885-5	09/08/88	06/02/89
110-1285959-8	09/13/88	06/02/89
110-1286057-0	03/01/88	04/01/88
110-1286061-2	03/02/88	02/24/89
110-1286120-6	03/13/88	03/03/89
110-1286122-2	03/13/88	03/03/89
110-1286123-0	03/13/88	03/03/89
110-1286124-8	03/13/88	03/03/89
110-1286133-9	03/20/88	04/15/88
110-1286134-7	03/20/88	04/15/88
110-1286151-1	03/15/88	09/15/89
110-1286194-1	03/22/88	08/24/90
110-1286262-6	04/04/88	06/09/89
110-1286264-2	03/30/88	06/09/89
110-1286293-1	04/09/88	06/02/89
110-1286294-9	04/09/88	06/02/89
110-1286330-1	04/13/88	06/02/89
110-1286332-7	04/13/88	06/02/89
110-1286376-4	04/20/88	06/02/89
110-1286398-8	04/29/88	06/02/89
110-1286399-6	04/29/88	06/02/89
110-1286418-4	05/06/88	06/02/89
110-1286419-2	05/06/88	06/02/89
110-1286465-5	05/13/88	06/02/89
110-1286467-1	05/13/88	06/02/89
110-1286488-7	05/20/88	07/01/88
110-1286489-5	05/20/88	07/01/88
110-1286490-3	05/20/88	07/01/88
110-1286567-8	05/27/88	06/02/89
110-1286578-5	06/03/88	06/02/89
110-1286579-3	06/03/88	06/02/89
110-1286638-7	06/10/88	06/02/89
110-1286683-3	06/17/88	06/02/89
110-1286685-8	06/17/88	06/02/89
110-1286703-9	06/24/88	07/29/88
110-1286725-2	06/24/88	06/02/89
110-1286740-1	07/01/88	06/02/89
110-1286824-3	07/08/88	06/02/89
110-1286863-1	07/20/88	06/02/89
110-1286910-0	07/24/88	06/02/89
110-1286913-4	07/29/88	06/02/89
110-1286942-3	07/26/88	09/09/88
110-1286990-2	08/02/88	06/02/89
110-1287007-4	08/05/88	06/02/89
110-1287058-7	08/09/88	06/02/89
110-1287195-7	09/22/88	06/02/89
110-1287376-3	09/29/88	06/02/89
110-1287377-1	09/29/88	06/02/89
110-1287378-9	09/29/88	06/02/89
110-1287573-5	10/06/88	06/02/89
110-1287581-8	10/06/88	06/02/89
110-1287756-6	10/11/88	06/29/90
110-1287762-4	10/11/88	06/02/89
110-1287780-6	10/14/88	06/02/89
110-1287783-0	10/14/88	06/02/89
110-1287906-7	10/18/88	06/02/89
110-1288061-0	10/25/88	06/02/89
110-1288086-7	10/27/88	06/02/89
110-1288229-3	11/03/88	06/02/89
110-1288370-5	11/08/88	06/29/90
110-1288408-3	11/10/88	06/29/90
110-1288688-0	11/24/88	06/02/89
110-1288692-2	11/24/88	06/02/89
110-1288847-2	11/29/88	06/29/90
110-1289041-1	12/07/88	06/02/89
110-1289248-2	12/22/88	06/02/89
110-1289250-8	12/21/88	06/02/89
110-1289260-7	12/22/88	06/02/89
110-1289376-1	12/29/88	06/02/89
110-1289588-1	01/15/89	06/02/89
110-0935207-8	01/05/90	03/13/92
110-1294738-5	10/31/89	03/20/90
110-1204990-1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110-1231352-1	07/24/88	08/26/88
110-1231359-6	07/31/88	09/09/88
110-1286029-9	02/25/88	03/25/88
110-1286078-6	03/04/88	04/08/88
110-1286079-4	03/04/88	06/29/90
110-1286107-3	03/10/88	04/08/88
110-1286153-7	03/11/88	04/15/88
110-1286154-5	03/17/88	04/22/88
110-1286155-2	03/31/88	04/22/88
110-1286203-0	03/24/88	06/29/90
110-1286218-8	03/18/88	04/22/88
110-1286241-0	03/31/88	03/24/89
110-1286272-5	03/31/88	08/03/90
110-1286278-2	04/04/88	08/03/90
110-1286362-4	04/21/88	06/29/90
110-1286447-3	05/06/88	06/29/90
110-1286448-1	05/06/88	06/29/90
110-1286472-1	05/11/88	06/29/90
110-1286664-3	06/16/88	06/29/90
110-1286666-8	06/16/88	07/13/90
110-1286889-6	07/22/88	08/03/90
110-1286982-9	08/04/88	06/29/90
110-1287022-3	08/11/88	06/29/90
110-1804941-8	05/04/88	07/29/94
037-0022571-1	01/05/89	02/17/89
110-1135050-8	04/01/89	02/19/93
110-1135292-6	04/23/89	02/19/93
110-1135479-9	05/04/89	12/28/92
110-1136014-3	06/01/89	02/19/93
110-1136111-7	06/09/89	02/19/93
110-1136287-5	06/15/89	12/28/92
110-1136678-5	07/14/88	02/19/93
110-1136815-3	07/17/89	12/28/92
110-1137008-4	07/17/89	02/19/93
110-1137010-0	07/28/89	02/19/93
110-1231614-4	12/06/88	02/17/89
110-1231630-0	12/13/88	02/17/89
110-1231666-4	12/30/88	02/17/89
110-1231694-6	01/16/89	03/24/89
110-1231708-4	01/30/89	03/24/89
110-1231767-0	03/12/89	07/14/89
110-1232086-4	07/27/89	12/01/89
110-1287256-7	09/20/88	09/08/89
110-1287285-6	09/22/88	09/15/89
110-1287442-3	09/29/88	06/29/90
110-1287491-0	09/27/88	06/29/90
110-1287631-1	09/29/88	06/29/90
110-1287693-1	10/06/88	06/29/90
110-1288491-9	11/10/88	06/29/90
110-1288492-7	11/10/88	06/29/90
110-1288937-1	12/08/88	06/29/90
110-1710118-6	01/27/89	01/13/89
110-1137082-9	09/03/89	2/19/93
110-1138058-8	10/11/89	2/19/93
110-1138059-6	09/28/89	2/19/93
110-1138691-6	11/02/89	2/19/93
110-1138698-1	11/02/89	2/19/93
110-1139217-9	12/09/89	2/19/93
110-1139218-7	12/09/89	12/21/89
110-1139219-5	12/02/89	2/19/93
110-1139481-1	01/05/90	2/19/93
110-1140423-0	02/17/90	2/19/93
110-1140641-7	03/08/90	2/19/93

Entry number	Date of entry	Date of liquidation
110-1141086-4	04/01/90	2/19/93
110-1142313-1	06/06/90	2/19/93
110-1142728-0	06/30/90	2/19/93
110-1232095-5	08/06/89	12/01/89
110-1232136-7	09/02/89	12/29/89
110-1293737-8	08/29/89	8/21/92
110-1293738-6	08/31/89	8/21/92
110-1293859-0	09/07/89	8/21/92
110-1293861-6	09/06/89	8/21/92
110-1294009-1	09/14/89	8/21/92
110-1294111-5	09/19/89	8/21/92
110-1294328-5	10/05/89	8/21/92
110-1294685-8	10/24/89	8/21/92
110-1294686-6	10/24/89	8/21/92
110-1294798-9	10/31/89	8/21/92
110-1295026-4	11/09/89	8/21/92
110-1295087-6	11/14/89	3/16/90
110-1295088-4	11/16/89	8/21/92
110-1295089-2	11/16/89	8/21/92
110-1295245-0	11/21/89	8/21/92
110-1295493-6	12/05/89	8/21/92
110-1295497-7	12/05/89	8/21/92
110-1295898-6	12/28/89	8/21/92
110-1295903-4	12/28/89	8/21/92
110-1296025-5	01/04/90	8/21/92
110-1296161-8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016-0112010-6	May 26, 1989
(4601)016-0112028-8	June 28, 1989
(4601)016-0112126-0	December 5, 1989
(4601)016-0112132-8	December 18, 1989
(4601)016-0112164-1	February 5, 1990
(4601)016-0112229-2	April 12, 1990
(4601)016-0112211-0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016-0112223-5	April 4, 1990
(4601)710-0225218-8	August 24, 1990
(4601)710-0225239-4	September 5, 1990
(4601)710-0226079-3	May 21, 1991
(1704)J50-0016544-7	January 31, 1991
(4601)016-0112237-5	April 19, 1990
(4601)710-0226033-0	May 7, 1991
(4601)710-0226078-5	May 15, 1991
(4601)710-0225181-8	August 24, 1990
(4601)710-0225381-4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112-9640193-6	05/23/97
01/30/97	112-9640390-8	05/16/97
02/01/97	112-9640130-8	05/16/97
02/21/97	112-9642191-8	06/06/97
02/18/97	112-9642236-1	06/06/97
02/24/97	112-9642831-9	06/06/97
02/28/97	112-9643311-1	06/13/97
03/07/97	112-9644155-1	06/20/97
03/14/97	112-9645020-6	06/27/97
03/18/97	112-9645367-1	07/07/97
03/20/97	112-9646067-6	07/11/97
03/20/97	112-9646027-0	07/11/97
03/24/97	112-9646463-7	07/11/97
03/26/97	112-9646461-1	07/11/97
03/24/97	112-9646390-2	07/11/97
03/31/97	112-9647021-2	07/18/97
04/04/97	112-9647329-9	07/18/97
04/07/97	112-9647935-3	02/20/98
04/11/97	112-9300307-3	02/20/98
04/11/97	112-9300157-2	02/20/98
04/24/97	112-9301788-3	03/06/98
04/25/97	112-9302061-4	03/06/98
04/28/97	112-9302268-5	03/13/98
04/25/97	112-9302328-7	03/13/98
04/25/97	112-9302453-3	03/13/98
04/25/97	112-9302438-4	03/13/98
04/25/97	112-9302388-1	03/13/98
05/30/97	112-9306611-2	10/31/97
05/02/97	112-9302488-9	03/13/98
05/09/97	112-9303720-4	03/20/98
05/06/97	112-9303761-8	03/20/98
05/14/97	112-9304827-6	03/27/98
05/16/97	112-9304932-4	03/27/98
01/02/97	112-9636637-8	04/18/97
01/10/97	112-9637688-0	04/25/97
01/06/97	112-9637316-8	04/18/97
01/31/97	112-9640064-9	05/16/97
01/28/97	112-9639734-0	05/09/97
01/25/97	112-9639410-7	05/09/97
01/24/97	112-9639109-5	05/09/97
04/04/97	112-9647321-6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145-4	November 26, 1996
0359144-7	November 26, 1996
0358011-9	October 30, 1996
0358010-1	October 30, 1996
0357091-2	October 8, 1996
0356909-6	October 1, 1996
0356480-8	September 27, 1996
0356482-4	September 24, 1996
0354733-2	August 7, 1996
0355663-0	August 27, 1996
0355278-7	August 20, 1996
0353571-7	July 3, 1996
0354382-8	July 23, 1996

Entry Number	Entry Date
0354204-4	July 18, 1996
0353162-5	June 25, 1996
0351633-7	May 14, 1996
0351558-6	May 7, 1996
0351267-4	April 27, 1996
0350615-5	April 12, 1996
0349995-5	March 25, 1996
0349485-7	March 11, 1996
0349243-0	February 27, 1996
0348597-6	February 17, 1996
0347203-6	January 2, 1996
0347759-7	January 17, 1996
0346113-8	December 12, 1995
0346119-5	November 29, 1995
0345065-1	October 31, 1995
0345066-9	October 31, 1995
0343859-9	October 3, 1995
0343860-7	October 3, 1995
0342557-0	August 30, 1995
0342558-8	August 30, 1995
0341557-1	July 31, 1995
0341558-9	July 31, 1995
0340382-5	July 6, 1995
0340838-6	June 28, 1995
0339139-2	June 7, 1995
0339144-2	May 31, 1995
0337866-2	April 26, 1995
0337667-4	April 26, 1995
0347103-8	April 12, 1995
0336953-9	March 29, 1995
0336954-7	March 29, 1995
0335799-7	March 1, 1995
0335800-3	March 1, 1995
0335445-7	February 14, 1995
0335020-8	February 9, 1995
0335019-0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599-1501057-9	10/26/89
614-2717371-3	10/28/89
614-2717788-8	11/16/89
614-2717875-3	11/17/89
614-2723776-5	10/31/90
614-2725016-4	01/14/91
614-2725155-0	01/28/91
614-2725267-3	02/04/91
614-2725531-2	02/26/91
614-2725662-5	03/06/91
614-2725767-2	03/20/91
614-2725944-7	03/27/91
614-2726273-0	04/23/91
614-2726465-2	05/06/91
614-2726863-8	06/05/91
614-2727011-3	06/13/91
614-2727277-0	07/03/91
614-2727724-1	07/30/91
112-4021152-1	11/13/91
112-4021203-2	11/13/91
112-4021204-0	11/13/91
614-0081685-8	12/19/91
614-0081763-3	12/30/91
614-0082193-2	01/23/92
614-0082201-3	01/23/92
614-0082553-7	02/12/92
614-0082572-7	02/18/92
614-0082785-5	02/25/92
614-0082831-7	03/02/92
614-0083084-2	03/10/92
614-0083228-5	03/18/92
614-0083267-3	03/19/92
614-0083270-7	03/19/92
614-0083284-8	03/19/92
614-0083370-5	03/24/92
614-0083371-3	03/24/92
614-0083372-1	03/24/92
614-0083395-2	03/24/92
614-0083422-4	03/26/92
614-0083426-5	03/26/92
614-0083444-8	03/26/92
614-0083468-7	03/26/92
614-0083517-1	03/30/92
614-0083518-9	03/30/92
614-0083519-7	03/30/92
614-0083574-2	04/02/92
614-0083626-0	04/07/92
614-0083641-9	04/08/92
614-0083655-9	04/08/92
614-0083782-1	04/13/92
614-0083812-6	04/14/92
614-0083862-1	04/20/92
614-0083880-3	04/20/92
614-0083940-5	04/22/92
614-0083967-8	04/22/92
614-0084008-0	04/28/92
614-0084052-8	04/28/92
614-0084076-7	04/29/92
614-0084128-6	04/30/92
614-0084127-8	05/04/92
614-0084163-3	05/05/92
614-0084181-5	05/06/92
614-0084182-3	05/06/92
614-0084498-3	05/19/92
614-0084620-2	05/26/92
614-0084724-2	06/02/92
614-0084725-9	06/02/92
614-0084981-8	06/14/92
614-0084982-6	06/14/92
614-0084983-4	06/14/92
614-0086456-9	08/11/92
614-0086707-5	08/21/92
614-0086807-3	08/28/92
614-0086808-1	08/28/92
614-0088148-0	11/05/92
614-0088687-7	11/24/92
614-0091241-8	03/30/93
614-0091756-5	04/22/93
614-0091803-5	04/26/93
614-0096840-2	12/06/93
614-0095883-3	10/22/93
614-0095940-1	10/21/93
614-0096051-6	10/22/93
614-0096058-1	10/22/93
614-0096063-1	10/25/93
614-0096069-8	10/25/93
614-0100624-4	04/28/94
614-0100701-0	05/02/94
614-0099508-2	06/07/94
614-0002824-9	02/09/95
788-1003306-4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521-0010813-4	11/28/90
521-0011263-1	3/15/91
551-2047066-5	3/18/92
551-2047231-5	3/19/92
551-2047441-0	3/20/92
551-2053210-0	4/28/92
819-0565392-9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614-2716855-6	10-11-89
614-2717619-5	11-11-89
614-2717846-4	11-25-89
614-2722580-2	09-01-90
614-2723739-3	11-03-90
614-2722163-7	08-04-90
614-2723558-7	10-25-90
614-2723104-0	09-29-90
614-2720674-5	05-10-90

Entry Number	***Entry Date***
614-2721638-9	*07-07-90*
614-2718704-4	*01-06-90*
614-2718411-6	*12-16-89*
614-2719146-7	*02-03-90*
614-2719562-5	*03-03-90*
614-2726258-1	*04-26-91*
614-2726290-4	*05-03-91*
614-2725646-8	*03-21-91*
614-2725926-4	*04-06-91*
614-2725443-0	*02-23-91*
614-0081157-8	*12-02-91*
614-0081303-8	*12-03-91*
614-2725276-4	*02-09-91*
614-2728765-3	*10-05-91*
614-2729005-3	*10-19-91*
614-2728060-9	*08-24-91*
614-2727885-0	*08-10-91*
614-2726744-0	*06-01-91*
614-2726987-5	*06-15-91*
614-2725094-1	*01-26-91*
614-2724766-4	*01-07-91*
614-2724768-1	*12-30-90*
614-0084694-7	*05-30-92*
614-0085303-4	*06-30-92*
614-0081812-8	*01-07-92*
614-0082595-8	*02-23-92*
614-0083467-9	*03-31-92*
614-0083466-1	*03-31-92*
614-0083680-7	*04-18-92*
614-0084025-4	*05-02-92*
614-0092533-7	*05-14-93*
614-0093248-1	*06-25-93*
614-0095915-3	*10-26-93*
614-0095752-0	*10-13-93*
614-0095753-8	*10-13-93*
614-0095275-2	*09-24-93*
614-0095445-1	*10-07-93*
614-0095421-2	*10-08-93*
614-0095814-8	*10-22-93*
614-0095813-0	*10-22-93*
614-0095811-4	*10-22-93*
614-0095914-6	*10-26-93*
614-0102424-7	*06-23-94*
614-0096922-8	*12-07-93*
614-0001090-8	*10-20-94*
614-0006610-8	*06-23-95*
614-0004345-3	*03-29-95*
614-0005582-0	*04-28-95*

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) Requests.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) Affected Entries.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
812-0507705-0	*07/27/89*
812-0507847-0	*08/03/89*
812-0507848-8	*08/03/89*
812-0509191-1	*10/18/89*
812-0509247-1	*10/25/89*
812-0509584-7	*11/08/89*
812-0510077-9	*12/08/89*
812-0510659-4	*01/12/90*

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) Entry.—The entry referred to in subsection (a) is the following:

Entry number	***Date of entry***	***Date of liquidation***
469-0015023-9	*11/14/89*	*3/9/90*

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74-10343996.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) Drawback Claim.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
March 1994	*R74-1034399 6*	*07/03/96*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
March 1993	*R74-1034035 6*	*07/03/96*
April 1993	*R74-1034070 3*	*07/03/96*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
May 1993	*R74-1034098 4*	*07/03/96*
June 1993	*R74-1034126 3*	*07/03/96*
July 1993	*R74-1034154 5*	*07/03/96*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
April 1994	*R74-1034427 5*	*07/03/96*
May 1994	*R74-1034462 2*	*07/03/96*
July 1994	*C04-0032112 8*	*07/03/96*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	***Drawback Claim Number***	***Filing Date***
August 1993	*R74-1034189 1*	*07/03/96*
September 1993	*R74-1034217 0*	*07/03/96*
December 1993	*R74-1034308 7*	*07/03/96*
January 1994	*R74-1034336 8*	*07/03/96*
February 1994	*R74-1034371 5*	*07/03/96*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	***Filing Date***
WJU1111015-0	*May 30, 1997*
WJU1111030-9	*August 6, 1997*
WJU1111006-9	*April 16, 1997*
WJU1111005-2	*February 26, 1997*

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031-7.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any

other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) Drawback Claim.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031-7 (excluding Invoice #24051)	October 16, 1997

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) Drawback Claims.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) Payment of Amounts Due.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) Affected Entries.—The entries referred to in subsection (a) are as follows:

Entry number	Port of Entry	Date of Entry
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

(c) Payment of Amounts Due.—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES

(a) Addition of Crude Oil, Vinyl Chloride, Terephthalic Acid, Trimellitic Anydride, Isophthalic Acid, Acrylonitrile, Lubricating Oil Additives, and Prepared Additives for Mineral Oils for Substitution.—

(1) In general.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting "2709.00," after "2708,"; and

(B) by striking "2902, and 2909.19.14" and inserting "and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) Designation of Certain Finished Petroleum Derivatives as Commercially Interchangeable.—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: "If an article is referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.".

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) Affected Entries.—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	Date of entry	Liquidation Date
Av1-0893629-3	08-11-93	01-14-94
Av1-0893735-8	09-09-93	01-14-94
Av1-0893766-3	09-20-93	01-14-94
Av1-0893809-1	10-13-93	01-14-94
Av1-0893810-9	10-11-93	01-14-94
Av1-0893811-7	10-06-93	01-14-94
Av1-0893846-3	10-19-93	03-18-94
Av1-0893872-9	10-25-93	01-14-94
Av1-0893873-7	10-25-93	01-14-94
Av1-0893904-0	11-02-93	03-18-94
Av1-0893913-1	11-08-93	01-14-94
Av1-0893936-2	11-15-93	01-14-94
Av1-0893949-5	11-18-93	01-14-94
Av1-0893963-6	11-22-93	01-14-94
Av1-0893981-8	11-30-93	03-18-94
Av1-0894012-1	12-06-93	03-18-94
Av1-0894013-9	12-06-93	03-18-94
Av1-0894057-6	12-20-93	03-18-94
Av1-0894058-4	12-20-93	03-18-94
Av1-0894095-6	12-29-93	04-01-94
Av1-0894100-4	01-05-94	04-01-94
Av1-0894108-7	01-04-94	04-22-94
Av1-0894159-0	01-31-94	05-20-94
Av1-0894222-6	02-14-94	04-08-94
Av1-0894245-7	02-19-94	04-08-94
Av1-0894274-7	02-25-94	04-08-94
Av1-0894298-6	03-07-94	04-22-94
Av1-0894299-4	03-08-94	04-22-94
Av1-0894335-6	03-14-94	05-06-94
Av1-0894348-9	03-17-94	05-06-94
Av1-0894355-4	03-30-94	05-06-94
Av1-0894382-8	03-24-94	06-17-94
Av1-0894420-6	04-06-94	06-17-94
Av1-0894429-7	04-11-94	06-24-94
Av1-0894356-2	04-04-94	08-12-94
Av1-0894516-1	05-23-94	07-29-94
Av1-0894517-9	05-23-94	07-29-94
Av1-0894531-0	06-01-94	07-29-94
Av1-0894570-8	05-27-94	09-30-94
Av1-0894580-7	05-31-94	07-29-94
Av1-0894606-0	06-07-94	07-29-94
Av1-0894607-8	06-15-94	07-29-94
Av1-0894608-6	06-06-94	07-29-94
Av1-0894661-5	06-21-94	08-19-94
Av1-0894682-1	06-24-94	08-12-94
Av1-0894685-4	07-05-94	08-12-94
Av1-0894697-9	07-06-94	08-12-94
Av1-0894698-7	07-12-94	08-12-94
Av1-0894820-7	07-27-94	09-16-94
Av1-0894910-6	08-18-94	09-30-94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

(b) Payments of Amounts Owed.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) Affected Entries.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Baltimore, MD	004-7872032-9	1/11/99	11/19/99
Los Angeles, CA	004-7849971-8	11/19/98	10/1/99
Los Angeles, CA	004-7852693-2	11/25/98	10/8/99
Los Angeles, CA	004-7852699-9	11/25/98	10/8/99
Los Angeles, CA	004-7852722-9	11/25/98	10/8/99
Los Angeles, CA	004-7861673-3	12/8/98	10/22/99
Los Angeles, CA	004-7861692-3	12/8/98	10/22/99
Los Angeles, CA	004-7861704-6	12/8/98	10/22/99
Los Angeles, CA	004-7867000-3	12/17/98	11/5/99
Los Angeles, CA	004-7867004-5	12/17/98	11/5/99
Los Angeles, CA	004-7875266-0	1/3/99	11/19/99
Los Angeles, CA	004-7870717-7	1/6/99	11/5/99
Los Angeles, CA	004-7870733-4	1/6/99	11/5/99
Los Angeles, CA	004-7877886-3	1/7/99	11/19/99
Los Angeles, CA	004-7875246-2	1/13/99	11/12/99
San Francisco, CA	004-7850789-0	11/20/98	10/8/99
San Francisco, CA	004-7864752-2	12/14/98	10/29/99
San Francisco, CA	004-7869967-1	12/22/98	11/5/99
San Francisco, CA	004-7872055-0	1/11/99	11/12/99
Seattle, WA	004-7847960-3	11/17/98	10/1/99
Seattle, WA	004-7850796-5	11/20/98	10/8/99
Seattle, WA	004-7856642-5	12/2/98	10/15/99
Seattle, WA	004-7861684-0	12/8/98	10/22/99
Seattle, WA	004-7861909-1	12/9/98	10/22/99
Seattle, WA	004-7866974-0	12/17/98	10/29/99
Seattle, WA	004-7870790-4	1/6/99	11/12/99
Seattle, WA	004-7877856-6	1/8/99	11/19/99

Port of Entry	**Entry Number**	**Date of Entry**	**Date of Liquidation**
Seattle, WA	004-7875238-9	1/13/99	11/12/99
Tacoma, WA	004-7861076-9	12/8/98	10/22/99
Tacoma, WA	004-7869848-3	12/31/98	11/19/99
Tacoma, WA	004-7955061-8	5/7/99 .	7/2/99
Chicago, IL	004-7843214-9	11/10/98	11/25/98
Newark, NJ	004-7854863-9	11/30/98	10/15/99
Newark, NJ	004-7872138-4	1/11/99	11/19/99
New York City/ JFK	004-7866439-4	12/16/98	10/29/99
Miami, FL	004-7859052-4	12/4/98	10/15/99
Miami, FL	004-7872013-9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) Entry List.—The entries referred to in subsection (a) are the following:

Entry number	**Date of entry**
110-0790274-3	April 2, 1996
110-0790467-3	April 3, 1996
110-0790424-4	April 8, 1996
110-0790537-3	April 11, 1996
110-0790637-1	April 11, 1996
110-0790754-4	April 17, 1996
110-0790655-3	April 23, 1996
110-0790690-0	April 24, 1996
110-0790938-3	April 29, 1996
110-0791044-9	May 3, 1996
110-0790873-2	May 3, 1996
110-0791060-5	May 8, 1996
110-0791198-3	May 15, 1996
110-0791255-1	May 17, 1996
110-0791403-7	May 31, 1996
110-0791555-4	June 5, 1996
110-0791506-7	June 5, 1996
110-0791665-1	June 11, 1996
110-0791621-4	June 12, 1996
110-0791766-7	June 20, 1996
110-0791863-2	June 24, 1996
110-0791832-7	June 26, 1996
110-0792094-3	July 6, 1996
110-0792098-4	July 10, 1996
110-0792216-2	July 15, 1996
110-0792287-3	July 20, 1996
110-0792366-5	August 1, 1996
110-0792570-2	August 7, 1996
110-0792644-5	August 14, 1996
110-0792790-6	August 22, 1996
110-0792926-6	August 27, 1996
110-0792935-7	August 29, 1996
110-0793053-8	September 5, 1996
110-0793054-6	September 5, 1996
110-0793023-1	September 10, 1996
110-0793092-6	September 13, 1996
110-0793246-8	September 16, 1996
110-0793440-7	October 1, 1996
110-0793345-8	October 1, 1996
110-0793499-3	October 3, 1996
110-0793495-1	October 3, 1996
110-0793596-6	October 10, 1996
110-0793542-0	October 14, 1996
110-0793656-8	October 18, 1996
110-0793725-1	October 23, 1996
110-0793775-6	October 28, 1996
110-0793962-0	October 30, 1996
110-0794019-8	November 10, 1996
110-0794066-9	November 11, 1996
110-0793839-0	November 11, 1996
110-0794200-4	November 14, 1996
110-0794242-6	November 15, 1996
110-0794358-0	November 26, 1996
110-0794408-3	November 26, 1996
110-0794335-8	November 27, 1996
110-0794459-6	December 2, 1996
110-0794442-2	December 4, 1996
110-0794610-4	December 9, 1996
110-0794592-4	December 11, 1996
110-0794704-5	December 13, 1996
110-0794667-4	December 19, 1996
110-0794893-6	December 30, 1996
110-0794928-0	December 30, 1996
110-0794965-2	January 4, 1997
110-0795166-6	January 10, 1997
110-0795237-5	January 14, 1997
110-0795256-5	January 15, 1997
110-0795478-5	February 2, 1997
110-0795526-1	February 3, 1997
110-0795484-3	February 6, 1997
110-0795611-1	February 7, 1997
110-0795563-4	February 13, 1997
110-0795757-2	February 17, 1997
110-0795735-8	February 19, 1997
110-0795820-8	February 19, 1997
110-0795968-5	February 27, 1997
110-0795959-4	February 27, 1997
110-0796083-2	March 4, 1997
110-0796289-5	March 17, 1997
110-0796115-2	March 18, 1997
110-0796272-1	March 19, 1997
110-0796375-2	March 20, 1997
110-0796390-1	March 26, 1997
110-0796480-0	March 27, 1997
110-0790469-9	April 3, 1996
110-0791663-6	June 12, 1996
110-0792017-4	July 1, 1996
110-0792106-5	July 10, 1996
110-0792890-4	August 22, 1996
110-0793215-3	September 20, 1996
110-0793340-9	September 23, 1996
110-0793405-0	September 30, 1996
110-0795102-1	January 1, 1997
110-0795349-8	January 23, 1997
110-0795672-3	February 11, 1997

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the "Product Development and Testing Act of 2000".

SEC. 1432. FINDINGS; PURPOSE.

(a) Findings.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as "prototypes", used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) Purpose.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) Heading.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading	".

(b) U.S. Note.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

"6. The following provisions apply to heading 9817.85.01:

"(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

"(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

"(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be "development, testing, product evaluation, or quality control.".

"(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

"(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

"(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).".

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Not later than 10 months after the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the "Dog and Cat Protection Act of 2000".

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

"(2) INTERSTATE COMMERCE.—The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

"(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

"(4) DESIGNATED AUTHORITY.—The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

"(5) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

"(6) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

"(7) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—It shall be unlawful for any person to—

"(A) import into, or export from, the United States any dog or cat fur product; or

"(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

"(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

"(c) PENALTIES AND ENFORCEMENT.—

"(1) CIVIL PENALTIES.—

"(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

"(i) $10,000 for each separate knowing and intentional violation;

"(ii) $5,000 for each separate grossly negligent violation; or

"(iii) $3,000 for each separate negligent violation.

"(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

"(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

"(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

"(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

"(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

"(4) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and

opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

"(5) Reward.—The designated authority shall pay a reward of not less than $500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

"(6) Affirmative defense.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

"(A) in determining the nature of the products alleged to have resulted in such violation; and

"(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

"(7) Coordination with other laws.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

"(d) Publication of Names of Certain Violators.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

"(e) Reports.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

"(1) Plan for enforcement.—Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

"(2) Report on enforcement efforts.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.".

(b) Conforming Amendment.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting "(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)" after "shall not include such articles".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking "For the period beginning on" and all that follows through "the Secretary may prescribe" and inserting "The Secretary may prescribe".

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) Report of Arrival and Formal Entry of Vessels.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking "bonded merchandise, or".

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking "bonded merchandise or".

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking "bonded merchandise or".

(b) Additional Amendment.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

"(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.".

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) Designation.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) Private Aircraft.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) Definition.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) Report.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

"(c) International Travel Merchandise.—

"(1) Definitions.—For purposes of this section—

"(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

"(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

"(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

"(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

"(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

"(2) Bonded warehouse for international travel merchandise.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

"(3) Rules for treatment of international travel merchandise and bonded warehouses and staging areas.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

"(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

"(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

"(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.".

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking "10 percent" each place it appears and inserting "5 percent";

(B) effective January 1, 2001, by striking "5 percent" each place it appears and inserting "4 percent"; and

(C) effective January 1, 2002, by striking "4 percent" each place it appears and inserting "3 percent".

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking "5 percent" each place it appears and inserting "3 percent";

(B) effective January 1, 2001, by striking "3 percent" each place it appears and inserting "2 percent"; and

(C) effective January 1, 2002, by striking "2 percent" each place it appears and inserting "1.5 percent".

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow		Free	Free	".

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

"6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service."

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

"(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or".

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as "commercially interchangeable" within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

"(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

"(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

"(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) FINDINGS.—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world's supply of gum arabic in raw form and has a virtual monopoly on the world's supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) DEFINITION.—In this section, the term "gum arabic in raw form" means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after "Deputy United States Trade Representatives (3)." the following:

"Chief Agricultural Negotiator.".

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Imported Cigarette Compliance Act of 2000".

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) EXPORT-LABELED TOBACCO PRODUCTS.—

"(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

"(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

"(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

"(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

"(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

"(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

"(c) CROSS REFERENCES.—

"(1) For exception to this section for personal use, see section 5761(c).

"(2) For civil penalties related to violations of this section, see section 5761(c).

"(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

"(4) For forfeiture provisions related to violations of this section, see section 5761(c).".

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking "a manufacturer of" and inserting "the original manufacturer of such", and

(2) by inserting "authorized by such manufacturer to receive such articles" after "proprietor of an export warehouse".

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking "the jurisdiction of the United States" and all that follows through the end period and inserting "the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

"TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

"SEC. 801. DEFINITIONS.

"In this title:

"(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

"(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

"SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

"(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

"(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(A) the primary packaging of all those cigarettes; and

"(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

"(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act.(15 U.S.C. 1333(c));

"(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

"(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

"(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

"(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

"(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

"(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

"(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

"(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

"(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

"(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

"(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

"(i) the primary packaging of all those cigarettes; and

"(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

"(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

"(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

"(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

"SEC. 803. ENFORCEMENT.

"(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

"(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4868 would make miscellaneous technical and clerical corrections to the trade laws. The House unanimously passed this legislation on July 25 of this year, and the Senate amended the bill on October 31 of this year, also by a unanimous vote.

This bill contains over 155 provisions temporarily suspending or reducing duties on a wide variety of chemicals, including drugs used in the battle against HIV/AIDS and anticancer drugs, environmentally friendly herbicides and insecticides, and many organic dyes. By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and cost efficient. This would help create jobs for American workers, as well as reduce costs for consumers. At the same time, because there is no domestic production of these products, no U.S. industry would be harmed by these suspensions.

The bill includes two other important provisions which I introduced earlier in this Congress. The first provision would reduce the duty rate returning travelers pay to an amount more in line with the average duty rate of imported commercial merchandise. My second provision would provide duty-free treatment to participants and individuals associated with all international athletic events held in the United States such as the 2002 Winter Olympics in Salt Lake City.

The bill contains a ban on imports, exports, and domestic commerce covering dog and cat fur. This provision establishes a zero tolerance policy with strong penalties for anyone who violates the ban in order to end this terrible practice. The bill also contains several other provisions that would benefit Americans and protect the environment.

In addition, the bill contains a provision authorizing the President to extend Permanent Normal Trade Relations to the country of Georgia. Georgia has had conditional Normal Trade Relations under the Jackson-Vanik amendment since 1993 and has been found in full compliance with the statutory requirements. Georgia became a member of the World Trade Organization in June of this year, and this legislation is necessary in order for the United States to have a relationship with Georgia in the WTO.

This legislation should be noncontroversial, and it should be embraced by the other body and sent quickly to the President.

Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, let me thank my colleague, the gentleman from Illinois (Mr. CRANE), for yielding me this time. I do concur with his explanation of the bill, and I do rise in support of the technical corrections bill.

Let me just point out, Madam Speaker, that the bill reflects a bipartisan effort; it reflects the input of individual Members as well as the administration. As the title suggests, the provisions of the bill are of a technical nature; but these are technical changes that will have a real concrete impact on U.S. businesses, farmers, workers, and consumers.

For example, the bill suspends and reduces import duties on over 150 items. The bill also includes an important provision to encourage product development by testing those products in the United States. The bill also includes important provisions to streamline the import processing. This will alleviate some of the administrative burden that can delay the shipment of goods from port to consumer.

The bill also contains a piece of legislation that I introduced in the House last year, along with Senator ROTH. The background of the bill is that the Humane Society of the United States did a study on the importation of dog and cat fur on articles of clothing and children's toys. They went and did this study, and they found, and they made film footage, of animals being slaughtered for their fur. They did document the fact that these articles were brought in and put on our racks and shelves in retail establishments here in the United States. That study was followed up by a "Dateline" episode, the "Dateline Magazine," which showed in graphic detail how the slaughters of these animals was done and how the actual articles of clothing got into this country.

□ 2030

The bill does contain our legislation, that is, my legislation, Senator ROTH's legislation, which does provide a prohibition on importation of these types of goods coming into this country.

The bill before us changes a couple items from the original bill. It does leave out the criminal penalties, and, hopefully, the bill will still be effective without that provision. It also changes the labeling.

But I think, all in all, the measure that is contained in the legislation is effective, will stop this practice, will also stop any of that type of manufacturing going on in this country.

So I do thank the gentleman from Illinois (Mr. CRANE) for his inclusion of this piece of the bill which I think many constituents and the Humane Society of the United States really fought long and hard for. So I thank the gentleman from Illinois (Mr. CRANE) for that.

Madam Speaker, I reserve the balance of my time.

Mr. CRANE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I just rise to very briefly thank him and the members of the committee for their work on this bill. It is a very important piece of work which will benefit many, many people in our Nation. I particularly wanted to thank him and the Members of the committee, particularly the gentleman from California (Mr. THOMAS) for their work on a provision to correct an injustice which was done to one of the manufacturers in my district.

The Customs Service had made a mistake and decision on tariffs. In the process, either through misunderstanding or mistake, some money was set aside which was then ruled to belong to the United States Government. This bill will clarify that, correct it. I appreciate the efforts of the committee and particularly the chairman in resolving this difficulty satisfactorily, and I hope satisfactorily to all parties.

Mr. KLECZKA. Madam Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, I rise to congratulate Philip Morris and the big tobacco lobby because this bill represents a victory of massive proportion for the addictive industry as well as its beneficiaries and supporters here in the Congress. Indeed, big tobacco is three for three with this Congress.

First, this particular bill grants it a new type of trademark protection that our Federal law does not provide to any other industry in the entire world. This special protection will cost Federal taxpayers millions of dollars to provide this special cuddly treatment to the tobacco industry.

Second, the House has already approved from the Committee on Ways and Means a very nice gift of about $100 million a year in Federal tax subsidies to the tobacco industry to promote sales of tobacco abroad.

Third, the same friends of tobacco over in the Senate who tucked this provision in are restricting through the appropriations process our ability to maintain a lawsuit in Federal court to allow Federal taxpayers to recoup all the losses we have had as a result of the tobacco industry and its misdeeds.

Americans can look at what has happened, indeed not only with this bill, but over the last 6 years in this House, and rightly say that the tobacco industry has a stranglehold on the United States House of Representatives. Sometimes those of us who care about public health can prevent some of the wrongdoing, but we are totally unable to overcome the power of the tobacco industry to get largely what it wants from this Congress.

As a result, 3,000 children every day will get addicted to tobacco and tobacco will remain a world pandemic affecting millions of people and causing millions of deaths.

So while big tobacco has plenty to celebrate this evening with the special treatment that Congress is according it, we who are concerned with this plague have hope for a better Congress next year that will be more sensitive to public health needs.

This particular measure prohibits so-called gray market cigarettes, for example, Marlboros that are made in Mexico and imported into the United States and sold at discounted rates by discounters around the country.

Reasonable measures to address these gray market cigarettes are not unreasonable. The State attorneys general have rightly complained that these tobacco products are sold, and the revenues, though they pay Federal and State excise taxes, fall outside the master settlement account that they negotiated. But Philip Morris and the other tobacco companies have hidden behind the State attorneys general who will really only see for their States pennies while the tobacco industry earns millions of dollars as a direct benefit of this piece of legislation.

As Matt Myers, the president of the Campaign For Tobacco-Free Kids, has said, we should not be going forward with a gray market bill without addressing the real black market problem that exists in this country. These black-market smuggled cigarettes are costing our States hundreds of millions of dollars, and they are leading to problems, not only here, but around the world.

Far from hurting business, tobacco companies have found that they can move their lethal products around the world by assisting smugglers. Big tobacco profits from selling cigarettes to smugglers who reduce the price for the black market and increase consumption and sales, helping them to build a global market.

A good example of this right off the pages of The Washington Post is "Tobacco affiliate pleads guilty to role in smuggling scheme." This was a major smuggling operation through RJ Reynolds to move cigarettes into Canada and avoid the taxes in Canada. My colleagues will remember that this was the same argument that the tobacco industry used to thwart reform in 1998, saying we were not doing enough about smuggling.

Well, this bill provided an excellent opportunity to do just that. The gentleman from Illinois (Mr. CRANE) mentioned that this bill was approved by the Committee on Ways and Means. When it was approved by the Committee on Ways and Means, it did not have this benefit for the tobacco industry.

When it was approved by the House of Representatives originally, it did not have this benefit for the tobacco industry. But to avoid real reform, they waited until the Senate to add it back in, knowing how compliant the House would be on this matter.

It is estimated that about a third of the cigarettes in international commerce are smuggled cigarettes through the black market. Recent documents in the litigation that has occurred here in the United States shows that U.S. tobacco companies were well aware of such smuggling and considered it an important advantage to them.

I believe that we need to do more than just provide special protection for this industry. Can my colleagues imagine every other industry in America, whether it is Ralph Lauren or Nike, if they need a trademark protected, they do not turn to the Customs Services or to the Alcohol, Tobacco and Firearm divisions of the Treasury Department. They go to court.

But instead of turning to court, what Philip Morris and the other tobacco companies will do as a result of this bill is that they can turn to the American taxpayer and ask the taxpayer, through the Treasury Department, to enforce their trademarks in a way that no other company, no other industry is entitled to.

That is one of the reasons that ENACT, a coalition of 55 major national medical and public health organizations, including the American Cancer Society and the American Heart Association, have urged that we address the black market issue.

Madam Speaker, we need to stop the real smuggling problem that affects children in this country and children around the world that will lead to a pandemic in which 10 million unique human beings die every year as a result of addiction.

We ought to stop the smuggling. We ought to stop the mugging of the world's children through nicotine addiction. Instead this bill, this bill provides more help to the muggers.

Mr. CRANE. Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Many of us do not necessarily disagree with what the gentleman from Texas (Mr. DOGGETT) has said, and certainly the newspaper article that he was showing was directly related to an issue dealing with black market.

But I have to tell my colleagues, we have heard from the State or from the attorneys general across this country. We have heard from the State legislatures across this country who are very, very, very concerned about the health and welfare of their constituencies as well as we are.

One of the ways that they believe that we best can get a handle on some of this is through this thing called the gray market cigarette, part of this tariff act.

I just want to let my colleagues know that, just a couple of months ago, Bob Butterworth, the Attorney General for the State of Florida, and by the way was one of the first attorneys general to successfully sue the tobacco companies, came to me with this problem: gray marketers have been flooding the State of Florida and other States with cigarettes that skirt the tobacco master settlement agreement.

Loopholes in the Federal law allow gray market cigarettes to enter the country without paying the higher taxes imposed by the master settlement agreement. General Butterworth estimates that the State of Florida alone, just in the State of Florida, will lose $100 million.

Now, I have to tell my colleagues my guess is we could have 434 other folks get up here from all 50 States and talk about these same kinds of monies that are going to be lost.

What are these monies being used for? They are being used for exactly what the settlement was intended. They are to stop teenage smoking, to help with the health and welfare of these constituencies.

Now, I do not want to have an argument with the gentleman from Texas (Mr. DOGGETT) because you know what, we agree. Maybe the black market issue needs to be addressed. But right now, in this bill, at this time, with a compromise and with consensus from the Senate and the House, this is the part of the piece of legislation that we believe takes the right step.

I think our attorneys general agree with us because they have sent letters. We have all of our State legislatures, 44 of who also have passed legislation.

So I would just say that I believe that, while we still have black market out there, this particular part of this bill needs to be passed. We need to do it for the welfare and health of our constituents.

Mr. CRANE. Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Madam Speaker, there is an important element in this bill that I would like to express my appreciation to the gentleman from Illinois (Chairman CRANE); to the gentleman from Texas (Chairman ARCHER); the gentleman from New York (Mr. RANGEL), ranking member; the gentleman from Michigan (Mr. LEVIN); and the staff on both sides of the aisle for dealing with something that actually would penalize good corporate environmental leadership on the part of American companies.

One of the reasons we have been interested in the opportunities for freer trade for American enterprise is an opportunity to extend American environmental standards and expertise around the world.

In my State of Oregon, we have a homegrown shoe company that is now the largest in the world, Nike. It is not just the largest shoe company in the world, but it has developed into a significant leader in environmental standards.

For example, in all the factories in which Nike does business around the world, they meet OSHA U.S. air quality standards. They also have developed a fascinating approach to recycling shoes. They call it Reuse a Shoe, where they recycle them instead of landfilling them.

But this company was faced with a bizarre and I think counterproductive interpretation by the U.S. Customs Service because they were going to be penalized for recycling the shoes and giving them away to charity as opposed to simply throwing them in the landfill.

The provisions of the U.S. Customs Law allows companies to get the Customs duty drawback if it is destroyed to the extent that the product has no commercial value. Unfortunately, the Customs Service interpreted that so narrowly that Nike would have been penalized for this Reuse a Shoe program where they grind it up, they make playgrounds for underserved inner-city youth.

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In fact, the track at the White House is used of this recycled material.

I firmly believe that the Customs Service could and should have interpreted the provisions that the product has no commercial value to cover this, because clearly Nike was not benefiting. In fact, it was costing them money to be a good environmental steward, but they thought it was the right thing to do.

I really appreciate the committee's placing a provision in this bill that made clear that a company that is a good environmental steward, that is recycling, is not going to be penalized. I would like to express my appreciation to the committee and the staff for making that adjustment.

Mr. KLECZKA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

I appreciate profoundly the bipartisan support that we have for this legislation and would urge all of my colleagues to support H. Res. 644.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the resolution, House Resolution 644.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1109, BEAR PROTECTION ACT OF 2000

Mr. CRANE. Madam Speaker, I rise to a question of the privileges of the House.

Madam Speaker, I offer a privileged resolution (H. Res. 645) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That the bill of the Senate (S. 1109) entitled the "Bear Protection Act of 2000", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. CRANE) and the gentleman from Wisconsin (Mr. KLECZKA) will each control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is necessary to return to the Senate the bill S. 1109 because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 1109 would create a new basis for applying import restrictions and, therefore, violates this constitutional requirement.

S. 1109 prohibits the sale, import and export of bear viscera or any product, item, substance containing, or labeled or advertised as containing, bear viscera. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a revenue-affecting infringement on the prerogatives of the House, which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that failed to eliminate large-scale driftnet fishing. On April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving the import of perishable agricultural products. Again on October 15, 1998, the House returned to the Senate S. 361, prohibiting the import of products containing, or labeled as containing, any substance derived from rhinoceros or tiger.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. S. 1109, however, was passed by the other body as a free-standing bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives.

Accordingly, the proposed action today is purely procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Madam Speaker, I reserve the balance of my time.

Mr. KLECZKA. Madam Speaker, I yield myself such time as I may consume to simply say that I support the resolution and concur with the remarks of the gentleman from Illinois.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ACCOMPLISHMENTS FOR AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as the 106th Congress comes to a close, I would like to highlight the achievements of this Republican Congress, achievements which I think make a difference in the lives of millions of Americans.

This Republican Congress is paying down the national debt, boosting education funding, and providing prescription drug coverage for millions of seniors, just to name a few of its significant accomplishments.

To expand on these, Madam Speaker, we reduced the national debt by more than $500 billion, that is half a trillion dollars, and devoted 100 percent of the Social Security and Medicare Trust Funds to strengthen retirement security.

Also, Republicans increased funding for education by more than $2 billion over the last year. We have given parents and local school officials, not Washington bureaucrats, more control over Federal education dollars.

Madam Speaker, we have also worked to ensure that in America no senior has to choose between putting food on the table and medicine in the cabinet. Our Republican $40 billion plan establishes a voluntary, affordable prescription drug benefit that is available to every senior.

I am confident that history will be as good to this Republican-led Congress as we have been to the American people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO GAIL WEISS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Madam Speaker, my colleagues are all aware of my impending departure at the end of this Congress. Since my announcement, not a day has gone by without someone wishing me their best or an organization or a university giving me a tribute in acknowledgment of my commitment to their causes.

For 32 years, I have served in this body representing the people of Missouri, but Madam Speaker, there is another person who has served beside me for those 32 years and will also leave this House at the end of this session. She was never elected to this body, never placed her signature on the corner of any bill that was placed in the hopper, but she has had a great impact on the proceedings of this House. That person, Madam Speaker, is Gail Weiss, the Democratic staff director of the Committee on Education and the Workforce.

At the end of the Johnson administration, she was a young legislative liaison in the Office of Economic Opportunity who chose not to stay on for the new Nixon administration. I was a new Member in need of a legislative assistant who knew the issues of my committee assignment, education and labor. Gail came to work for me, and other than for a brief sabbatical to live in London working for a British member of parliament, she has been at my side for the entire 32 years.

After a few years in my personal office, she additionally has assisted me on the Education and Labor staff, then the Post Office and Civil Service staff, where she became the queen of amending the Hatch Act. For 20 years, she carried the torch to grant political rights to Federal and postal workers, and finally stood proudly by my side as President Clinton signed my bill into law allowing for those rights. This was shortly after she stood by my side as President Clinton signed his first bill into law, another piece of Clay legislation that Gail helped to enact, the Family and Medical Leave Act.

As the last staff director of the Post Office and Civil Service Committee, she turned out the lights after my colleagues from the majority abolished that committee. She did so with a smile and the resolve that showed she was dedicated to serving this House. No words or phrases could tear down the commitment she had to help fight to improve the lives of working families and to raise the standard of living for the less fortunate among us.

Dedication and commitment are words often bantered about in tributes to Members of this House, but rarely have words so aptly described a staff member. Gail's demeanor has always been predicated upon hard work. Ask any of her colleagues to describe her, and they will always say fair, frank, honest, and hard working. She lived by the motto of never asking anyone to do anything that she would not do. There is no doubt about her toughness, her tenacity, and her frank New York mannerisms. But at the end of the battle, she always has a smile on her face.

When our party lost control of this House, many wondered how we could protect the ideals and philosophy that we were committed to. Gail helped to find a way to do just that. When I informed her that we would lose 75 percent of the staff we had operated with, she just smiled and thought of how we could get jobs for those who were leaving.

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So I am very fortunate that Gail has been committed to my legislative ideas. We all are blessed by the dedication of great staff members. But 32 years, 16 Congresses is a tenure of service rarely achieved. There are few legislative types that have served as long as Gail.

I once said that she was my fair lady. But she is one of the fairest ladies to have graced this House. I ask that my colleagues join me in expressing our thanks, appreciation, and admiration for her service, loyalty, and friendship. Because of her presence, my service in this House, in this Congress, has been for the better.

So, Madam Speaker, I thank Gail, my fair lady, for helping to make that possible.

GENERAL LEAVE

Ms. PRYCE of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

RETIREMENT OF HON. TILLIE FOWLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

Ms. PRYCE of Ohio. Madam Speaker, I rise now to honor one of our colleagues who will be sorely missed next year in the United States House of Representatives, my good friend, the gentlewoman from Florida (Mrs. TILLIE FOWLER).

TILLIE and I were both elected to Congress in 1992. As Members of the Class of 1992, we quickly became close friends. I consider her one of my best friends and confidants here in the House. She was a true friend through some of the toughest times of my personal life and professional career. She was a tremendous source of strength for me, and I will never ever forget her for that.

I have a great amount of admiration for TILLIE FOWLER. She has served the people of the Fourth District of Florida and our Nation with distinction, and I am so proud of her.

I have been privileged to serve in the Republican leadership with her. After her 1998 election, she was elected Vice Chair of the Republican Conference, making her the highest ranking woman in all of Congress.

I feel it so appropriate that TILLIE holds this position because I know for me and for many of my colleagues that she has been a true leader among leaders. She is a tough negotiator, a strong voice, and she never wavered from her heartfelt convictions.

As a senior Republican woman on the House Committee on Armed Services, the gentlewoman from Florida (Mrs. FOWLER) has demonstrated her expertise on defense issues. She has gained a reputation as a leading advocate of a strong national defense and has worked with great success on behalf of the military personnel in her district and all around this country.

TILLIE also chairs the Subcommittee on Investigations, Oversight and Emergency Management of the House Committee on Transportation and Infrastructure. She played a critical role in the passage of the 1998 reauthorization of the 6-year transportation bill, or TEA–21, which benefited so many of our districts and fulfilled our Nation's transportation needs.

Additionally, TILLIE has also been an advocate for women and children of our country. Together, we have worked with our colleagues to tackle issues, including children's health, child abuse prevention, providing treatment for breast and cervical cancer patients, providing relief from the marriage penalty, and bringing education flexibility to our schools, just to name a few. TILLIE has been a true champion on so many of these issues important to women and families.

TILLIE is an outstanding role model for those considering a career in politics. Before she was elected to the United States House of Representatives, she served as the first Republican and first woman president of the Jacksonville City Council. TILLIE has always led by example and did that so beautifully prior to becoming involved in elected politics herself.

Prior to her service on the Jacksonville City Council, TILLIE was active in her community, serving as president of the Junior League of Jacksonville, Chair of the Florida Humanities Council, and a volunteer for the American Red Cross and other important nonprofits.

In fact, TILLIE started her career as a congressional staffer right here on Capitol Hill and later served as the White House counsel before moving back to Florida with her beloved husband, Buck. We should acknowledge the sacrifices of TILLIE's family, including her lovely little daughters, TILLIE ANNE and Elizabeth, who watched proudly as their mother accomplished so much for so many.

TILLIE FOWLER is a dedicated public servant who believes in keeping her word. When she was elected to the House in 1992, she stated that she intended to accomplish a lot in a short period of time. And she has done just that.

I want to personally thank TILLIE for being a public servant in this, the people's House. I will miss my good friend greatly. However, the House of Representatives is a better place as a result of her dedicated service.

I wish TILLIE the best of luck in her future endeavors. She will leave this Chamber knowing that she left a distinguished mark on this institution through her thoughtful leadership, her commonsense legislation, and she has definitely left a mark on the hearts of the Members who knew her best and loved her most.

It is an honor to call TILLIE FOWLER a friend, and we wish her Godspeed.

Mr. SPENCE. Mr. Speaker, it is a pleasure to join in this tribute to a truly exceptional Member of Congress and great American, TILLIE FOWLER of Jacksonville, Florida. After eight years of dedicated service, has made the difficult decision to retire from Congress. Without question, she leaves behind a tremendous record of service, and returns to Florida having changed Congress and America for the better.

As the chairman of the House Armed Services Committee, I have worked closely with TILLIE on the annual national defense authorization legislation and countless national security issues the committee has addressed. As a senior member of the committee and of the House leadership team, TILLIE has been an indispensable ally in helping us arrive at the best possible outcomes on so many difficult issues over the years. Each of these experiences further convinced me that TILLIE is truly committed to rebuilding our nation's military.

TILLIE served on two key panels of the House Armed Services Committee—the Subcommittee on Military Readiness and the Subcommittee on Military Installations and Facilities. Over her eight years in Congress, she proved herself to be a leader on both panels, earning the trust and confidence of her fellow committee members. TILLIE jumped headfirst into finding ways to stop the decline in military readiness, and her successful efforts to boost readiness budgets is largely responsible for reducing shortfalls in training and spare parts budgets.

America owes thanks to TILLIE for raising the level of discourse and concern about defense issues at the top levels of congressional leadership. During her time in the Congress, TILLIE has served as the Vice Chairman of the Republican Conference in the 106th Congress (the highest-ranking woman in Congress), a Deputy Majority Whip (1995 to present), and a member of the Republican Steering Committee (1995–1996 and 1999–2000). Throughout her service, TILLIE ensured that congressional leadership shares our concerns about declining U.S. military capabilities and provides the resources and attention necessary to fix it.

Her efforts have been particularly critical since the end of the cold war, when many Americans came to believe that the end of the Soviet threat was the end of the need for a strong United States military. TILLIE has always recognized the important role of America's military in ensuring the future welfare of the United Sates and our allies. And as she well knows, though the threats may have changed, the 21st century world is every bit as dangerous as it was a decade ago.

TILLIE departure from Congress is a loss to this institution, our nation, and the U.S. military. We will miss her leadership and her patriotism—she has been an inspiration to us all.

My wife, Debbie, joins me in offering our best wishes to TILLIE, her husband, Buck—who has also become a good friend—and her family as they move on to bigger and better things. In light of her strong support of the U.S. military, especially the Navy, it is only fitting to send TILLIE off with the traditional Navy farewell wish—"Fair Winds and Following Seas!"

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to one of our colleagues in the House of Representatives a dear friend of mine from my home State of Florida, Congresswoman TILLIE FOWLER.

Representative FOWLER was first elected to the House in 1992. Since then, she has quickly climbed the leadership ladder and currently serves as Vice-Chairman of the Republican Conference. This notable accomplishment makes her the highest ranking woman in Congress and the only Floridian in the House Leadership. In addition to her role as Vice Chairman, Mrs. FOWLER also serves as a Deputy Majority Whip.

Throughout her career in Congress, Representative FOWLER has been an inexhaustible voice for the importance of a strong and ready national defense. Her Congressional District is home to many military installations, including Jacksonville's Mayport Naval Air Station. Mrs. FOWLER has worked not only to enhance the readiness of our military forces and to ensure that our combat equipment is modernized, but to improve the quality of life for military personnel and their dependents—the very reason that our military is the most powerful fighting force in the world.

Her political deftness and ability to bring people together have been a huge benefit to the people of Florida and our nation. For example, when allegations of sexual misconduct arose at several military training bases, Representative FOWLER was appointed to cochair a Congressional Task Force investigating the matter.

Mrs. FOWLER has also served on the House Transportation and Infrastructure Committee. From her position on this committee, she worked with other key members of the Florida delegation to steer millions of needed transportation dollars to Florida when the House reauthorized the nation's transportation system. Representative FOWLER worked to ensure the state of Florida, long short-changed under past funding formulas, would get its fair share of federal transportation dollars. Thanks to her, Florida now receives $440 million more each year than it had in the past to deal with the severe transportation obstacles that we face.

Mrs. FOWLER will leave Congress with a legacy that is her own; one of kindness, compassion, and accomplishment. She will forever serve as a role model to young women and it has been a pleasure and distinct honor to serve with her in the U.S. House of Representatives. Her leadership, intellect, charm and grace will be sorely missed when she retires from the House of Representatives at the end of the 106th Congress.

In closing, I wish to extend a heartfelt thank you to the Fowler family, her husband Buck and daughters, Tillie Anne and Elizabeth, for sharing their loving mother and adoring wife with the American people.

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the gentlewoman from Florida, U.S. Representative TILLIE FOWLER. I am proud to recognize the gentlewoman for her accomplishments and wish her continued success as she retires from the United States Congress.

TILLIE FOWLER is one of the hardest working and most effective Members of our Florida Delegation. She brings to the job a level of commitment, intelligence and thoughtfulness that transcends partisan considerations. In addition, TILLIE has been a pleasure to work with. I know I speak for Members on both sides of the aisle, when I say that her calm judgment and pleasant manner has been truly appreciated in our deliberations and will be sorely missed.

Congresswoman FOWLER has a long history of public and community service. In 1985, she was elected to the Jacksonville City Council and was soon named President of the City Council, the first woman and first Republican to serve in that role. After devoting more than two decades to serving the community of Jacksonville, TILLIE FOWLER was elected to the United States House of Representatives November 3rd, 1992. As a new member of Congress, she brought her energetic, compassionate, commonsense approach to getting things done in Washington. She has worked to end the governmental gridlock so that the real needs of the people—jobs, education, health care—can be addressed in a conservative but constructive manner.

As a Member serving on the Armed Services Committee, Congresswoman FOWLER has gained a reputation as a determined advocate of a strong national defense and she has worked with great success on behalf of the military personnel and facilities in her district and around the country. Congressional Quarterly said of Fowler's work on the committee, "FOWLER is a polite but persistent advocate for building new military, upgrading wharf facilities and the like." Her position on the House Transportation and Infrastructure Committee has provided her with a tremendous opportunity to improve our nation's roads, mass transit, water and public works infrastructure. Last year, her colleagues elected her to the 5th-ranking position in the House Republican Leadership, Vice Chairperson of the Republican Conference, making her the highest-ranking Republican woman in Congress and the only Floridian in the House Leadership.

In addition to her work in both local and national government, she has been active in many organizations which work to improve the quality of life in Jacksonville. She was a founding member of the Duval County Public Education Foundation, past president of the Junior League, past chairman of Volunteer Jacksonville, a member of the Mayor's Commission on the Status of Women and of Leadership Jacksonville. On the state level, she served for two years as the Chair of the Florida Endowment for the Humanities.

TILLIE, I think you can take great pride in your accomplishments here and in the imprint that you have made in this institution. We, who will be returning to the 107th Congress, will miss you. I wish you the very best in any challenge you undertake.

Mr. Speaker, Congresswoman FOWLER's decision not to run for a fifth term is a loss to this institution, to her colleagues, and in particular to her constituents. She promised that she would only serve four terms. It is very much like TILLIE to keep her word and I am sad to see that the time has gone so fast. She will be remembered for her commitment and determination to bring about change for the people of her District and for her fair and skilled leadership in public service. The people of Florida's Fourth Congressional District will miss her and so will we.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute in the best bipartisan tradition to my colleague and my friend, Congresswoman TILLIE FOWLER of Florida. I can truly say I am sorry to see her go.

TILLIE and I have served together on the House Armed Services Committee during her entire tenure in the House of Representatives. I believe I can speak for my colleagues on the committee on both sides of the aisle when I say that she has never failed to impress us with her deep understanding and grasp of the issues and challenges facing our national defense structure. She constantly showed her skills as an attorney in her probing questioning of hearing witnesses and her summations to the committee members. She never backed away from a flight, but she never made it personal, either.

More particularly, TILLIE and I have worked together for these 6 years as members of the executive committee of the House Depot Caucus. Again, we put partisan differences aside as we fought with the Pentagon, industry and even our own colleagues here in the Congress in our efforts to ensure that the Department of Defense always has a ready and controlled source of repair for our vital weapon systems, namely our organic depots. We won most of those battles, and those victories are due to the strong consensus and teamwork that TILLIE helped forge among our Depot Caucus members, both Democrats and Republicans.

Mr. Speaker, I don't like term limits, and TILLIE FOWLER is one of the best reasons I know of to do away with them. While I admire her for sticking to her principles and adhering to her self-imposed limit of three terms in the House, I for one know that our nation is losing a fine public servant and our armed forces, including the Naval Academy where she is a member of the Board of Visitors, are losing a dedicated advocate. However, I expect we will see Tillie again in some other job at the national level which will put the skills she refined here in the House to good use for our country.

TILLIE, mi amiga y mi comadre, we will miss you here in the House and on the Armed Services Committee. Thank you for your service to this great institution and to our nation. Vaya con Dios!

Mr. STEARNS. Mr. Speaker, as the 106th Congress draws to an end, we can celebrate many of our accomplishments—the Social Security lockbox, the third annual budget surplus in a row, and more than $300 billion in debt reduction.

The end of the 106th Congress also means bidding farewell to many of our colleagues. Among the outstanding public servants who are stepping down is TILLIE FOWLER of Jacksonville. Her dedication and expertise will be sorely missed.

Mr. Speaker, my district covers all or part of nine counties and is contiguous to 6 other congressional districts—five of them in Florida. My district stretches from just outside of Orlando all the way to the Georgia border. This gives me the honor of representing a portion of Jacksonville, and this has given me the privilege of working closely with Congresswoman FOWLER on many issues.

Not so long ago, Jacksonville was looked upon as a small city supporting paper mills, a commercial port, and military bases. Today, the Jacksonville area numbers one million people and the city is recognized as a vibrant, growing urban center. Although it has shed some its past, Jacksonville maintains its strong commitment to our armed services as the host to major military facilities.

The successful transformation of Jacksonville over the past two decades owes much to TILLIE FOWLER. She has worked on behalf of the area as a volunteer, and as an elected official at the local and federal levels. This dedication to public service is a family trait.

TILLIE'S father, Culver Kidd, served for 42 years in the Georgia legislature; and her mother, Katherine Kidd, was a community leader. TILLIE learned about civic and local involvement in Milledgeville, Georgia. I should point out that Milledgeville has contributed a great deal to this nation. It was also the home of the distinguished writer Flannery O'Connor and the long-time Chairman of the House Armed Services Committee Carl Vinson.

From her small hometown, my colleague pursued her education at Emory University in Atlanta earning a B.A. in political science and late a J.D. Armed with her law degree, TILLIE came here to Washington, D.C., and worked on the staff of Congressman Robert Stephens of Georgia. Her strong talents were soon recognized and she was brought to the White House as a counsel in the Nixon Administration.

During this period, TILLIE not only expanded her professional horizons, she met and married a fellow attorney, L. Buck Fowler. In 1971, she moved with her husband to Jacksonville, Florida, where she set about the important job of raising a family, two daughters, Tillie Ann and Elizabeth. Although she put her career on hold, TILLIE did not ease up on public service. She volunteered her efforts as the President of the Junior League of Jacksonville, with the American Red Cross, and other charitable groups.

In 1985, she returned to the political scene with her election to the City Council and served on the council from 1985 through 1992. In 1989, she became President of the Jacksonville City Council, the first Republican and the first woman to hold that position. Although she retired from the council in 1992, her political career was just changing direction; she then successfully ran for Congress.

Congresswoman FOWLER returned to Washington with an ambitious agenda. She had vowed to make Mayport Naval Station a top priority and she succeeded. Through her position on the Armed Services Committee, she has built a reputation as an advocate of a strong national defense. She has improved the nation's commitment to military personnel and facilities in her district, throughout the nation, and around the world.

Her tenure on the Transportation and Infrastructure Committee has also resulted in major improvements for Florida. Florida is a rapidly growing state and deserves a greater share of transportation funding. Through Mrs. FOWLER's efforts, Florida is receiving an additional $440 million annually for its transportation needs. Due to her experience with the Transportation Committee, Congressman FOWLER was named Chairman of the newly created Subcommittee on Oversight, Investigations and Emergency Management.

While making her first run for Congress in 1992, Mrs. FOWLER offered to limit herself to four terms. Although she was asked by her leadership and her colleagues to reconsider, TILLIE is stepping down after four terms. After all, she has accomplished the goals she set out to achieve eight years ago.

We are losing more than an experienced lawmaker, we are losing a good friend. In fact, Mrs. FOWLER has been a good friend to the people of Florida, and perhaps more importantly, the men and women of our armed services. It has been an honor to serve and work with TILLIE and we will miss her.

TRIBUTE TO HON. TILLIE K. FOWLER

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I am delighted to join the gentlewoman from Ohio (Ms. PRYCE) to honor the remarkable career of my friend and colleague, TILLIE FOWLER.

TILLIE has served the Fourth District of Florida, this body, and her country with integrity and loyalty. She has been a role model and a friend to me during my freshman term here in Congress, and I will miss her greatly.

When I first met TILLIE, I knew we would get along well because of our similar background. TILLIE and I are two of only three Republican women attorneys in the House, and both of us have been very active in our home communities before coming to Washington.

At the time when TILLIE and I graduated from our law schools, there were very few women going into the legal profession and even fewer options for women attorneys. We had to create our own options, and TILLIE certainly did so by deciding to move to Washington and begin a career in public service.

She worked first as a congressional staffer, then as counsel in the Nixon administration before moving to Jacksonville, Florida, with her husband, Buck, to raise their daughters, Tillie and Elizabeth. TILLIE established a solid reputation in Jacksonville as a local leader long before running for Congress. She was president of the Junior League, chairman of the Florida Humanities Council, and president of the City Council.

Because of this background, TILLIE is dedicated to maintaining excellent relations with her constituents. TILLIE serves her district with pride, which you can tell just by walking into her office. In addition to the Jacksonville Jaguars football helmet proudly displayed in her office, artwork from her district lines the walls, and books around her district decorate the reception area.

From the beginning, TILLIE made strong national defense one of her top priorities. When bases around the country were being closed in the early 1990's, TILLIE fought to ensure that two of the bases in Jacksonville were kept open. Because of such dedication, she is known and admired by the military community.

Our Tuesday Lunch Bunch relies heavily on her expertise in military affairs. As such an effective leader, TILLIE has been the true role model, not only for those of us who follow her in Congress but for people everywhere.

An even greater testament to her character and leadership is that not only do so many Members respect and admire her but that her own staff does as well. Her staff is extremely loyal to her and most of them have been with her for many years.

TILLIE established herself as the leader from her first day in Congress. As a freshman, she was elected co-chair of the Freshmen Republican Task Force; and in her second term, she became a deputy whip. She is currently the chairman of the Committee on Transportation Subcommittee on Investigations, Oversight and Emergency Management and is the senior Republican woman on the Committee on Armed Services.

As Vice Chair of the Republican Conference, she is not only the highest ranking woman in Congress but the first Floridian to hold the position. With such a record of leadership, it is no wonder she was elected unopposed in 1994, 1996, and 1998.

A few weeks ago, I heard a fellow Member on the floor affectionately refer to TILLIE as a real-life Steel Magnolia. I could not agree more. In fact, TILLIE takes great pride in being referred to by Working Women Magazine as a drill sergeant disguised as a Southern belle.

Throughout her career, TILLIE has always been dedicated to standing up for what is right. The strength of character has made her a great asset to this body.

TILLIE has been a true friend, and we will all miss her leadership. However, I am very confident to say that this is not, as they say, farewell and not goodbye. I know this will not be the last time that we will hear from TILLIE FOWLER. I look forward to seeing what she will do next because I know that, in whatever capacity she chooses to serve, she will serve her country and the good people of Florida with integrity, courage, and unending enthusiasm.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I want to join with those of us who are praising TILLIE FOWLER to tell them that I had the opportunity to be in Jacksonville and give the commencement address to the Jacksonville University senior class; and while there, I had the opportunity to meet with most all of the leaders of Jacksonville.

Up here it is easy almost to be a hero amongst ourselves. But we are seldom a hero in our own hometown. And the respect that TILLIE FOWLER has in her hometown is something that is almost astonishing. Every business leader there praised her. They were so happy to have her here. And they knew that she was term-limiting herself and they knew that she was not coming back, and they were remorseful of that.

I think it is a great compliment that we also recognize that not only is she a hero to us, but TILLIE FOWLER is a hero in her own hometown.

TRIBUTE TO HON. TILLIE K. FOWLER

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Madam Speaker, I too rise today to pay tribute to an extraordinary woman and someone I call a friend, the Honorable TILLIE K. FOWLER.

Representative FOWLER is a dynamic and compassionate leader, who I am sorry to say is retiring this year from Congress after 8 years of dedicated service to the people of Florida.

As the daughter of an esteemed and respected member of the Georgia legislature, Mrs. FOWLER grew up with a commitment to public service. Certainly, in the Fowler family, you could say the apple does not fall far from the tree.

After serving as a White House aide during the Nixon administrations, the gentlewoman from Florida (Mrs. FOWLER) moved to Jacksonville, Florida, to start a political career of her own. From 1985 to 1992, she served on the Jacksonville City Council with distinction. During that period, the gentlewoman from Florida (Mrs. FOWLER) became the council's first woman president.

Her experience in Jacksonville prepared her to seek higher office by shaping her into an innovative and effective leader.

After being elected to Congress in 1992, Representative FOWLER secured appointments on both the House Committee on Armed Services and on the Committee on Transportation and Infrastructure. She also earned the esteemed title of Vice Chair of the Republican Conference, making her the highest ranking woman in the Congress and the first Floridian to hold a position in the elected majority leadership. She also serves as the deputy majority whip.

Representative Fowler has continually and successfully worked in a bipartisan way to improve the quality of life for Floridians. I have had the privilege of working closely with Representative Fowler on several key bills for the State of Florida. I will always greatly appreciate Representative Fowler's willingness to build bipartisan coalitions for the betterment of our State.

A primary example of her ability to foster bipartisan consensus in the House evolves around our State's great need to develop alternative water sources. Together, Representative Fowler and I authored an alternative water source development bill that overwhelmingly passed the House this session.

The measure would provide a 5-year Federal grant program to fund water projects designed to meet Florida's growing demands for water through planning and advanced technology.

I am pleased to say that Congresswoman Fowler is among the many members of the Florida congressional delegation who are committed to improving and securing Florida's water supply for generations to come. This is an issue of great concern to Florida, where a booming population threatens to strain existing drinking water resources.

I have always admired Tillie's foresight in addressing this potential future problem by reusing and reclaiming alternative water sources. This is the best way to prevent a drinking water crisis from occurring in the State. Her help in furthering this legislation promises to one day benefit all in Florida's communities.

I have been further impressed by Congresswoman Fowler's efforts to improve Florida's highways and to expand access to mass transit. In 1998, Congresswoman Fowler, through her position on the House Committee on Transportation and Infrastructure, was able to secure millions of dollars in additional Federal funding for Florida's transportation needs. Her hard work and commitment to passing these bills underscores once again her dedication to the people of Florida.

Tillie Fowler is also an advocate for maintaining our country's strong national defense. In that role, she has worked to improve the lives of our men and women in uniform and our Nation's veterans.

Among her many accomplishments, she was instrumental in the passage of expanded health care benefits for military retirees, which were included in the U.S. Department of Defense Conference Report. This shows her true commitment to honoring our Nation's promise to its veterans and military retirees.

I would also like to take the time to commend Congresswoman Fowler for her work to promote the humanities. As a past chairwoman of the Florida Humanities Council, she brought her appreciation for preserving culture with her to Washington.

In recognition of her contributions, Representative Fowler was awarded this year the Distinguished Service Award by the National Humanities Alliance.

Madam Speaker, please join me in paying tribute to the Honorable Tillie K. Fowler, a woman of integrity, perseverance, and honor.

□ 2115

We are so grateful for her devoted service to the people of Florida. I wish her well in the years ahead and I hope she will continue to stay active in the community. After all, Florida needs dedicated public servants like Tillie Fowler, whose legacy will live on in the many lives she has touched.

CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. CALLAHAN submitted the following conference report and statement on the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes:

Conference Report (H. Rept. 106–997)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Section 101. (a) The provisions of H.R. 5526 of the 106th Congress, as introduced on October 24, 2000, are hereby enacted into law.

(b). In publishing the Act in slip form and in the United States Statues at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

And the Senate agreed to the same.

Sonny Callahan,
John Edward Porter,
Frank R. Wolf,
Ron Packard,
Joe Knollenberg,
Jack Kingston,
Jerry Lewis,
Roger F. Wicker,
Bill Young,
Nancy Pelosi,
Nita M. Lowey,
Jesse Jackson, Jr.,
Carolyn C. Kilpatrick,
Martin Olav Sabo,
Dave Obey,
(except for cap adjustment),
Managers on the Part of the House.

Mitch McConnell,
Arlen Specter,
Judd Gregg,
Richard Shelby,
Robert F. Bennett,
Ben Nighthorse Campbell,
Kit Bond,
Ted Stevens,
Patrick Leahy,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Patty Murray,
Robert C. Byrd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4811) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001", submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The conference agreement would enact the provisions of H.R. 5526 as introduced on October 24, 2000. The text of that bill follows:

A BILL Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $865,000,000 to remain available until September 30, 2004: Provided, That *such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.*

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $62,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: Provided further, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2002.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2001, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $963,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other infectious diseases; and (7) basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for basic education and ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $295,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $300,000,000 for HIV/AIDS; $125,000,000 for other infectious diseases; $103,000,000 for children's basic education; and $110,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, up to $50,000,000 may be made available for a United States contribution to the Global Fund for Children's Vaccines, up to $10,000,000 may be made available for the International AIDS Vaccine Initiative, and up to $20,000,000 may be made available for a United States contribution to an international HIV/AIDS fund as authorized by subtitle B, title I of Public Law 106–264, or a comparable international HIV/AIDS fund.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,305,000,000, to remain available until September 30, 2002: Provided, That of the amount appropriated under this heading, up to $12,000,000 may be made available for and apportioned directly to the Inter-American Foundation: Provided further, That of the amount appropriated under this heading, up to $16,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other

Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than $310,000,000 should be made available for agriculture and rural development programs of which $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $5,200,000 shall be made available to AmeriCares for the construction, rehabilitation, and operation of community-based primary healthcare facilities in Nicaragua, Honduras, Guatemala, and El Salvador: Provided further, That of the funds appropriated under this heading, not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $17,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 should be available to support an international media training center.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $35,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CONSERVATION FUND

Of the funds made available under the headings "Development Assistance" and "Economic Support Fund", not less than $4,000,000 should be made available to support the preservation of habitats and related activities for endangered wildlife.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $165,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any suck loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2002.

DEVELOPMENT CREDIT PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be made available only for urban and environmental programs: Provided further, That for the cost of direct loans and loan guarantees, up to $5,000,000 of funds appropriated by this Act under the heading "Development Assistance", may be transferred to and merged with funds appropriated under this heading to be made available for the purposes of part I of the Foreign Assistance Act of 1961: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the Agency for International Development, $4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,489,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $520,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $27,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,295,000,000, to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than $840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That not less than $695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, *the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That of the funds appropriated under this heading, in addition to funds otherwise made available for Indonesia, not less than $5,000,000 should be made available for economic rehabilitation and related activities in Aceh, Indonesia: Provided further, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives: Provided further, That none of the funds appropriated under this heading shall be obligated for regional or global programs, except as provided through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available under this heading not less than $12,000,000 should be made available for Mongolia: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.*

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2002.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $600,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $5,000,000 shall be made available for assistance for the Baltic States: Provided further, That funds made available for assistance for Kosova from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" shall not exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosova as of March 31, 2001: Provided further, That of the funds made available under this heading for Kosova, not less than $1,300,000 should be made available to support the National Albanian American Council's training program for Kosovar women: Provided further, That none of the funds made available under this Act for assistance for Kosova shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed $80,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 532 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $810,000,000, to remain available until September 30, 2002: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, 15 percent may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $170,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 should be made available for nuclear reactor safety initiatives, and not less than $5,000,000 should be made available for the Ukranian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than $92,000,000 shall be made available for assistance for Georgia of which not less than $25,000,000 should be made available to support Border Security Guard and export control initiatives.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 25 percent limitation.

(g) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) Of the funds appropriated under this heading for assistance for Russia, and the heading "Migration and Refugee Assistance", not less than $10,000,000 shall be made available to nongovernment organization providing humanitarian relief in Checknya and Ingushetia.

(j) Of the funds appropriated under this heading, not less than $45,000,000 shall be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental health, and to combat infectious diseases, and for related activities.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $265,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $325,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2001, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $700,000,000, which shall remain available until expended: Provided, That not more than $14,500,000 shall be available for administrative expenses: Provided further, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available after reporting at least 5 days in advance to the Committees on Appropriations: Provided further, That the reporting requirement contained in the previous proviso may be waived for any such obligation if failure to waive this requirement would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, a report to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 5 days after such obligation: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $311,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available nowithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $238,000,000, to remain available until expended: Provided, That of this amount, not less than $13,000,000 shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, *That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—*

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $55,000,000, of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,545,000,000: Provided, That of the funds appropriated under this heading, not less than $1,980,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 should be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $3,000,000 shall be made available for assistance for Malta: Provided further, That of the funds appropriated by this paragraph, not less than $8,500,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph, not less than $8,000,000 shall be made available for Georgia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That the Committees on Appropriations shall be informed at least 10 days prior to the obligation of any interest accrued by the account established by the previous proviso.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $127,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $108,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended: Provided: That the Secretary of the Treasury shall: (1) accord high priority to encouraging the International Development Association to establish and implement a policy to provide new assistance on grant terms to enhanced HIPC Initiative countries that have reached the completion point; and (2) submit a report to the Speaker of the House of Representatives, the President of the Senate, and the Committees on Appropriations no later than June 30, 2001, on the progress reached in achieving the objective set forth in clause (1): Provided further, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $10,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $25,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $10,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $72,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $6,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $97,548,522.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $5,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $186,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2001.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of

1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $16,000,000 of the funds made available by this Act for assistance under the heading "Child Survival and Disease Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster rule of law and democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading "Economic Support Fund" that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That upon enactment of this Act funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided notwithstanding any other provision of law or regulation: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not to exceed $2,000,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country: Provided further, That the final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113) is amended by striking "Robert F. Kennedy Memorial Center for Human Rights" and inserting "Jamestown Foundation".

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

REPORT ON IMPLEMENTATION OF SUPPLEMENTAL APPROPRIATIONS

SEC. 528. (a) Beginning not later than January 1, 2001, the Secretary of State shall provide quarterly reports to the Committees on Appropriations providing information on the use of funds appropriated in title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113). Each report shall include the following—

(1) the current and projected status of obligations and expenditures by appropriations account, by country, and by program, project, and activity;

(2) the contractors and subcontractors engaged in activities funded from appropriations contained in title VI; and

(3) the procedures and processes under which decisions have been or will be made on which programs, projects, and activities are funded through appropriations contained in title VI.

(b) For each report required by this section, a classified annex may be submitted if deemed necessary and appropriate.

(c) The last quarterly report required by this section shall be provided to the Committees on Appropriations by January 1, 2002.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, *shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.*

PERU

SEC. 530. (a) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter during fiscal year 2001, the Secretary of State shall determine and report to the Committees on Appropriations whether the Government of Peru has made substantial progress in creating the conditions for free and fair elections, and in respecting human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent media.

(b) PROHIBITION.—If the Secretary determines and reports pursuant to subsection (a) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Central Government of Peru.

(c) Of the funds appropriated by this Act, not less than $2,000,000 should be made available to support the work of nongovernmental organizations and the Organization of American States in promoting free and fair elections, democratic institutions, and human rights in Peru.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in

such country, micro and small-scale enterprise, and smallholder agriculture.

CLEAN COAL TECHNOLOGY

Sec. 537. (a) Findings.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) Statement of Policy.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

SPECIAL AUTHORITIES

Sec. 538. (a) Afghanistan, Lebanon, Montenegro, Victims of War, Displaced Children, and Displaced Burmese.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Tropical Forestry and Biodiversity Conservation Activities.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) Personal Services Contractors.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, that not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: Provided further, that such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) Waiver.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) Period of Application of Waiver.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

Sec. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

Sec. 540. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

Sec. 541. (a) Assistance Through Nongovernmental Organizations.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) Public Law 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) Exception.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

Sec. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy *justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.*

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Disease Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 556. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 557. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

ASSISTANCE FOR HAITI

SEC. 558. (a) None of the funds appropriated by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available for assistance for the central Government of Haiti until—

(1) the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament; and

(2) the Director of the Office of National Drug Control Policy reports to the Committees on Appropriations that the Government of Haiti is fully cooperating with United States efforts to interdict illicit drug traffic through Haiti to the United States.

(b) Not more than 11 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 559. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 2000.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 560. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI COAST GUARD

SEC. 561. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 562. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of

Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 563. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 564. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality

have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) Definitions.—As used in this section—

(1) Country.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia.

(2) Entity.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) Dayton Agreement.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) Tribunal.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(k) Role of Human Rights Organizations and Government Agencies.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 565. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

Sec. 566. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2002: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

Sec. 567. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

Sec. 568. Of the funds appropriated in titles II and III of this Act under the headings "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", not more than a total of $5,241,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2001 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

Sec. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

Sec. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

FOREIGN MILITARY TRAINING REPORT

Sec. 571. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2001, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2000 and 2001, including those proposed for fiscal year 2001. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

Sec. 572. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $55,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended;

(5) there is no credible evidence that North Korea is seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel;

(6) North Korea is complying with its commitments regarding access to suspect underground construction at Kumchang-ni;

(7) there is no credible evidence that North Korea is engaged in a nuclear weapons program, including efforts to acquire, develop, test, produce, or deploy such weapons; and

(8) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

Sec. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 575. Notwithstanding any other provision of law, of the funds appropriated under the heading "Economic Support Fund", not less than $25,000,000 shall be made available for programs benefiting the Iraqi people, of which not less than $12,000,000 should be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: Provided, That such assistance should be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: Provided further, That not less than $6,000,000 of the amounts made available for programs benefiting the Iraqi people should be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: Provided further, That funds may be made available to support efforts to bring about political transition in Iraq which may be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338) for political, economic, humanitarian, and other activities of such groups, and not to exceed $2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes: Provided further, That none of these funds may be made available for administrative expenses of the Department of State: Provided further, That the President shall, not later than 60 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations pursuant to this paragraph.

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET JUSTIFICATION

SEC. 576. The Agency for International Development shall submit to the Committees on Appropriations a detailed budget justification that is consistent with the requirements of section 515, for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget justification format no later than November 15, 2000, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget justification will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the 2 previous fiscal years; (2) the President's request for new budget authority and estimated carryover obligational authority for the budget year; (3) the disaggregation of budget data and staff levels by program and activity for each bureau, field mission, and central office; and (4) the need for a user-friendly, transparent budget narrative.

KYOTO PROTOCOL

SEC. 577. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

WEST BANK AND GAZA PROGRAM

SEC. 578. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 579. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

MAN AND THE BIOSPHERE

SEC. 580. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund.

TAIWAN REPORTING REQUIREMENT

SEC. 581. Not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters:

(1) Taiwan's requests for purchase of defense articles and defense services during the pending round of arms talks;

(2) the Administration's assessment of the legitimate defense needs of Taiwan, in light of Taiwan's requests; and

(3) the decision-making process used by the Executive branch to consider those requests.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN CENTRAL EUROPE

SEC. 582. Funds appropriated or otherwise made available by this Act for United States assistance for Eastern Europe and the Baltic States should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 583. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 584. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), is amended by striking "December 31, 2000" and inserting in lieu thereof "December 31, 2001".

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 585. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2001 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the "UNFPA").

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2001 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

INDOCHINESE PAROLEES

SEC. 586. (a) The status of certain aliens from Vietnam, Cambodia, and Laos described in subsection (b) of this section may be adjusted by the Attorney General, under such regulations as she may prescribe, to that of an alien lawfully admitted permanent residence if—

(1) within three years after the date of promulgation by the Attorney General of regulations in connection with this title the alien makes an application for such adjustment and pays the appropriate fee;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence except as described in subsection (c); and

(3) the alien had been physically present in the United States prior to October 1, 1997.

(b) The benefits provided by subsection (a) shall apply to any alien who is a native or citizen of Vietnam, Laos, or Cambodia and who was inspected and paroled into the United States before October 1, 1997 and was physically present in the United States on October 1, 1997; and

(1) was paroled into the United States from Vietnam under the auspices of the Orderly Departure Program; or

(2) was paroled into the United States from a refugee camp in East Asia; or

(3) was paroled into the United States from a displaced person camp administered by the United Nations High Commissioner for Refugees in Thailand.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraph (4), (5), and 7(A) and (9) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien seeking admission to the United States under this subsection, and, notwithstanding any other provision of law, the Attorney General may waive 212(a)(1); 212(a)(6) (B), (C), and (F); 212(8)(A); 212(a)(10) (B) and (D) with respect to such an alien in order to prevent extreme hardship to the alien or the alien's spouse, parent, son or daughter, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation.

(d) CEILING.—The number of aliens who may be provided adjustment of status under this provision shall not exceed 5,000.

(e) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(1), (b)(2) and (b)(3).

(f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 587. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 588. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) Implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) Implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) Taking steps to establish an independent fraud and corruption investigative organization or office;

(4) Implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) Taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made by each International Financial Institution, and, to the extent pertinent to its lending programs, the International Monetary Fund, to fulfill the objectives identified in subsection (a) and on progress of the International Monetary Fund to implement procedures for annual independent external audits of central bank financial statements for countries making use of Fund resources under all new arrangements with the Fund.

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 589. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

FOREIGN MILITARY EXPENDITURES REPORT

SEC. 590. Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) is amended by repealing paragraph (2) relating to military expenditures.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 591. Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of Public Law 106–113, is amended—

(1) in subsection (b), by striking "year 2000" and inserting in lieu thereof "years 2000 and 2001"; and

(2) in subsection (c)(2), by striking "6290f" and inserting in lieu thereof "290f".

REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 592. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r–5) is repealed.

EXTENSION OF GAO AUTHORITIES

SEC. 593. The funds made available to the Comptroller General pursuant to Title I, Chapter 4 of Public Law 106–31 shall remain available until expended.

FUNDING FOR SERBIA

SEC. 594. (a) Of the funds made available in this Act, up to $100,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2001 unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2001, the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations of the House of Representatives and the Senate that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosova, humanitarian assistance or assistance to promote democracy in municipalities.

(e) The Secretary of State should instruct the United States representatives to regional and international organizations to support membership for the Government of the Federal Republic of Yugoslavia (FRY) subject to a certification by the President to the Committees on Appropriations of the House of Representatives and the Senate that the FRY has applied for membership on the same basis as the other successor states to the FRY and has taken appropriate steps to resolve issues related to state liabilities, assets and property.

FORESTRY INITIATIVE

SEC. 595. (a) The provisions of S. 3140 of the 106th Congress, as introduced on September 28, 2000 are hereby enacted into law.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the

Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bill referred to in subsection (a) of this section.

USER FEES

SEC. 596. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 597. Funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 598. Not to exceed $425,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance: Provided, That notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, none of such funds may be obligated or expended until February 15, 2001.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $135,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: Provided, That none of the funds appropriated under this heading may be made available for nonproject assistance: Provided further, That prior to any obligation of funds appropriated under this heading, the Administrator of the Agency for International Development shall provide the Committees on Appropriations with a detailed report containing the amount of the proposed obligation and a description of the programs and projects, on a country-by-country basis, to be funded with such amount: Provided further, That up to $12,000,000 of the funds appropriated under this heading may be charged to finance obligations for which appropriations available under chapter 1 and 10 of part I of the Foreign Assistance Act of 1961 were initially charged for assistance for rehabilitation and reconstruction for Mozambique, Madagascar, and southern Africa: Provided further, That of the funds appropriated under this heading, up to $5,000,000 may be used for administrative expenses, including auditing costs, of the Agency for International Development associated with the assistance furnished under this heading: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development", $13,000,000, to remain available until September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $75,825,000, to remain available until September 30, 2002: Provided, That this amount shall only be available for assistance for Montenegro, Croatia, and Serbia: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for "International Military Education and Training", $2,875,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: Provided, That funds appropriaed in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", to enable the President to carry out section 23 of the Arms Export Control Act, $31,000,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: Provided, That funds appropriated in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds made available under this heading shall be nonrepayable, notwithstanding sections 23(b) and 23(c) of the Act: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for "Debt restructuring" $210,000,000 for a contribution to the "Heavily Indebted Poor Countries Trust Fund" of the International Bank for Reconstruction and Development (HIPC Trust Fund): Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this title or under any other provision of law for fiscal year 2001 that are in addition to the funds made available under title II of this Act shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599 of this Act, notwithstanding section 543 of this Act.

TITLE VII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

GENERAL PROVISION

ADJUSTMENT OF 2001 DISCRETIONARY SPENDING CAPS

SEC. 701. (a) Section 251(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(5)) is amended by striking subparagraph (A) and inserting the following:

"(A) for discretionary category: $637,000,000,000 in new budget authority and $612,695,000,000 in outlays;".

(b) (1) Except as provided in paragraph (2), in preparing the report in calendar year 2000 as required by section 254(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(f)) with respect to fiscal year 2001, the Office of Management and Budget shall not make the calculations required by section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Paragraph (1) shall not apply to the calculations permitted by subparagraph (B), (C), (F), and (G) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Under the terms of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, adjustments for rounding shall be provided for the first amount referred to in section 251(c)(5)(A) of such Act, as amended by this section, equal to 0.5 percent of such amount.

TITLE VIII—INTERNATIONAL DEBT FORGIVENESS AND INTERNATIONAL FINANCIAL INSTITUTIONS REFORM

SEC. 801. DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE.

(a) Repeal of Limitation on Availability of Earnings on Profits of Nonpublic Gold Sales.—Paragraph (1) of section 62 of the Bretton Woods Agreements Act, as added by section 503(a) of H.R. 3425 of the 106th Congress (as enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536)), is amended—

(1) by adding "and" at the end of subparagraph (B); and

(2) by striking subparagraph (D).

(b) Contributions to HIPC Trust Fund.—

(1) Authorization of appropriations for contributions.—There is authorized to be appropriated for the period beginning October 1, 2000, and ending September 30, 2003, $435,000,000 for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank.

(2) Availability of amounts.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(c) Certification Required.—

(1) In general.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the following requirements are satisfied:

(A) Implementation by the bank of certain policies.—The Bank is implementing—

(i) policies providing for the suspension of a loan if funds are being diverted for purposes other than the purpose for which the loan was intended;

(ii) policies seeking to prevent loans from displacing private sector financing;

(iii) policies requiring that loans other than project loans must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies seeking to minimize the number of projects receiving financing that would displace a population involuntarily or be to the detriment of the people or culture of the area into which the displaced population is to be moved;

(v) policies vigorously promoting open markets and liberalization of trade in goods and services;

(vi) policies providing that financing by the Bank concentrates chiefly on projects and programs that promote economic and social progress rather than short-term liquidity financing; and

(vii) policies providing for the establishment of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(B) Implementation by the fund of certain policies.—The Fund is implementing—

(i) policies providing for the suspension of a financing if funds are being diverted for purposes other than the purpose for which the financing was intended;

(ii) policies seeking to ensure that financing by the Fund normally serves as a catalyst for private sector financing and does not displace such financing;

(iii) policies requiring that financing must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies vigorously promoting open markets and liberalization of trade in goods and services;

(v) policies providing that financing by the Fund concentrates chiefly on short-term balance of payments financing; and

(vi) policies providing for the use, in conjunction with the Bank, of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(2) Exception.—In the event that the Secretary cannot certify that a policy described in paragraph (1)(A) or (1)(B) is being implemented, the Secretary shall, not later than 30 days after the date of enactment of this Act, submit a report to the appropriate congressional committees on the progress, if any, made by the Bank or the Fund in adopting and implementing such policy, as the case may be.

SEC. 802. STRENGTHENING PROCEDURES FOR MONITORING USE OF FUNDS BY MULTILATERAL DEVELOPMENT BANKS.

(a) In General.—The Secretary shall instruct the United States Executive Director of each multilateral development bank to exert the influence of the United States to strengthen the bank's procedures and management controls intended to ensure that funds disbursed by the bank to borrowing countries are used as intended and in a manner that complies with the conditions of the bank's loan to that country.

(b) Progress Evaluation.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report evaluating the progress made toward achieving the objectives of subsection (a), including a description of—

(1) any progress made in improving the supervision, monitoring, and auditing of programs and projects supported by each multilateral development bank, in order to identify and reduce bribery and corruption;

(2) any progress made in developing each multilateral development bank's priorities for allocating anticorruption assistance;

(3) country-specific anticorruption programs supported by each multilateral development bank;

(4) actions taken to identify and discipline multilateral development bank employees suspected of knowingly being involved in corrupt activities; and

(5) the outcome of efforts to harmonize procurement practices across all multilateral development banks.

SEC. 803. REPORTS ON POLICIES, OPERATIONS, AND MANAGEMENT OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) Annual Report on Financial Operations.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the sufficiency of audits of the financial operations of each multilateral development bank conducted by persons or entities outside such bank.

(b) Annual Report on United States Supported Policies.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the actions taken by recipient countries, as a result of the assistance allocated to them by the multilateral development banks under programs referred to in section 802(b), to strengthen governance and reduce the opportunity for bribery and corruption; and

(2) how International Development Association-financed projects contribute to the eventual graduation of a representative sample of countries from reliance on financing on concessionary terms and international development assistance.

(c) Amendment of Report on Fund.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–4(a)) is amended—

(1) by inserting "(1)" before "the progress"; and

(2) by inserting before the period at the end the following: ", and (2) the progress made by the International Monetary Fund in adopting and implementing the policies described in section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001".

(d) Report on Debt Relief.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the history of debt relief programs led by, or coordinated with, international financial institutions, including but not limited to—

(1) the extent to which poor countries and the poorest-of-the-poor benefit from debt relief, including measurable evidence of any such benefits; and

(2) the extent to which debt relief contributes to the graduation of a country from reliance on financing on concessionary terms and international development assistance.

SEC. 804. REPEAL OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

Section 209(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2169(d); relating to bilateral funding for international financial institutions) is repealed.

Sec. 805. Refocused Activities of the IMF. The Bretton Woods Agreement Act is amended by adding the following new section—

"SEC. 63. PRINCIPLES FOR INTERNATIONAL MONETARY FUND LENDING.

"It is the policy of the United States to work to implement reforms in the International Monetary Fund (IMF) to achieve the following goals:

"(a) Short-Term Balance of Payments Financing.—Lending from the general resources of the Fund should concentrate chiefly on short-term balance of payments financing.

"(b) Limitations on Medium-Term Financing.—Use of medium-term lending from the general resources of the Fund should be limited to a set of well-defined circumstances, such as—

"(1) when a member's balance of payments problems will be protracted,

"(2) such member has a strong structural reform program in place, and

"(3) the member has little or no access to private sources of capital.

"(c) Premium Pricing.—Premium pricing should be introduced for lending from the general resources of the Fund, for greater than 200 per centum of a member's quota in the Fund, to discourage excessive use of Fund lending and to encourage members to rely on private financing to the maximum extent possible.

"(d) Redressing Misreporting of Information.—The Fund should have in place and apply systematically a strong framework of safeguards and measures to respond to, correct, and discourage cases of misreporting of information in the context of a Fund program, including—

"(1) Suspending Fund disbursements and ensuring that Fund lending is not resumed to members that engage in serious misreporting of material information until such time as remedial actions and sanctions, as appropriate, have been applied;

"(2) Ensuring that members make early repayments, where appropriate, of Fund resources disbursed on the basis of misreported information;

"(3) Making public cases of serious misreporting of material information;

"(4) Requiring all members receiving new disbursements from the Fund to undertake annually independent audits of central bank financial statements and publish the resulting audits; and

"(5) Requiring all members seeking new loans from the Fund to provide to the Fund detailed information regarding their internal control procedures, financial reporting and audit mechanisms and, in cases where there are questions about the adequacy of these systems, undertaking an on-site review and identifying needed remedies.".

SEC. 806. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Banking and Financial Services and the Committee on Appropriations of the House of Representatives.

(2) BANK.—The term "Bank" means the International Bank for Reconstruction and Development.

(3) FUND.—The term "Fund" means the International Monetary Fund.

(4) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term "international financial institutions" means the multilateral development banks and the International Monetary Fund.

(5) MULTILATERAL DEVELOPMENT BANKS.—The term "multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001".

Following is explanatory language on H.R. 5526, as introduced on October 24, 2000.

The conferees on H.R. 4811 agree with the matter in H.R. 5526 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by subcommittee member of the Foreign Operations, Export Financing, and Related Programs Subcommittees of the House and Senate on the differences in the House passed and Senate passed versions of H.R. 4811. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4811. References to the Senate bill or Senate amendment mean the Senate passed version of H.R. 4811.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $865,000,000 for the subsidy appropriation of the Export-Import Bank instead of $768,000,000 as proposed by the Senate and $742,500,000 as proposed by the House.

ADMINISTRATIVE EXPENSES

The conference agreement appropriates $62,000,000 for administrative expenses of the Export-Import Bank instead of $58,000,000 as proposed by the Senate and $55,000,000 as proposed by the House. The conferees also have included a limitation of $30,000 on representation expenses of members of the Bank's Board of Directors.

The managers are very concerned by the Bank's recent consideration of a change to its regulations that would reduce the volume of U.S. exports financed by the Bank that are subject to cargo preference regulations. The managers direct that none of the funds provided under this heading in this or prior year appropriation acts shall be used to plan, finalize, or implement any notice, regulation, or change in policy with regard to Public Resolution 17 (46 App. U.S.C. 1241-1)(1998).

OVERSEAS PRIVATE INVESTMENT CORPORATION

NON-CREDIT ACCOUNT

The conference agreement provides $38,000,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the Senate instead of $37,000,000 as proposed by the House.

The managers urge OPIC to refrain from entering into contracts involving the Palestinian Authority until the Committees have been informed that contract disputes between the Authority and United States corporate entities have been resolved.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $50,000,000 for the Trade and Development Agency instead of $46,000,000 as proposed by the Senate and the House. It does not include language regarding reimbursements as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $963,000,000 for the Child Survival and Disease Programs Fund instead of $886,000,000 as proposed by the House. The Senate bill contained no provision on this matter, but included regular and emergency funds for these activities under "Development Assistance" and "Global Health". The conference agreement also continues limitations on the use of the Fund for non-project assistance.

The managers include a United States contribution to UNICEF, and AID's program to promote basic education for children, within the Child Survival and Disease Programs Fund, as proposed by the House.

The conference agreement includes language allocating $963,000,000 among six program categories in the Child Survival and Disease Programs Fund: $295,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; $30,000,000 for vulnerable children; $300,000,000 for HIV/AIDS; $125,000,000 for other infectious diseases; $103,000,000 for children's basic education; and $110,000,000 for UNICEF. The conferees expect that any change proposed subsequent to the allocation as directed in bill language will be subject to the requirements of section 515 of the Act. A full definition of these program categories and their components can be found on pages 8 through 10 of House Report 106-270.

Within the child survival and maternal health program, authority is provided to transfer up to $50,000,000 as proposed by the Senate to a fund established for child immunization by the Global Alliance for Vaccines and Immunization (GAVI). The House bill provided authority to transfer up to $37,500,000 to GAVI. The managers are supportive of the GAVI and direct that the Committees be informed in writing 20 days prior to the obligation of any funds for GAVI on the proposed use of any U.S. contribution, particularly with regard to the amount to be donated for procurement of vaccines for children.

The managers note that a large part of the vulnerable children program assists AIDS orphans, who also benefit from the HIV/AIDS program. Although the conference agreement does not include bill language regarding funding for blind children, as proposed by the Senate, the managers recommend not less than $1,200,000 for assistance for blind children. The managers also support a total of $5,000,000 for the Kiwanis/UNICEF Iodine Deficiency program, with $2,500,000 from the Child Survival and Disease Programs account and $2,500,000 from regional accounts for Europe and Eurasia. AID is also encouraged to provide up to $2,000,000 to support non-governmental organizations, such as Special Olympics, that work with older children, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The vulnerable children program and AID's Office of Private Voluntary Cooperation are encouraged to provide small matching grants to American-led volunteer programs in India and other nations that seek to remedy physical disabilities through reconstructive surgery.

The conference agreement includes $315,000,000 for HIV/AIDS, of which $300,000,000 is allocated within this account and not less than $15,000,000 in other accounts and programs. The conference agreement does not include bill language concerning microbicides. However, the managers endorse the Senate report language on microbicides and direct that not less than $15,000,000 from the HIV/AIDS program and the "Development Assistance" account be made available to the Office of Health and Nutrition for microbicide research and development. These funds are to be managed by the Director of the HIV/AIDS Division. In addition, the managers support the International AIDS Vaccine Initiative (IAVI), which seeks to accelerate the development and distribution of an effective AIDS vaccine for use in developing countries. The managers urge that not less than $10,000,000 be provided as a contribution to the International AIDS Vaccine Initiative.

In addition, the managers direct AID to make available $500,000 for a proposal from the University of California at San Francisco to develop detailed epidemiological HIV/AIDS profiles for priority countries and an online, searchable database of key comparative indicators. The managers also encourage AID to collaborate with the Peace Corps' HIV/AIDS initiative, especially in supporting training activities.

The expected results of funds to develop and promote the use of vaccines in developing countries will also assist international travelers to endemic areas. The managers urge the Department of State and AID to require staff, grantees, and contractors to take all feasible steps to reduce the importation of vaccine-preventible infectious diseases, such as hepatitis, into the United States.

The managers note that the Global AIDS and Tuberculosis Relief Act of 2000 (P.L. 106-264) authorized that 65 percent of the HIV/AIDS funding be provided through non-governmental organizations (NGOs). The managers concur that NGOs, including religious institutions and faith based organizations, provide invaluable services in the fight against HIV/AIDS. In anticipation of an increasing involvement of the public sector, particularly in the areas of treatment and the provision of interventions to reduce mother-to-child transmission, the managers agree that assistance provided through NGOs in cooperation with a foreign government or using government facilities may be counted against the 65 percent target in AID's strategy to implement the Act.

Within the HIV/AIDS program, authority is provided to transfer $20,000,000 to the fund authorized by section 141 of the Global AIDS and Tuberculosis Relief Act. The managers expect the Secretary of the Treasury and the Administrator of the Agency for International Development to report to the Committees no later than April 30, 2001 on progress toward establishment of an international AIDS Trust Fund administered by the World Bank.

The managers urge that expanded resources be made available to mother-to-child transmission (MTCT) programs. As effective implementation of MTCT programs will take time, during which health care workers will be trained, laboratory and testing facilities established, and community based care services for HIV positive mothers developed, AID may not be able to meet the Global AIDS Act's 8.3 percent MTCT funding target in fiscal year 2001. The managers expect that USAID will achieve the MTCT target by the end of fiscal year 2002.

The conference agreement includes at least $60,000,000 from all accounts to address the global health threat from tuberculosis, including not less than $45,000,000 from the other infectious diseases program in the Child Survival and Disease Programs Fund. The managers urge AID to continue to work in close collaboration with organizations such as the U.S. Centers for Disease Control, the World Health Organization, the Gorgas Memorial Institute, and the Global STOP TB Initiative to implement effective tuberculosis control programs at the local level. The managers direct AID to continue and expand TB programs undertaken in cooperation with federal and state governments in Mexico, especially along Mexico's borders with Texas, California, Arizona, New Mexico, and Guatemala.

The other infectious diseases program also includes $30,000,000 for antimicrobial resistance and infectious disease surveillance, and $50,000,000 for international efforts to reduce the incidence of malaria. Drug resistant parasites and insecticide-resistant mosquitoes exacerbate malaria transmission and place millions throughout the world at risk of a crippling and often fatal disease. For this reason, the managers encourage USAID to designate $2,000,000 to support the establishment of coordinated centers of excellence for malaria research, to focus on tropical and sub-tropical regions. The managers support and urge AID to favorably consider proposals for a concerted approach to limiting the resurgence of malaria that are submitted jointly by the University of Notre Dame's Vector Biology Laboratory, Tulane University's Department of Tropical Medicine in New Orleans, and Latin American and African counterpart institutions.

The managers are aware that the HIV/AIDS and tuberculosis crises require extraordinary efforts on the part of the U.S. Government. USAID is encouraged to use, as appropriate, its existing waiver authorities regarding financing and procurement of goods and services, and grant making, in order to expedite the provision of HIV/AIDS and tuberculosis assistance and enhance the efficiency of that assistance.

The managers support and urge AID to favorably consider proposals by Carelift International. The managers anticipate that the ongoing, multiyear collaboration between AID and Carelift International will be expanded and require $7,000,000, including future year appropriations. The conference agreement does not include Senate language directing AID to make available to Carelift International up to $7,000,000 from fiscal year 2001 funds only.

The managers also direct AID to continue to provide the Committees with a detailed annual report not later than February 15, 2001, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 2000.

Funds appropriated for the Child Survival and Disease Programs Fund are intended to be used for programs, projects and activities. Funds for administrative expenses to manage Fund activities are provided in a separate account, with two exceptions included in the conference agreement: authority for AID's central and regional bureaus to use up to $125,000 from program funds for Operating Expense-funded personnel to better monitor and provide oversight of the Fund; and, in section 522, authority to use up to $16,000,000 to reimburse other government agencies and private institutions for professional services. Any proposed transfer of appropriations from the Fund for administrative expenses of AID under any other authority shall be subject to section 515 of this Act.

DEVELOPMENT ASSISTANCE

The conference agreement appropriates $1,305,000,000 for "Development Assistance" instead of $1,258,000,000 as proposed by the House and $1,368,250,000 as proposed by the Senate. The Senate included funding for programs carried out by the "Child Survival and Disease Programs Fund" under its "Development Assistance" account.

Of the funds under this heading, the conference agreement appropriates up to $12,000,000 for the Inter-American Foundation and up to $16,000,000 to the African Development Foundation. The House bill proposed up to $10,000,000 for the Inter-American Foundation and up to $16,000,000 for the African Development Foundation. The Senate amendment did not propose funding for the Inter-American Foundation and provided up to $14,400,000 for the African Development Foundation. Section 591 of the conference agreement provides the President with the authority to abolish the Inter-American Foundation during fiscal year 2001.

The Senate amendment proposed that not less than $425,000,000 be made available to carry out section 104(b) of the Foreign Assistance Act, regarding international population planning assistance. The House addressed this matter in section 586 of its bill and placed a ceiling of $385,000,000 on bilateral family planning assistance. The conference agreement addresses funding and restrictions for international family planning in section 598.

The conference agreement does not include language contained in the Senate amendment providing that $2,500,000 may be transferred from this account to the "International Organizations and Programs" account to provide a total contribution of $5,000,000 to the International Fund for Agricultural Development (IFAD). The conference agreement provides $5,000,000 from title IV of this Act for IFAD, as proposed by the House.

The conference agreement includes bill language similar to the Senate amendment that not less than $310,000,000 should be provided for agriculture and rural development programs through Foreign Assistance Act funds and through Support for East European Development Act funds. The House bill did not address this matter. The managers continue to support international agriculture and rural development activities and direct AID to increase funding for these important programs.

The conference agreement provides that, of the funds for agriculture and rural development programs, $30,000,000 should be provided for biotechnology research and development. The conference agreement does not include bill language for the University of Missouri-St. Louis International Laboratory for Tropical Agriculture biotechnology program (ILTAP), as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 for ILTAP to train scientists from Southeast Asia in methods to fight diseases that threaten rice, tomatoes, and cassava which the managers believe will play a key role in stabilizing the food supply for the region.

The conference agreement does not include bill language for the University of California, Davis, as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 for the University of California, Davis to support research and to train foreign scientists in programs which address improving crop agriculture in Central Africa.

The conference agreement does not include bill language for Tuskegee University, as proposed by the Senate. However, the managers support and urge AID to favorably consider $1,000,000 to establish a "Center to Promote Biotechnology in International Agriculture" at Tuskegee University. This center will promote extension and outreach aimed at policy makers, the media, farmers, and consumers in cooperation with local scientists. The emphasis should be to identify agricultural genetic technology applications crucial to combating hunger, malnutrition, and boosting low incomes in rural areas.

The conferees agree that Marquette University's Les Aspin Center for Government, which has been carrying out training programs for Africans in democracy and leadership, should receive the same consideration as similar programs at other Universities mentioned in the Senate report.

The conference agreement provides that not less than $2,300,000 should be made available for a core grant to the International Fertilizer Development Center (IFDC), which is similar to the Senate amendment. The House bill did not address this matter. The managers strongly support the fertilizer-related research and development being conducted by IFDC and direct the Administrator of AID to make at least $4,000,000 available to IFDC, including not less than $2,300,000 for its core grant.

The conference agreement provides not less than $5,200,000 for AmeriCares for the construction, rehabilitation, and operation of community-based primary healthcare facilities in Nicaragua, Honduras, Guatemala, and El Salvador.

The conference agreement provides that $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement provides that $17,000,000 should be made available for the American Schools and Hospitals Abroad (ASHA) program. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter. The managers direct ASHA to give full consideration to grant proposals from all qualified institutions. These may include grant proposals for curriculum, staff support, and related expenses and for expansion of overseas facilities owned and operated by U.S. based, non-profit educational institutions. No regulation, statute, or congressional directive precludes ASHA funds from being utilized for these purposes.

The conference agreement provides that not less than $2,000,000 should be made available to support an international media training center. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement does not include bill language proposed in the Senate amendment which provided up to $7,000,000 for Carelift International. The House bill did not address this matter. The managers have addressed Carelift International in the "Child Survival and Disease Programs Fund" section of the statement of the managers.

The conference agreement does not include bill language providing up to $1,500,000 to develop and integrate education programs aimed at eliminating female genital mutilation (FGM), as proposed in the Senate amendment. The House bill did not address this matter. The managers direct the Secretary of State to determine the prevalence of the practice of FGM and the existence and enforcement of laws prohibiting this practice. The Secretary shall submit to the Committees on Appropriations, not later than March 1, 2001, these findings and recommendations on how the United States government can best work to eliminate this practice. The managers direct AID to make available $1,500,000 to develop and integrate into development strategies, where appropriate, educational programs aimed at eliminating FGM. Further, the managers direct that AID's fiscal year 2002 budget justification include a narrative regarding the agency's proposed budget and programs in this area.

The managers continue to be concerned about worldwide trafficking of women and children and direct AID to provide not less than $2,500,000, including funds from under the heading "Independent States", to continue and expand these anti-trafficking programs.

The managers strongly support the Collaborative Research Support Programs (CRSPs), as stated in the House and Senate reports. Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committees on Appropriations regarding the proposed allocation of agriculture, rural development and CRSPs resources.

The conference agreement does not include bill language proposed in the Senate amendment providing $1,500,000 for Habitat for Humanity International for construction of housing in northern India. The House did not address this matter in bill language. The managers request that the Department of State coordinate with AID in determining the funding responsibility for long-term assistance for Tibetan refugees, including assistance to refugees residing in India. In this regard, the managers would support the proposal to fund the Tibetan Resettlement Project in Dehradum, India, consistent with Tibetan cultural practices. These funds should be in addition to those allocated for Tibetan refugees in "Migration and Refugee Assistance".

The conference agreement does not include bill language proposed by the Senate amendment regarding microenterprise. The House bill did not address this matter. Microenterprise authorization is included in Public Law 106–309.

The managers continue to believe that protecting biodiversity and tropical forests in developing countries is critical to the global environment and U.S. economic prosperity, especially for the agricultural and pharmaceutical industries. The managers direct AID to continue to work to increase overall biodiversity funding, as well as funding to the Office of Environment and Natural Resources, consistent with the House and Senate reports. Not later than 60 days after enactment of this Act, AID shall report to the Committees on Appropriations regarding the proposed allocation of resources for biodiversity on a bureau-by-bureau basis.

The conference agreement does not include bill language regarding the Foundation for Environmental Security and Sustainability, as proposed in the Senate amendment. The House bill did not address this matter. The managers support and urge AID to favorably consider $2,500,000 for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious diseases, and environmental indicators and warnings as they pertain to the security of a region.

The managers support the work of Alfalit International, an educational nongovernmental organization dedicated to promotion of literacy, elementary education, and community development in Africa, and Latin America and the Caribbean. Alfalit's proven record during the past three decades has helped significantly reduce child and adult illiteracy throughout Latin America and Africa. The managers direct AID to provide $1,500,000 to Alfalit to develop and implement programs to combat adult illiteracy in countries in which AID operates.

The managers encourage AID to support initiatives designed to promote child safety in developing countries such as those designed and carried out by the National Safe Kids Campaign. The managers believe that developing countries could benefit greatly from the 300 local programs already operating throughout the United States.

The managers support and direct AID to provide up to $1,000,000 for the Center for Latin American Trade Expansion at the University of San Francisco to assist in the development of trade promotion initiatives at the USF Business School's Center for Economic Development.

The managers commend the progress made by the Eastern European Real Property Program in the Europe and Eurasia Bureau since 1992. As the program expands into other regions as the International Real Property Program (IRPP), the Committee recommends that other AID regional bureaus and missions seriously consider cooperation with the IRPP as housing, shelter, and urban activities are included in country strategies. The managers encourage AID to fund the IRPP at a level not less than the fiscal year 1998 amount.

PATRICK LEAHY WAR VICTIMS FUND

The managers direct that $12,000,000 be provided through the "Patrick Leahy War Victims Fund" to address the medical, rehabilitative, economic and social needs of war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the "Development Assistance" account and the "Economic Support Fund." The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the "Nonproliferation, Anti-terrorism, Demining and Related Programs" account.

CYPRUS

The conference agreement includes Senate language that provides not less than $15,000,000 of the funds made available under "Development Assistance" and "Economic Support Fund" for assistance for Cyprus for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island. The House bill did not address this matter.

LEBANON

The conference agreement includes language that provides that not less than $35,000,000 of the funds made available under "Development Assistance" and "Economic Support Fund" shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon. The language is similar to House and Senate language that provided that not less than $18,000,000 should be made available for Lebanon for these purposes.

The managers are troubled by reports of the abduction to Lebanon of American children by estranged parents, and urge the Lebanese Government to assist in locating and returning these children to the United States.

BURMA

The conference agreement includes Senate language that provides not less than $6,500,000 of the funds made available under "Development Assistance" and "Economic Support Fund" for assistance to support democracy activities in Burma and for other specified activities. These funds are made available notwithstanding any other provision of law, and shall be subject to the regular notification procedures of the Committees on Appropriations. Of these funds, $3,500,000 should be derived from "Economic Support Fund" and $3,000,000 should be derived from "Development Assistance". The House bill did not address this matter.

The managers are deeply concerned by recent actions taken by the SPDC to limit efforts by Aung San Suu Kyi to travel outside Rangoon to meet with members of the National League for Democracy (NLD). On two separate occasions, she has been detained or blocked from carrying out reasonable and legal political organization activities. During the past year, Aung San Suu Kyi has continued to call upon the junta to participate in a dialogue to bring about reconciliation and democracy. The response from the junta has been to escalate repression of democratic activists and further isolate and attempt to intimidate Aung San Suu Kyi. The conferees commend the NLD and its leadership for its continued courage and effort to restore democracy to Burma.

In addition, the managers take note of the conditions under which Min Ko Naing continues to suffer. In 1989, he led students in non-violent protests against the military regime and was an outspoken supporter for democracy and human rights. For his actions, Min Ko Niang was arrested and ultimately sentenced to a minimum of 25 years in solitary confinement in the notorious Insein Prison. Min Ko Niang has been offered immediate release by the military junta in return for signing a statement renouncing the democracy movement and abandoning any future activity in politics. He has steadfastly refused to sign any document. In recognition of his courage, the managers direct that not less than $250,000 of the funds made available be dedicated to establishing a Min Ko Niang student scholarship and support fund.

CONSERVATION FUND

The conference agreement includes a provision, which is similar to the Senate amendment, that not less than $4,000,000 should be made available for the Conservation Fund. The House bill did not address this matter. The managers direct that not less than $4,000,000 be provided equally from "Development Assistance" and "Economic Support Fund" to support the preservation of habitats and related activities for endangered wildlife, including $1,500,000 for programs to protect orangutans in Indonesia, $1,500,000 for programs to protect gorillas in central Africa, and $1,000,000 for programs to protect cheetahs in Namibia. The managers direct AID to consult with the Committees in advance on the proposed uses of these funds.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language proposed by the House and the Senate providing that funds appropriated for development assistance programs should be available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. The conference agreement also requires that the Administrator of AID inform the Committees on Appropriations prior to waiving the requirement that private voluntary organizations receive at least 20 percent of their total annual funding for international activities from sources other than the United States government. The House bill included a similar provision.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $165,000,000 for "International Disaster Assistance", as proposed by the House bill, instead of $220,000,000 as proposed by the Senate amendment. The managers recommend the establishment of a separate account for AID's Office of Transition Initiatives. Therefore, the conference agreement provides the necessary resources requested to meet all existing and projected disaster needs in fiscal year 2001.

The managers are concerned by reports of quality problems in food aid commodities, including significant losses of micro-nutrients during production and field preparation, and believe that urgent action is needed to improve the quality of commodities provided to vulnerable populations and ensure the delivery of essential nutrients. The managers direct the Administrator of AID, after consultation with agriculture commodity producers and private voluntary organizations, to establish a plan and mechanism to ensure cooperation between AID and the Department of Agriculture to improve and assure the quality of commodities provided under this Act.

TRANSITION INITIATIVES

The conference agreement appropriates $50,000,000 for a new account for Transition Initiatives to support AID's Office of Transition Initiatives (OTI). The House bill proposed $40,000,000 for this account. The Senate amendment included funding for OTI activities within the "International Disaster Assistance" account. The conference agreement does not preclude OTI from using resources transferred from other development and economic assistance funds in this Act. The conference agreement requires that AID submit a report to the Appropriations Committees not less than five days prior to beginning a new program of assistance. The House bill contained a similar provision.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

The conference agreement appropriates $1,500,000 for direct loans and loan guarantees and $500,000 for administrative expenses for micro and small enterprise activities as proposed by the House bill. The Senate amendment did not address this matter.

DEVELOPMENT CREDIT PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,500,000 in a direct appropriation and up to $5,000,000 by transfer from funds made available under the heading "Development Assistance" for the cost of loans and loan guarantees for AID's Development Credit Program Account, as proposed by the House. In addition, the conference agreement provides $4,000,000 for administrative expenses which may be transferred to and merged with AID's "Operating Expenses" account, as proposed by the Senate. The House bill proposed $6,495,000 for administrative expenses. The managers endorse House report language directing the use of funds under this heading for an integrated municipal infrastructure and housing program in Costa Rica.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $520,000,000, instead of $509,000,000 proposed by the House and $510,000,000 proposed by the Senate, for Operating Expenses of the Agency for International Development. The conference agreement prohibits the use of funds in this account to finance the construction or long-term lease of offices for use by AID unless the Administrator of AID reports in writing to the Appropriations Committees prior to the obligation of funds for such purposes, as proposed by the House.

Operating Expenses of the Agency for International Development

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $27,000,000 for Operating Expenses of the Agency for International Development, Office of Inspector General, as proposed by the House. The Senate amendment proposed $25,000,000.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,295,000,000 for the Economic Support Fund instead of $2,208,900,000 as proposed by the House and $2,220,000,000 as proposed by the Senate.

The conference agreement contains Senate language that provides not less than $840,000,000 for Israel and not less than $695,000,000 for Egypt, instead of not to exceed those sums as proposed by the House. In addition, Senate language is included that provides not less than $200,000,000 for the Commodity Import Program in Egypt. The House bill did not address this matter.

The conference agreement does not contain Senate language that would have authorized the use of up to the Egyptian pound equivalent of $50,000,000 for certain specified activities. The House bill did not address this matter.

The conference agreement includes language that provides that in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that Israel enters into a side letter agreement proportional to the fiscal year 1999 agreement.

The conference agreement also includes language that provides that not less than $150,000,000 should be made available for assistance for Jordan. The Senate language would have mandated this level of support. The House bill did not address this matter. The conference agreement does not contain Senate language that would have provided $2,000,000 for the American Center for Oriental Research, but the managers support this proposal and urge the Department of State and the Agency for International Development to give it favorable consideration.

The conference agreement includes House language that states that not less than $12,000,000 should be made available for Mongolia. The Senate amendment did not address this matter.

The conference agreement also includes House language that requires that funds obligated for regional or global programs shall be subject to the regular notification procedures of the Committees on Appropriations. The Senate amendment did not address this matter.

The conference agreement provides that $5,000,000 should be made available for economic rehabilitation and related activities in the Aceh region of Indonesia. In May 2000, representatives of the Indonesian government and the Free Aceh Movement signed a Joint Understanding on a Humanitarian Pause for Aceh. Since signing the understanding representatives have met and agreed upon a number of projects which would address humanitarian and economic needs in Aceh. The managers support this dialogue and urge AID through the Office of Transition Initiatives to promptly provide assistance to projects agreed upon by both parties which further the objectives of the Joint Understanding and support a resolution to the conflict in Aceh.

The managers encourage AID to support effective economic restructuring and decentralization programs, where feasible, in key regions throughout Indonesia, especially in the Moluccas and other areas of Eastern Indonesia.

The conference agreement also includes language that provides that not less than $25,000,000 shall be made available for East Timor. The House bill did not address this matter. The managers strongly support AID's Economic Rehabilitation and Development Project, also known as the East Timor Coffee Project. The managers are concerned about reports that certain individuals in East Timor are seeking to restore monopolistic control of coffee production, that would jeopardize the livelihoods of thousands of farmers. The managers will continue to closely monitor this project. The managers are also aware of the importance of the Consolidated Fund for East Timor and expect that the United States will provide up to $4,500,000. The managers also urge AID to continue supporting activities that will improve the economy and establish democratic practices.

The conference agreement also includes language similar to that from the Senate amendment that provides that up to $10,000,000 may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, to provide certain specified assistance to the National Democratic Alliance of Sudan. The House bill did not address this matter. The conference agreement does not include section 597 of the Senate amendment regarding reporting requirements on Sudan. However, the managers direct that the Secretary of State report not later than March 1, 2001, describing the areas of Sudan which are open to Operation Lifeline Sudan (OLS) and those areas which are prohibited, and the reasons for these prohibitions; the extent of actual deliveries of assistance through OLS since January 1997; the areas of Sudan where the United States has provided assistance outside of OLS since January 1997, including the amount, extent and nature of that assistance; and an assessment of the humanitarian needs in areas of Sudan not served by OLS.

The managers encourage USAID to provide an additional $1,000,000 in Economic Support Funds during fiscal year 2001 to support Phase II of the Haiti Health Systems 2004 Project. The additional resources will ensure that financial support to health providers operating under performance based contracts will not be reduced below fiscal year 2000 levels.

The managers support and urge the State Department to favorably consider the allocation of at least $250,000 in funding for South Korean nongovernmental organizations involved in activities to promote democratization efforts in North Korea. Such funds should be programmed through the National Endowment for Democracy.

The managers support the House report language providing $1,000,000 for the Reagan/Fascell Democracy Fellows Program of the National Endowment for Democracy.

The managers support the budget request of $20,000,000 for assistance for Cambodia through nongovernmental organizations (NGO's) and local governments, as appropriate. No support would be available to or through the central government. The managers support assistance for such activities as health (especially to combat HIV/AIDS), education, environmental protection and democratization. In addition, the managers strongly support funding through NGO's to assist in efforts to halt illegal logging operations. The managers also endorse the House report language regarding the Cambodian Mine Action Center. Finally, the managers commend the work of the Documentation Center of Cambodia, which has painstakingly cataloged the atrocities of the Khmer Rouge. This evidence will be invaluable in any trials of Khmer Rouge leaders. The managers direct AID to provide adequate funding so the Documentation Center can continue its work.

The managers direct that in addition to funds otherwise requested or made available for Yemen, up to $4,000,000 shall be dedicated to counter-terrorism training and investigations. The managers also direct that these funds not be made available until the Director of the Federal Bureau of Investigation certifies to the Committees on Appropriations that the Government of Yemen is fully cooperating with United States officials in the investigation of the bombing of the U.S.S. Cole.

The managers also reiterate support for conflict resolution programs as described in the House and Senate reports, including funding for Seeds of Peace.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $25,000,000 as proposed by the House. The Senate amendment contained no provision on this matter.

The managers endorse the House and Senate report language in urging the application of equal opportunity principles through the International Fund for Ireland. The managers also endorse the Senate report language on the Northern Ireland Voluntary Trust, and the House report language on Project Children.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $600,000,000 instead of $535,000,000 as proposed by the House and $635,000,000 as proposed by the Senate.

The conference agreement does not include minimum funding levels for Croatia and Montenegro as proposed by the Senate. However, the managers strongly support assistance for both countries. From funds appropriated under this heading both in this title and in title VI, as well as from funds made available in Public Law 106–52, the managers expect that not less $65,725,000 will be made available for Croatia and not less than $89,000,000 will be made available for Montenegro.

The managers strongly support the announced intention of the Government of Croatia to fulfill several commitments, including cooperation with the International Criminal Tribunal for the Former Yugoslavia; an end to financial, political, security, and other support to Herceg Bosna; establishment of a swift timetable and cooperation in support of the safe return of refugees; and the acceleration of political, media, electoral, and anti-corruption reforms. The managers direct that the Secretary of State report to the Committees on Appropriations on the implementation of these goals prior to the obligation of funds for Croatia.

The conference agreement contains language similar to that in the House bill that provides not less than $5,000,000 for the Baltic States. In addition, it contains language similar to that in the Senate amendment that imposes a ceiling of $80,000,000 on assistance to Bosnia and Herzegovina from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement". The House bill did not address this matter.

The conference agreement contains language similar to that in the House bill that prohibits funds for Kosova from this account and from "Economic Support Fund" and "International Narcotics Control and Law Enforcement" to exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosova as of March 31, 2001. The Senate amendment would have prohibited funds for Kosova until the Secretary of State certified that the resources obligated and expended by the United States in Kosova did not exceed 15 percent of the total resources obligated and expended by all donors. The conference agreement does not contain House language that would also have limited funding for Kosova to $150,000,000.

The conference agreement does not contain language from the Senate amendment that would have required that not less than 50 percent of the funds made available for Kosova be made available through non-governmental organizations (NGOs). The House bill did not address this matter. The managers direct that the Agency for International Development submit quarterly reports to the Committees on Appropriations regarding the organizations, activities and levels of support provided through local NGOs.

The conference agreement includes language providing that $1,300,000 should be made available to support the National Albanian American Council's training program for Kosovar women. The Senate amendment would have mandated such support. The House bill did not address this matter.

The conference agreement does not contain Senate language regarding $250,000 for assistance to law enforcement officials in Kosova to better identify and respond to cases of trafficking in persons or $750,000 for a joint project developed by the University of Pristina and Dartmouth Medical School to help restore and improve educational programs at the University of Pristina Medical School. However, the managers support funding for these items, as well as for a proposal by Florida State University for $2,000,000 to fund a distance learning program of instruction in basic legal principles for students and professionals in Eastern Europe, and urge the Agency for International Development to favorably consider these proposals. In addition, the managers reiterate support for the Orava Project of the University of Northern Iowa as expressed in the House and Senate reports.

The managers note the crucial importance of a democratic, multi-ethnic Macedonia to stability in the Balkans, as well as the contributions made by that nation during the Kosova air campaign. In view of these factors the managers strongly support adequate resources for assistance for Macedonia for fiscal year 2001.

The managers note with great concern the delay in the implementation of critical nuclear safety upgrades at the Kozloduy Nuclear Power Plant in Bulgaria. The managers are further concerned that commercial disputes regarding the project may negatively affect U.S.-Bulgarian commercial relations. Therefore, the Secretary of State is urged to communicate to the Government of Bulgaria the need to expeditiously begin work on this project.

The conference agreement includes language similar to that in the House bill that authorizes the use of local currencies generated by the assistance program in Bosnia for use in Eastern Europe consistent with the provisions of the Support for East European Democracy (SEED) Act of 1989 and the Foreign Assistance Act of 1961. The Senate amendment did not address this matter. The managers expect the Agency for International Development to consult with the Committees on Appropriations on the proposed uses of these funds, and to submit a financial plan to the Committees following such consultations.

The conference agreement contains House language regarding Presidential authority to withhold funds for Bosnia if the Bosnian Federation is not complying with the requirements of the Dayton Peace Accord regarding the removal of foreign troops, and has not terminated intelligence cooperation with Iranian officials. The Senate amendment contained similar language.

The managers request the President to determine whether it would be appropriate to expunge by executive order certain references in the 1965 report of the Commission on Law Enforcement and Administration of Justice, entitled "The Challenge of Crime in a Free Society," to Italian nationals.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $810,000,000, instead of $740,000,000 as proposed by the House and $775,000,000 as proposed by the Senate. The managers have included a ceiling of 8 percent on management costs instead of 7 percent as proposed by the Senate for nuclear safety activities. Further, the conference agreement places a limitation of 25 percent on the percentage of funds that may be allocated for any single country as proposed by the House.

The conference agreement includes not less than $45,000,000, as proposed by the House, only for child survival, environmental and other health activities; programs to reduce the incidence of infectious diseases; and related activities. When AID is allocating funds to combat HIV/AIDS and tuberculosis in the Europe and Eurasia region, the managers direct that funds from regional accounts and the Child Survival and Disease Programs Fund are to be provided in approximately equal amounts.

The conference agreement also directs the Coordinator of Assistance to the Independent States to obligate not less than $1,500,000 primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children. The managers urge the Coordinator to augment anti-trafficking projects by continuing and strengthening law enforcement and other activities to reduce all forms of violence against women. As proposed by the Senate, the conference agreement mandates the obligation of not less than $10,000,000, from this and the migration and refugee account, only for nongovernmental organizations providing humanitarian relief in Chechnya and Ingushetia.

The managers strongly support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a provision that of the funds available for the Southern Caucasus region 15 percent, as proposed by the House, may be used for confidence-building measures and other activities related to the resolution of regional conflicts, notwithstanding any other provision of law, as proposed by the Senate.

In support of regional reconciliation in the Caucasus, the managers believe that bringing together political leaders, academics and other individuals from Georgia, Armenia and Azerbaijan to discuss economic and cultural development, democracy building, and the needs of victims of conflict would be a vital step. Therefore, the managers direct that $900,000 be made available, from funds for the Southern Caucasus region for confidence-building measures for such initiatives, specifically, the International Peace Forum, to be held in Tbilisi, Georgia, in Spring 2001.

The conference agreement reserves not less than $92,000,000 of the funds in this account for Georgia only and not less than $90,000,000 for Armenia only, instead of $94,000,000 and $89,000,000, respectively, as proposed by the Senate, and 12.5 percent for each as proposed by the House. The managers direct the Coordinator and AID to allocate not less than $25,000,000 of the funds made available for Georgia for security assistance for border and export control only and up to $5,000,000 for the training of municipal and regional officials in management of water resource, transportation, and other sectors operated or regulated by local governments in Georgia. The managers support and urge AID to favorably consider proposals by Fort Valley State University and the University of Louisville to participate in any absorptive capacity fund that may be established in the Republic of Georgia.

The managers are aware that Armenia may be selected as the host site for Synchrotron Light Source Particle Accelerator project known as SESAME. The managers understand that the project will be used to advance regional interests in medicine, geology, industry, and electronics. In the event that the project is located in Armenia, the managers intend that $15,000,000 of the funds made available for Armenia should support this or a comparable project.

The managers include bill language directing that $170,000,000 should be made available for Ukraine instead of $175,000,000 as proposed by the Senate. Of the amount for Ukraine, not less than $25,000,000 shall be provided for nuclear reactor safety programs. The managers have also included bill language directing that $5,000,000 should be provided for the Ukrainian Land and Resource Management Center.

The conference agreement includes not less than $1,000,000 to increase analytical capacity in Ukraine in the area of healthcare and environmental health epidemiology, particularly concerning children with special needs and birth defects. This directive is based on the Senate amendment mandating funds to complete the ongoing study of the environmental causes of birth defects in Ukraine that is managed by the University of South Alabama. The conference agreement also includes not less than $3,250,000 for two regional initiatives, industrial sector management study tours conducted by Ohio's Center for Economic Initiatives and community telecommunications activities managed by the National Telephone Cooperative Association.

The conference agreement includes conditions on assistance to the Government of the Russian Federation, with exceptions for specified humanitarian and security programs, with respect to its adherence in the Northern Caucasus to certain conventional arms and human rights conventions and agreements, as proposed by both the House and the Senate.

The conference agreement provides that 60 percent of assistance to the Government of the Russian Federation would be withheld if the President is unable to certify to Congress that the Russian Government has terminated its ongoing cooperation with the Government or Iran with regard to certain nuclear and missile technology matters, and, with regard to Chechnya, is cooperating with international efforts to investigate allegations of war crimes and is in compliance with article V of the Treaty on Conventional Armed Forces in Europe.

The managers reiterate language from the fiscal year 2000 Statement of the Managers with regard to other limitations on assistance, "that assistance to combat infectious diseases, * * * support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this section."

The conference agreement includes language providing not less than $20,000,00 for the Russian Far East. This matter was not addressed in the House bill. The managers recognize the successful entrepreneurship, management and democratization programs carried out during the past seven years in the Russian Far East by the University of Alaska's American-Russian Center. In addition to supporting continued University of Alaska programs in the Russian Far East, the managers direct that $3,000,000 be made available for a proposal by the University of Alaska to extend these efforts to Chukotka. In collaboration with Alaska Pacific University and two Alaska Native regional governments (the North Slope Borough and the Northwest Arctic Borough), the University of Alaska will provide training and technical assistance to strengthen Chukotka's economy, develop market driven systems, and improve social conditions, particularly for the indigenous peoples.

The managers commend three programs in Russia that merit support from the "Assistance for the Independent States of the Former Soviet Union" account. The Replication of Lessons Learned (ROLL) program provides ongoing American support to help local Russian private volunteer organizations increase their management capacity to help solve pollution and related health problems, protect natural resources, and support economic growth. The managers urge that the ROLL and similar small grants programs that support women, children, and religious freedom be increased by at least 10 percent over current levels.

In addition, the managers direct that not less than $250,000 should be provided to the Moscow School of Political Studies to support its successful efforts to teach democratic and free market principles to the emerging generation of Russia's political leaders and $400,000 be made available for the Cochran Fellowship Program to acquaint Russian farmers with American agricultural practices and to enhance U.S.-Russian trade and business relations. The Moscow School of Political Studies is making a concerted effort to teach democratic and free market principles to the emerging generation in Russia. It does this by conducting numerous seminars to expose young political leaders—of all parties, at both the federal and regional levels—to Western classical political and economic thought.

The conference agreement also includes funds to support expansion of the Primary Healthcare Initiative in Ukraine, Georgia, and Russia of the World Council of Hellenes, and the United States-Russia Investment Fund, consistent with the funding levels specified in the House report. The managers commend the Fund for its promotion and development of a market economy in Russia and urge the State Department and AID allocate the maximum level practicable to the Fund in fiscal year 2001. The managers also support House language recommending the creation of a collaborative research program on issues of arms control verification for Russian and American scholars under the Expanded Threat Reduction Program. The managers also support and urge AID to favorably consider proposals to expand two existing programs: the Silk Road Seed Multiplication Program, based on the success of a similar program in Armenia; and the University of Arkansas Medical School-Volgograd Partnership program.

The conference agreement does not reserve $6,000,000 from this account only for Mongolia, as proposed by the Senate. Language in the statement of the managers under the heading "Economic Support Fund" addresses this matter.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $265,000,000 instead of $258,000,000 as proposed by the House and $244,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $325,000,000 for International Narcotics Control and Law Enforcement instead of $305,000,000 as proposed by the House and $220,000,000 proposed by the Senate.

The conference agreement requires that all anti-crime programs be subject to the regular notification procedures of the Committees on Appropriations, as proposed by the House. The Senate did not address this matter.

The conference agreement contains House language allowing the Department of State to utilize section 608 of the Foreign Assistance Act to receive excess property from other U.S. federal agencies for use in a foreign country. The Senate amendment did not address this matter.

The managers endorse House report language regarding, and direct the State Department to favorably consider, Notre Dame University's program of human rights, democracy, and conflict resolution training in Colombia.

The managers direct the Secretary of State to engage the government of Panama in good faith negotiations for the conclusion of an agreement which provides the U.S. military a forward operating location to support the use funds of under this heading.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $700,000,000, instead of $645,000,000 as proposed by the House and $615,000,000 as proposed by the Senate. The conference agreement makes available $14,500,000, for administrative expenses, instead of $14,000,000 as proposed in the Senate amendment. The House proposed $14,852,000 for administrative expenses.

The conference agreement also includes Senate language, not included in the House bill, that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

The conference agreement provides that funds appropriated under this heading to support activities and programs conducted by the United Nations Commissioner for Refugees shall be made available after reporting at least 5 days in advance to the Committees on Appropriations. This reporting requirement may be waived for any obligation if failure to do so would pose a substantial risk to human health or welfare. In the event that the waiver is exercised, a report to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 5 days after such obligation.

The managers support the efforts of the Department of State to remove anti-Semitic content in textbooks and curricula used in schools administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The managers are concerned by reports that anti-Semitic, anti-Israel rhetoric has been included in new Palestinian school textbooks. Accordingly, the managers direct the Secretary of State to report in writing to the Committees on Appropriations not later than February 1, 2001, on any such anti-Semitic, anti-Israel content in the new textbooks and on initiatives to redress such content in UNRWA schools.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $15,000,000, as proposed by the Senate amendment. The House bill proposed $12,500,000.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $311,600,000 instead of $241,600,000 as proposed by the House and $215,000,000 as proposed by the Senate.

The managers intend that funds in this account be allocated as follows:

[In thousands of dollars]

Nonproliferation and Disarmament Fund	$15,000
Export control assistance	19,100
International Atomic Energy Agency	47,000
CTBT Preparatory Commission	21,500
Korean Peninsula Economic Development Organization (KEDO)	55,000
Anti-terrorism assistance	38,000
Terrorist Interdiction Program	4,000
Demining	40,000
Small arms destruction	2,000
Science Centers	35,000
Lockerbie trial costs	15,000
Nonproliferation contingency	20,000
Total	311,600

The conference agreement does not provide funds for a proposed Center for Antiterrorism and Security Training (CAST), both due to budget constraints and due to the fact that funding for domestic law enforcement training is not under the jurisdiction of the Subcommittee on Foreign Operations, Export Financing, and Related Programs. Although the proposal for CAST includes training for foreign law enforcement purposes, the managers believe that these needs can be met by training at existing facilities and encourage the Department of State to coordinate with the Federal Law Enforcement Training Center (FLETC) and the Department of Justice. To the extent that other Federal entities were seeking to participate in the proposed training facility, such needs should be pursued through the proper subcommittees of jurisdiction.

The managers intend that $5,000,000 of the funds allocated for export control assistance be made available for equipment for Malta to enable that country to monitor shipments transiting the Malta Freeport. This equipment will assist the Government of Malta in its efforts to prevent the transshipment of narcotics, weapons of mass destruction, and other illegal material through the Freeport. As evidence in the Lockerbie trial has illustrated, preventing such shipments is in the direct national security interest of the United States.

In addition, the managers strongly support the allocation of up to $8,000,000 for export control activities along Jordan's borders with Iraq and Syria, including the procurement of mobile vans and trucks that are capable of monitoring shipments of goods into Jordan.

The conference agreement includes House language that authorizes a contribution to the Comprehensive Nuclear Test Ban Treaty (CTBT) Preparatory Commission, and requires that the Secretary of State inform the Committees on Appropriations at least 20 days prior to the obligation of funds for such Commission. The conference agreement does not include Senate language on this matter. However, the managers endorse the Senate report language directing that a report be provided to the Committees on Appropriations on the anticipated use of funds made available to the Commission, including an identification of all donors and any directives or restrictions associated with their contribution; a detailed explanation of expenditures in 2000 and 2001, including sites where the United States has provided assistance to third party nations; and a copy of the Commission's 2001 budget.

The conference agreement includes Senate language authorizing the use of funds for the destruction of small arms, and providing that $40,000,000 should be used for demining activities including not to exceed $500,000 for administrative expenses. The House bill did not address these matters.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes $6,000,000 for the International Affairs Technical Assistance program of the Department of the Treasury instead of $5,000,000 as proposed by the Senate and $2,000,000 as proposed by the House.

DEBT RESTRUCTURING

The conference agreement appropriates $238,000,000 for debt restructuring as proposed by the House instead of $75,000,000 as proposed by the Senate. The managers include not less than $13,000,000 only for implementation of title V of the Foreign Assistance Act. The remainder of the amount provided for debt restructuring may be used at the Administration's discretion, subject to certain reporting and notification requirements, either for bilateral debt restructuring or for United States contributions to the Heavily Indebted Poor Country (HIPC) Trust Fund administered by the World Bank.

The conference agreement includes language that countries benefiting from U.S. contributions to the HIPC Trust Fund agree not to accept additional market-rate loans during a "time out on new debt" moratorium. The moratorium for 24 months, instead of 30 months as proposed by the House, would apply only to new lending from MDBs whose bad loans to the beneficiary poor country are being paid off by the HIPC Trust Fund.

The managers have not included a House provision that would have established a similar moratorium for 9 months with regard to concessional or "soft" loans. The managers have included bill language requiring that the Secretary of the Treasury include a listing of all concessional loans that are under consideration by multilateral development banks for each HIPC beneficiary country. The extent and amount of proposed new debt will be a factor as the Committees consult with Treasury regarding the specific use of funds provided for forgiveness of old debt. The managers agree with the policy with regard to HIPC, issued by the Development Committee of the IMF and World Bank at recent meetings in Prague, that: "further restraint on concessional lending may also be warranted, including through greater recourse to grant financing." The matter of new concessional lending to HIPC beneficiaries is addressed in bill language under the heading "Contribution to the International Development Association (IDA)".

The conferees encourage all bilateral creditors to provide debt reduction to heavily indebted poor countries and that special consideration be given to the unique circumstances of selected bilateral creditors such as Costa Rica.

The managers have also included language proposed by the House that prohibits U.S. payments to the HIPC Trust Fund for certain countries.

The limitation affects any country credibly reported to be engaged in a pattern of gross violations of internationally recognized human rights or to be engaged in a war or civil conflict that undermines its ability to comply with HIPC conditions. The Senate amendment did not address these matters.

The conferees have included a provision that requires the Secretary of the Treasury to consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund administered by the World Bank during the fiscal year, and to inform the Committees not less than fifteen days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions. It is the understanding of the conferees that the Secretary of the Treasury will update the list of countries and institutions if new countries or institutions are expected to benefit from U.S. contributions to the HIPC Trust Fund during the fiscal year, and that such updating will be provided in advance of informing the Committees of the proposed signature of an agreement to make payments to the HIPC Trust Fund with respect to any such new country or institution.

The conference agreement further requires full documentation of any commitment by a HIPC beneficiary country regarding redirection of domestic resources to additional poverty alleviation and economic growth measures, as proposed by the House. The Committees will closely monitor the implementation of such commitments, taking into account the findings of the Department of the Treasury, religious groups that have advocated the HIPC initiative and knowledgeable non-governmental organizations.

TITLE III—MILITARY ASSISTANCE

International Military Education and Training

The conference agreement appropriates $55,000,000 as proposed by the Senate instead of $47,250,000 as proposed by the House. The conference agreement also contains House language not in the Senate amendment that provides that up to $1,000,000 may be available until expended.

The conference agreement includes House language that provides that Expanded International Military Education and Training (E-IMET) for Indonesia is subject to notification, and Senate language that provides that Expanded IMET for Guatemala is subject to notification.

The conference agreement does not include House language that conditioned funding for the School of the Americas upon certifications by the Secretary of Defense and the Secretary of State, or that imposed certain reporting requirements. The Senate amendment did not address these matters. The managers note that the relevant authorizing committees are addressing the future status of the School of the Americas as part of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

As part of the increase in funding for this account, the managers would support increasing the allocation for Malta from $100,000 to $200,000 for fiscal year 2001 in order to support that country's needs for the professional training of its armed forces.

The managers support and urge the Departments of State and Defense to favorably consider $150,000 from this account for development for a peacekeeping initiative at the Naval Postgraduate School. This education program would focus on the creation of a security environment within which economic and political development can accelerate, thereby facilitating the withdrawal of United States and/or other peacekeeping forces. The program would eventually provide foreign civilians and military personnel with the specialized expertise, problem-solving skills and management tools to conduct peacekeeping operations that have an exit strategy.

Foreign Military Financing Program

The conference agreement appropriates $3,545,000,000 instead of $3,519,000,000 as proposed by the Senate and $3,268,000,000 as proposed by the House.

The conference agreement includes Senate language that provides not less than $1,980,000,000 for grants for Israel and not less than $1,300,000,000 for grants for Egypt, instead of not to exceed those sums as proposed by the House. The conference agreement also includes language that provides that not less than $520,000,000 shall be available for procurement in Israel of defense goods and services. The House and Senate had similar language on this matter, but the House bill would not have mandated this level.

The conference agreement deletes House language expressing the Sense of Congress on the proposed Phalcon sale by Israel to China. The managers commend the decision by the Government of Israel to cancel the sale in view of the threat posed to United States national security interests.

The conference agreement includes language that provides that not less than $75,000,000 should be made available for assistance for Jordan. The Senate amendment would have mandated this level of assistance. The House bill did not address this matter.

The conference agreement includes language similar to that in the Senate amendment regarding an interest bearing account for Egypt, except that the requirement for a notification is replaced by language that requires that the Committees on Appropriations be informed at least 10 days prior to the obligation of funds earned on the interest from funds deposited in said account. The House bill would have allowed for the early disbursal of fiscal year 2001 outlays for Egypt.

The conference agreement includes not less than $8,500,000 for Tunisia, of which not less than $5,000,000 shall be from drawdowns of defense articles, services, and education and training. The Senate amendment provided $10,000,000 and $4,000,000, respectively, for these activities. The House bill did not address this matter.

The conference agreement provides that not less than $8,000,000 shall be provided for Georgia, of which not less than $4,000,000 shall be from drawdowns of defense articles, services, and education and training. The Senate amendment mandated $12,000,000 and $5,000,000, respectively, for these activities. The House bill did not address this matter. The conference agreement also includes language that allocates $3,000,000 in grant funds for Malta.

The conference agreement does not include Senate language that would have authorized the transfer by Turkey to Georgia of not to exceed $10,000,000 in defense articles sold by the United States to Turkey. The House bill did not address this matter.

The conference agreement provides for a limitation of $33,000,000 for administrative expenses as proposed by the Senate, rather than $30,495,000 as proposed by the House. It also includes House language that provides that no Partnership for Peace funds may be made available to a non-NATO country except through the regular notification procedures of the Committees on Appropriations.

Peacekeeping Operations

The conference agreement appropriates $127,000,000 instead of $117,900,000 as proposed by the House and $85,000,000 as proposed by the Senate.

The managers urge the State Department to provide support to the Special War Crimes Court for Sierra Leone, to bring to justice those responsible for the mutilation and slaughter of innocent people there.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

International Financial Institutions

GLOBAL ENVIRONMENT FACILITY (GEF)

The conference agreement appropriates $108,000,000 for the Global Environment Facility instead of $50,000,000 as proposed by the Senate and $35,800,000 as proposed by the House.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $775,000,000 instead of $750,000,000 as proposed by the Senate and $566,600,000 as proposed by the House.

The managers have agreed to language, similar to that proposed by the House, regarding the provision of grant assistance by the International Development Association to HIPC beneficiaries. The managers endorse Senate report language concerning the need for further reform of procedures to address employee grievances at the World Bank, IMF, and other financial institutions.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $10,000,000 for paid-in capital issued by the Multilateral Investment Guarantee Agency, instead of $4,000,000 as proposed by the Senate and $4,900,000 as proposed by the House. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

The conference agreement appropriates $25,000,000 for the United States contribution to the Inter-American Investment Corporation, instead of $10,000,000 as proposed by the Senate and $8,000,000 as proposed by the House.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement appropriates $10,000,000 for the United States contribution to the Multilateral Investment Fund (MIF) at the Inter-American Development Bank, as proposed by the House. The Senate did not address this matter.

The MIF was intended to be a cutting-edge instrument for expanding the private sector's contribution to growth in Latin America. The managers request the Secretary of the Treasury to prepare and submit to the Committees by April 6, 2001, an in-depth report on the MIF prepared by private sector entrepreneurs from the U.S. and Latin America. The report should evaluate the portfolio of the MIF with respect to private sector growth, including, but not limited to, the status of project execution and value added, and include strategic recommendations for achieving greater impact and expediting project selection and approval.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $72,000,000 for the Asian Development Fund, as proposed by the House, instead of $100,000,000 as proposed by the Senate.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $6,100,000 for paid-in capital issued by the African Development Bank as proposed by the Senate, instead of $3,100,000 as proposed by the House. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $100,000,000 for the African Development Fund instead of $72,000,000, as proposed by the House and the Senate.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

The conference agreement appropriates $35,778,717 for the European Bank for Reconstruction and Development, as proposed by the House, instead of $35,779,000, as proposed by the Senate. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The conference agreement appropriates $5,000,000 for the International Fund for Agricultural Development (IFAD), as proposed by the House. The Senate included a total of $5,000,000 for IFAD within the "International Organizations and Programs" and "Development Assistance" accounts.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $186,000,000, instead of $183,000,000 as proposed by the House and $288,000,000 as proposed by Senate. The final appropriation level does not include $110,000,000 provided for UNICEF, and up to $50,000,000 for the Global Alliance for Vaccines and Immunization (GAVI), which are included under the "Child Survival and Disease Programs Fund" account and $2,500,000 for IFAD, which is included under the prior heading.

The conference agreement continues current law indicating that $5,000,000 should be made available for the World Food Program, as proposed by the House. The Senate amendment included similar language.

The managers support $5,000,000 from this account for the United States contribution to the United Nations Voluntary Fund for Victims of Torture Program, as recommended in the Senate Report, and $90,000,000 for the United Nations Development Program, as recommended in the House Report.

TITLE V—GENERAL PROVISIONS

(Note—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 505. Limitation on Representational Allowances

This section retains reference to the Inter-American Foundation as proposed by the House and as contained in current law. The Senate amendment proposed deleting this reference.

Sec. 508. Military Coups

The conference agreement includes House language that specifies that funds shall be prohibited for any country whose duly elected head of government is deposed by decree or military coup. The Senate amendment included similar language.

Sec. 510. Deobligation/Reobligation Authority

The conference agreement deletes Senate language that would have authorized deobligation/reobligation authority for funds that are certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955.

Sec. 511. Availability of Funds

The conference agreement deletes House language that provided that the final proviso under title VI of the fiscal year 2000 appropriations Act for foreign operations, export financing, and related programs shall be null and void. Similar language is already contained in Public Law 106–52.

Sec. 512. Limitation on Assistance to Countries in Default

The conference agreement is the same as current law, as proposed by the House. The Senate proposed to restrict the limitation to a defaulting government instead of a defaulting country.

Sec. 515. Notification Requirements

The conference agreement is the same as current law. The Senate proposed a technical change.

Sec. 517. Independent States of the Former Soviet Union

The conference agreement is the same as current law, except that the special notification requirement applies to Russia, Ukraine, Armenia, and Georgia only. The House bill deleted a current provision relating to territorial integrity and required special notification for Russia and Ukraine only. The Senate amendment was essentially the same as current law.

Sec. 520. Special Notification Requirements

The conference agreement adds "Ethiopia", "Eritrea", and "Zimbabwe" as proposed by the House bill and retains "Pakistan" as proposed by the Senate amendment, to the list of countries subject to the special notification procedures of this section. The managers are encouraged that on June 8, 2000, a cease-fire agreement was signed by Ethiopia and Eritrea and that efforts are underway to reach a permanent settlement of the border conflict.

Sec. 522. Child Survival and Disease Prevention Activities

The conference agreement authorizes AID to use $16,000,000 from the "Child Survival and Disease Programs Fund" for technical experts from other government agencies, universities, and other institutions. The Senate proposed $10,000,000 and the House $10,500,000 for this purpose. The managers have increased this authority on an interim basis in order to accelerate implementation of the expanded HIV/AIDS and tuberculosis activities. AID is directed to replace the additional temporary personnel as rapidly as possible with AID direct hire OE-funded personnel. As the purpose of the general provision is to support effective implementation of the Child Survival and Disease Programs Fund, the conference agreement does not include a reference to family planning, as proposed by the Senate.

Sec. 525. Authorization Requirement

The conference agreement includes language that provides that funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as provided in the House bill and the Senate amendment. However, it includes new language exempting the accounts "International Military Education and Training" and "Foreign Military Financing Program" from these waivers. Authorizations of appropriations for these accounts have been enacted into law as part of Public Law 106–280.

Sec. 526. Democracy in China

The conference agreement includes Senate language that authorizes the use of funds from the account "Economic Support Fund" for the support of nongovernmental organizations located outside of China to foster democracy and rule of law. The House bill only authorized funds to foster democracy.

The conference agreement includes language that allows funds from this Act or from prior acts making appropriations for Foreign Operations, Export Financing, and Related Programs, that are made available for the National Endowment for Democracy (NED) to be made available notwithstanding any other provision of law or regulation. The purpose of this language is to allow for the expeditious and orderly obligation of funds through the Endowment for support of nongovernmental organizations overseas. This provision would become effective upon enactment. The House bill and the Senate amendment contained language that would have made funds for NED available consistent with certain decisions of the Comptroller General and in accordance with Office of Management and Budget Circular A–122.

The conference agreement includes language that authorizes, notwithstanding any other provision of law, not to exceed $2,000,000 from the Economic Support Fund to support certain activities in Tibetan communities. The House bill contained similar language; the Senate amendment did not address this matter.

The conference agreement also contains House language that amends current law to make available $1,000,000 in previously appropriated funds for the Jamestown Foundation for a project to disseminate information and support research about the People's Republic of China. The Senate amendment did not address this matter.

Sec. 528. Report on the Implementation of Supplemental Appropriations

The conference agreement includes House language that requires four quarterly reports on the use of funds appropriated under title VI of the fiscal year 2000 appropriations Act for foreign operations, export financing, and related programs. The Senate amendment did not address this matter.

Sec. 530. Peru

The conference agreement includes language requiring the Secretary of State to determine and report to the Committees on Appropriations regarding progress toward elections and improvements in democracy and rule of law. The Senate amendment contained a similar provision. The House bill did not address this matter. The managers direct the Secretary of State to submit a report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, evaluating United States, political, economic, and military relations with Peru in accordance with P.L. 106–186.

Sec. 535. Authorities for the Peace Corps, International Fund for Agricultural Development, Inter-American Foundation, and African Development Foundation

The conference agreement maintains current law as proposed by the House. The Senate amendment proposed deleting the reference to the Inter-American Foundation.

Sec. 537. Clean Coal Technology

The conference agreement includes Senate language encouraging the use of clean coal technology in environmental and energy infrastructure programs, projects and activities. In addition, the managers encourage the Secretary of the Treasury, Secretary of State, Secretary of Energy and Administrator of the Agency for International Development to promote the use of other clean and renewable energy technologies. The House bill did not address this matter.

Sec. 538. Special Authorities

The conference agreement deletes prior year language proposed by the Senate that exempts humanitarian assistance for Romania and the peoples of Kosova from any other provision of law. This language is no longer necessary. The conference agreement also includes House language that adds "Economic Support Fund" to the list of accounts under which certain activities may be undertaken notwithstanding any other provision of law.

The managers have expanded authority in current law regarding AID's use of personal services contractors in Washington so that additional bureaus and offices within AID may utilize, on a temporary basis, such contractors. This authority is intended to allow AID to meet relatively short-term requirements for technical and management personnel in limited situations where natural disasters, recent foreign policy decisions, or other unforeseen events result in rapid increases in assistance levels and where other options, such as the use of existing staff or hiring and training of new staff, cannot be implemented quickly or effectively to meet the unforeseen management needs. Other than under exceptional circumstances, this authority should not be used to satisfy requirements with durations greater than two years. The Bureau of Management is directed to report to the Committees not later than December 15, 2000, and March 15, 2001, on the use of personal service contractors under this and other authorities.

Sec. 539. Policy on Terminating the Arab League Boycott of Israel and Normalizing Relations with Israel

The conference agreement includes House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott of Israel in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to "expand the process of normalizing ties between Arab League countries and Israel".

Sec. 540. Administration of Justice Activities

The conference agreement contains language identical to current law, but changes the name of this section, as proposed by the House bill. The Senate amendment proposed repeal of parts of section 534 of the Foreign Assistance Act.

Sec. 541. Eligibility for Assistance

The conference agreement includes language regarding eligibility of assistance provided under this Act as proposed by the House bill. The conference agreement does not include a modification, as proposed in the Senate amendment, regarding the prohibition on assistance to countries that violate internationally recognized human rights.

Sec. 543. Ceilings and Earmarks

The conference agreement includes Senate language that restores prior year language regarding earmarks and minimum funding levels. The House bill did not address this matter.

Sec. 552. War Crimes Tribunals Drawdown

The conference agreement includes language proposed by the Senate that provides a sunset date of September 30, 2001, for certain reports required of the Secretary of State under this section.

Sec. 555. Prohibitions on Payment of Certain Expenses

The conference agreement includes language identical to current law, as proposed by the House. The Senate amendment deleted references to the "Child Survival and Disease Programs Fund".

Sec. 558. Assistance for Haiti

The conference agreement includes language similar to that proposed by the House which prohibits additional assistance to the central government of Haiti until the Committees on Appropriations are in receipt of reports regarding free and fair elections and regarding Haitian government cooperation in illicit drug trafficking. The Senate amendment placed conditions on aid to Haiti regarding free and fair elections, but did not address illicit drug trafficking. The managers do not intend that assistance to combat infectious diseases, child survival, support for regional and municipal governments, and partnerships between United States hospitals, universities, non-governmental organizations and counterparts in Haiti would be affected by this section.

Sec. 559. Requirement for Disclosure of Foreign Aid in Report of Secretary of State

The conference agreement includes language proposed by the Senate that makes a technical modification to current law.

Sec. 561. Haiti Coast Guard

The conference agreement includes language proposed in the House bill regarding the purchase of defense goods and articles by Haiti for its Coast Guard. The Senate amendment proposed allowing the Haitian National Police to be eligible to purchase these items.

Sec. 564. Restrictions on Assistance to Countries Providing Sanctuary to Indicted War Criminals

The conference agreement includes Senate language that adds assistance for refugees and internally displaced persons to the exemptions to the sanctions of this section, and Senate language regarding communities in which an indicted war criminal is residing.

Sec. 565. Discrimination Against Minority Religious Faiths in the Russian Federation

The conference agreement changes the title of this section, as proposed in the Senate amendment. The House bill proposed the title, "To Prohibit Foreign Assistance to the Government of the Russian Federation Should It Enact Laws Which Would Discriminate Against Minority Religious Faiths in the Russian Federation".

Sec. 568. Assistance for the Middle East

The conference agreement contains language similar to the House bill that imposes a spending ceiling of $5,241,150,000 on specified assistance for the Middle East. The Senate amendment did not address this matter.

Sec. 571. Foreign Military Training Report

The conference agreement includes House language requiring a joint report by the Secretary of State and the Secretary of Defense on all overseas military training (excluding military sales) provided to non-NATO foreign military personnel under programs administered by the Departments of Defense and State during 2000 and 2001, including those proposed for 2001. The language specifies the scope of the report, and allows for a classified annex, if deemed necessary and appropriate. The report shall be due no later than March 1, 2001. The Senate amendment did not address this matter.

Sec. 572. Korean Peninsula Energy Development Organization

The conference agreement includes House language on this matter, except that the ceiling on funding for the Korean Peninsula Economic Development Organization (KEDO) is $55,000,000 rather than $35,000,000 as in the House bill and the Senate amendment. The House language conditions funding for KEDO on a certification that (1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of Korea; (2) the parties have taken and continue to take demonstrable steps to pursue the North-South dialogue; (3) North Korea is complying with all provisions of the Agreed Framework; (4) North Korea has not significantly diverted assistance for purposes for which it was not intended; (5) there is no credible evidence North Korea is seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel; (6) North Korea is complying with its obligations regarding access to suspect underground construction; (7) there is no credible evidence North Korea is engaged in a nuclear weapons program, including efforts to acquire, develop, test, produce, or deploy such weapons, and (8) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

The language allows for the President to waive the certification requirements of this section if he determines that it is vital to the national security interests of the United States, 30 days after a written submission to the appropriate congressional committees. It also requires a report from the Secretary of State on the fiscal year 2002 budget request for KEDO, with certain specified information to be included in such report.

The Senate amendment contained similar language.

Sec. 573. African Development Foundation

The conference agreement provides that funds to grantees of the Foundation may be invested pending expenditure and that interest earned must be used for the same purpose for which the grant was made. Further, this section allows the Foundation's board of directors, in exceptional circumstances, to waive the existing $250,000 project limitation, subject to reporting to the Committees on Appropriations.

Sec. 575. Iraq Opposition

The conference agreement contains language similar to that contained in title II of the Senate amendment specifying that not less than $25,000,000 from the account "Economic Support Fund" shall be made available for programs benefiting the Iraqi people, including not less than $12,000,000 which should be provided for certain specified humanitarian assistance, and not less than $6,000,000 which should be provided to the Iraq National Congress Support Foundation or the Iraqi National Congress for radio and television broadcasting inside Iraq. It also states that the President should submit a plan within 60 days of enactment regarding the use of the funds recommended in this section. The House bill did not address this matter.

The managers strongly support assistance for Kurdish Human Rights Watch for its programs to provide humanitarian assistance to the Kurdish people in northern Iraq.

The conference agreement also includes language similar to that in the House bill that provides authority to use funds to support efforts to bring about political transition in Iraq, to be made available only to Iraqi opposition groups designated under the Iraq Liberation Act, and not to exceed $2,000,000 to be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi officials for war crimes. No funds may be made available for administrative costs of the Department of State. The Senate amendment did not address this matter.

Sec. 576. Agency for International Development Budget Justification

The conference agreement instructs the Agency for International Development to submit its 2002 budget in a transparent and simplified format more useful to the Committees, as proposed by the House. In particular, the budget justification document should prominently display data and narratives aggregating resources obligated or requested for all Agency-managed programs and activities that are traditionally of special interest to Congress and the Executive branch. The Senate did not address this matter.

Sec. 577. Kyoto Protocol

The conference agreement prohibits funds in this Act to be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or preparation for implementation of the Kyoto Protocol, as proposed by the Senate.

Sec. 579. Indonesia

The conference agreement provision regarding military assistance to Indonesia is similar to current law. The House bill and the Senate amendment included identical conditions under which a Presidential report and determination could result in a resumption of military assistance to Indonesia that is funded in this bill. The restrictions on assistance include both IMET and Foreign Military Financing programs, instead of FMF only, as proposed by the House bill.

The managers are concerned about the more than 100,000 East Timorese refugees still trapped in West Timor. This severe humanitarian situation has been exacerbated by ongoing harassment of aid workers by armed gangs, and recurring border incursions into East Timor by West Timor-based militias. These attacks have resulted in the deaths of several UN aid workers, as well as refugees. The managers strongly urge the Secretaries of Defense and State to press the government of Indonesia to fulfill its commitments to disarm and disband militia groups, end military and financial support for these groups, and bring militia leaders to justice. The managers note that, as provided in this section, resumption of security assistance to Indonesia is conditioned, in part, on the armed forces of Indonesia providing safe passage to refugees returning from West Timor.

Sec. 580. Man and the Biosphere

The conference agreement prohibits funds for the United Nations Man in the Biosphere Program and the World Heritage Fund, as proposed by the House bill. The Senate did not address this matter.

Sec. 581. Taiwan Reporting Requirement

The conference agreement includes language that requires that not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters: (1) Taiwan's requests for purchase of defense articles and defense services during the pending round of arms talks; (2) the Administration's assessment of the legitimate defense needs of Taiwan in light of those requests; and (3) the decision-making process used by the Executive Branch to consider those requests. The House bill and the Senate amendment contained language requiring the Secretary of State to consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for Congressional input prior to making any determination on the sale or transfer of defense articles and services to Taiwan.

Sec. 582. Restriction on United States Assistance for Certain Reconstruction Efforts in Central Europe

The conference agreement contains House language that provides that to the maximum extent possible, assistance to Eastern Europe and the Baltic States should be used for the procurement of American goods and services. The Senate amendment did not address this matter.

Sec. 583. Restrictions on Assistance to Governments Destabilizing Sierra Leone

The conference agreement prohibits assistance to any government for which the Secretary of State has credible evidence that such government has, within the previous six months, provided military support or which has assisted illicit diamond trading which benefits the Revolutionary United Front in Sierra Leone. This section is identical to the House bill. The Senate amendment did not address this matter.

Sec. 584. Voluntary Separation Incentives

The conference agreement provides for the payment of voluntary separation incentives to AID employees for the purpose of eliminating positions and functions at AID, as proposed by the House bill and the Senate amendment.

Sec. 585. Contributions to the United Nations Population Fund

As proposed by the House bill, the conference agreement provides that not more than $25,000,000 from the "International Organizations and Programs" account shall be made available for the United Nations Fund for Population Activities. This assistance is subject to a number of conditions regarding UNFPA activities. The Senate amendment contained a similar provision.

Sec. 586. Indochinese Parolees

The conference agreement includes language similar to the Senate amendment which provides authority for the Attorney General to adjust the status of certain Indochinese parolees to lawful permanent residence. The House bill did not address this matter.

The purpose of this provision is to address an anomaly in current law, which requires that such persons have first been denied refugee status in order to be eligible to adjust status. Since these individuals were paroled into the United States as part of U.S. government programs at a time when their eligibility for refugee status was never considered, the managers believe that this provision is both necessary and appropriate. The provision is limited in scope to apply only to parolees who are natives or citizens of Vietnam, Laos or Cambodia, who were inspected and paroled into the United States prior to October 1, 1997, and who are otherwise eligible to receive an immigrant visa. The managers note that the potential beneficiaries of this provision are a fixed number of individuals who were lawfully admitted into the United States. While the conference agreement includes a ceiling on the number of aliens who may benefit from this provision, the managers recognize that it is difficult to determine precisely the number of potential beneficiaries and that such number may need to be revised in the future to ensure that no eligible alien is arbitrarily denied adjustment of status.

Sec. 587. American Churchwomen in El Salvador

The conference agreement includes language regarding the murder of four American churchwomen in El Salvador, as proposed in the House bill. The Senate amendment did not address this matter.

Sec. 588. Procurement and Financial Management Reform

The conference agreement includes a Senate provision withholding 10 percent of the funds made available for international financial institutions until the Secretary of the Treasury certifies that a number of procurement and financial management reforms are being implemented. The House bill included a similar provision, adding a requirement relating to funding of third-party procurement monitoring. The conference agreement includes a provision that requires that, prior to disbursement of the final 10 percent of the United States portion or payment to an international financial institution as defined in section 588, the Secretary of the Treasury certify, inter alia, that the institution is taking steps to establish an independent fraud and corruption investigative organization or office or an equivalent mechanism.

The managers agree that, for purposes of this provision, an investigatory organization, office, or equivalent investigatory mechanism will be considered "independent," notwithstanding the fact that it is part of the international financial institution, if it is autonomous from the institution's procurement process and the office or individual being investigated and reports directly to the head of the institution or his designee, so long as such designee has no operational or supervisory responsibilities for the subject of the investigation.

Sec. 589. Commercial Leasing of Defense Articles

The conference agreement includes Senate language that authorizes commercial leasing rather than sales of defense articles for certain specified countries under certain conditions. The House bill did not address this matter.

Sec. 590. Foreign Military Expenditures Report

The conference agreement repeals section 511(b) of 1993 Foreign Operations, Export Financing, and Related Appropriations Act regarding matters to be included in the annual human rights report to Congress by the Secretary of State, as proposed by the Senate. The House bill did not address this matter.

The managers request that the Secretary of the Treasury submit a one-time report to the Committees on Appropriations which describes steps being taken to implement section 576 of the 1997 Act and section 1502(b) of title XV of the International Financial Institutions Act, both of which address appropriate levels of military expenditures by countries in receipt of loans or credits from MDBs. The report shall identify, among other things—(1) the countries found not to be in compliance with the provisions of section 576 and instances where the United States Executive Director has voted to oppose a loan as a result of that section; (2) steps taken by the governments of countries to establish the reporting systems addressed in section 576; (3) any instances in which such governments have failed to provide information requested by an international financial institution (IFI); and (4) any policy changes that have been made by the IFIs with regard to providing loans or credits to countries that expend a significant portion of their financial resources for their armed and security forces. The Senate included this report in bill language. The House did not address the matter.

Sec. 591. Abolition of the Inter-American Foundation

The conference agreement provides authority for the President to abolish the Inter-American Foundation and terminate its functions, as proposed by the Senate amendment. The House bill did not address this matter.

Sec. 592. Repeal of Requirement for Annual GAO Report on the Financial Operations of the International Monetary Fund

The conference agreement repeals existing law regarding an annual General Accounting Office report of the financial operations of the International Monetary Fund. The House bill did not address this matter.

Sec. 593. Extension of GAO Authorities

The conference agreement provides that funds made available to the General Accounting Office from fiscal year 1999 emergency supplemental appropriations for disaster relief in Central America and the Caribbean shall remain available until expended. This section is identical to the Senate amendment. The House bill did not address this matter.

Sec. 594. Funding for Serbia

The conference agreement includes language that authorizes up to $100,000,000 for assistance for Serbia, subject to certain conditions that become effective after March 31, 2001. Funds obligated prior to that date would not be subject to these conditions.

The conditions include a determination and certification that the Government of the Federal Republic of Yugoslavia (FRY) is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security, and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

In addition, after March 31, 2001, the language provides that the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the FRY subject to these same conditions.

The conditions described above do not apply to Montenegro, Kosova, humanitarian assistance, or assistance to promote democracy in municipalities.

The language also provides that the Secretary of State should instruct United States representatives to regional and international organizations to support membership for the Government of the FRY subject to a determination by the President to the Committees on Appropriations that the FRY has applied for membership on the same basis as the other successor states to the FRY and has taken appropriate steps to resolve issues related to state liabilities, assets, and property.

The House bill (in section 537) and the Senate amendment would have prohibited assistance for Serbia, except for aid to Kosova or Montenegro or to promote democracy.

Sec. 595. Forest Initiative.

The conference agreement includes a provision providing for an exchange of federal lands and an audit of a public enterprise. This matter was not addressed in the House bill or the Senate amendment.

Sec. 596. User Fees

The conference agreement includes a provision which requires the United States Executive Directors at all multilateral development banks and the International Monetary Fund to oppose any loan which requires user fees or service charges on poor people for primary education or primary health care. The managers further agree that user fees should not be imposed or required through Bank or Fund sponsored "community financing," "cost sharing," or "cost recovery" mechanisms prepared in conjunctions with loans, structural adjustment schemes or debt relief actions.

The managers direct that the Committees on Appropriations be notified within 10 days if any loans, community financing, cost sharing, or cost recovery mechanisms requiring the imposition of user fees are approved by any multilateral development bank or the International Monetary Fund.

Sec. 597. Basic Education Assistance for Pakistan

The conference agreement includes a new provision allowing development assistance or Economic Support Funds to be used for basic education programs in Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries. Any such assistance would be subject to the regular notification procedures of the Committees on Appropriations.

Sec. 598. Family Planning

The conference agreement provides a ceiling of $425,000,000 for population planning activities or other population assistance but prohibits any of such funds from being obligated or expended until February 15, 2001. The managers believe this will afford adequate time for the exercise of the authority of the President under the Foreign Assistance Act and other law to determine what terms and conditions, if any, should be imposed on assistance for population planning and other population activities.

PROVISIONS NOT ADOPTED BY THE CONFEREES:

The conference agreement does not include section 530 of the House bill or similar Senate language that would have prohibited the transfer of Stinger missiles to countries bordering the Persian Gulf notwithstanding any other provision of law, but would have authorized the transfer of Stinger missiles on a replacement basis subject to certain specified conditions. This matter has been addressed by the authorizing committees in H.R. 4919, the Security Assistance Act of 2000.

The conference agreement does not include section 577 of the Senate amendment regarding stockpiling of defense articles in foreign countries. This matter has been addressed by the authorizing committees in H.R. 4919, the Security Assistance Act of 2000. The House bill did not address this matter.

The conference agreement does not include section 581 of the Senate amendment providing authority to establish a working capital fund at the Agency for International Development. This matter has been addressed in separate legislation. The House bill did not address this matter.

The conference agreement does not contain section 582 of the Senate amendment that would have deemed the Federal Republic of Yugoslavia (with the exception of Montenegro and Kosova) to be a state sponsor of terrorism until receipt of a Presidential certification of certain occurrences within Serbia. The House bill did not address this matter.

The conference report does not include section 584 of the Senate amendment that would have required that a number of specified sanctions against Serbia remain in place until a certification was issued by the President. The certification would have required that Serbia comply with a number of international agreements, and provided an exemption for Montenegro and Kosova for the sanctions imposed through international financial institutions. The House bill did not address this matter.

The conference agreement does not include section 586 of the Senate amendment regarding the repeal of the final proviso under title VI of the fiscal year 2000 appropriations act for foreign operations, export financing, and related programs. This matter was addressed in Public Law 106–52.

The conference agreement does not include section 588 of the House bill regarding HIPC Trust Fund conditions. The Senate amendment did not address this matter. The conference agreement includes conditions for United States participation in the HIPC Trust Fund under "Debt Restructuring" in title II.

The conference agreement does not include section 589 of the House bill. The Senate amendment did not address this matter.

The conference agreement does not include section 591 of the House bill regarding section 307 of the Tariff Act of 1930. The Senate amendment did not address this matter.

The conference agreement does not include section 592 of the House bill regarding the "Buy America Act". The Senate amendment did not address this matter.

The conference agreement does not include section 592 of the Senate amendment regarding the U.S.-Asia Environmental Partnership. The House bill did not address this matter.

The conference agreement does not include section 593 of the House bill regarding North Korea. The Senate amendment did not address this matter.

The conference agreement does not include section 595 of the Senate amendment regarding nonproliferation and antiterrorism programs. The House bill did not address this matter.

The conference agreement does not include section 596 of the Senate amendment regarding HIV/AIDS. The House bill did not address this matter.

The conference agreement does not include section 597 of the Senate amendment regarding Sudan. The House bill did not address this matter.

The conference agreement does not include section 599 of the Senate amendment regarding Zimbabwe. The House bill did not address this matter.

The conference agreement does not include section 599A of the Senate amendment regarding Estonia, Latvia and Lithuania. The House bill did not address this matter.

The conference agreement does not include section 599B of the Senate amendment regarding dowry deaths and honor killings. The House bill did not address this matter.

The conference agreement does not include section 599C of the Senate amendment regarding female genital mutilation. The House bill did not address this matter. The managers address the issue under "Development Assistance".

The conference agreement does not include section 599D of the Senate amendment regarding support by the Russan Federation for Serbia. The House bill did not address this matter. Issues relating to Serbia are addressed in section 597.

The conference agreement does not include section 599E of the Senate amendment regarding Bulgaria and Romania. The House bill did not address this matter.

The conference agreement does not include section 599F of the Senate amendment regarding drug interdiction. The House bill did not address this matter.

The conference agreement does not include section 599G of the Senate amendment regarding emergency domestic spending. The House bill did not address this matter.

The conference agreement does not include section 599H of the Senate amendment regarding Mozambique and southern Africa. The House bill did not address this matter. The matter is addressed in title VI.

The conference agreement does not include section 599I of the Senate amendment regarding debt relief. The House bill did not address this matter.

The conference agreement does not include section 599J of the Senate amendment entitled "Russian Missile Sales to China". However, the managers expect the Secretary of the Treasury to urge the executive directors of all international financial institutions to use the voice and vote of the United States to oppose loans, credits or guarantees to the Russian Federation, except for basic human needs, if the Russian Federation delivers any additional SS-N-22 missiles or components to the People's Republic of China. The House bill did not address this matter.

The conference agreement does not include section 599K of the Senate amendment regarding international health. The House bill did not address this matter.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $135,000,000 for emergency supplemental appropriations for Mozambique, Madagascar, and southern Africa rehabilitation and reconstruction. The House bill proposed $160,000,000 and the Senate amendment proposed $35,000,000. Congress has already provided $25,000,000 in fiscal year 2000 supplemental funds (Public Law 106-246) for this purpose. These funds are provided in the "International Disaster Assistance" account. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement.

The managers direct that the majority of funds be provided for Mozambique and Madagascar, which suffered the most damage from these cyclones and the resultant flooding. The managers direct that no funds be made available to the government of Zimbabwe. Further, the conference agreement prohibits the use of funds under this title for nonproject assistance. This prohibition is not intended to affect the accelerated disbursement plan developed by AID for local currency projects in Mozambique. The conference agreement allows up to $12,000,000 of the funds appropriated under this heading to be charged to obligations of previously appropriated funds. The conference agreement provides that up to $5,000,000 of the funds under this heading may be used for administrative purposes, and may be merged with AID's operating expenses budget.

The Administrator of AID is directed to report in writing to the Committees on Appropriations prior to the obligation of any funds under this title. The report shall include a detailed plan regarding a description of the projects and programs to be carried out with these funds; the exact uses of administrative expenses; and the bureau within AID primarily responsible for carrying out these projects.

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $13,000,000 in supplemental funds, to remain available until September 30, 2001, for the Operating Expenses of the Agency for International Development. The funding is designated as an emergency requirement and is intended to support the obligation of program funds for southeast Europe. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $75,825,000 in supplemental funds, to remain available until September 30, 2002, for assistance for Montenegro, Croatia, and Serbia. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the $20,000,000 below the level approved by the House. The Senate amendment did not address this matter.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $2,875,000 in supplemental funds, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe notwithstanding section 10 of Public Law 91-672. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $31,000,000 in supplemental funds, to remain available until September 30, 2002, for grants to carry out section 23 of the Arms Export Control Act notwithstanding section 10 of Public Law 91-672. These funds are nonrepayable notwithstanding sections 23(b) and 23(c) of that Act. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House addressed this matter in H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, which passed the House on March 30, 2000. The recommended level is the same as that approved by the House. The Senate amendment did not address this matter.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

The conference agreement appropriates $210,000,000 in supplemental funds, to remain available until expended under the terms and conditions as included under this heading in title II of the Act, for additional payments to the HIPC Trust Fund administered by the International Bank for Reconstruction and Development. The funding is designated as an emergency requirement. All of these funds are made available only to the extent that the President makes an official budget request that includes designation of the entire amount as an emergency requirement. The House bill and the Senate amendment did not consider this matter, which was requested as a Fiscal Year 2000 supplemental appropriation.

TITLE VII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement provides $5,000,000,000 for the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

TITLE VIII—INTERNATIONAL DEBT FORGIVENESS AND INTERNATIONAL FINANCIAL INSTITUTIONS REFORM

The conference agreement includes language similar to that reported by the Foreign Relations Committee as S. 3129. This matter was not addressed by the House bill and the Senate amendment.

Section 801 repeals the existing limitation on the availability of earnings on profits of nonpublic gold sales by the International Monetary Fund (IMF) and authorizes $435,000,000 for a United States contribution to the Heavily Indebted Poor Countries (HIPC) Trust Fund. It also requires the Secretary of the Treasury to certify that specified policy reforms are being implemented by the World Bank and the IMF, or, if such certification can not be made, report on the progress, if any, made by the Bank and Fund in adopting and implementing such reform policies.

Section 802 seeks to strengthen procedures for monitoring use of funds by multilateral development banks (MDBs). Section 803 requires the Comptroller General or the Secretary of the Treasury to make annual reports on the sufficiency of audits of the financial operations of each MDB, actions taken by beneficiary countries to reduce the opportunity for bribery and corruption, and the graduation policies of IDA.

Section 804 repeals a provision of the Foreign Assistance Act of 1961 relating to bilateral funding for international financial institutions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$16,453,435
Budget estimates of new (obligational) authority, fiscal year 2001	15,829,432
House bill, fiscal year 2001	13,346,313
Senate bill, fiscal year 2001	14,807,818
Conference agreement, fiscal year 2001	14,941,168
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	−1,512,267
Budget estimates of new (obligational) authority, fiscal year 2001	−888,264
House bill, fiscal year 2001	+1,594,855
Senate bill, fiscal year 2001	+133,350

Sonny Callahan,
John Edward Porter,
Frank R. Wolf,
Ron Packard,
Joe Knollenberg,
Jack Kingston,
Jerry Lewis,
Roger F. Wicker,
Bill Young,
Nancy Pelosi,
Nita M. Lowey,
Jesse Jackson, Jr.,
Carolyn C. Kilpatrick,
Martin Olav Sabo,
Dave Obey,
(except for cap adjustment),
Managers on the Part of the House.

Mitch McConnell,
Arlen Specter,
Judd Gregg,
Richard Shelby,
Robert F. Bennett,
Ben Nighthorse Campbell,
Kit Bond,
Ted Stevens,
Patrick Leahy,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Patty Murray,
Robert C. Byrd,
Managers on the Part of the Senate.

THANKS FOR THE KIND AND GENEROUS WORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Madam Speaker, one of the reasons I want to rise tonight is to commend you, Madam Speaker, and to thank you from the bottom of my heart for the special order that you held for me last week and for the very kind and generous words that were spread across the RECORD of this wonderful institution about my service here. You brought together many of our Illinois colleagues, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. EWING), on our side, the gentleman from Illinois (Mr. CRANE), and the gentleman from Illinois (Mr. HYDE) as well; the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. COSTELLO), and the gentleman from Illinois (Mr. LIPINSKI) on the other side of the aisle; together with others, the gentleman from Arkansas (Mr. DICKEY), a member of my subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Ohio (Mr. REGULA), the gentleman from Ohio (Mr. HOBSON), the gentleman from California (Mr. LANTOS), the co-chairman of the Congressional Human Rights Caucus with me; the gentleman from New York (Mr. GILMAN), my long time friend, so many of my colleagues that I am so indebted to for the very wonderful words that they spoke about my service in Congress; together with messages from our Illinois Governor, George Ryan, who was elected at the same time I was in the Illinois General Assembly 28 years ago in 1972; my endorsed candidate for the Tenth Congressional District seat and my former chief of staff Mark Kirk, two of my former AA's in Washington, Rob Bradner and Gordon MacDougall; former State Senator Dave Backhausen, Senator Kathy Parker, Representative Jeff Schoenberg, Representative Beth Coulson, and our senior Illinois Senator also elected in the class of 1972 in Springfield and my long time friend Adeline GeoKaris, together with messages from both of my staffs. It was very, very heartwarming for me to read. I didn't have a chance to actually listen but I do have a videotape. For me, Madam Speaker, to be able to sit down and read through all the wonderful words that were said I can never thank you enough for providing the leadership and putting that together in my behalf. I will always remember it and remember you very, very fondly.

TRIBUTE TO TILLIE FOWLER

MR. PORTER. I did not realize until I came to the floor that there was a special order tonight for TILLIE FOWLER. TILLIE is one of the great people, I was going to say one of the great ladies, but one of the great people of this House of Representatives. She has the quality that I believe is most important in a public official, that is, she is quietly effective. She gets things done for the people of her district and her State and this country. We are truly losing a great leader. Madam Speaker, she has made only one mistake in the entire time she has been in this House of Representatives, and that mistake was in term-limiting herself. I wish that she was staying for many, many terms to come. Unfortunately, she has committed to only four terms and is observing that promise that she made to her constituents. We will miss her a great deal.

FAREWELL TO CONGRESSWOMAN TILLIE FOWLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. GRANGER) is recognized for 5 minutes.

Ms. GRANGER. Madam Speaker, it is with mixed emotions that I address my colleagues this evening. On the one hand, I am sad to see my friend and colleague, TILLIE FOWLER, retire from Congress. On the other hand, I feel fortunate to have had the opportunity to work with someone like her, someone who has consistently placed the needs of our country at the top of her priority list. TILLIE FOWLER is a role model and a devoted public servant.

Her career has been a series of firsts: first woman and first Republican-elected president of the Jacksonville City Council, first member elected to the majority leadership from Florida, and first woman member and now chair of the House Page Board. I admire her many accomplishments, her work ethic, and above all her commitment to a strong national defense built upon the confidence of our men and women in uniform.

One of my fondest memories with Congresswoman FOWLER is of a trip we took together in 1998 to visit our troops in Europe and the Middle East. I witnessed firsthand her willingness to listen to military personnel and act on their concerns. Congressional Quarterly has called TILLIE FOWLER a polite but persistent advocate. I would say they hit the nail right on the head with that description.

Her no-nonsense approach to policy is the reason she has enjoyed so much success over the past 8 years. When TILLIE FOWLER first ran for Congress, she told her constituents if they would join with her, together we will change Congress. Eight years later she has. She has been on the front lines of the battle to strengthen our military. She called on the President and Congress to address the fact that some of our military families qualify for food stamps due to low pay. In a speech earlier this year, Congresswoman FOWLER said the citizens who step forward and are willing to put their lives on the line for their country, for your security and for my security, are waiting in food lines and depending on charity to feed their families. How did this happen? How did we get from "the few, the proud," to "the few and the demoralized"?

TILLIE FOWLER has worked to strengthen the morale of our military. She began her battle before the Republicans had the majority, but she was no less fervent in her advocacy. This year we have seen the fruits of many of her labors. We have improved military readiness by approving a $20 billion increase in funding to rebuild America's hollowed-out military. The hard work, leadership and dedication of Congresswoman TILLIE FOWLER made important changes possible. She is a woman who embodies the kind of leadership it takes to effect change. She kept her promises to the people of Florida. She not only changed Congress, she helped change America for the better by carrying out her duties with dignity and integrity.

THE MIDDLE EAST CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, before I start my special order this evening, I too want to add very brief appreciation and respect for remarks for Congresswoman TILLIE FOWLER, for her service and for her leadership, particularly her leadership in issues where women were not traditionally known to serve. I worked with her, albeit recently, as a member of the Women's Caucus, which works in a bipartisan manner on many, many issues. She is certainly a great leader, very much appreciated, and I want to thank her for her service.

Madam Speaker, I come to the floor today and this evening rather reluctantly, because some might say that any position on this issue dealing with the Mideast conflict would pose the concern and possibility of being politically incorrect, but I am so moved by the violence and the seeming inability to find common ground for an opportunity to continue the peace negotiations that I would like to pay tribute to a group of individuals in my community.

This article was noted in the Houston Chronicle on Monday, October 23, 2000, and the headline reads, "Faith Unite in Prayer for Mideast Peace." It seems that when nothing else works, it might be just a simple step for Americans to begin to unite in prayer in order to seek peace in the Mideast.

I remember as a teenager and young adult watching the Vietnam conflict and seeing on a regular basis the body bags coming out of that war. They are somewhat of the same feeling, though the numbers certainly have not reached that proportion. As I watched the controversy in the Mideast, this picture reflects the controversy of those running away in fear, but it does not reflect in totality the death, the loss of lives of dear children, the extreme violence, the extreme divisiveness, the fear, the hatred and seemingly the inability to solve this problem.

I believe it is important for both men who are at the center of this crisis to lead, to lead without fear and to demand an end to violence, and so I would like to share that my community, an extended community that is, determined that it was important to pray this past Sunday. The article states, as the bloodshed continued in the Middle East on Sunday, eleven children in the Woodlands lighted a single white candle and prayed for peace. This gathering was one of Muslims and Jews and Christians of various denominations, who gathered to remind us that if nothing else works that we might pray to end the violence on the other side of the world.

A feeling of helplessness, a feeling of hopelessness has descended upon us as we see the tragedy of so many children dying, Rabbi James Brant of Congregation Beth Shalom told the Woodlands audience, but Brant suggested that the prayers of different faiths united could lead to an end to the killing and to the hatred and misunderstandings that have caused this tragedy. Its hopeful message was received well.

It seems now that one would wonder that this blurred confusion really cannot even point us to how it started, but the great heinousness of it all is the fact that people are no longer at the table of reconciliation and peace. There can be no resolve, no happiness, no outright ability to live with the quality of life that all of us would welcome if there is not peace in the Middle East between these two entities.

☐ 2130

No one will be happy. No child will live without fear. No one will worship without fear. So I believe that it is important to pay tribute to these two congregations that saw fit to have this at the South Montgomery County Community Center, sponsored by Congregation Beth Shalom of the Woodlands, the Islamic Society of the Woodlands and Faith Together, a fellowship of religious communities.

It can be done. Religions can come together and seek peace. For nearly two hours those in attendance read from prayers, asked for peace, children of different faiths, and poems written by Palestinian and Israeli children were read.

Madam Speaker, I would simply say we need to do as the people of Houston have begun to do, to simply pray and unite around the idea that they must come back to the table of reconciliation and peace.

TRIBUTE TO THE HONORABLE TILLIE K. FOWLER

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Madam Speaker, I wanted to come here this evening to pay tribute to our colleague who will be leaving us at the end of this 106th Congress, TILLIE FOWLER. Before I do that, I know that we have our colleague who will also be leaving us, JOHN PORTER from the great State of Illinois. Although I could not be here for his special order, in that I had a commitment, a debate in my County of Montgomery, I did send JOHN a letter. But I do want him to know his friendship is so very special to all of us, and the work that he has done for the National Institutes of Health, which is located in my district, is extraordinary. He will forever be remembered for that.

Madam Speaker, as we talk about TILLIE FOWLER, who will be leaving us, she certainly has been a proven leader for her constituents, a fellow Member of this Congress, and, for me, a very dear friend.

Congresswoman FOWLER is known in the Fourth District of Florida as an advocate for the military. Her position on the Committee on Armed Services has allowed her to keep a close watch on defense funding. She has pushed for legislation for our brave military personnel that improves salary, gains benefits for families and ensures that they are the best trained in the world.

She has done a lot of traveling to many of our bases to also make sure that there is not sex discrimination that takes place, and I applaud her for the singular fashion in which she handled that challenge.

Beginning with her appointment as Deputy Majority Whip, Congresswoman FOWLER has risen in the ranks of the leadership and become the voice of reason in this increasingly partisan Congress. As a member of the Republican Steering Committee, she has been a force in seeing that leadership's agenda goes through Congress, is deliberated, and perhaps get the amendments as appropriate so it comes out as something we can all approve. The beginning of the 106th Congress saw her election as Vice Chair, making her the highest ranking woman in the majority party.

In addition, Congresswoman FOWLER was chosen as the Chairwoman of the House Page Board for her dedication to the outstanding experience and service that our page program provides, and also the fact that she believes in young people and making sure that they have experience, firsthand experience, here in Congress, which she sees, as we all do, as a very special institution.

Congresswoman FOWLER leaves the U.S. House of Representatives as a leader, as a proven legislator and as a friend to all of us. Her voice and her expertise are going to be missed. I applaud her accomplishments and wish her well in her future pursuits.

In reflecting upon her, she has always been fair, she has always been bipartisan, she has always been a coalition builder, and she knows how to wield a velvet glove to get things done.

Shakespeare's words perhaps aptly reflect TILLIE FOWLER: "Those about her, from her, shall learn the perfect ways of honor."

We again wish her well as she pursues whatever challenges and experiences she seeks, and hope that she will stay in touch with us.

THE STUPIDITY ISSUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Madam Speaker, we have reached the home stretch in the Year 2000 elections, and I think it is safe to say that one of the areas that is most critical to our voters deals with the environment. I hope that in the remaining two weeks that we are dealing with this election that it will be an opportunity for people to focus in on what the candidates stand for, what they would do if they were elected to our highest honor.

I think it is important to focus in on the environment, because it is one of the areas where people do not really have to guess about the differences between the two candidates. Somehow, in a number of areas dealing with this election, we appear to have sort of given a free ride on occasion dealing with the substance of these campaigns.

I found of great interest this morning the column that appeared in this morning's Washington Post by Michael Kinsley entitled "The Stupidity Issue." Kinsley is the slate editor who writes a weekly column for the Post, and he has done one of the best jobs I have seen in capturing the problems of Governor Bush and the representations that he has made in the course of his campaign.

Being delicate, either the Governor is having problems telling the truth, or his capacity to understand some of these issues is truly at question. It is illustrated, and Mr. Kinsley goes on at some length to talk about the way that Governor Bush has talked about his partial privatization of the Social Security program is going to be paid out of surpluses in that program.

Now, since both candidates have pledged to protect the surplus, including Governor Bush, it is quite clear that the Governor is going to have to either renege on his promise that there will be no reduction in benefits for the people for whom these surpluses have been dedicated to be able to provide it, or they are not going to be able to provide the transition to cover the costs of privatization. There is no two ways about it.

Mr. Kinsley goes on at some length in the article. He had three others that I thought were really rather noteworthy, and I quote.

"When he," Governor Bush, "repeatedly attacks his opponent for partisanship, does he get the joke? When Governor Bush blames the absence of a Federal Patients' Bill of Rights law on a lot of bickering in Washington, D.C., has he noticed that the bickering consists of his own party, which controls Congress, blocking the legislation? When he summarizes 'it is kind of like a political issue as opposed to a people issue,' does he mean to suggest anything in particular? Perhaps that politicians, when acting politically, ignore the wishes of the people? How does he figure, if at all?"

Mr. Kinsley goes on further about Governor Bush declaring in the debate, "I don't want to use food as a diplomatic weapon from this point forward. We shouldn't be using food. It hurts the farmers. It is not the right thing to do. When just a few days later he," Governor Bush, "criticized legislation weakening the trade embargo on Cuba, which covers food, along with everything else, has he rethought his philosophy on the issue, or was there nothing to rethink?"

"Finally, when he," Governor Bush, "says that local control of schools is vital and criticizes his opponent for wanting to federalize education, and promises as president to impose various requirements on schools, when he complains that Federal money comes with too many strings, and then turns around and calls for after school funds to be used for character education, and then endorses a Federal law forbidding state lawsuits against teachers and so on, does he have a path through this maze of contradictions? When he," Governor Bush, "promises a Federal school voucher program, and then deflects criticism by saying vouchers are up to states, is he being dense, or diabolically clever?"

Unfortunately, we have seen this sort of approach by Governor Bush when we are dealing with issues in the Pacific Northwest, dealing with things like the salmon. We have a problem that currently we have a number of salmon species that are threatened with extinction, and we have a requirement to do something about it.

Governor Bush has traveled to the Pacific Northwest to declare that he has ruled out one of the potential solutions, and that would be the partial elimination of some of the dams in the Columbia River-Snake system. He will not tear down those dams, ever.

Well, it begs the question. What if that is the only choice to comply with the law of the land? Would he as president of the United States turn his back on the responsibility of complying with the Endangered Species Act?

What if the Federal courts rule that we have treaty obligations to the Northwest Native Americans, a very strong case some feel that we may have, an obligation, both moral and legal, to those native peoples who have, frankly, been treated rather shabbily by the U.S. Government over the course of the last two centuries.

What if the Native Americans get tired of the behavior of the Federal Government and a lack of action and see that their treaty rights will be violated and they take us to court? And what if the Federal courts rule that we have an obligation to the Native Americans that entails partial dam removal? Is the Governor simply going to rule out compliance with the obligation to the Native Americans?

What if the alternatives that we have in complying with either our treaty obligations to Native Americans or to the Endangered Species Act under law, what if the alternatives place a far greater burden on the citizens of not just the Pacific Northwest, but on the United States Treasury? It would seem foolhardy to rule out consideration of an option that may in fact be legally required.

It also begs the question of when the Governor is in the process of ruling out potential action that may be mandated, what is his plan? I have listened as he has come to the Pacific Northwest, had a photo op out in the wilderness reading off a teleprompter. What is his plan? The silence is deafening. Who is going to be responsible, and how much will it cost?

Given the Bush record, I find no small irony that also in this election we are finding that Ralph Nader and some apologists for the Green Party are urging people to send a message by voting for Mr. Nader for president. It gives me pause, as somebody who cares deeply about the environment, as to what precisely might that message be? To turn your back on the most environmentally active and effective vice president since Teddy Roosevelt raises significant questions. To mislead the American public about both the Gore environmental record and the consequences seems to me to be sad.

Now, I have respected much of what Ralph Nader has stood for in past years. I had an opportunity to first meet him after I had recently graduated from college. Actually my first job out of college was working as an assistant to the President of Portland State University, and I had a chance to work with Mr. Nader and some of his associates and Portland State University students in setting up the Oregon Student Public Interest Research Group.

□ 2145

They did a lot of good work, and I continue to work with them. But somehow for Mr. Nader and his apologists, to declare that there is no difference between Vice President GORE and George Bush is I think a similar stretch of credibility, similar to Governor Bush and his problems with his Social Security plan. There is, in fact, a huge difference between George Bush and AL GORE; and Ralph Nader knows it or he is completely out of touch with the last 5 years' battle in Washington D.C.

There is no difference between drilling in the Arctic Natural Wilderness reserve as is proposed by Governor Bush as a stopgap approach to some of our energy problems? Stopgap approach, by the way, which would take 10 years to come on line and provide only a few months' worth of energy supply for this country or Vice President GORE's staunch protection commitment to protect the ANWR and keep it off limits for drilling.

There is no difference between improving and enforcing the clean air standards and Governor Bush's advocacy and performance in Texas? Does not Mr. Nader know who is fighting the antienvironmental riders that have plagued this Congress since the Republicans assumed control?

I recall very little help, if any, from Mr. Nader here in the trenches for the 5 years that I have been in Congress as we have been resisting these destructive proposals to legislate via the appropriations process. But there is no difference between appointment of justices in the mode of Justice Thomas and Scalia to the Supreme Court that are the model that is cited by Governor Bush? Gentlemen who have a very distinguished, and I would argue limited, indeed, negative view of the opportunity for the Federal Government to protect environmental values. And contrast that with the appointees of the Clinton-Gore administration to the Judiciary, those few appointees further down in the judicial ranks sadly, because I am afraid our Republican friends in control of the United States Senate have been, I think, sadly deficient in allowing a bipartisan review in consideration of qualified, well-qualified, appointees to fill important vacancies in the lower Federal courts.

There is a clear, clear record, however, between the appointees of the Clinton-Gore administration and those cited as the model by Governor Bush. A court full of people in the mode of Justice Thomas and Scalia would make a huge difference in the enforcement of our environmental laws for a generation.

The dead hand of Richard Nixon lives on a generation later in the person of Justice Rehnquist who was his appointee as chief justice. So the next President of the United States will have an impact on a whole generation of legal decisions with the appointments up and down the Federal bench.

It is important to note that as far as the Supreme Court is concerned, we have gone longer than at any period in our history, 177 years without a Supreme Court appointment, and we may be looking at 2, 3, 4 appointees just in the next term of the President of the United States.

Madam Speaker, it is, in fact, a major difference, and that in and of itself would justify support for Vice President GORE over a wasted vote for Ralph Nader or sitting home alone and not voting at all.

Having watched this administration struggle to push back the forces that are in control in this Congress, it seems to me that it would be an opportunity to set us back for years to come if we are not doing justice to the people, because either Mr. Bush or Mr. GORE is going to be elected President of the United States, even Mr. Nader agrees with that.

I think it is important that people consider how their vote for President is going to affect that outcome. And in that connection, I think it would be important to take a few minutes to look at that record between the Vice President and Governor Bush in a little greater detail.

I have referenced in the past some issues that relate to air quality. Governor Bush was asked in May of 1999 the impact on clean air since he became governor. Governor Bush said, when asked the question is the air cleaner since I became governor? The answer, according to Governor Bush, is yes.

Well, I invite people to take a close look at the record of the Bush administration in dealing with the clean air problems of the State of Texas under the Bush administration. Smog problems in Texas cities have increased under the Bush administration.

Texas ranks first in the Nation in toxic air emissions from industrial facilities, discharging over 100 million pounds of cancer-causing pollutants and other contaminants in the air annually. Of the 50 largest industrial companies in Texas, 28 violate the Clean Air Act.

Currently, the areas of Houston-Galveston, Dallas-Fort Worth, El Paso and Beaumont-Port Arthur are in violation of Federal clean air standards for ozone pollution.

Madam Speaker, during the years that Governor Bush has been in office, Houston has surpassed Los Angeles as the city with the highest levels of smog in the United States, capturing that position sadly for the second year in a row.

Governor-elect Bush in 1994 opposed a new vehicle emissions testing program that had been designed and contracted by the State to implement the 1990 Clean Air Act calling it onerous and inconvenient. After he became governor in 1995, he and the legislature cooperated in overturning the centralized inspections on the ground that it would be too inconvenient for motorists. And instead they installed a decentralized system similar to the old system, except it costs more, tests less accurately, and is easier to evade.

He urged the EPA to, rather than help Texas solve the problem by being tough on polluters, he suggested that EPA measure pollution differently. He would not throw Dallas out of compliance because one monitor goes over unacceptable levels for an hour next summer. He wants the EPA to measure air quality over the longer period, over an average. Well, now Texas faces EPA penalties, the potential of losing Federal highway funds for failing to implement an air pollution plan for Dallas-Fort Worth in the face of a severe violation of clean air standards.

It is important to note that this is not some esoteric matter to quibble over. These air quality standards have an effect on people's lives. Just this last week, there was a report from the University of Southern California that had reviewed the impact of the smog in the Los Angeles Basin. Remember, Los Angeles has smog that is now not as serious as Houston's. In Los Angeles, they found that that impact on the children, and they monitored them from the 4th grade to the 7th grade to the 10th grade, they found a 10 percent loss in the growth of lung capacity, this is not something that appears to be reversible.

With a 10 percent reduction, it made people much more likely to be hospitalized, for instance, with an asthma attack. These are serious issues that affect the lives of people at risk, particularly children, senior citizens, people with delicate health, but the Texas environmental legacy under Governor Bush continues sadly to be one that I do not think Americans would be proud of, and it is not something that they would like as a standard by our chief executive.

Texas ranks number one in the number of chemicals polluting its air. It ranks number one for the amount of toxics released in the atmosphere. In 1997, which was the most recent year that I could obtain statistics, over 260 million pounds of toxic pollution was released.

Since Governor Bush took office, the number of days when Texas cities have exceeded Federal ozone standards has doubled. Governor Bush often cites his leadership as Governor of Texas as a qualification to be President of the United States. Well, there is a lot of give and take about how much power it has and how he has used the power and whether he simply is claiming credit for things that his predecessor's put in place.

For instance, the education reforms have not been initiated by Governor Bush but were those that were initiated by his predecessors and the Texas legislature. But if Texas were a country, one area that it is big in, it would be the seventh biggest emitter of carbon dioxide of any Nation in the world.

We can take a step back, not just looking at clean air; although, that is one of the most graphic areas of failure of leadership, but look at what Texas has done in other areas of the environment. Look at aggregate spending on protecting the environment. Some people say, well, these comparisons really are not fair to Texas, because Texas has more industries, for example, that deal with petroleum, for instance.

What would be a fairer measure? Let us look at per capita spending on environmental cleanup, for instance. In fact, if Texas has all of these huge industries, all of these huge problems, these massive threats to the environment, we would expect that a fair way of measuring commitment to the overall environment would be looking at per capita spending. It is a big State. Let us not compare it necessarily just to the State of California.

How much are they spending to solve the problem? Not that that is the entire test at all. They are spending, according to The Los Angeles Times of April 4 of this year, 44th in per capita spending on all environmental programs in the country. That is 44th from the top to the bottom.

There are only 5 States that spend less on cleaning up their environment, and given the fact that there is probably no State with greater environmental challenges, that is rather depressing, to say the very least.

Madam Speaker, it is of some interest that Governor Bush talks about his voluntary emissions cleanup to allow people to voluntarily decide in the area of the grandfathered plants that have been emitting harmful pollution. They were grandfathered in. The Senate bill 766 that Governor Bush is so proud of and touts as part of his approach has reduced harmful air pollution from these grandfathered plants in Texas, 470 of them, there are only a handful, less than three dozen actually complying. It has ended up in reducing harmful air pollution by less than 1/3 of 1 percent.

□ 2200

Well, what about water quality? In 1999, Texas was the third worst in the country for toxic water pollution. Now, this is 5 years after he assumed office, the third worst in dumping chemicals into its own water supply. Texas also ranked second worst for emitting known and suspected carcinogens into water in the country. It had the river with the third most pollution in the country and ranked third in emitting reproductive toxins into the waterway, and ranked second worst in dumping nitric compounds into the waterways.

I note that adding former Secretary Cheney to the ticket did not really do much in terms of balancing, because Secretary Cheney has a record as a Member of this Chamber where he could show what his passion and belief was in terms of protecting the environment. The League of Conservation Voters has assessed the records, the voting records of Members of this body for the last 25 or 30 years. During the time that Secretary Cheney served in this Chamber, he had amassed a lifetime voting record of 13 percent, according to the League of Conservation Voters. Cheney voted seven times against authorizing clean water programs, often as one of only a small minority of Members who voted against the authorization.

For example, in 1986, Cheney was one of only 21 Members to vote against the appropriations to carry out the Safe Drinking Water Act. One year later, in 1987, Secretary Cheney was one of only 26 Members to vote against overriding the Reagan veto of the reauthorization of the Clean Water Act.

Think about it. Mr. Speaker, 435 Members of this Chamber, almost 400, including in the neighborhood of 150 Republicans, voted against their own President on the veto of the reauthorization of the Clean Water Act, but not Dick Cheney.

In contrast, AL GORE has fought for clean water as a United States Senator and as Vice President. As Senator, he was an original cosponsor of the Water Quality Act of 1987, the same time that Secretary Cheney was one of only 26 Members of this body to vote against the outrageous veto, the override of the veto of the reauthorization of the Clean Water Act.

Mr. Speaker, I am pleased that I have been joined by the gentleman from Wisconsin (Mr. KIND), with whom I have been privileged to work extensively in this Congress on issues that deal with water quality and the environment. I commend the gentleman for his vision and foresight in being the author of legislation that I was privileged to cosponsor to deal, for instance, with areas to make the Corps of Engineers more transparent in its operations, to allow more environmental and citizen input into its decisions, to allow independent review, independent scientific review to make sure those projects are meeting the mark, and he did not need a week-long series of articles in the Washington Post to alert him to the problem or to motivate him to action.

Mr. Speaker, I am privileged to yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Oregon for yielding me this time this evening.

I saw that he was talking about some very important issues dealing with the environment and conservation measures, and I do appreciate his support on the Corps reform bill that we introduced earlier this year, and we are happy to report that at least on a limited basis, a lot of the provisions that were contained in the reform bill that we offered are now adopted as pilot projects in the recent passage of the Water Resources Development Act. I think it is a very positive step forward in letting the sunshine in on the Corps planning process by having outside expert review panels taking a look at projects up front to determine whether or not there would be a sufficient mitigation for any type of environmental damage that is done involving Corps projects, and whether it is cost-effective. This is not an anti-Corps bill that we introduced; rather one that would hopefully lift the cloud over what has become an embattled agency.

Mr. Speaker, there is another issue that I wanted to touch upon briefly this evening, one that I think there is a clear difference on as far as the agenda between AL GORE and George Bush. I represent western Wisconsin. It is a district that is still one of the largest dairy-producing districts in the entire Nation. However, our family farmers are under a crisis right now. There is a crisis in rural America that is sweeping the country, affecting all family farmers, with low commodity prices, low milk prices, and some of us here in Congress have been thinking of ways of what we can do as policymakers to assist our family farmers to survive. I know it is true for the family farmers that I represent in western Wisconsin that they are some of the best land stewards in the entire Nation. They understand the importance of conservation measures, sustainable farming practices, the effect it has on watershed areas.

In fact, there are a lot of good land conservation programs coming out of the Department of Agriculture that many of our farmers participate in. They are very popular, and they are a win-win for everyone involved. Farmers get direct cash assistance for participating in the programs which allows them to implement voluntary and incentive-based conservation practices right on their own land. Just to name a few, there is a wetlands reserve program that a lot of outdoor recreationists especially appreciate because of the water fowl and the benefit it brings to the water fowl species. There is Equip and there is also something called CRP, the Conservation Reserve Program. These are very popular programs for the farmers back in Wisconsin, and I know it is true for farmers throughout the country.

Mr. Speaker, this is a way to provide some cash flow to what has become a very difficult economic time for our family farmers. They participate in land conservation programs on a voluntary basis, they get cash assistance, and the communities around them benefit with cleaner watershed areas and less runoff that is occurring with sedimentation and nutrients from the farmland.

I have had many conversations with Vice President GORE in this regard, because we have another farm bill that is going to be coming up for reauthorization in the next session of Congress, and Vice President GORE is a strong supporter of sound land conservation practices that can benefit farmers, but which will also benefit the communities in which they are operating.

This is a huge difference between what AL GORE is proposing in regards to agriculture and farm policy and what Governor Bush is talking about.

In fact, it was striking in the last debate when we listened to the question that was raised in St. Louis in regards to agriculture policy; and I, for one, was very happy that it was finally raised as a question during these presidential debates, the striking difference between the answers, between AL GORE and George Bush. AL GORE recognized that there is a crisis right now in rural America, that family farmers are going out in droves because of low commodity prices. We are losing about three or four a day every day in the State of Wisconsin alone, and I know this is true in other parts of the country. AL GORE pledged to open up the farm bill as soon as possible, before it is too late for many, many more family farmers, and get to work on various programs.

I have introduced the National Dairy Reform bill that is receiving some support from other representatives in other regions. This has been an area of agriculture policy that has typically pitted farmer against farmer in region against region with no consensus being developed. But I have introduced a bill that representatives in the Northeast and Southeast recognize could be very helpful in order to level the income stream for family farmers and enable them to survive during very tough market conditions. It is countercyclical in nature in that it would offer countercyclical payments to farmers when the market price drops below a certain level.

Mr. Speaker, I think this is important, because family farmers do bring diversification in the agriculture sector as well as more sustainable farming operations, which has a direct impact on the environment and conservation practices in which they are operating. George Bush, on the other hand, has already stated as part of his agricultural agenda that he would completely eliminate the Conservation Reserve Program, CRP, which is one of the most effective conservation measures that is working for our family farmers today. He would just as soon get rid of the entire program, which I find quite astounding. His only response during the debate when it came to the farmers' question, what will you do to help farmers survive in what are some of the toughest market conditions they have faced in the last 30 years, his only response was, well, I will work hard to open up market access overseas. Well, on a theoretical and conceptual plane, that is fine, and AL GORE too is a big believer in being able to export more of our agricultural products abroad.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, was the gentleman concerned that on one hand, Governor Bush allegedly talks about opening these up overseas, and yet, turns around and criticizes the recent initiatives that were taken by this body on a bipartisan basis to open up the opportunity of having food to be traded with Cuba? Does that seem a little bizarre to the gentleman?

Mr. KIND. Mr. Speaker, it was entirely inconsistent with what he was saying during the debate and with what he was actually advocating during the legislative process and what we were actually working on here. But what is even more astounding is that the crisis is real and it is today. When we are losing four or five family farms a day, we cannot sit around waiting for these utopian markets to open up overseas and to be exporting a lot of products. We do not export much dairy products to begin with. I mean there just is not a great export market today for them.

So I think the farmers are really looking for a new administration that is willing to roll up their sleeves and work on farm policy that can start having an impact as soon as possible. Otherwise, if we wait around for these theoretical markets to open up overseas, it may be way too late for our farmers.

Mr. Speaker, another important part that we will have a chance to look at and discuss and debate and hopefully adopt as a part of the farm bill are these land conservation bills, something that AL GORE has consistently supported in his career in both the House and Senate and now in his career as Vice President of the United States, something he has pledged to support again in the future. I am highly confident that if it is his administration that we are dealing with when we are creating the next farm bill, that land conservation programs that are voluntary and incentive-based, that do provide income assistance to farmers who want to be able to do this, but when they are looking at low commodity prices and it is their very survival that is on the line right now, they do not have the extra cash reserves to implement some of the conservation programs that they know would work and work well on their own land. So it could be a wonderful partnership that is formed with already existing programs, with more creative thinking in regards to conservation measures that will help our farmers; and ultimately, it is going to benefit the water quality and the watershed area all around these producers.

I think it is a very important distinction. I think it is a very important difference between what AL GORE has been talking about during the course of the campaign, the type of conservation agenda he would pursue as it relates to family farmers in the country and what Governor Bush either does not support or perhaps just does not realize the importance of these programs that he is advocating to eliminate right now.

So I just wanted to come down and share that point in particular, given what we are experiencing back home in Wisconsin, with the plight of our family farmers, and really the difference in vision that is being offered by AL GORE on the one hand, who recognizes the crisis, has pledged to open up the farm bill right away, rather than waiting for another 2 years or maybe 3 years to implement some new farm policy, but also his strong support for land conservation measures that are going to make sense for those individual farmers.

I also wanted to just quickly commend the gentleman from Minnesota (Mr. MINGE) and also Senator HARKIN from Iowa for taking the initiative in introducing legislation last week called the Conservation Security Act. What this will do is again, in line with the voluntary incentive basis for land conservation programs and cash assistance to farmers who develop and implement a comprehensive conservation plan for their land.

What is interesting with this legislative proposal is that it will be unique to each of the individual producers. It will not be: this is the program; now, see if we can fit it into your land. It will be: what do we have to work with, and then with technical assistance that will be provided, those farmers will be able to develop a conservation plan for their particular tract of land that they are producing on. It is a novel approach in that it provides an incredible amount of flexibility for the farmers to really accentuate the positive on their own land, rather than taking some round circle and trying to fit it into a square challenge that might be affecting their particular land.

□ 2215

I am hoping that this legislative initiative that I am co-sponsoring with the gentleman from Minnesota (Mr. MINGE) on the House side, along with some bipartisan support from the gentleman from South Dakota (Mr. THUNE), the gentleman from North Dakota (Mr. POMEROY) and others that this, too, will receive very serious attention.

But when one looks at farm policy, there are not any easy answers. If there were, they would have been found a long time ago. I think this is one area where we can do a better job of being able to provide an answer to family farmers in the area of environment and conservation measures that many of the farmers are doing, and they do very well but needs some assistance, some financial resources in order to accomplish the commonly shared objective of being good land stewards on the land.

So with that point, I thank the gentleman from Oregon (Mr. BLUMENAUER) for the time this evening.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's input in framing these issues as it relates to the environment, the difference between Governor Bush and Vice President GORE, and what it would mean for the agricultural industry. I did appreciate the gentleman's reference to the bipartisanship in both the legislation that he is cosponsoring and he referenced the progress that we made in the recently approved VAWA. That is something that I think bears some consideration.

I must confess, when I came to this Chamber, the partisanship really was sort of off putting. I note the presence in the Chamber this evening of the gentleman from Illinois (Mr. PORTER). I, too, am saddened at the prospect of his leaving. I have appreciated his thoughtful approach in a bipartisan fashion with the important work of the Committee on Appropriations and in other areas as well. There is no one I respect more, and I appreciate in my short tenure here what he has added in an element of bipartisanship.

I guess that is what concerns me the most, Mr. Speaker, about what the gentleman from Wisconsin (Mr. KIND) is talking about, because when it comes to America's environment, we should be working on a bipartisan basis.

The gentleman from Wisconsin and I have been working with people like the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Nebraska (Mr. BEREUTER). We have had the leadership on our Committee on Transportation and Infrastructure where the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) time and time again have actually fashioned this fascinating environmental legislation, ISTEA, the VAWA bill, where we have been able to put some of these provisions in.

I guess this is one of the concerns that I have because I do not want to have mistaken what we are talking about this evening that somehow just attempting to be mindlessly partisan.

All the legislation that the gentleman from Wisconsin and I have been working on, there has been an effort to make it bipartisan in nature. Regardless of who controls this Chamber in the next Congress, it is going to be important to fashion bipartisan agreements to move legislation forward.

Mr. KIND. Mr. Speaker, if the gentleman will yield, I just want to also commend the gentleman from Oregon for the leadership that he has provided this Congress in regards to livable communities. In fact, he established the Livable Communities Caucus, a working group of Representatives who get together and discuss a lot of sustainable development ideas, things that all of our communities are wrestling with day in and day out back home in regards to how they want to see their neighborhoods, their cities, their communities look in the next 20, 30, 50 years from now.

There is a lot of planning, development planning taking place back home. But there is also a lot of things that are being done here in the United States Congress, policy being made that can work to the detriment of this planning process back at the local level.

The gentleman from Oregon is raising that issue where it has never been raised before in the United States Congress. I appreciate his insight, his expertise on that, the fact that he has been able to reach out, bring in other Representatives from across the aisle in a bipartisan fashion again to have these discussions and to get everyone here thinking about what the implications are and policy that we pass and adopt in this body and how that is going to affect either to the benefit or the detriment of local communities and their planning process, development process of back home.

So I commend the gentleman from Oregon (Mr. BLUMENAUER). I look forward to working with him some more in the future on what is perhaps one of the more important issues that is sweeping the country right now when it comes to sustainable development issues. I thank him.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate the gentleman's words. I guess that is one of the things that disappoints me about the nature of the current Presidential campaign.

Last year, I worked on a bipartisan basis putting together a group of people to try and help both parties deal with these issues at the Graduate School of Design at Harvard with the gentleman from Nebraska (Mr. BEREUTER), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Rhode Island (Mr. WEYGAND) where we had a bipartisan group to try and frame these issues. Because it sadly does not need to be partisan.

The point I wanted to make was that we actually reached out at Harvard University developing a bipartisan opportunity for people in both parties to fashion approaches for the environment and livable communities with a notion that it would play a larger role in this election.

I note with interest, and again I am sad about it, I am not happy to deal with the record of Governor Bush as it relates to local government and dealing with problems of sprawl. I was disappointed, because I had worked for years with people in the capital city of Austin, Texas who have tried repeatedly to figure out initiatives that they could take to help them get control of some very serious situations that they have, trying to manage growth and pollution and sprawl in the capital city of Texas.

Sadly, Governor Bush has supported legislation that took away the ability of the City of Austin to creatively solve their own problems. Now, the Governor has no national policy. The State of Texas does not have anything to help them. He would even support legislation that takes away the creative approaches that were taken by the capital city of Austin. I think it is a sad legacy.

As I say, it is not something that needs to be partisan. I am the first to point out that it was a Republican Vice President who subsequently became president, Teddy Roosevelt, who set aside the land for the impressive national monuments, one of the first and great conservationists.

But it was this administration over the objections, sadly, of some of my colleagues on the other side of the aisle, and apparently over the objections of the Republican ticket of Bush and Cheney for extending monument protection. In fact, they have already announced that these are some of the first things they will review in the event that they are elected this November.

Vice President GORE has been involved in this administration being point person on some of the more creative partnerships to protect, for example, habitat. Seventy percent of the continental United States is in private hands. Successful efforts to maintain and restore the Nation's wildlife must include private land owners.

One of the most valuable tools has been the Habitat Conservation Plan, which is a long-term agreement between government and a land owner that helps ensure the survival of threatened wildlife while allows productive use of the land. Prior to 1993, only 14 such plans existed. Throughout 12 years of Reagan-Bush, 14 plans existed. This administration has forged another 250 plans protecting more than 20,000 acres and 200 threatened or endangered species.

The Vice President has been part of the effort to protect and expand national parks and monuments and has already announced that he will fight to block efforts to roll back the environment progress that we have made.

The Vice President has been active seeking full funding of the Lands Legacy Initiative, one of the more creative parts through the Land and Water Conservation fund.

The Vice President has long been on record to reform the antiquated mining law and use that reform to help pay for conservation. The Mining Act of 1872 is on the books effective identical today as it was signed by President Ulysses S. Grant. This allows patents for hard rock minerals on public lands to be mined for $2.50 an acre or $5 an acre.

Since taking office in January of 1993, the 1872 Mining law has required the Department of Interior to sign 40 mining patents, some of which have been granted to foreign hard rock company, mining companies, deeding away publicly owned resources valued at more than $15 billion to individuals and private mining companies. In return, the taxpayers received a little more than $24,000. This is an outrage.

The last Republican administration vetoed efforts of Democratic Congresses to reform it. Vice President GORE would use the money from mining royalties to pay incentives to protect open space and help communities support local parks.

I have already referenced earlier in my remarks this evening the rather bizarre position of Governor Bush who rules out some of the initiatives in saving the salmon stocks in the Pacific Northwest who has no plan himself. The Vice President has committed to saving the salmon stocks and is willing to consider all the options that would be required under our treaty obligations and under U.S. law.

Well, as I look at the record of Governor Bush, it gives me pause. Looking at the area of public lands, one is hard-pressed to find what Governor Bush did in his stewardship in the last 6 years to deal with Texas parks or public land.

Again, this is not a partisan issue. I have been on the floor of this Chamber commending Governor Christine Todd Whitman, Governor Pataki for his and her initiatives, respectively, dealing with the preservation of open space in the States of New Jersey and New York.

They do not have to be partisan issues. In fact, when governors, Republican or Democrat, take the lead, the public supports them, and legislators fall in place. Well, what is Texas doing to take advantage of the massive public support for improving park and open space?

Texas, the second largest State in the union, running substantial budget surpluses, where does it rank, where in the ranking of the States on the money it spends on State parks? A 1998 State audit found that Texas had a funding backlog of $186 million just for the maintenance of existing parks.

□ 2230

In 1999, the Texas Parks Commission tried to remove the cap on a sporting goods tax to increase its revenue. Governor Bush could not see his way clear to either provide money in his budget or to support the increase in the revenues. The measure died. Governor Bush did appoint a tax force to find a solution, perhaps a good start. But then when his parks commission made a recommendation, did the governor embrace it? Did he come forward challenging the legislature to meet the needs? Sadly not. He created this task force on conservation which he charged with finding ways to ensure that Texas leaves a legacy for our children and grandchildren, a legacy of unwavering commitment to preserve and conserve our treasured lands. And then he ignored the request for initial funding for the commission.

A year ago on the campaign trail, one of the most important pieces of conservation legislation, and again I point out it was bipartisan legislation, it cannot be more bipartisan than when you have the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG), the chair and ranking member respectively of the Committee on Resources, which passes this Chamber with over 300 votes, Governor Bush, when asked last year about his support for the Federal Land and Water Conservation Fund, did not even know how to answer the question. He would increase logging on public lands. He would reverse the roadless area protections that have been a part of this administration's roadless area initiative. I have already referenced that they have indicated they might well try and reopen lands to development that have been protected by this administration. I think it is something that is exceedingly frustrating for people who care about the environment to take a step back and look at the nature of this sorry legacy where the governor has dealt with the environment in the State of Texas.

It did not have to be that way. It was not that way with Governor Engler in Michigan, Christie Todd Whitman, Governor Pataki; it is not the way with Democratic governors across the country, but Governor Bush seemingly does not set a priority on the environment other than photo ops when he comes to the Pacific Northwest. Where is the passion, the commitment, the outrage that under his watch Houston has become the smoggiest city in the United States?

In the area of energy, which is important in terms of both American policy and its environmental consequences, here again is another stark difference between Vice President GORE and Governor Bush. Vice President GORE has supported conservation, is against drilling in the ANWR, 95 percent of Alaska's north slope is already available for oil and gas exploration and leasing. The wildlife preserve is the only 5 percent that is not available. And the estimate of the impact of the ANWR in terms of our energy supply is that it would be at most a 6-month supply of oil. And it would take 10 years to bring that energy supply to market. This is opposed by three-quarters of the American public. It is in fact even opposed by a majority of people in the State of Alaska. But it is part of Governor Bush's proposal for dealing with the energy problem.

Mr. Speaker, I am really troubled with this disconnect between America's long-term environmental interests, with the wishes and needs and interests of the American public, and what has been offered by Governor Bush and the Republican ticket. It is my hope that in the remaining 2 weeks of this campaign, that the American public will focus on the difference between the two gentlemen who would offer themselves up for President, one of whom will be elected President and use that in guiding their votes accordingly.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 115, 116, 117, 118, 119, AND 120, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–998) on the resolution (H. Res. 646) providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–999) on the resolution (H. Res. 647) waiving points of order against the conference report to accompany the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 835, ESTUARIES AND CLEAN WATERS ACT OF 2000

Mr. LINDER (during the special order of Mr. BLUMENAUER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–1000) on the resolution (H. Res. 648) waiving points of order against the conference report to accompany the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE HONORABLE TOM EWING ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, it is with great pleasure that I come to the floor tonight to spend some time to think about a good friend and colleague who is also leaving, the gentleman from Illinois (Mr. EWING). I have been joined by a couple of my colleagues that because of the lateness of the hour I would like for them to have the opportunity to address the House and then I will pick up.

Mr. Speaker, I yield to the gentleman from upstate Illinois (Mr. PORTER) whom we have heard a lot about tonight already.

Mr. PORTER. I thank the gentleman from Illinois for yielding to me. I am very pleased to be able to participate in this tribute to our colleague, TOM EWING. Mr. Speaker, I was elected to the Illinois General Assembly in 1972. TOM EWING was elected to the Illinois General Assembly in 1974. I had the privilege of serving with TOM for 4 years, 1974 to 1978 in the Illinois House of Representatives. He roomed with another Illinois representative elected in his class of 1974, Lee Daniels of Elmhurst, and I sat next to Lee Daniels. Now, I was a one-term member when Lee Daniels and TOM EWING arrived in the chamber and the first order of business because the Democrats had achieved in 1974 a very large majority in the Illinois House as a result of the Watergate problems and the first order of business was the election of a Speaker of the House. Two Democrats vied with one another, and Bill Redmond, who was from Lee Daniels' area, had not quite enough votes to be elected Speaker. The balloting went on for 14 days with 88 ballots being cast without a result, and no Speaker having been chosen, when Lee Daniels, a Republican, finally broke the tie, or broke the impasse and cast a Republican vote for his Democratic colleague, Bill Redmond, to become Speaker of the House, and that caused Bill Redmond's election. Now, I sat there pleading with Lee Daniels not to cast that vote. I assumed it would be the end of his political career. It is fascinating that Lee later became the Illinois House Republican leader and Speaker of the Illinois House and is today the minority leader of the Illinois House. But Lee Daniels was kind of the glue that brought TOM and I together. The three of us became very close friends, and others I might add became very close friends in the Illinois General Assembly, and I was very privileged to have the opportunity to serve with TOM for those 4 years.

In 1977, I felt that I was conducting two full-time jobs. I was practicing law, which seemed to take my full time, and I was also in the general assembly; and that seemed to take my full time. And so I said to myself, I am going to let my constituents decide whether they want me to become a lawyer or a legislator full time, and I am going to run for Congress. I took on the incumbent Democrat in my district and after one of the really truly classic elections I think fought on the issues, I lost that election by 650 votes out of 189,000 cast. My constituents decided they wanted me to be a lawyer. Actually, I then gave them another chance when my opponent immediately was appointed to the Federal bench by President Carter, and I was elected in a special election and left the general assembly. I came here to Washington.

Mr. Speaker, frankly it was lonely here without Old Tom. I like to call him Old TOM because he and I are exactly the same age. Actually, I am 4 months older but I do not admit it. And for 11 years I waited for TOM to come to Washington, and he finally arrived in July of 1991 when he was elected in a special election. In the meantime, he served as one of the outstanding representatives in the Illinois General Assembly, heading the revenue committee, acting as assistant Republican leader under Lee Daniels from 1982 to 1990.

Finally, after all that time, TOM came and joined us here in Washington. He brought with him, Mr. Speaker, his great commitment to fiscal responsibility. He brought it here to Washington where it was really, really needed. And from the very first time when he arrived here in 1991, he worked to ensure that we attempted to balance the budget, to protect Social Security, to promote economic growth, and he has during his time in Washington been repeatedly recognized for his commitment to balanced budgets and fiscal responsibility by the Citizens Against Government Waste, by the Watchdogs of the Treasury, by Americans for Tax Reform, by the American Taxpayers Union, by the U.S. Chamber of Commerce, by the National Federation of Independent Business.

Over and over again, all of the organizations who watch this very closely have recognized TOM's commitment to fiscal responsibility, and he has been one of the great leaders here in bringing that about. Today, we enjoy balanced budgets because of legislators like TOM EWING. He brought, of course, his friendship with our Speaker, DENNIS HASTERT, with him. Both served in the Illinois General Assembly together as well. And he brought with him a commitment to agriculture so important to central Illinois and to his district, to health care and to education, and he has received award after award for his work in each of those three areas.

Mr. Speaker, he also has brought a commitment to transportation. He has served on the transportation committee. One of the things that brings us together as we work as an Illinois delegation is our commitment to the use of ethanol in American automobile fuels. And TOM has been a great leader in respect to bringing agriculture and transportation together in respect to ethanol. He has also, and this has been the area of his greatest expertise, he has served the entire time as a member of the agriculture committee. He is chairman of the Subcommittee on Risk Management, Research, and Specialty Crops of the Committee on Agriculture, and as you may know, Mr. Speaker, TOM's predecessor was Ed Madigan, a gentleman that you served with many years here, a gentleman who chaired the agriculture committee and became Secretary of Agriculture under President George Bush, and very frankly, and I will admit to my downstate colleagues this at any time, my district has no farms.

□ 2245

If I receive a letter regarding an agricultural issue from one of my constituents, it would be likely to begin, my uncle or father died and left me his farm in Iowa and then the agricultural issue may be raised. So my knowledge of agricultural issues, which is a very difficult segment, a very deep part of American law, I always look to my downstate colleagues for guidance. Whenever I had to cast a vote on an agricultural issue in the House of Representatives invariably I would look to see where Ed Madigan was when he was here, and when he became Secretary of Agriculture and TOM replaced him in that seat I would look to see where TOM EWING voted because I knew that he would know that issue backwards and forwards and I could count on him to exercise the kind of judgment that I respected, and I always felt complete confidence both in Ed Madigan and in TOM EWING in casting those votes.

Mr. Speaker, TOM EWING is the kind of person you want in a legislative body of this type, an honest person, a smart person, a man of very sound judgment, a conservative who is not necessarily conservative in a philosophical sense but conservative intellectually. You have to convince him that change is necessary and change is the right way to go; conservative in his personal outlook but willing to listen to sound arguments for change that may be needed.

Mr. Speaker, TOM has served in legislative bodies, the Illinois General Assembly, from 1974 to 1991, and here in the Congress from 1991 to the present time, a total of 26 years. I was most fortunate to be there at the beginning when his political career started in the Illinois General Assembly and to be his colleague there. I have been most fortunate to be here through the 9 years that he has served in this body, and to be his colleague here as well. Our two careers have been exactly parallel in time and in place in large measure, at different times in the same place, but we have served together and it has been a wonderful, wonderful part of my service in Congress to be able to call TOM EWING my colleague and my friend. He has earned the accolades of his colleagues and constituents for his work. He has earned a deserved retirement with his wonderful wife, Connie. I cannot tell you what it has meant to me to be a friend and a colleague of a gentleman like TOM EWING. I wish him well in his retirement, in all that he undertakes in the future. He has been a true credit to American politics, to public service and to the Illinois General Assembly and this esteemed institution.

Mr. SHIMKUS. Mr. Speaker, I would like to submit for the RECORD the following statements, a statement from Congressman EWING's staff, a letter by the Governor of the State of Illinois, and a letter by Eric Nicoll, former staff director for Congressman EWING and now an industry representative in Washington.

As members of Tom Ewing's staff, we have a unique perspective on what makes Tom such a great person and Congressman. He is a man who is straightforward and honest, a solid, upstanding, good-hearted person—a true Midwesterner. Tom is one of the hardest workers in Congress, setting an example we could never meet, being the first person in the office in the morning, and the last to leave.

Tom's quiet leadership, friendly manner, gentle guidance and terrific sense of humor created a great working environment. He made sure that we all worked hard, but never took ourselves too seriously, constantly joking with and teasing us all. Staff always had a lot of latitude to work on their issues and projects, and the door to Tom's office was always open. He was always interested in our opinions and input, and tolerant of mistakes. We will always remember him as the ideal boss—a mentor, friend, and someone we could look up to and on whom we could depend.

Tom considers his staff an extension of his family, and takes great interest in all that is happening in our lives. He is first and foremost a family man, and when members of our staff faced family emergencies, Tom made sure that our families came first.

In short, Tom Ewing reminds us all that public service can and should be an honorable profession—he is a shining example of why citizens could get involved in their government. Tom has said that in politics, "it is always best to leave with your hat in the air." That he has done. We will miss Tom greatly, and wish him every success and happiness as he moves into the next chapter of his life.

STATE OF ILLINOIS,
WASHINGTON OFFICE,
Washington, DC, October 11, 2000.
Hon. THOMAS W. EWING,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR TOM: On behalf of the State of Illinois, please accept our profound appreciation for your tireless efforts and myriad contributions for people throughout the State of Illinois and our nation.

As the 106th Congress of the United States nears adjournment, we understandably pause to reflect on the benefits for all of us from your 17 years of service in the State Legislature and nearly a decade in Congress. As a family man, farmer, business owner, lawyer and a devoted public official, your unassuming, yet effective leadership, in both the Illinois and the US House of Representatives will not soon be forgotten.

Those of us who have had the good fortune to work closely with you know how important your family has been to you throughout your years of public service. You and your wife, Connie, have six wonderful children and five very special grandchildren. Your mother, Harriet, is justifiably proud of your many awards and accomplishments. Hopefully one of the benefits of the days to come will be more relaxed moments with your family. In any event, you have earned and will be able to savor a host of memories—including more election nights then you care to remember, along with the Ewing for State Representative signs on the back of your father's horse trailer!

Since our days together in the Illinois House of Representatives, nearly 25 years ago, you have remained an esteemed colleague, and more importantly, a dear friend. Side by side, we weathered debates when our views did not easily prevail. Whether in the majority or the minority, you always advocated common sense solutions and fought effectively and wholeheartedly for your constituents.

Your deep commitment to sound fiscal policy, quality education, free trade, along with your dedication to farmers and their families are but a few of the reasons why your constituents value your lifetime of public service so very much. You have known when to speak out and when to listen. You have earned a national leadership role among those who have unselfishly provided future generations with so much.

Your friends at home, in the Illinois General Assembly, among Members of Congress and admirers of yours from around our state and nation join Lura Lynn and me in communicating an enthusiastic thank you, in wishing you and yours the very best of health and happiness, and in expressing our hope that we will find new and creative ways to work together with you in the future!

Very truly yours,

GEORGE H. RYAN,
Governor.

OCTOBER 3, 2000.

Hon. JOHN M. SHIMKUS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SHIMKUS: Thank you so much for sponsoring a Special Order to honor Congressman Ewing on his retirement for the House. Congressman Ewing hired me as his Legislative Director on the day he was sworn in on July 10, 1991 and I worked in his office for over six years.

I know that I speak on behalf of dozens of current and former staff and interns over the years in saying that we are proud to have had the chance to work for Tom Ewing. He is one of the most decent persons I can think of—in or out of Congress.

Congressman Ewing helped many of us start our careers in politics and gave us opportunities to grow professionally. But more importantly, he looked out for us personally and acted as a second father to many of the staff—listening to our problems and giving us helpful advice. In fact, he helped me buy my first home and even gave me pointers in negotiating my first job off the Hill!

Congress will be losing a fine man when Tom Ewing retires. And, you'll be losing that cutting Midwest human! Thanks for recognizing him with this Special Order.

Sincerely,

ERIC NICOLL,
Director of Government Relations.

Mr. PORTER. Mr. Speaker, now I would like to turn to one of the great agricultural leaders of the country and in the Congress, the gentleman from Texas (Mr. STENHOLM), showing the bipartisan aspect of this period of time to reflect on Congressman EWING. I appreciate him coming down.

Mr. STENHOLM. Mr. Speaker, I thank my friend, the gentleman from Illinois (Mr. SHIMKUS), very much for yielding, and I thank him for his extra kind remarks.

Mr. Speaker, I would say to the previous speaker, the gentleman from Illinois (Mr. PORTER), I have not known TOM as long as he has, but I can say that evidently he learned his trade well in the Illinois legislature because he carried that over into the House of Representatives.

As a Texan, I cannot say that TOM and I have always agreed on every aspect of agriculture, our States being a little different, the rainfall, climate being a little different, but I believe it would not be an overstatement to say that in the 9 years that I have served with him on the Committee on Agriculture that I cannot think of a time in which we have not been able to find a constructive middle ground. For the last 6 years, TOM has chaired the Subcommittee on Risk Management, Research, and Specialty Crops, and that has been a challenge. Consensus building, though, has been the hallmark of TOM's leadership. His legacy is well established through some very difficult pieces of legislation. Soon after he became chairman, he brought together administration and industry officials to develop a compromise that broke a long-lasting stalemate over the Perishable Agricultural Commodities Act. His work for peanuts, tobacco and sugar farmers have made this Northerner a welcome and well-known guest in rural communities throughout the South. When it comes to promoting agricultural exports, again TOM EWING has been a leader. Whether it was NAFTA, whether it was attempting and ultimately getting the permanent normal trade relations with China, TOM recognized for his farmers, as most of us who represent rural areas recognize for our farmers, the absolute necessity of increasing trade.

Ninety-six percent, for example, of all of the world's consumers live outside of the United States and Tom recognized that and he was a great ambassador for American agriculture.

Research is another area of Tom's hallmark, where he has been a very forward thinking member. The promise of our future food and fiber production system depends on having solid research foundation and Tom has been a dedicated member of the House Committee on Agriculture, ensuring that innovations and efficiencies continue to bring forth from our research system.

Tom Ewing also deserves a great deal of credit for the enactment of the Agricultural Risk Protection Act earlier this year. He understands the risk that our producers face and his mark on our risk management policy will be long lasting.

Finally, Mr. Speaker, Tom made some previously unimaginable strides this year in driving agreements that no one thought could be reached with regard to the Commodities Exchange Act, having fought for that particular piece of legislation for years, but under Tom's leadership the House last week passed by a vote of 377–4 the Commodities Exchange Act, a remarkable achievement. I hope the Senate acts quickly to make this work complete so that it can be a true legacy to Tom Ewing's leadership here in the House.

One other comment, as so many of us readily admit that we have over married as far as the better half of our family, certainly Connie and the friendship that Cindy and I have had with Tom and Connie over the years is very indicative that behind this good leader there has been an even better woman, and that is something that many of us appreciate, and I certainly do in Tom and Connie.

I want to thank the gentleman from Illinois (Mr. Shimkus) for yielding me this time tonight to say how much this Texan has appreciated, Tom, your leadership in serving in the House and we will truly miss you.

Mr. SHIMKUS. I thank the gentleman from Texas (Mr. Stenholm) for taking the time out late to honor our friend and colleague.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. Goodling). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I would like to yield time to the gentlewoman from Illinois (Mrs. Biggert).

Mrs. BIGGERT. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Illinois (Mr. Shimkus), for taking the lead on this tribute to Congressman Tom Ewing tonight.

Mr. Speaker, I would like to take a few moments to recognize and reflect on the outstanding public service record of our friend and colleague from Illinois, Tom Ewing. Tom is retiring after devoting more than 25 years, including 9 years in this House, to serving the people of Illinois and the people of this Nation. Over that time, I think that Tom has established himself as one of the most valuable, well liked and well respected Members of the House, and I think I speak for all of us to say that it has been a pleasure to serve with him. He did begin his public service in 1974 as a member of the Illinois House of Representatives which we have heard reference to several times, and he served there with distinction for 17 years. While in Springfield, Tom served as the assistant Republican leader of the Illinois House from 1982 until 1990, when he was named deputy minority leader. I too served in the Illinois House and as assistant Republican leader, but to my regret we never served there together. As ships that pass in the night, Tom left the General Assembly in 1991 and I was elected to serve there in 1992.

In a way, it was agriculture that brought Tom to this House, the U.S. Department of Agriculture to be exact. When President Bush named the late former Congressman Ed Madigan as Secretary of the U.S. Department of Agriculture, Tom ran in the 1991 special election for the seat and won handily. In fact, he won so handily that he turned around and ran again during the next year, 1992, and won again handily.

So there are many reasons, I think, why this body will miss this Member in particular, and will sorely miss this Member Tom Ewing.

I would like to address the four top reasons that I will miss him. First and foremost is his invaluable expertise on all things relating to farms, farmers, farm financing, agriculture commodities and agriculture in general. In fact, before I actually met Tom Ewing, I thought of him as "Mister Illinois Agriculture." That was not because of his impressive leadership role in this body but, frankly, for his weekly interviews on WGN's radio farm report with Orion Samuelson and Max Armstrong. Each week as I commuted from Chicago to Springfield, Illinois, for the Illinois General Assembly legislative session, the road that took me through this rich farmland of Tom's district, I–55, as I drove along I would hear these discussions with Orion and Max which enlightened me on the farm policy.

So now as one whose suburban Chicago district has seen acres of rows and rows of corn replaced by rows and rows of single family dwellings, I must admit that it was Tom that I turned to for advice on issues relating to agriculture. He was always patient, always insightful and always frank.

The second reason that I will miss him is that together he and I represent two-thirds of the Illinois Delegation on the Committee on Science, and together we have fought many a battle to ensure continued funding for two of the world's premier research institutions: The University of Illinois at Champaign and Argonne National Laboratory located in our respective districts. I cannot say that I rely as heavily on Tom's advice in the Committee on Science as I do on agricultural issues, however, but on occasions that he was sighted at a committee meeting I was always confident of his advice and always confident that we would be voting on an issue of interest to the University of Illinois at Champaign.

The third reason that I will miss Tom is for his devotion to the principles of free and fair trade, and his leadership in pressing open markets for our products and services abroad. Together we served on the whip team for permanent normal trade relations with China and together we spent a lot of time locked down in Seattle during the WTO ministerial last year. Tom's district exports the farm products that feed the world, just as my district exports the manufactured products and services that the world demands.

□ 2300

His efforts to open markets, not just for American farm products, but for all products and services will long be remembered. His council on agricultural trade, not to mention his insights into the issues that have dominated the past decade's trade negotiations are without compare.

Last, but not least, I will miss Tom for his candor, his humor and his joy in life. Tom will be remembered for the great things he accomplished during his service here, from drafting and guiding passage of the Freedom to Farm Act of 1996, to fighting for the repeal of the unfair death tax, to leading the way in reforming and reauthorizing the Commodities and Exchange Act.

But for those who of us who have had the privilege of serving with him, Tom will be remembered the best and missed the most for his warm friendship, his ready humor and his generosity of spirit and time. So I join my colleagues tonight in wishing Tom and his wife, Connie, and their wonderful six children all the best that their future life has to offer. So I thank the gentleman from Illinois (Mr. Shimkus) for allowing me to participate in this tribute.

Mr. SHIMKUS. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. Biggert).

Mr. Speaker, I am now joined by the gentleman from Michigan (Mr. Hoekstra), and we are glad to have him and please entertain us with your reflections of Congressman Ewing.

Mr. HOEKSTRA. I thank my colleagues from Illinois for pulling together the special order to recognize the accomplishments of our colleague, Mr. EWING. Before I do that, I cannot help but acknowledge the contributions of the gentleman sitting in the chair this evening, who has been my chairman for the last 6 years, who was my ranking member for the 2 years before that, who still every once in a while pulls me aside for a couple of words of wisdom, especially on one project that we remember so fondly from 1993 where he continues to say I told you so, in a very good-humored way, the gentleman from Pennsylvania, (Mr. GOODLING).

Thank you for the contributions that you have given to this Congress, to this House, to the Committee on Education and the Workforce, to me personally for the last 8 years and trying to keep me under your wing, sometimes being successful, sometimes wishing you had a little bit of a tighter rope to pull me back. But we have had a great colleagueship and a good friendship over the last 8 years, and I want to again express my appreciation to you for that, and to wish you Godspeed as well as you move into your retirement, which probably will include some work, probably will commit some time to the passion that you have for education and public service, and probably will continue some time for your passion with the horses and that side of your business, and the orchards, the apples and those types of things, and the peaches, I think.

Thank you very much for the contributions that you have made. I could not start talking about another friend of mine without recognizing your service and seeing you in the Chair tonight. So thank you very much.

Mr. Speaker, TOM and I kind of developed a special friendship over the years that I have been here. TOM came in to the Congress in a special election in the Congress before I did. I got elected in 1992. TOM had served here a short period of time prior to me coming here. We came here in different routes. TOM having had experience of 25 years, 26 years, or at that point in time 17 years, 18 years in the State legislature, and before I came here, I came directly from the private sector.

When I came here, TOM, I think, still regrets the day that he came to his office on the third floor of the Longworth and found out that he had this freshman Republican from Michigan next door, and for the next 2 years, I constantly would just kind of move. I would come into my office. As I faced an issue or whatever or just had a little bit of extra free time, we just kind of meandered and roamed over to that guy next door and to his staff. And we really developed a very good and, I think, a very unique friendship that I cherish over the last 8 years.

TOM was a great neighbor. I have gotten to know at least part of the family having met them here in Washington or having spent some time with them back in the district. I have had the opportunity to go back into TOM's district a few times and spent some time with Connie and also with their son Sam. I have not had the opportunity to meet all the other children. But it is a great district that has been very, very well represented, and the time that I spent going back through the district, recognized that he is as well liked in his district as he was here by his colleagues. I think that is a great testament to the work that he has done.

I also recognized that his golf game is not a whole lot better than mine, it is not a whole lot better than the Chairman of the Committee on Education and the Workforce. I think what we all have in common is we have a pretty mediocre game of golf. That is the thing that I have cherished most in the 8 years that I have gotten to know TOM, is the hospitality, the friendship, some of the other things that the gentleman has talked about, just a great fun spirit, always an open heart and a willing hand to help a new Member to the political process get done what we needed to get done.

Mr. Speaker, it is more than just about friendship. It was also about mentorship. TOM took the time, the energy and the effort, sometimes the tremendous effort that it would take to teach me the ropes, explain to me how things worked here, explain to me how things would not work here, and how some of the things that I thought might be important in the way that I might want to get them done, was very willing to provide some minor suggestions on how I might modify some of the things that I would do to maximize the impact that I could have in here, that I could have here in Washington, taking the time to introduce me to his friends, both the staff here in the House, his friends in the Congress that he knew, and also friends outside of the Congress who are very knowledgeable about the issues that TOM and I would have to work on.

The second thing I remember is the mentorship and the caring that he took, not only with me, but I think with a lot of other new Members who were coming into the House. Recognizing that we had a huge class that came into the House in 1992, I think we ended up with 47 new Members on the Republican side of the aisle in 1992, joined by another 80-plus Members in 1994. So there was a tremendous need for the friendship and the mentorship that someone like TOM EWING could provide.

Then the tremendous background. I think some of the other Members tonight have talked about his background and his depth of experience on some of the issues, his depth of experience on the Committee on Agriculture, the way that he dealt with those issues, and the effectiveness with which he would take ideas and move them through the political process. The same type of depth and background that he has on the Committee on Transportation and Infrastructure.

He and I spent a short period of time together on the Committee on Transportation and Infrastructure. I then moved off of the Committee on Transportation and Infrastructure and had been on the Committee on the Budget for 5 years out of the last 6 years. But again he had the same kind of depth of background and experience again that he was very, very willing to share, and again with something that he has in common with the gentleman who is presiding tonight, the gentleman tonight of course presiding with his experience and the whole area of education.

So they in their background and experience were very willing and are willing to lead us through the maze and the complexity of the issues that they had to deal with in those areas. So in closing, I would just say, TOM, you will be missed. We have had a great time here together. I appreciate the friendship, the mentorship, the colleagueship, and the experience that you have shared with me and that you have shared with other Members in the House.

I wish you Godspeed on your retirement. I recognize that your retirement will include some work. I bet it will include some overseas trips. I know how much TOM likes to travel, how much TOM and Connie like to travel, and I am sure that it will include some work on that pretty mediocre game of golf that you have at this point in time. You will be missed. Thanks to TOM. Thanks to Connie, and thanks to the family for sharing him with us here in Washington for the last 8 years to 9 years.

Mr. SHIMKUS. I thank my colleague from Michigan (Mr. HOEKSTRA) for taking the time out tonight to speak about my colleague and friend and a person who we are going to miss here in Washington.

And I finally will rise to pay tribute to my dear friend, TOM EWING. TOM was elected in 1991 to replace Ed Madigan who was appointed Secretary of Agriculture. Since that time, he has been overwhelmingly reelected by the constituents of the 15th District in Illinois.

During his 9 years in Congress, TOM has worked tirelessly for our Nation's farmers, whether it has been to increase the use of ethanol, rewrite our Nation's outdated farm laws or work to open new foreign markets.

TOM has been a champion for U.S. agriculture, especially with MFN status for China, or as we know it now NTR, and as we now know as PNTR. TOM saw the huge market potential for our farmers in China and fought hard to make it a reality. Being a farmer himself, TOM knows the importance farmers play in our national economy.

Before his election to Congress, TOM served 17 years in the Illinois House where he was assistant Republican leader from 1982 to 1990, and was named deputy minority leader in 1990. Prior to that, TOM was the assistant State's attorney in Livingston County, Illinois. Like myself, TOM also served in the United States Army, and as I always like to say, go Army. Beat Navy.

My connection with Congressman EWING goes back to 1991, during my first unsuccessful campaign for Congress. And, of course, there are always good stories that occur on the campaign trail, Mr. Speaker. But even though I had TOM's help and he traveled around my district, I was not successful. But in 1994, I was being courted to run again.

I met with Congressman EWING in his office in Bloomington, Illinois one cold February morning. I was concerned about running, understanding the great challenge of a large rural district and just having had my first son, we sat down and talked about it. And the political history of this Nation will mark 1994 as a very, very important year for especially the change in the House of Representatives.

There was a great pressure to continue to bring good candidates to the floor, and I asked the question that I think many Members who run for Congress ask who are concerned about their family, and I asked now that I have a young son, how is this going to impact my family. And Congressman EWING looked at me and he said, JOHN, if you ever think Congress is going to be family friendly, if you ever think that that job is going to be family friendly, forget it, because no matter how they restructure it, no matter what they try to do, the basic aspect of working in Washington, representing the large district is not, by nature, by definition family friendly.

He was concerned more about my family than he was concerned about recruiting a viable candidate to win in a congressional district. He put my family and his recommendation about my family to the forefront. And for that, I will always thank him. History now shows that in 1996, I did have a chance to run again. TOM was there at my side again, helping me negotiate the environment issue, helping me negotiate the DC environment, and with his help and the help of many other people, I had the fortune to represent the 20th district, which is south and west of Congressman EWING's district.

Since that time, it has been my honor to serve TOM these past 4 years; and he was my mentor and advisor as a candidate. He quickly became a mentor and advisor to me in Washington. He has been someone I have been able to look up to since I have been here. He will listen to every argument before making a final decision, and he will make sure he listens to opposing views.

While that may not seem like a big deal to most Members, it has meant a lot to me. Oftentimes we meet with people or groups who are opposed to a particular stance we may take. Instead of working against these groups, TOM has listened and tried to find areas of compromise and agreement; that is why the people of the 15th district sent him back to Washington time and time again.

Aside from TOM's work in support of agriculture on the House Committee on Agriculture, he has also served on the House Committee on Transportation and Infrastructure, the Committee on Science, and the Committee on House Administration.

□ 2315

On the Committee on Transportation and Infrastructure, he has been a champion for the transportation needs of rural areas in this country, especially in downstate Illinois. As a member of the Committee on Science, TOM has worked diligently for increased funding for university research. With two major universities in his district, he realizes the importance of university research and the impact it has on our country.

During our reorganization meetings for the 106th Congress, TOM EWING placed a name as a nomination to be a majority leader. Some people forget that this occurred. Another young Member from the Illinois delegation seconded that motion. That motion was for the gentleman from Illinois (Mr. HASTERT) to become the majority leader. The vote was taken, and the gentleman from Illinois (Mr. HASTERT) had committed his vote and, of course, the gentleman did not get elected to the majority leader's position and stayed in his role initially as chief deputy whip. But history now shows another conclusion of that time in the history of this House.

One cannot really talk about TOM EWING and his role in the House of Representatives without also talking about the great friendship and working relationship between TOM EWING and the Speaker of the House of Representatives. They roomed together, they worked together, they fought on issues for Illinois together, and I am sure of the comments that will be submitted in this RECORD, along with those will be a submission in the RECORD by the Speaker of the House to remember his great friend and colleague, TOM EWING. So the record would not be complete without mentioning that dynamic duo that brought so much to the State of Illinois and to this Nation.

I would also like to thank TOM and his wife, Connie, for the years of service to this Congress. Connie has been a great friend to my wife, Karen. TOM and Connie will be greatly missed and not easily replaced. The people of the 15th district should be proud to have had a man like TOM serving in Congress. We thank you, TOM.

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to my friend and colleague, Congressman TOM EWING. TOM EWING is retiring from the U.S. House of Representatives after almost a decade of service to the people of the Fifteenth Congressional District of Illinois. TOM will be missed by the Members of this House and by the Members of the Illinois delegation in particular.

TOM and I both serve on the House Transportation and Infrastructure Committee. We worked together to help make sure that the Transportation Equity Act for the 21st Century, the massive highway and transit funding bill that passed in 1998, provided increased funding for transportation infrastructure in the State of Illinois. Due in part to TOM's efforts, Illinois received a $200 million increase in federal highway funds under TEA 21. In addition, during this year's debate on the Aviation Investment and Reform Act for the 21st Century, TOM was a tireless advocate for improved air service to small and rural communities, such as those that he represents. In particular, TOM has been particularly effective in advocating the Central Illinois Regional Airport, which recently gained increased jet service by both United Airlines and American Airlines.

TOM also serves on the House Agriculture Committee and is the Chairman of the Subcommittee on Risk Management, Specialty Corps and Research. Because of his position on the Agriculture Committee, TOM is able to look out for the interests of the soybean and corn growers in his district. For example, TOM is a vocal supporter of the use of ethanol, which is produced from Illinois prairie grain. In fact, in 1998, because of TOM's strong support and tireless efforts, the federal subsidy for ethanol was extended to the year 2007. In addition to protecting the interests of Illinois farmers, TOM has been an advocate for farmers across our nation. TOM, a farm owner, knows firsthand the needs and concerns of America's farmers and has successfully encouraged Congress to help farmers in rural America.

TOM has served the constituents of the Fifteen Congressional District of Illinois well. TOM has also served the nation well. TOM has been an active leader on a number of national issues, ranging from crime prevention, welfare reform, preserving Social Security, balancing the budget, promoting economic growth, recognizing our nation's veterans, improving education and improving health care. Personally, I want to thank TOM for his work on changing the Health Care Financing Administration's policy regarding Medicare coverage of insulin infusion pumps. Because of TOM's efforts, many diabetics and senior citizens on limited incomes will now be able to afford this needed device. The American Association of Diabetes Educators reports that the use of the insulin pump will result in a substantial reducing of many long-term complications of diabetes. This is great news in the fight against diabetes in this country.

TOM has an impressive record of service to this nation. Not only did TOM serve in the U.S.

House of Representatives for five terms, but he also served for 17 years in the Illinois House of Representative. In addition, he is a veteran, having served in the U.S. Army. I want to thank TOM for all of his service to the State of Illinois and the United States. His leadership and valuable contributions on a number of issues will be sorely missed. I wish him the best of luck in all of his future endeavors.

Mr. COSTELLO. Mr. Speaker, it is an honor for me to rise today to join my colleagues in paying special tribute to my good friend and colleague from Illinois, Mr. TOM EWING. Mr. EWING and I have served together on both the Science and Transportation and Infrastructure Committees. We have worked on many bipartisan issues to improve our nation and home state of Illinois including the promotion of ethanol use and production as well as many transportation initiatives.

TOM EWING has represented the 15th District and State of Illinois well over the past decade. Mr. EWING began his distinguished career as an attorney, having graduated from John Marshall Law School in 1968. As a member of the House of Representatives he worked hard to ensure his constituents were well represented.

Mr. Speaker, TOM EWING has served this institution well and he will be greatly missed. I wish Mr. EWING and his family well in the years to come.

ACCOMPLISHMENTS AND CONCERNS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 18 minutes as the designee of the majority leader.

Mr. METCALF. Mr. Speaker, tonight I address the House and the Nation for what is probably the last time. I am proud of the accomplishments during my tenure here. Welfare reform instantly comes to mind. Effectively dedicating the gas tax fund to transportation was another milestone. While, regrettably, government spending continues to increase, the rate of that increase slowed by about 50 percent during the last 6 years, giving confidence to Wall Street and staving off the budgetary meltdown that we were headed for. It is possible that that was only delayed, not eliminated, however.

There is much more to be done in many areas. I frankly am very concerned about the future of this Nation and its great people. The sovereignty of the United States is at risk. Supernational trade agreements, including WTO, NAFTA, and GATT, are removing the ability of this Nation to set its own economic policy, giving power to unelected foreign bureaucrats to make important decisions about how we live, including the power to abrogate laws enacted constitutionally by the people's representatives.

This is being done in the name of free trade, a classroom abstract concept which gives the impression that trade takes place between free, unfettered individuals on a level playing field who just happen to live in different countries. In the real world, there is no such thing as free trade. Other nations of the world have had this understanding. Look closely at the trade strategy of Japan, who has penetrated and come to dominate market after market in the U.S., when my friends in Washington State are struggling, even today, just to export a few apples to that part of the country.

It was the constitutionally delegated role of Congress by the Founders to make sure that the American people had the opportunity for fair trade with peoples in other nations of the world. We have now given that role to supernational organizations conceived by individuals who have as their long-term objectives the erasure of national borders. I cannot understand Republicans who claim to be in the political arena to oppose Big Government who are supporting initiatives that are moving us step by step to the biggest government of all: world government. We must oppose the rise of these world institutions.

The International Criminal Court poses another danger to our sovereignty. We must never allow a body outside of our system of representative government to impose rules on us without our constitutional protections, to be given the power to tax our citizens or the power to subpoena or to summon to court.

The world is still a very dangerous place. Life, liberty and property imperfectly but continually manifested in these United States are concepts that are not even understood as we understand them in most parts of the world.

I am encouraged by the spread of democracy around the world, but the right to vote does not in and of itself assure freedom for the individual, the right to hold property, the right to exist as a minority in that state. Most of the world's societies are today ruled by tightly held oligarchies that can still override the rule of law. We must encourage the citizens of other nations, but we must not put our constitutional system of government at risk by experimenting with world institutions given police powers.

I am also concerned about the concentration of power at home, both in the growing size of the Federal Government and the number of regulations not passed by this body, but by the unelected bureaucrats, and by the growing concentration of wealth in fewer and fewer hands. We have seen great prosperity for the wealthiest Americans and to a lesser degree, for about a third or so of what have traditionally been the middle class. I truly fear for what we once called the lower middle class. I fear for the future and the sovereignty of this Nation as our manufacturing base, which once paid the salaries of that portion of the middle class, continues to erode. That is why, despite my lifelong Republicanism and my conservative political philosophy, I have sought to be an advocate for trade unionism in this Congress to truly conserve our way of life, to preserve our large middle class which has been the economic and moral strength of this Nation. We need to maintain a balance of interests in our society.

In the 1950s, when the labor movement was riding high, I felt they had too much power and I opposed many of their initiatives. This has not been the case for the last 20 years. While the growth of government has increased the power of government unions, a mixed blessing for the country, there has been a steady decline in the size and influence of the trade unions, and I fear for the working families of this Nation because of this fact.

The rise of the large multinationals and the ideology of world institutions has been devastating to our working people who now have to compete against workers who can make as little as 8 cents an hour. What are we thinking of as a Nation? What happened to the understanding that ultimately, as a society, we must be judged by how those at the bottom are treated, not those at the top?

This economic upheaval has affected family relations and has increased the divorce rate. Mothers taken out of the home to work has increased juvenile delinquency, decreased parental involvement in public schools and in their children's education, and torn the fabric of hundreds of working-class neighborhoods around our land.

As a Republican who supported Davis-Bacon, who opposed striker replacement, who has fought to maintain the 40-hour work week protections, who opposed the Team Act, who stood with labor on every direct trade union issue since I have been in this Congress, I would say to the union movement, to the labor movement, as true partisanship, be wary of your so-called friends in the Democratic Party who continue to use the social welfare language of the New Deal, but who have been at least as much at fault as Republicans for undermining the wage base of our people through these trade agreements.

I want to talk for a minute about immigration. Most politicians do not want to talk about immigration. They would like the subject to go away. I do not blame anyone for wanting to come to America. I count among my friends and supporters very good people from almost every country around the globe who have arrived here in the last 20 years or so. But we must get away from the suicidal notion that this Nation does not have a right to set an immigration policy that favors first and foremost the people who are already here and, secondly, must absolutely maintain the sanctity of our borders. A nation without borders is no nation at all. Politicians are, in the main, quick to condemn illegal immigration. However, the Justice Department has been very slow to put a program in place, a meaningful program, to stop the literal invasion of our territory. I do not fault the line officers of the border patrol. They are some of the finest public servants that I have met in public life. I believe there has not been a real commitment made by our government to stopping illegal immigration, and I believe this must change.

I am very discouraged that the labor movement, in particular, no longer acknowledges the obvious fact that the levels of immigration, legal and illegal, that we have experienced in the last few years, coupled with our trade policy, has been a downward driver on wage rates for working people and that folks in the poorest parts of this Nation have seen their housing costs rise or have lost the opportunity for housing at all, due to the mass of immigration this country is now experiencing.

I am also discouraged that the leadership of the environmental movement is ignoring the obvious fact that the rate of immigration we are experiencing now with its accompanying high birth rate, will result in a population of about 450 million Americans by the year 2050; 450 million. I find this totally unacceptable. A cabal of self-serving immigration trial lawyers, transnational corporations who crave cheap labor and neo-Marxists who seek a new constituency to poison are driving our immigration policy, and in this area of political correctness, politicians are afraid to speak out against it, even though every poll taken in recent times shows the American people of all ethnic backgrounds to be opposed to the current immigration level of nearly 1 million legal immigrants a year.

I am sure a majority of the rank and file in labor, a majority in the environmental movement, and a majority in the conservative movement oppose our current immigration policy. They must find their voice and their courage if we are going to maintain our social cohesion and quality of life.

Environmental issues have been on my mind of late. Because I believe that many of these issues are better handled at the State and local level, my political opponents, including the League of Conservation Voters, have labeled me less than a conservationist. As one who authorized the recycling plan for Washington State, which is a model for this Nation, who passed the shellfish protection act in our State, who fought the large corporations for the water quality of Puget Sound, who worked with Democrats for tougher pesticide controls, I guess I have resented that label. I am very sorry both parties did not take the time and opportunity to pass meaningful pipeline safety regulations in this Congress.

The recent debate in some of the press reports seem to point at my party's leadership as culprits, but the fact is, the entire Senate supported what ended up to be little more than an industry bill and only a few Democrats in our body made any real effort to move this issue until fairly recently. I do not mean to disparage the Senators from Washington State. There would have been no meaningful debate in the Senate on this issue without Senator PATTY MURRAY and Senator SLADE GORTON.

Our pipeline system is aging. Much of it once rural has now been encroached by urban sprawl. In addition, we now have an understanding of sensitive environmental areas we did not have 50 years ago when these pipelines began operating.

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The three things that the pipeline industry does not want must happen to ensure pipeline safety in America. We must restore Federal certification of pipeline fieldworkers, we must require government monitored periodic testing, and we must allow the States to use their resources to bolster the tiny number of Federal inspectors. I regret that a bill that I sponsored a year ago, reintroduced with the support of the entire Washington State delegation, which contained all of these features did not get the hearing it deserved.

I want to thank Senator PATTY MURRAY for working with me on the Northwest Straits Initiative, a model program where Federal dollars meet local community groups determined to protect the shoreline environment of this national treasure located wholly within Washington State. Speaking with a regional voice, it has the potential to awaken public officials and local citizens alike to their duty to protect this priceless area. I also want to thank Senator SLADE GORTON for his work behind the scenes to ensure Federal funding for this worthy project.

I am grieved to have accurately warned the Nation about the impending return of commercial whaling as a worldwide practice. We must redouble our efforts to prevent this from occurring. Cynical international commercial interests have used indigenous groups such as the Makah Indian tribe in my State as pawns in this greed-driven step backwards. Last year, one whale was killed and at least one other was injured.

I will speak on the Second Amendment and the constitutional rights to keep and bear arms. Let us think back to the beginning of our Nation. Why were the British troops marching out of Boston on the road to Lexington and Concord in the predawn darkness of April 18, 1775? They were there because they had heard correctly that the colonists were stockpiling arms and ammunition in that area. The British were on their way to capture and destroy these guns.

The colonies had increasing confrontations with the British King: the stamp tax, the closing the port of Boston, the intolerable acts. They had a lot of trouble with the British King. But they were still loyal British subjects.

But when they came to take away our guns, we went to war. When we won that war and wrote the Constitution, the Second Amendment, the amendment was the right to keep and bear arms.

Finally, I want to return to the fundamental question of great significance for all Americans, money. Does anyone believe that it would be possible to reduce our national debt by $600 billion and reduce our annual interest payments by $30 billion with no harm to anyone nor to any program? That sounds too good to be true, does it not? But it is true. It is simple, and it is possible.

Most people have little knowledge about how money systems work and are not aware that an honest money system would result in great savings to the people. We really can cut our national debt by $600 billion and reduce our Federal interest payments by $30 billion a year again with no harm to anyone.

One of the problems is we pay interest on our paper money in circulation now. We pay interest on the bonds that are said to back our paper currency; that is, the Federal Reserve notes. This unnecessary cost is $100 per person per year in our country, an absolutely unnecessary cost, because we rent our paper money from the Fed. That is what we are paying the rent or interest.

Why are our citizens paying $100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins today? The coins are minted by the Treasury and essentially sent into circulation at face value.

The Treasury will make a profit of $880 million this year from the issue of the first 1 billion of the new gold-colored dollar coins. If we use the same method to issue our paper money as we do for our coins, the Treasury could realize a profit on the bill sufficient to reduce the national debt by $600 billion and reduce the annual interest payments by $30 billion. In other words, Federal Reserve notes are the official liabilities of the Federal Reserve. Over $600 billion in U.S. bonds is held by the Fed as backing of these notes.

The Federal Reserve collects the interest on these bonds from the U.S. Government and returns most of it to the Treasury. So, in effect, there is a tax on our money of about $100 per person.

Is there a simple and inexpensive way to convert this costly, illogical and convoluted system into a logical system which pays no interest directly or indirectly on our money in circulation? Yes, there is. Congress must require the U.S. Treasury to issue our cash, our paper money.

The simplest way to solve this problem is for Congress to declare that the Federal Reserve notes are, in fact, U.S. Treasury currency. This simple act would reduce our national debt by over $600 billion and reduce the annual government expenditures by $30 billion each year.

MYTH OF THE BUDGET SURPLUS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of January 6, 1999, the gentleman from Mississippi (Mr. TAYLOR) is recognized for the remainder of the time until midnight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) for joining me in this.

Mr. Speaker, let me begin by thanking the gentleman from Pennsylvania (Mr. GOODLING) for the great job he has done of serving our country over the many years. He has represented his District in Pennsylvania with great distinction, and we are all going to miss him, and he is a good sport to stay here so late tonight on what could possibly be the last week of his service to our Nation.

Mr. Speaker, I really came to talk about the myth of the budget surplus. When folks stop me on the street back home, it is a very common question to ask me, where does their tax money go. Without exception, people are shocked to learn that the biggest expense to their Nation is interest on the national debt.

See, today our Nation squandered $1 billion of your money on interest on the national debt. We did the same thing yesterday, the day before that, the day before that. We will do it tomorrow, the day after that. Every day for the rest of your life, your Nation will squander $1 billion on interest on the national debt until we pay it off.

That is pretty mind boggling. The biggest expense to our Nation last year, interest on the national debt, was $360 billion. So when we hear people talk about the surplus, we have got to kind of wonder where it all came from.

I know one of the sources. It was an ad run in the paper, the USA Today, dated December 12, 1995. It is a photo of the former chairman of the Republican National Committee Hailey Barbour, who said "Heard the one about the Republicans cutting Medicare? It is a million dollars challenge."

He offers a million dollars to someone who could prove the following statement false. "Here is why you have no chance for the million dollars. Republican National Committee will present a cashier's check of $1 million to the first American who can prove the following statement is false: In November of 1995, U.S. House and Senate passed a balanced budget bill, period. It increases the total Federal spending on Medicare by more than 50 percent from 1995 to 2002, pursuant to the Congressional Budget Office standards. Responses must be postmarked by December 20, 1995."

So that was the budget that was going to be for the fiscal year of 1996. The key here is, it said they passed a balanced budget bill. Congress can only appropriate money for 1 year at a time. So a balanced budget, as all of us know from our household checkbooks, is when we spend no more than we collect in taxes.

It may surprise my fellow citizens, after the chairman of the Republican National Committee made such a statement and such a challenge that, in that year, the fiscal year increase to the public debt was $250,828,000,000. The Nation spent $250 billion more than they collected in taxes that year that they claim to have balanced the budget. So maybe it took a little bit longer than they thought.

So in fiscal year 1997, the Nation spent $188,335,000,000 more than it collected in taxes. A year later, the Nation spent $113,046,000,000 more than it collected in taxes. This is 3 years since Mr. Barbour's promise that the Nation had a balanced budget. The following year, the Nation spent $130,077,000,000 more than they collected in taxes.

So when I presented Mr. Barbour with the information that it was not a balanced budget, his response was, not only not to pay me, but to sue me for answering his challenge that was in a nationwide publication. That is Republican accountability. That is Republican honesty. It makes one kind of wonder, does it not?

In fairness to Mr. Barbour, that was not the only year. I think it is important that we be honest, that I be honest. I came to the House floor at the end of July and said that, for this fiscal year, so far, the Nation was running an $11 billion annual operating deficit. I came back in August, actually in the month of September, and showed where the Nation was running a $22 billion annual operating deficit.

In fairness, I have to mention that something that I guess every Congressman should be at least partially happy about, we did finish the fiscal year that ended September 30, 2000 with an $8 billion surplus, but only after, incredibly, record collections of $157 billion and expenditures of $125 billion. See, they were able to slow down spending for that 1 month to make up for that $22 billion.

One of the ways they slowed down spending, interestingly enough, we hear all this talk about being for a strong national defense, is they delayed the pay for the troops from the last of September to the 1st of October. So that bill did not go towards last year, it goes towards this year. So this year's deficit will be even bigger. But last year's deficit turned into a surplus by that accounting gimmick and others.

So I guess something that I am very proud of, having run on the basis of trying to balance the budget, is that, for the first time in what we think is 30 years, the Nation ran the smallest of surpluses, about $8 billion out of a $1.5 trillion budget.

We hear talk of big surpluses. But those surpluses are all in the trust funds: the Social Security Trust Fund, the Medicare Trust Fund, the Military Retirees Trust Fund, the Black Lung Trust Fund, the Federal Employees Trust Fund. These are all monies that have been collected for a special purpose, and people trust us to set that money aside and spend it only for that purpose. To spend it on anything else, to give it away to someone else in a tax break is a violation of that trust.

Someone who has understood the issue of the tax breaks and their impact on the Federal trust funds better than anyone else in this House is the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me. I thank him for taking this time.

I will serve notice to our colleagues that we are going to be doing a lot of talking about this over the next 1, 2, 3, 4, 5, or 6 days. Tomorrow we will pass a rule that will provide for six 24-hour continuing resolutions. Just as the gentleman from Mississippi (Mr. TAYLOR) has talked very accurately about the last 12 months, what is seemingly passing over this body and the leadership of this House is what we are doing in the next 12 months.

The 106th Congress is on track to increase appropriations, spending, for domestic programs at the fastest rate this year since the budget act was first passed in 1974.

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Now, all year long my friend from Mississippi and I and other Blue Dogs have been on this floor calling for a compromise in the budget that can be supported by both sides of the aisle. The Republican budget called for $600 billion in budget authority and $625 billion in outlays. The President proposed $624 billion in budget authority and $637 billion in outlays and colleague after colleague from the other side of the aisle has bent over speaking and decrying the big spending of this administration. Only yesterday the Senate appropriations committee chairman, Mr. STEVENS, proposed a compromise discretionary cap of $637 billion in budget authority and $645 billion in outlays in order to get us out of here. That is $8 billion more than the President has proposed to spend this year. The blame game is going on now. We have heard just tonight from both sides of the aisle about who is at fault and who is doing what, and as my colleague has pointed out, we spent a good part of this year on how big our tax cuts were going to be.

Completely overlooked in all of this discussion and debate for the last 3 or 4 months is what we are actually doing on spending. According to the Concord Coalition, with what we are about to do under the leadership of the House, two-thirds of this projected surplus for the next 10 years, two-thirds will have already been spent before we adjourn either Saturday, Sunday, Monday or Tuesday. Two-thirds will have been spent. I do not understand my friends in the leadership of this House that somehow believe that you can take individual spending bills absolutely in a blind trust of just saying because we are doing 13 individual spending bills that the sum total does not add up to what we are talking about tonight; just as my friend from Mississippi accurately points out that we barely ran a surplus this past year, and there is credit on both sides of the aisle that are deserving for that, and I readily grant my friends on the other side of the aisle their share of the credit for that. But I do not understand how we can see some of the charts and posters that we will see over the next several days bragging about this history while at the same time we are spending it for next year.

We are going to talk about raising the caps and we are going to try to slip it on to another bill tomorrow, finally acknowledging that the caps that we put in in the 1997 balanced budget agreement were unrealistic. I wish we were going to do more than 1 year. In fact, we will be on the floor tomorrow and the next day and the next day saying, "Let's put another 5-year realistic cap on spending. Let's not just do it for one year." And oh, by the way, when we talk about the spending and the blame game starts around, let me point out, according to Senator JOHN MCCAIN, $21 billion of this $645 billion which is $8 billion more than the President proposed that we spend, $21 billion of that is for add-on earmarks that my colleagues on both sides of the aisle are bragging about on a regular basis.

I think it is going to be interesting when the smoke finally clears and we see where that $21 billion was spent, how much that is going to detract from the $2.3 billion non-Social Security surplus that we will have to deal with in the next Congress, and as we listen to both candidates for President, where are we going to find the money to have the tax cuts that one proposes or the spending increases that the other proposes when this Congress willhave already spent the money? And as my colleague from Mississippi points out, we are getting carried away with these surpluses. We just barely got into the black this last year when we consider all of the obligations that we have in this body to future generations.

Mr. TAYLOR of Mississippi. Again for those of you on the West Coast, this is almost 10 minutes to midnight in Washington so I not only thank my colleague for staying up so late but all the employees of the House.

I know there is a lot of mistrust about government. I would ask people who question these numbers to access their computers www.publicdebt.treas.gov and look for yourself. One of the big lies is that the public debt is going down. The fact of the matter is in the 1 year between September 30 of 1999 and September 30 of 2000, the public debt increased from $5,656,271,000,000 to $5,674,178,000,000. I realize that is pretty mind-boggling for almost everyone, but that is what it looks like on a chart. It continues to go up. And again as long as we owe money, we have to pay interest on that debt just like every other business and every other individual and that interest payment is $1 billion a day. If you want to access these numbers, it is www.publicdebt.treas.gov/opd.opdpenny.htm.

Folks, that is what your debt looks like today. So before any of my colleagues talk about huge spending increases or any presidential candidate, or any of my colleagues start talking about huge tax cuts, this is what we owe. If you were to look at this in 1980, it would have read about $1 trillion instead of 5. That means that $4.674 trillion of that debt has been added in this generation's lifetime.

I as a father am not going to stick my kids with my bills. I would ask that those people who seek the highest office of the land, the President of the United States, do not stick their kids with their bills. I would ask that my fellow Congressmen and the Members of the other body, do not forget these numbers and let us not stick the next generation of Americans with this generation's bills. Before we talk about big spending increases, before we talk about big tax cuts, let us pay off the debt that has been run up in our lifetime and let us start defending the Nation in a way that in reality matches the rhetoric.

I would tell the gentleman from Texas that when the Republican majority took over Congress, there were 392 ships in the American fleet. Today the number of ships in the United States Navy are 318. They talk about the big defense increases, but as a matter of fact the last 6 years that the Democrats ran the House, we funded 56 new warships. In the first 6 years that they have run the House, they funded only 33. For all the rhetoric about being tough on defense, good for defense, the Republican Congress built fewer ships in their first 6 years than the Democrats did in our last 6. Even this year they talk about President Clinton being weak on defense. President Clinton asked the Congress to fund eight ships. The Congress only funded six. The United States Navy is now the smallest it has been since 1933. So in addition to not balancing the budget, they have failed to look out for the common defense.

Mr. Barbour, I hope you are watching tonight. I have still got your ad; you have still got my letter. You still owe me a million dollars. I realize you found a judge up here in Washington that said, yeah, that wasn't really for real, but when someone runs a statement in a national publication challenging people to prove them false and have their statements proved false not just for 1 year or even 2 years but for 1 year, 2 years, 3 years, 4 years running, then I have proven your statement false. And if you are a man of your word and if your party is a party of its word since you are making such a big deal of credibility and honesty and trustworthiness, then I think you ought to keep your word and honor your pledge. For my part, after I paid the lawyer that I had to go hire because you sued me, the remainder will go to the University of Southern Mississippi so we can educate a lot of good kids back home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of district-related business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 25 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. CLAY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Mr. PICKETT, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Ms. GRANGER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and October 25, 26, 27.

Mr. EWING, for 5 minutes, October 25.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. PITTS, for 5 minutes, October 25.

Mr. BUYER, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. LAHOOD, for 5 minutes, October 25.

Mr. CRANE, for 5 minutes, October 25.

Mr. MANZULLO, for 5 minutes, October 25.

Mr. WELLER, for 5 minutes, October 25.

Mrs. BIGGERT, for 5 minutes, October 25.

Mr. HOEKSTRA, for 5 minutes, October 25.

Mr. LATHAM, for 5 minutes, October 25.

Mr. KINGSTON, for 5 minutes, October 25.

Mr. KNOLLENBERG, for 5 minutes, October 25.

Mrs. JOHNSON of Connecticut, for 5 minutes, October 25.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities for the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of the Act to certain former spouses of deceased Hmong veterans.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 25, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10693. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Modification to Handler Membership on the California Olive Committee [Docket No. FV00-932-3-FR] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10694. A letter from the Chief, Military Justice Division, Air Force Legal Services Agency, Department of the Air Force, Department of Defense, transmitting the Department's final rule—Delivery of Personnel to United States Civilian Authorities for Trial (RIN: 0701-AA60) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10695. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2900-AJ88) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10696. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Insurance Coverage and Rates (RIN: 3067-AD01) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10697. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Premarket Notification; Class II Devices; Triiodothyronine Test System [Docket No. OOP-1280] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10698. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Labeling for Menstrual Tampon for the "Ultra" Absorbency [Docket No. 98N-0970] received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10699. A letter from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Rule 9b-1 under the Securities Exchange Act of 1934 Relating to the Options Disclosure Document (RIN: 3235-AH30) received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10700. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106-304); to the Committee on International Relations and ordered to be printed.

10701. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to Greece [Transmittal No. DTC 081-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10702. A letter from the Chairman, National Endowment for the Arts, transmitting a report on the Commercial Activities Inventory—FY 2000; to the Committee on Government Reform.

10703. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Civil Monetary Penalty Inflation Adjustment—received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10704. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Enforcement, transmitting the Commission's final rule—Revision of the Nuclear Regulatory Commission Enforcement Policy—received October 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10705. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2000-NM-286-AD; Amendment 39-11927; AD 2000-20-16] (RIN: 2120-AA64) received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Final Indirect Cost Rates—received October 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10707. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Presidential Determination 2000-02, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expediture of PLO funds for a period of six months; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4857. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, and for other purposes; with an amendment (Rept. 106-996 Pt. 1). Ordered to be printed.

Mr. CALLAHAN: Committee of Conference. Conference report on H.R. 4811. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-997). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 646. Resolution providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-998). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules House Resolution 647. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-999). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 648. Resolution waiving points of order against the conference report to accompany the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes (Rept. 106-1000). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 25, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALLAHAN:

H.R. 5526. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. THUNE:

H.R. 5527. A bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife habitat of the Missouri River in the State of South Dakota, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE:

H.R. 5528. A bill to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. Stump, Mr. Kolbe, Mr. Pastor, Mr. Salmon, and Mr. Shadegg):

H.R. 5529. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON:

H.R. 5530. A bill to extend for 1 additional year the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself and Mr. Filner):

H.R. 5531. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on electricity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5532. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing known allergens bear labeling that states that fact and the names of the allergens; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mrs. Lowey, Mr. Porter, Ms. Millender-McDonald, Ms. Baldwin, Mr. Brown of Ohio, Ms. Kilpatrick, Mrs. Maloney of New York, Ms. Norton, Mr. Pomeroy, and Ms. Woolsey):

H.R. 5533. A bill to increase the United States financial and programmatic contributions to advancing the status of women and girls in low-income countries around the world, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY:

H.R. 5534. A bill providing that State and local laws prohibiting or otherwise restricting economic activity with foreign countries are null and void; to the Committee on International Relations.

By Mr. ROHRABACHER:

H.R. 5535. A bill to enhance and restore the coastal resources of the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. Armey, Mr. DeLay, Mr. Stump, Mr. Hunter, Mr. Cox, Mrs. Fowler, Mr. Thornberry, and Mr. Hayes):

H.R. 5536. A bill to declare the policy of the United States with respect to deployment of a National Missile Defense System; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.J. Res. 115. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 116. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 117. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 118. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 119. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 120. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. WALDEN of Oregon (for himself, Mr. Udall of Colorado, Mr. DeLay, Mr. Udall of New Mexico, Mr. Gibbons, Mrs. Chenoweth-Hage, Mr. Boyd, Mr. McInnis, and Mr. Simpson):

H. Con. Res. 434. Concurrent resolution commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses; to the Committee on Resources.

By Mr. ORTIZ (for himself, Ms. Roybal-Allard, Mr. Reyes, Mr. Rodriguez, Mr. Gutierrez, Mr. Serrano, Mr. Pastor, Mr. Becerra, Mr. Menendez, Ms. Velázquez, Mr. Romero-Barcelo, Mr. Underwood, Mr. Hinojosa, Ms. Sanchez, Mr. Gonzalez, Mrs. Napolitano, and Mr. Baca):

H. Con. Res. 435. Concurrent resolution recognizing and honoring Ernesto Antonio "Tito" Puente Jr.; to the Committee on Education and the Workforce.

By Mr. CRANE:

H. Res. 644. A resolution providing for the concurrence by the House, with an amendment, in the amendment of the Senate to H.R. 4868; considered and agreed to.

By Mr. CRANE:

H. Res. 645. A resolution returning to the Senate the bill S. 1109; considered and agreed to.

By Mr. HALL of Ohio (for himself, Mrs. Emerson, Mr. McGovern, and Ms. Kaptur):

H. Res. 649. A resolution urging the President to continue efforts to support programs and activities that provide food to the needy and school-age children in developing countries; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

479. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 531 memorializing the United States Congress to recognize that energy security is a national security issue and that oil is a powerful weapon and to develop an energy strategy that promotes alternatives to imported petroleum to meet the goal of independence from foreign petroleum within five years; to the Committee on Commerce.

480. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 609 memorializing the United States Congress to enact legislation which strengthens the MedicareChoice program by reducing administrative requirements in the program, increasing payment rates to HMOs to a level which accurately reflects the costs of providing benefits to recipients in the program and providing for prescription drug coverage; jointly to the Committees on Ways and Means and Commerce.

481. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 617 memorializing the Health Care Financing Administration and health insurers withdrawing their Medicare HMO coverage in any county within Pennsylvania to take immediate steps to ensure that subscribers who live in a county that is not impacted by the insurer's withdrawal are not mistakenly dropped from their plan; jointly to the Committees on Ways and Means and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Gutierrez.

H.R. 531: Mr. Underwood.

H.R. 842: Ms. Pryce of Ohio.

H.R. 860: Mr. Kanjorski.

H.R. 1088: Mr. Sabo.

H.R. 1187: Mr. Vitter.

H.R. 1200: Mr. Farr of California.

H.R. 1228: Mr. Udall of Colorado.

H.R. 1239: Ms. Eddie Bernice Johnson of Texas.

H.R. 1388: Mr. Saxton.

H.R. 1593: Mr. Boehner.

H.R. 1657: Mr. Doyle.

H.R. 1697: Mr. Abercrombie.

H.R. 1717: Mr. Wu.

H.R. 1771: Mr. Cox.

H.R. 1824: Mr. Rush.

H.R. 1885: Mr. Bachus.

H.R. 1997: Mr. Norwood.

H.R. 2000: Mr. Ortiz.

H.R. 2321: Mr. Tierney.

H.R. 2457: Mr. Gutierrez and Mr. Baird.

H.R. 2741: Mr. Moakley.

H.R. 2774: Ms. Kilpatrick.

H.R. 2870: Mr. Inslee.

H.R. 2899: Mrs. Maloney of New York.

H.R. 3147: Mr. Bilbray.

H.R. 3408: Mr. Price of North Carolina.

H.R. 3492: Mr. Gonzalez.

H.R. 3872: Mr. Nadler.

H.R. 3905: Mr. Maloney of Connecticut.

H.R. 4102: Mr. Barr of Georgia.

H.R. 4274: Mr. Dooley of California, Mr. Lucas of Kentucky, Mr. Deal of Georgia, Mr. Rogers, Ms. Eddie Bernice Johnson of Texas, Mr. Paul, Ms. DeGette, Mr. Snyder, Mrs. Northup, and Mr. Sanders.

H.R. 4277: Mr. Wamp.

H.R. 4356: Ms. Carson.

H.R. 4506: Mr. Saxton.

H.R. 4552: Mr. Kennedy of Rhode Island.

H.R. 4570: Mr. Norwood and Mr. Bilbray.

H.R. 4677: Mr. Hutchinson.

H.R. 4701: Mr. Bachus.

H.R. 4825: Ms. Baldwin and Mr. King.

H.R. 4939: Mrs. Christensen.

H.R. 4950: Mr. Gutierrez.

H.R. 4964: Mr. Norwood.

H.R. 4971: Mr. Hastings of Washington and Mr. Bereuter.

H.R. 5027: Mrs. Johnson of Connecticut.

H.R. 5200: Mr. McHugh.

H.R. 5259: Mr. Barr of Georgia, Mr. Lewis of Georgia, Mr. Bryant, Mr. Chambliss, and Ms. McKinney.

H.R. 5268: Mr. Hoeffel, Ms. Schakowsky, and Mr. Gutierrez.

H.R. 5275: Mr. Bilbray.

H.R. 5337: Mr. Underwood.

H.R. 5418: Mr. Coyne.

H.R. 5469: Mr. Shows and Mr. Hunter.

H.R. 5472: Mr. Stark.

H.R. 5492: Mr. George Miller of California.

H.R. 5522: Mr. Nadler, Mr. Strickland, Mr. Lazio, Mr. McCollum, and Mr. Souder.

H.J. Res. 107: Ms. Schakowsky.

H. Con. Res. 337: Mr. Stump and Mr. Sweeney.

H. Con. Res. 365: Mr. Taylor of North Carolina.

H. Con. Res. 373: Mr. Smith of Washington.

H. Con. Res. 426: Mr. Gutierrez, Mr. Rodriguez, Mr. McInnis, Mr. Wu, Mr. Costello, Mr. Clement, Mr. Spratt, Mr. Shows, Mr. Norwood, and Mr. Becerra.

H. Res. 309: Ms. Carson.

H. Res. 420: Mrs. Fowler and Mr. Underwood.

H. Res. 622: Ms. McKinney, Mr. Payne, Mr. Traficant, Mr. Riley, and Mr. Gutierrez.

H. Res. 635: Mr. Rangel, Mr. Shimkus, Mr. Price of North Carolina, Mr. Blumenauer, and Mr. Goodling.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 426: Mr. Rohrabacher.

EXTENSIONS OF REMARKS

HONORING STEVEN LOPEZ

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DELAY. Mr. Speaker, I'm proud to join others in saying "Hat's off to Steven Lopez for his great victory in Sydney." Steven's determination and tenacity has made his family, Texas, and our country very proud. And since his victory, he has carried himself like a champion. Steven, keep up the good work.

Although Steven won the gold medal, a lot of the credit for his gritty victory in Sydney belongs to his parents. Julio and Ondina Lopez set high standards for the son and the rest of their family. Not only did Steven set records on the mat, but he was also an honor student at Kempner High. We're proud of Steven for hanging tough and overcoming adversity at the Olympics. First, he had to fight through an injury. Then, he had to battle an Australian on his home turf. And, finally, he had to best another opponent in front of a large crowd of the opponent's supporters to win. Steven pulled it off. He was behind, but he kept fighting and, eventually, he was able to land the blow that brought gold back to Sugar Land. He typifies our can-do Texas spirit. We can see the American dream paralleled in Steven's preparations for this contest.

Steven started Tae Kwon Do at the early age of five. He trained six hours a day, six days a week to be ready for the 2000 Sydney Olympic Games. Then he traveled to Australia a month early to gain an edge. Fortunately, that determination paid off. Some people have suggested that Steven Lopez is a good role model for our area, and I think they're on to something. Because the most impressive aspect of Steven's victory is that he shares the credit with others. He credits both his family and his faith as the sources of his accomplishments. In fact, Steven's siblings train together in their home. You know, I'll bet some of the scrimmages at the Lopez house made Sydney seem like a tea party. But I want to reiterate how especially proud I am of the way Steven has handled himself. Steven's quote after his victory caught my eye when he said: "I have so much faith, and that faith took me through all my matches today." That's a message that more people need to hear.

I think the Lopez family is going to start a new tradition. Before this is over, the "first family" of Tae Kwon Do is going to make Sugar Land the Capitol City of this new Olympic sport. Congratulations and God Bless You, Steven.

IN MEMORY OF MR. VINCE ZANCA

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. McCRERY. Mr. Speaker, I rise today to memorialize the life and work of the late Vince Zanca. Mr. Zanca was a nationally recognized expert on the unemployment insurance program, the safety net for workers who lose their jobs.

Mr. Zanca was a tireless advocate for maintaining a strong unemployment insurance system in Louisiana and across the nation. He was active in national and state business organizations involved in unemployment insurance issues, including the Louisiana Association of Business and Industry (LABI), the U.S. Chamber of Commerce, and UWC—Strategic Services on Unemployment and Workers' Compensation.

For many years, Mr. Zanca served on the U.S. Chamber's UI Task Force. He was a member of the Council of State Chambers' UI Task Force, where he coauthored its employer unemployment compensation handbook, Issues and Answers. Mr. Zanca also chaired LABI's UI Task Force, where he coauthored LABI's employer unemployment compensation handbook, In Plain Dollars and Sense. In addition, he served on the Louisiana Unemployment Insurance Advisory Council under three governors.

In recognition of his many achievements and for his leadership on behalf of a sound unemployment insurance program, Mr. Zanca received UWC's Quarterback award in 1998.

In addition to his deep involvement in UI issues, Mr. Zanca served our country during World War II in the U.S. Army Transport Service, and was a 55-year veteran of the Boy Scouts of America.

Mr. Speaker, as someone involved in efforts to reform our current unemployment insurance system for our nation's workers and businesses, I would like to recognize the contributions of Mr. Zanca. His devoted efforts on this issue are greatly appreciated and will be sorely missed by our state and the nation.

Mr. Zanca is survived by his loving wife, Noni; his three children, Roy, Rhonda, and Regina; his two grandchildren, Robin and Ryan; and, his three siblings, Gloria Chaplain, Virginia Burke, and John Zanca.

TRIBUTE TO RETIRING DOCTOR A.J. CAMPBELL, JR. OF SEDALIA, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of medicine is coming to an end. Dr. A.J. Campbell, Jr., of Sedalia, MO, will retire from his medical practice on December 20, 2000.

Dr. Campbell has been a popular and highly respected physician in Central Missouri for over 40 years. A graduate of Missouri University and the University of Pennsylvania, A.J. specialized in family practice, a field of medicine championed by his father, who treated ailing Missourians for over 50 years and often checked on his patients at home. A.J. learned well from his father's example and has worked closely to establish a wonderful rapport with his patients and with the community of Sedalia.

Dr. Campbell has cared for his own patients on a personal level, but he has tirelessly worked on behalf of all American people regarding the importance of thoughtful patients' rights legislation. From 1997 to 1998, A.J. served as the president of the Missouri Medical Association, just as the current political discussions regarding managed health care and health maintenance organizations intensified. During his tenure as president of the Association, Dr. Campbell worked hard to ensure the Missouri General Assembly approved a Patients Protection Plan that is now considered a model for the United States.

On December 20, A.J. will retire from his medical practice, but he has indicated that he will continue caring for Sedalians by volunteering his time at the local free clinic. He also plans to undertake missionary trips that benefit those who are most in need and participate in a physician exchange program, filling in when needed for doctors throughout the nation.

Mr. Speaker, Dr. A.J. Campbell, Jr., is a civic leader who cherishes the people of Sedalia and the United States of America. His work in medicine and his community involvement make him a role model for young people everywhere. As A.J. prepares for a new life with his lovely wife, Janet, I am certain that all Members of Congress will join me in commending his selfless dedication to Sedalia and to the overall field of medicine.

INTRODUCTION OF THE GLOBAL ACTIONS AND INVESTMENTS FOR NEW SUCCESS FOR WOMEN AND GIRLS ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mrs. MORELLA. Mr. Speaker, Economic globalization is leaving the world's poorest women, girls, and communities behind. Women and their children make up more than 70 percent of the 1.3 billion poorest people today. U.S. international economic policies, particularly in the areas of trade liberalization

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and debt relief for developing countries, should help create a positive environment for women's economic empowerment and gender equality.

As the complexity of the global economy increases, so too does the important role of women. They make up to 75 percent of workers in the "shadow" or informal economy and constitute an ever-greater share of the workforce in developing countries. Many studies have proven that women's earnings are directly invested in the education, health, and welfare of their children.

The United States has not taken adequate steps to implement its commitments made at the United Nations Fourth World Conference on Women in its foreign policy and international assistance programs. For example, the U.S. has not implemented strategic objective A1 of the Platform for Action, "Review, adopt, and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty" or strategic objective K2, "Integrate gender concerns and perspectives in policies and programmes for sustainable development."

No one sectoral intervention is sufficient to create the environment in which women and girls can thrive economically and socially. Investments are necessary in multiple areas including: education and training; health care including access to safe and effective family planning and reproductive health services, maternal health care, and children's health; HIV/AIDS prevention and treatment; tuberculosis treatment; microcredit; and human rights, violence prevention and anti-trafficking.

With this in mind, I am pleased to be joined by ten original cosponsors today in introducing the Global Actions and Investments for New Success for Women and Girls Act, or the GAINS Act. It is our hope that the next administration will view this legislation as a blueprint for action, and I look forward to working with my colleagues and the next president to improve further the status of the world's women.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Wednesday, October 18, 2000, when rollcall vote numbers 531, 532, and 533 were cast. Had I been present in this Chamber at the time these votes were cast, I would have voted "yea" on each of these rollcall votes.

THE MISSOURI RIVER RESTORATION ACT OF 2000

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. THUNE. Mr. Speaker, today I am introducing a bill of great significance to the State of South Dakota as well as the entire Nation. The Missouri River Restoration Act of 2000 is an effort to provide solutions and action to a serious problem facing the Missouri River and all things near the river in South Dakota. That problem is the incredible build-up of sediment in the river and the effect that these accumulations have on water quality and all things that depend upon the river. Sedimentation and its effects are very real. According to studies conducted through the Corps of Engineers, tributaries of the Missouri River and erosion along its own shorelines result in millions of tons of sediment being dumped into the river each year. This action forms deltas in the riverbed that can push the boundaries of the river beyond its banks.

The river's action is a reaction to a number of factors. It is responding to its relatively new course as directed by a series of dams built in the 1950s and 1960s. The construction of the various dams on the Missouri has created a series of reservoirs, which has modified the flows and continually changed the river from within, reshaping its banks and shores. Years ago, resulting sediment would have flowed down the river, some of it settling along the way and much of it making its way all the way to the Gulf of Mexico. With the dams and the modified flows, sedimentation problems surfaced. That is the case today, and the impact of these changes is becoming more dramatic by the day. Does that mean the Fort Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point Dams never should have been built? To suggest so would deny the many benefits these six structures have reaped. It is through these dams that clean, low-cost hydroelectric power is generated for rural and urban areas across the Northern Plains. The reservoirs created through the dams have also provided tremendous opportunities for recreation, which itself has turned into an $80 million industry; municipal, industrial and rural water supply; irrigation for agricultural production; navigation; and, of course, flood control.

But the rapid accumulation of silt in the bed of the reservoirs in South Dakota threatens each of those functions. In fact, Congress already has responded in part to some of the immediate impacts. As a result of flooding caused by a combination of factors, including a rise in the pool levels, Congress authorized a flood mitigation program for property owners in the Pierre and Fort Pierre, South Dakota area. As a result, the property owners in Pierre and Fort Pierre can take some comfort in knowing a project is underway. Yet that project provides little comfort to other communities and landowners that wonder when the waters of the river will reach them. It also does not address the future impacts to the other purposes of the system, such as hydropower generation and recreation. In sum, that mitigation effort addresses an acute situation in what is a larger, chronic problem.

I have maintained in my time in Congress that we must push the U.S. Army Corps of Engineers (Corps) and all other involved parties to look beyond the immediate problems toward long-term solutions. In an attempt to break the cycle of studies, a provision was included at my request in the Water Resources Development Act of 1999. The new law directs the Corps to finalize studies and analysis of the problem of sedimentation in Lake Sharpe near Pierre and Fort Pierce and recommend how to stem the flow of sediment in order to prevent encroachment by the river and destruction of the river.

The preliminary findings are quite compelling. The report indicates the following. Sediment will continue to build in the river in the Pierre/Ft. Pierre area if no action is taken. Sedimentation will result in increased water surface level of over 2 feet in the next 50 years, which could lead to additional groundwater flooding. No one approach will solve the problem and each approach appears to have significant, though not unreconcilable environmental hurdles. Action will require direction from Congress. In other words, the problem is real, there is no silver bullet answer, and Congress must decide how to proceed.

I have said before it is time for us to move beyond the study phase to the action phase. And with the preliminary findings from this report, the time is ripe to move toward a solution. The legislation I am introducing today, the Missouri River Restoration Act of 2000 would move us down the path toward action. The bill would give state, tribal, and local leaders the power to play an active rule in the development of a long term solution to the sedimentation and related problems in South Dakota's stretch of the Missouri. The bill gives maximum control to the leaders closest to the people they serve; holds the Corps and other Federal agencies ultimately responsible for its river management decisions; provides the funds to make necessary improvements; and joins stakeholders together for the common good of the Missouri River's future.

Specifically, the bill would create a governing board, known as the Trust. That board would be comprised of 14 members appointed by the Governor of South Dakota and nine members representing the American Indian tribes in South Dakota. From that board would be selected an Executive Committee that would consider more routine business of the Trust. The Trust and the Executive Committee would produce a plan to carry out projects directed at reducing sediment and at addressing the impacts of sedimentation. To fund these activities, the bill establishes a $300 million trust fund that would collect interest off investments made in interest-bearing obligations of the United States or U.S. guaranteed obligations. After 11 years, the interest earned off these investments then would be available to the Trust for projects included in the plan.

Another important component of the bill continues current obligations of the Corps. In April of 2000, I held a town meeting in Pierre, SD, for the public to hear from the Corps some of their preliminary findings to the causes and impacts of sedimentation. At that meeting, residents questioned the Corps as to why it was not taking action to reduce sedimentation. The answer from Corps officials was that congressional direction would be needed. Even though the Corps could take on dredging or other projects aimed at reducing the impacts of sediment accumulation, it would not do so without Congress specifically authorizing Corps involvement. As a result, this bill gives specific authority to the Corps to use operations and maintenance funding it receives for projects located along the Missouri in South Dakota to address the impacts of sedimentation.

Finally, the bill authorizes $10 million to be appropriated for fiscal years 2001 through 2010. Should Congress agree with this need, then funds would be available for the Trust as the Trust Fund earns interest.

To some here in Congress, this may seem like an ambitious proposal. And perhaps it is. But I can tell you that it is a goal that must be pursued. The Corps has clearly identified the cause and effects of sedimentation. The Corps also is shedding light on the costs associated with the clean-up effort. One solution, dredging, is estimated to cost nearly $20 million a year. That's just for the Pierre-Fort Pierre area. That figure does not include projects that must be undertaken in other parts of the system, such as in the Springfield or Yankton areas. The people who live, work, and recreate in those areas along the river and its tributaries will tell you this would be money well spent. The Missouri River is one of the most important features of South Dakota and of our entire nation. But the river has been altered. Left unchecked it will continue to cause destructive erosion, flood lands, impede recreation, and affect water quality. The resource must be tended to in order for it to continue to be the lifeline it has been.

The challenge is before us. In order to get there, we must all work together. The Missouri River Restoration Act of 2000 will facilitate the cooperation needed to tackle this problem. Together I am confident that we can make sure the Missouri River continues to be the Mighty Mo.

IN MEMORY OF THE HONORABLE C. FORREST "RED" WHALEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of Representatives of the passing of The Honorable C. Forrest "Red" Whaley of Jefferson City, Missouri. He was the former mayor of our state's capital.

Red Whaley was born August 19, 1909, in Callaway County, Missouri. He was a life long resident of Central Missouri and a graduate of Fulton High School and Westminster College. A registered pharmacist for over 66 years, Mr. Whaley moved to Jefferson City in 1933 where he worked at Tanner Drug Store for ten years. In 1943, he purchased East End Drug Store, and he later opened Whaley's Medical Center Pharmacy in 1974.

Mr. Whaley served as mayor of Jefferson City, Missouri, from 1959 until 1963. He was a member of the Jefferson City Park Board, and he was very active on several civic committees, including efforts to ensure passage of important school bond and industrial bond issues.

Mr. Whaley knew the importance of a strong infrastructure in Jefferson City and worked tirelessly in that regard. He worked on the committee to dedicate the new bridge over the Missouri River, and he served as the chairman of the committee that passed a much needed sewer bond issue in our state's capital. In 1990, the Missouri Highway Department honored Mr. Whaley for his community service and commitment to improve Jefferson City's infrastructure by naming the portion of U.S. Highway 54 that runs through our state's capital the C.F. "Red" Whaley Expressway.

Mr. Whaley was a member of the First Presbyterian Church, where he served as an elder and a deacon. He was a past president of the Jefferson City Lions Club and the 1995 president of the Jefferson City Area Chamber of Commerce. He was a member of the original board of directors at Jefferson Bank. Mr. Whaley was also honored by the Jefferson City Rotary Club as the first non-Rotarian Paul Harris Fellow and received the William Quigg Distinguished Service Award from the Jefferson City Chamber of Commerce.

Mr. Speaker, I am certain that the Members of the House of Representatives will join me in paying tribute to the outstanding public service of Mayor Red Whaley. His dedication to the people of Jefferson City truly make him a role model for young Americans.

TRIBUTE TO JUDGE SEYBOURN HARRIS LYNNE OF DECATUR, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a man respected for his fairness and his dignity all over the country, U.S. District Judge Seybourn Lynne. On September 10th, 2000, Judge Lynne, this nation's longest-serving federal judge, passed on after living 93 full and productive years. Since first trying on judges' robes on September 1st, 1934, in a Morgan County courtroom, Lynne brought respectability and honor to the profession.

Lynne saw this country and the Northern District of Alabama through some rocky years. When this country entered World War II, Lynne resigned as a circuit judge to serve in the armed services. He presided over some 50 court-martial cases before serving in the Pacific as Staff Judge Advocate in the Air Force. It was there in Hawaii where he received a call from President Harry Truman asking him to accept the nomination for a federal judgeship.

In his home state of Alabama, Lynne served through the conflicted civil rights era. In 1963, Lynne issued an order halting Alabama Governor George Wallace from blocking black students, Vivian Malone Jones and James Hood, from attending the University of Alabama. After threatening Wallace with contempt of court and possible jail time, Lynne presided over the negotiations between Wallace and President Kennedy's administration that led to the students' entrance into the university. Hard working until the day he died, Judge Lynne, even in his 90's, traveled weekly from his home to the Hugo Black Courthouse in downtown Birmingham.

Judge Lynne was a son of Decatur growing up a few blocks away from where a federal courthouse is now named in his honor. Lynne was a religious man serving as a trustee and Life Deacon of Southside Baptist Church in Birmingham. He stayed involved in his community as a trustee for the Crippled Childrens Clinic and the Eye Foundation Hospital. There is a Seybourn H. Lynne scholarship fund set up at the University of Alabama School of Law and his alma mater recently honored him by presenting him the Pipes Award by Farrah Law Society in February of this year.

Justice in Alabama has lost a true friend. Judge Lynne has set the standard for lawyers and judges across this country. He loved the law and he loved our court system. I send my condolences to his family, his colleagues and his friends.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. EVERETT. Mr. Speaker, on October 19, due to sickness in my family and thus the need to return home to my district, I was unable to vote during rollcall vote No. 540. Had I been present, I would have voted "yes" on H.R. 4541, the Commodity Futures Modernization Act of 2000.

HONORING DETECTIVE CHRISTOPHER DEVANEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. TOWNS. Mr. Speaker, today I honor Detective Christopher Devaney, who will be named the "Cop of the Year" tomorrow, October 25, 2000. Let it be known that he shares this honor with his wife, Miriam, and their three beautiful children: Chris, Ryan and Donavan.

Born on March 16, 1963, Christopher Devaney could never have imagined how he would one day impact the lives of the people of New York City. Christopher grew up on Long Island, where he attended St. Anthony's High School in Smith Town. He went on to attend Manhattan College where he graduated with a Bachelor of Science degree in finance. To pursue his desire to help people, Christopher became a police officer, receiving his appointment to the New York City Police Department on June 30, 1992.

Police Officer Devaney has been assigned to the 67th and 9th Precincts, as well as the Street Crime Unit during his tenure as a member of the police force. Christopher's hard work and extra effort that he brought to the job were recognized and rewarded with a promotion to the position of detective on June 9, 1999. Having been assigned to the Robbery Apprehension Module Squad at the 63rd Precinct, Detective Devaney was responsible for many arrests. These included arrests for possession of guns, robbery and rape, as well as three arrests for bribery. Detective Devaney was also responsible for an attempted murder arrest in which seven guns were recovered and removed from the street within the confines of the 63rd Precinct.

Detective Christopher Devaney has received forty Excellent Police Duty acknowledgements, ten Meritorious Police Duty recognitions, and three Police Duty commendations, which is the highest honor a police officer can receive. As a result of his outstanding service, Detective Christopher Devaney was inducted as a member of the Police Department's Honor Legion.

Mr. Speaker, Detective Christopher Devaney is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join me in recognizing this truly remarkable man.

REMARKS ON THE AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. CRANE. Mr. Speaker, the Agriculture Appropriations Conference Report contains provisions that change existing provisions of the Federal Food, Drug, and Cosmetic Act as they relate to the ability of persons, other than a pharmaceutical manufacturer, to reimport medicines into the United States. These amendments to the nation's pharmaceutical laws relate to certain existing safety laws that have, in their application, prevented the reimportation of medicines. Further, these amendments mandate the study of "the effect on importations . . . on trade and patent rights under federal law."

I welcome this study and look forward to its completion. However, let's be clear that the Congress has not, through the enactment of this amendment, changed our long-standing, bipartisan U.S. trade policy and negotiating objectives, including strong and effective protection of intellectual property. The negotiating objectives of the United States have been explicitly established in law and remain to obtain the strong and effective protection of intellectual property rights in full accord with our rights under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) at a minimum and whenever possible, to obtain enhanced protection of intellectual property, on an accelerated basis. As section 31 5(2) of the Uruguay Round Agreements Act explicitly provides, "it is the objective of the United States . . . to seek enactment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights."

In summary, the enactment of this Agricultural Appropriations bill does not affect or change U.S. trade law and policy, including our strong commitment established in law to the adequate and effective protection of intellectual property rights abroad.

IN HONOR OF LUIS P. VILLARREAL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. SANCHEZ. Mr. Speaker, today, I congratulate Luis P. Villarreal, who received the 2000 Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring for his work in developing science education and research programs to assist minority students at the high school and university level. Mr. Villarreal is a professor of molecular biology and biochemistry at the University of California, Irvine (UCI). He was selected as one of ten individual recipients to receive this prestigious award.

Mr. Villarreal began his academic career when he enrolled in a community college to become a medical technologist. Encouraged to continue his education, he went to complete a 4-year degree in chemistry and then entered graduate school. As a researcher in biology, Mr. Villarreal is currently doing research on the connection between cervical cancer and viruses. He also manages a million-dollar annual budget for the minority science program at UCI.

His greatest reward is to help struggling students achieve success in college, and to encourage them to become scientists. One of his students remarked that he is relaxed, but brilliant and very funny. Through his mentoring program, Mr. Villarreal has guided many under-represented students into the sciences. These students participate in a rigorous academic and research training program that is mentored by faculty members. The program includes paid internships, tutoring, academic advising, faculty seminars and participation at national conferences.

Colleagues, please join with me as we honor Mr. Luis P. Villarreal for his outstanding academic and educational achievements.

TRIBUTE TO SELMA LOCK

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments and extraordinary life of a woman in the First Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Selma Lock.

Selma Lock was a remarkable woman who lived a remarkable life. She touched the lives of many people and made a tremendous impact on our community. Her indomitable spirit sustained her through many travails and enormous hardship. Born in Vienna, Austria, her young life was spent as a refugee fleeing Nazi oppression. She and one sister were separated from the family and hid in Budapest. After the war, she was reunited with her mother and siblings and learned that her father was killed at Auschwitz. The family then tried to enter Palestine, but was ordered to spend a year in a war camp in Cyprus by British forces. After the British occupation, the family was allowed into Palestine and Selma joined the Hagannah, fighting on the front lines. Soon after, she became ill with tuberculosis and left Israel. In 1953, she came to Denver to treat her condition at the National Jewish Hospital. Although she lost one lung to this disease, she persevered and enrolled at the University of Colorado Extension Center in Denver. After completing her education, she became a pioneer in radiology at Rose Memorial Hospital and founded the mammography department. She served as head of the department for many years and became a clinical instructor for interns and radiology students at the college.

I had the privilege of working with Selma in a political organizing capacity. Those who knew her understood that Selma's true passion was politics. But it was never politics for the sake of politics. For Selma, politics had a high purpose and there was always a fundamental fairness that motivated her endeavors. She was well known in democratic circles for her outspoken commentary and years of service to the Democratic Party. As a precinct committee person, a House district captain, a member of the Denver Executive and State Central Committees, Selma made an immeasurable contribution to the Democratic Party. She played an instrumental role in winning many local, State, and national elections including those of Mayor Federico Pena, Congresswoman Pat Schroeder, and President Clinton. I was also honored to have Selma's support and friendship.

In 1982, then Governor Richard Lamm appointed Selma to fill a vacancy in the Colorado House of Representatives where she served for a short time. She was a delegate to four Democratic National Conventions, served on the national rules committee and served as a Presidential elector from Colorado as well. In 1994, Selma was given the much deserved "Democrat of the Year" award by the Colorado Democratic Party.

To borrow a term from Yiddish, Selma was a mensch—a real human being who is an upright, honorable, and decent person. Selma lived a life of meaning and one that was rich in consequence. It is the character and deeds of Selma Lock and all Americans like her, which distinguishes us as a nation and ennobles us as a people. Truly, we are all diminished by the passing of this remarkable woman. Please join me in paying tribute to the life of Selma Lock. It is the values, leadership, and commitment she exhibited during her life that has served to build a better future for all Americans. Her life serves as an example to which we should all aspire.

COLORADO RIVER BASIN SALINITY CONTROL ACT AMENDMENTS

SPEECH OF

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

Mr. HANSEN. Mr. Speaker, I rise in support of S. 1211, the Colorado River Basin Salinity Control Act. This act is a tremendous step forward in addressing water quality issues of the Colorado River. Through the passage of S. 1211 we are making practical the control of salinity upstream from the Imperial Dam in a cost-effective manner.

In 1995, we created a pilot program authorizing the award of up to $75 million in grants, on a competitive-bid basis, for salinity control projects in the Colorado River Basin. The result of this pilot program has been a substantial drop in the cost per ton of salt removal. This legislation increases the program to $175 million in grants in order to continue to provide assistance to further reduce the salt content of the Colorado River.

This bill is part of a long-term strategy to keep salt from running off into the Colorado River which flows 1,450 miles through Utah, California and five other Western States. The Bureau of Reclamation is authorized to rehabilitate miles of irrigation canals by lining them with clay, cement and other materials or with pipes to keep the water from seeping into the soil. Reducing the nine million tons of salt picked up by the Colorado River on its trip downstream helps farmers and all water users from Utah through Nevada and Arizona to California.

By addressing the salinity issue, we not only protect the water supply of approximately 25 million people who depend on the drinking water delivered by the Colorado River, we also encourage landowners to control erosion and runoff of soils and salts into it. Mr. Speaker, this bill is an extremely important measure to ensure the lifeline of the American West remains as such.

CONFERENCE REPORT ON H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 2000

Mr. SENSENBRENNER. Mr. Speaker, as the House proceeds to consider the Conference Report accompanying H.R. 4635, the Veterans Administration and Housing and Urban Development Appropriations Act of Fiscal Year 2001, I wish to highlight several provisions of this legislation that are important to our nation's science enterprise.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

By providing a total of $14.3 billion for NASA in FY01, this bill increases NASA's budget above the President's request by some $250 million and represents an increase of $683 million over the previous fiscal year. This is a significant increase for NASA and represents continued strong Congressional support for the agency's mission, following on the heels of passage of H.R. 1654, the NASA reauthorization bill, which is now awaiting the President's signature.

The bill fully funds the Space Shuttle, the International Space Station, Mars exploration, and the Space Launch Initiative. Equally significant, this bill provides the resources necessary to permit NASA to fund a broad range of space science programs, life and microgravity research activities, earth science, and aeronautics research. It is vitally important that NASA continue to maintain an array of ongoing, basic research and development programs.

There are some areas of concern NASA must continue to deal with, including serious programmatic slips in the X–33, X–34, and the X–37 programs. NASA must also endeavor to improve its management under the "faster, better, cheaper" paradigm, insuring that missions are designed without taking on unreasonable levels of risk.

I am also greatly concerned about NASA's apparent efforts to sole-source a $600 million research contract under the "Living With a Star" program. NASA appears to be bending acquisition rules to preclude our national community of research and development laboratories from competing for this very important initiative. I am disturbed by NASA's actions and will continue to monitor this contract to insure that their justification for sole-source meets the spirit and letter of the law.

That being said, I support increased funding for NASA as provided in H.R. 4635 and compliment Veterans Administration and Housing and Urban Development Subcommittee Chairman WALSH for his efforts to strengthen NASA's programs. The funding levels and initiatives contained in this bill bode well for NASA's future.

NATIONAL SCIENCE FOUNDATION

Concerning the National Science Foundation, I support the provisions in the conference report providing a Fiscal Year 2001 funding level of $4.4 billion, the largest NSF budget ever and an increase of $529 million over the previous fiscal year.

I think it is important that the role of NSF in providing the intellectual capital needed both for economic growth and biomedical research be more widely recognized. We are in the midst of one of the Nation's longest economic expansions that owes much to the technological changes driven by basic scientific research conducted 10 to 15 years ago. Many of today's new industries, which provide good, high paying jobs, can be linked directly to research supported by NSF in the 1980s and 1990s. Moreover, many of the breakthroughs in biomedical research have their underpinnings in research and technologies developed by investigators under NSF grants.

I wish to emphasize, too, the critical research in information technology carried out under the National Science Foundation's auspices. Future developments in computational research will help scientists in the U.S. advance the boundaries of all fields of science, and is vitally important that the U.S. maintain a leadership role in information technology. Reflecting this commitment, the Science Committee successfully passed H.R. 2086 through the House, legislation calling for new government emphasis in this important field. H.R. 4635 significantly increases funding for information technology research, and again I commend Mr. WALSH for his support of NSF and IT research spending.

Mr. Speaker, while I support the funding levels provided for National Aeronautics and Space Administration and the National Science Foundation, there are also provisions in this bill that I oppose. Unfortunately H.R. 4733, the Energy and Water Appropriations bill, has been added to the Veterans Administration and Housing and Urban Development Appropriations bill. Of particular concern is the National Ignition Facility. The Department of Energy has badly mismanaged this program, potentially wasting over $900 million of taxpayers' money without any clear indication that NIF will actually work. NIF is over budget, behind schedule, and may not work. In the face of these difficulties, I think it is wrong to reward DOE's incompetence by providing—as this conference report does—$199 million for the project.

I voted against overturning the President's veto on the Energy and Water Conference Report just last week and I will vote against this measure today. I regret that H.R. 4733 has been made part of the Veterans Administration and Housing and Urban Development Appropriations bill.

AIR FORCE RESEARCH LABORATORY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. THOMAS. Mr. Speaker, on November 14th the American Institute of Aeronautics and Astronautics (AIAA) will award Air Force Research Laboratory Rocket Site facilities at Edwards Air Force Base a historic aerospace site designation. The AIAA is absolutely right: the Research Lab truly is one of the nation's most important aerospace facilities and it does have a rich history of service to the nation.

The significance of the role the Air Force Research Laboratory has played in our defense and conquest of space is illustrated by the other places the AIAA will name historic sites this year. The AIAA is naming Tranquility Base on the Moon, where Americans first touched down, as an historic site. Similarly, they are honoring Dutch Flats Airport, where Lindbergh tested the Spirit of St. Louis, the original Aerojet Engineering Company plant in Pasadena and the Massachusetts farm where Dr. Robert Goddard tested the first liquid propellant rocket in 1926, as historic sites. Including the Research Laboratory in this group shows the value knowledgeable people place on the Air Force Research Laboratory's over 50 years of research, testing and development.

A brief review of the work that has been done and is being done at the Research Laboratory makes it easy to understand why the

AIAA regards the Research Laboratory as important. Nearly every U.S. rocket system used today uses technology based on the Air Force Research Laboratory's work. The laboratory has tested and developed rocket propulsion technologies for defense and space systems. The Saturn rockets that powered America's Apollo flights were tested there. There are unique facilities for continuously testing space satellite propulsion thrusters for up to 7 hours and immense rocket stands that are still valuable research and testing tools. In fact, Research Laboratory personnel are now working on new technologies in coordination with industry and other government agencies through the Integrated High Payoff Rocket Propulsion Technology program.

For over half a century, a quiet, dedicated group of people have joined together on a remote part of Edwards Air Force Base to pioneer the concepts that have made modern space flight and defense technologies possible. AIAA's recognition is one we should all agree with and one in which Air Force Research Laboratory personnel past and present can take just pride.

REGAS RESTAURANT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Mr. DUNCAN. Mr. Speaker, one of America's finest dining eateries, Regas Restaurant, in Knoxville, closed its doors after 81 years of service to East Tennessee.

The Regas family has had a tremendous impact on the lives of just about everyone in the community. I can assure you that I am a true example of that as I met my wife, Lynn, there. Many families have made dozens of memories that will be cherished for a long time.

Regas Restaurant was always the place to go for a special event, anniversary, or birthday.

Frank and George Regas began the Restaurant in July of 1919 as a coffee shop named the Astor Cafe. It later became known as the Regas Brothers Cafe. The restaurant was renamed once again in 1938 as Regas Restaurant. From then until now, the family business has changed, but their attentiveness to every person that walked through their doors will always be remembered.

Bill Regas, son of Frank Regas, began helping out in the restaurant in the 1950's up until Regas closed its doors in July, and he served as President and CEO of the restaurant for many years. Mr. Regas has had quite a number of accomplishments, not just locally, but nationally:

He was a charter member of the Knox County Industrial Development Board;

He earned the Knoxville "Young Man of the Year" in 1955;

He was President of the National Restaurant Association from 1980 to 1981;

He was inducted into the Junior Achievement Business Hall of Fame in 1992; and

He was recognized by the International Food Manufacture Association with the Silver Platter Award for "1992 Nation's Independent Operator of the Year."

I want to say thank you to Mr. Bill Regas and the Regas family and bring to the attention of my colleagues and other readers of the RECORD several articles from the Knoxville News-Sentinel praising their service to the citizens of East Tennessee.

[From the Knoxville News-Sentinel, June 23, 2000]

FOOD, GOOD FRIENDS, MEMORIES MAKE SAYING GOODBYE TO REGAS A DIFFICULT TASK

(By Walter Lambert)

The announcement was simple and straightforward. On July 8 Regas Restaurant on Gay Street would close forever.

That left me in a major dilemma. First, the logical part of my brain keeps telling me that this is just a business. It is just a place where people go to eat and visit. It is just a place.

However, the emotional part of my brain tells me I am about to lose a life-long friend, and I am bereft.

The Regas family has been operating a restaurant at this place for 81 years. Folks, that is more years than even I have been alive.

Now I know that this does not mean that we are losing these good folks to the restaurant business in Knoxville (or around the Southeast for that matter). They will still operate the absolutely wonderful Riverside Tavern and the ever-improving Harry's (now to be known as Regas Brothers Cafe).

Again, the logical side of my brain tells me that we will still have the pleasure of dining with them. My emotional side is not satisfied.

Maybe I should start this at the beginning. The first "real" restaurant I can remember going to was the Regas. I went with my grandmother when I was 6 or 7 or 8. It still had a lunch counter then. Of course, it also had a dining room, but there was no door between the lunch counter and the dining room, so you went through the kitchen to get there.

Imagine if you will a 7-year-old boy who is still skinny but already greatly interested in food. Think of him walking through a working kitchen in a real restaurant and, even further, think of him being with his grandmother who knows the people in the kitchen by their first names. I have not forgotten those memories.

Like everyone else in and around Knoxville, Regas was a special-occasion kind of place. It was also where you went on Sundays after church. It was where you went for birthday parties or new jobs or . . . I doubt I need to continue.

In today's world, 81 years is a very long life for a restaurant. This is especially true for a restaurant that remains family-owned and operated. This is an institution. I ate my first broiled steak there. Before this, I thought steaks were pounded within an inch of their life and cooked with a brown gravy.

I must make a small confession—and I am willing to bet that there is a whole generation of Knoxvillians who would make this same confession. I genuinely loved the veal cutlets at Regas, which they served with meat sauce. Again the logical side of my brain tells me that meat—breaded, fried and covered with meat sauce—makes no sense at all. We ate them anyway, didn't we?

We also ate clam chowder that was good enough for a president's inauguration. We had flounder brought fresh from Boston (when that was still a big deal). We also ate bread. I think I first tasted a hard roll at Regas. We also ate muffins.

I always thought that serving those blueberry muffins was a very bad business decision for the Regas family. What a dessert they made.

I have contended in recent years that Regas was the only place left in Knoxville that knew how to cook vegetables. I have made a lunch of vegetables and good bread at Regas on many occasions.

The Regas family for three generations has been there to make us feel special. My wife, Anne, and Frankie Regas Gunnels go back to high school together. We have all gotten to know Kiki Regas Liakonis, and Bill and Frank and Gus Regas, and all the rest. Now we admire the way the new generation has taken the torch. We know how much this family has meant to this community and to all of us.

I know that these good people have made a rational business decision that reflects the changing way people live and eat. I know they will still be part of our lives through their other fine restaurants. I know that they will still be a major asset in this community.

However, I also know that I will not go past the corner of Gay and Magnolia without thinking of times and people long gone. I will remember good times and good meals. I will remember many special times in my life. And I will be sad that this place is there no more.

[From the Knoxville News-Sentinel, July 10, 2000]

CLOSING OF REGAS IS BITTERSWEET FOR MANY PEOPLE WITH FOND MEMORIES

EDITOR, THE NEWS-SENTINEL: Since the sad announcement that Regas would close July 8, everyone in Knoxville made a pilgrimage there for one last memory. One week a group of bankers and former bankers gathered once again to make another memory.

Twelve of us sat at the same three tables in the bar that we used to sit at every Friday from the mid '70s to the late '80s. We laughed all night at the stories we told about when we worked for the United American Bank and the World's Fair.

As usual, the always gracious Bill Regas came by to say hello, as well as his son, Grady. We expressed our thanks to Bill for all the wonderful memories we had made over the years at his restaurant. We had hosted many luncheons and dinners there for retirements, promotions, committees and recognition events.

We brought many dignitaries there during the World's Fair. Dinah Shore, Bob Hope, Andy Warhol, Jane Pauley, Bryant Gumbel, Lorne Greene, Peter Maxx, Wayne Rogers, Lloyd Bridges, Dolly Parton, Red Skelton and Ray Stevens all dined there, as well as ambassadors from China, Peru, Japan, Australia, France and Germany. The Lord Mayor of London was impressed with Regas and made this observation: "In England we eat to live, but in America everyone lives to eat." How true.

Many of the founding Christmas in the City committee meetings were held at Regas in the '70s. Bill Regas was one of the first downtown businesses to sign on as a corporate sponsor. Kiki Liakonis organized the first Greek pastry sale, which was always a huge hit. The Regas family never said no to any worthy cause.

Regas will always be a part of Knoxville's heritage as the best restaurant in town for many years where everyone has celebrated birthdays, graduations, anniversaries and weddings. Regas always made everything special because of its gracious owners, the hospitable staff, the excellent food and the commitment to quality.

We will certainly miss the Regas brothers and their family at Regas. Thanks to all for 81 years of wonderful memories.

DOROTHY SMITH,
Knoxville.

REGAS RESTAURANT LAUDED

EDITOR, THE NEWS-SENTINEL: The announced closing of Regas Restaurant saddened all of us. Our family's memories with Regas date back over 50 years. I had even committed the Regas telephone number to memory. It is always the perfect place for a special occasion, birthdays, anniversaries, etc. My wife, Judy, and I enjoyed our first dinner date at Regas. It is truly the gathering place.

What made Regas so great? The obvious answer is their special attentiveness to their guests. Bill and Gus Regas set the tone. Kiki Liakonis was ever so gracious. One shall never forget Hazel Schmid, the most wonderful, friendly hostess. A special mention to the professional, skilled waitresses—Trula Lawson and Phyllis Whitt.

I must tell this story: Back in the '50s when Regas was open for Sunday lunch, our church, First Baptist, had a special relationship. Bill Regas was a member of First Baptist and a good friend of our pastor Dr. Charles A. Trentham. Trentham's sermons were always timed so we would barely beat the other churchgoers to Regas. Needless to say this accounted for some of the good attendance at First Baptist.

My father, Robert L. Johnson, best summed up my impression of Regas. While dining at Regas with only a short period of life left, he mentioned to Bill Regas that, if heaven didn't have a Regas Restaurant, he wasn't sure he wanted to go.

Thanks to the Regas family for so many special memories.

JOSEPH L. JOHNSON
Knoxville

EDITOR, THE NEWS-SENTINEL: Talk about memories. There are not too many old-timers like us left who remember Regas Restaurant years ago.

I go back to when we moved to Oak Ridge in 1943 from Akron, Ohio. My husband and I, being from Georgia and Tennessee, wanted to bring our sons ages 3 and 6 back south.

One of our special treats was going to the University of Tennessee football games and dinner after the games at Regas. My brother and his family also moved back. We were very close. They had two girls 6 and 9. Regas always was a special birthday place for all.

On Dec. 17, 1999, I lost my brother at age 96 on his birthday. Regas was always his favorite place to go on his birthday—the prices reasonable, food great. Our favorite song was "Happy Days are Here Again." Now our sons are in their 60s with grandchildren. I'm sure they would love it.

Take it back, Grady.

VERA ROBERTS
Knoxville

[From the Knoxville News-Sentinel]

REGAS CLOSING GAY STREET LANDMARK

(By Mike Flannagan)

Regas Restaurant, which has epitomized five-star dining in Knoxville for more than eight decades, will close July 8.

In a way, its passing marks the end of an era, but the Regas family will retain a presence in downtown dining even after the restaurant that brought them to prominence closes its doors.

"We're transferring the spirit of Regas to the Riverside Tavern (on the downtown waterfront) and Harry's," said Grady Regas, chief executive officer of Regas Brothers Inc.

The first Regas Restaurant opened July 7, 1919, on the north end of Gay Street. It will close 81 years and one day later.

"We will celebrate up until the door closes," Grady Regas said.

Harry's by Regas, 6901 Kingston Pike, will be renamed Regas Brothers Cafe, which was an early name of the original restaurant, and some dishes from the Gay Street menu will be added to that of the Cafe eatery.

Restaurant staff members from the original Regas will be relocated to one of the two remaining restaurants, Grady Regas said.

Greek immigrants Frank and George Regas opened their original restaurant as an 18-stool coffee shop at the corner of Gay Street and Magnolia Avenue two blocks from the Southern Railway Station. The descendent of that coffee shop seats 350 in the dining room and 100 in the Gathering Place lounge, part of a 1978 expansion.

The restaurant became the "gathering place for fine dining" in Knoxville when the owners introduced tablecloths in the "early '50s," according to Bill Regas, president emeritus of Regas Brothers Inc. Back then, he said, people used to dress up and go out to eat, but that has changed to more casual attire.

"We used to have women lined up in dresses outside of the restaurant before the football games on Saturday," Bill Regas said.

The company's board of directors made the "tough decision" to close the restaurant during a meeting Monday.

Bill Regas, who has been identified with the restaurant since the 1950s, was clearly emotional over the announcement of the closing and referred most questions to his son, Grady.

Besides cultural changes, Regas Brothers Inc. cited other reasons for closing the restaurant and refocusing attention on the Riverside Tavern and Harry's

The original restaurant's future appeared prosperous when one possible site for the new convention center was on nearby Jackson Avenue. But when the Public Building Authority instead selected World's Fair Park for the convention center and Interstate 40 work changed access to the front of the restaurant, its fate became sealed, Grady Regas said.

"This is not like a car wreck," he said. "We have anticipated this (closing) for a long time."

Rumors have circulated that Grady Regas would buy the now-defunct Great Southern Brewing Co. on Gay Street across from the newly restored KUB building.

"We looked and still look at every business opportunity," he said. "But until a deal is a deal, there is nothing to talk about."

Regas Brothers Inc. has talked with several "interested parties" about the purchase of the Gay Street building.

[From the Knoxville News-Sentinel, July 5, 2000]

LINGERING AFFECTIONS

(By Louise Durman)

"Remember when" will be the passwords at Regas Restaurant Saturday, June 8.

With the closing of the down-town landmark, guests will share memories of a first date, an anniversary, birthday or special occasion party.

Regas celebrates its 81st anniversary on Friday, so this will be called "the anniversary weekend."

Among the family members hoping to be at Regas Saturday night will be Bill Regas, chairman emeritus of Regas Brothers Inc.; his son, Grady Regas, current CEO; and Gus Regas, vice chairman emeritus.

Reservations for Friday and Saturday have long been filled. In fact, since the announcement in June of the restaurant's closing, reservations for lunch and dinner every day have filled quickly by those who want "one last chance" to dine there. Serving time has been extended daily to try to serve those who want to come.

"The outcry, love and affection have been unbelievable," says Grady Regas. He is asking customers to write down favorite Regas memories to possibly use in a book someday.

Regas will continue to own and operate Riverside Tavern and the current Harry's by Regas. Harry's is scheduled to be changed in the fall to Regas Brothers Cafe, an early name of the original Regas Restaurant that opened July 7, 1919, on the north end of Gay Street. "It (Harry's) will be more casual, far friendlier," says Grady Regas. Harry's will be remodeled for a better traffic flow, he adds.

Regas will honor its commitments for private parties at the restaurant and its other restaurants. Catering by Regas will continue, and manager Carla Humbard is booking events.

The Regas building on Gay Street is up for sale. After the closing, paintings, sketches, furniture and equipment will be moved to other Regas facilities. Many of the employees will be placed in one of the two other restaurants.

Thirty-five former employees gathered at Regas last week for a final dinner. Trudy Lawson, who worked there as a server and cashier for 38 years, was among those who helped organize the farewell.

Bill Regas and other family members stopped by to say hello. The employees enjoyed sharing reminiscences of their years at the restaurant.

"Our message," says Grady Regas, "is we're still the same family, same team, and we have the same spirit." He describes it as a family in transition, moving from one house to another.

"When we have asked people, 'What does Regas mean to you?' no one mentioned the building."

He says that regular customers who have been accustomed to having a special table and certain servers will be taken care of in the other restaurants.

Many of the menu items from Regas will be integrated into Riverside Tavern and Harry's which is becoming Regas Brothers Cafe.

Going to Riverside will be the Mediterranean chicken salad, strawberry shortcake, smoked salmon and many of the famed "features of the day."

The Harry's location will get the scrod, red velvet cake and some featured items. Once it becomes Regas Brothers Cafe, which will be open for lunch and dinner, it will serve the scrod, New Zealand lobster, prime rib, crab cakes, baked potato, red velvet cake and blueberry muffins.

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